On Europe's External Southern Borders

Situation Report on Migration Management

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- As the summer 2015 brought many changes, EU member states have since adopted several modifications concerning their border management and asylum systems. Still, these capacities are not satisfactory in handling arrivals. In fact, each country keeps relying on their own instruments. This report takes stock of the situation at six EU external southern borders.

- In the context of the EU-Turkey Statement, *Greece* has created two very different systems within itself: Asylum seekers on the mainland have access to comparatively strong assistance, while those on the islands are faced with the prospect of being returned to Turkey. In *Italy,* the number of new arrivals has dropped sharply due to its controversial externalization policy. The report for *Spain* questions the adequate access to international protection and the tools to fight irregular entries, including pushbacks and police brutality.

- As for the EU's external borders on the mainland, *Hungary* erected a fortified fence and transit zones, while in *Croatia* the issue was solved very differently. For the border with Turkey, *Bulgaria's* main political goal was to reinforce border security and to slow down reception and resettlement flows.

- Overall, border and migration management has been perceived solely as a security question. Humanitarian aspects have been widely neglected. Insufficient human resources and experience are a problem at most of the borders examined. The connection between a lack of legal entry points for asylum-seekers and the flourishing of the smuggling business needs to be taken into consideration. A common system for harmonizing procedures at external borders while simultaneously securing the rights of asylum seekers would be one of the logical and necessary steps to take.
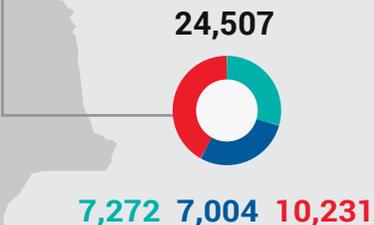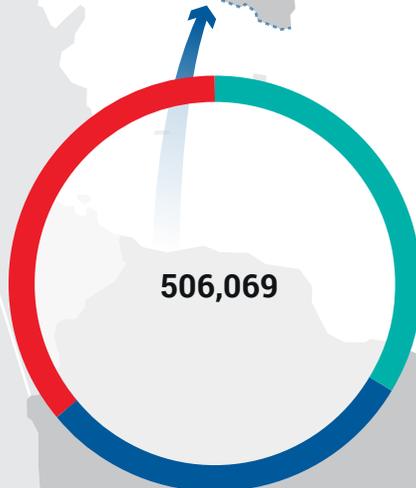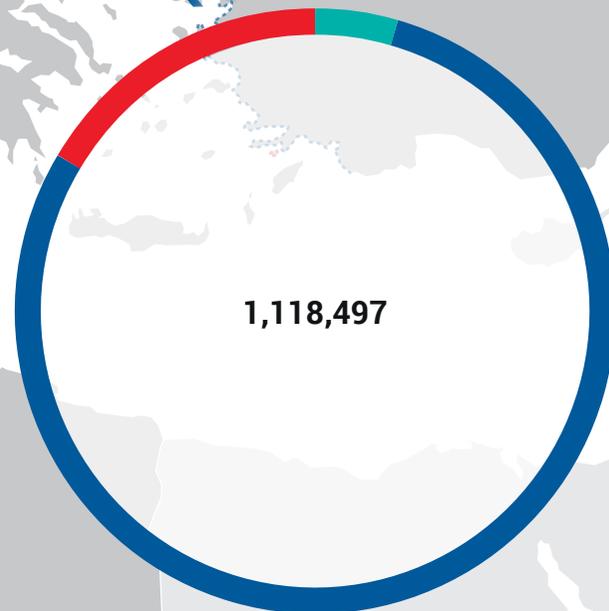
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Irregular Border Crossings
2014 – 2016

- ● 2014
- ● 2015
- ● 2016
- ● Total

276,585

45,819   218,918   11,848

52,900

N/A   34,056   18,844

HUNGARY

CROATIA

SERBIA

BULGARIA

GREECE

TURKEY

ITALY

SPAIN

MOROCCO

LIBYA

661,267

N/A   557,551   103,716

24,507

7,272   7,004   10,231

506,069

170,664   153,946   181,459

1,118,497

50,834   885,386   182,277
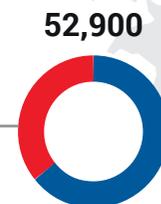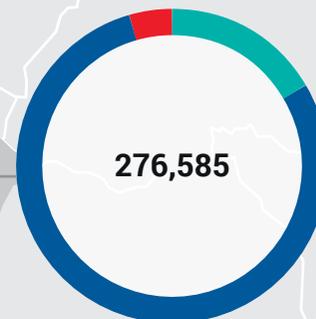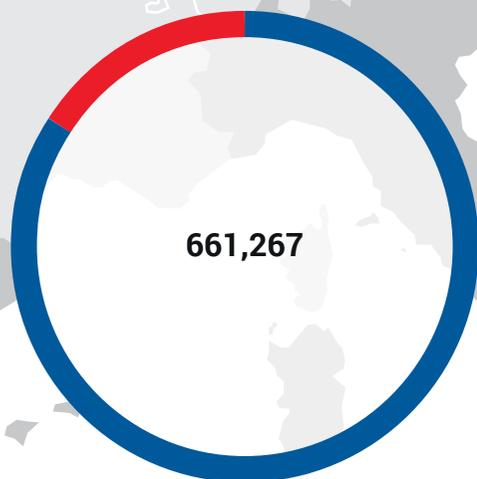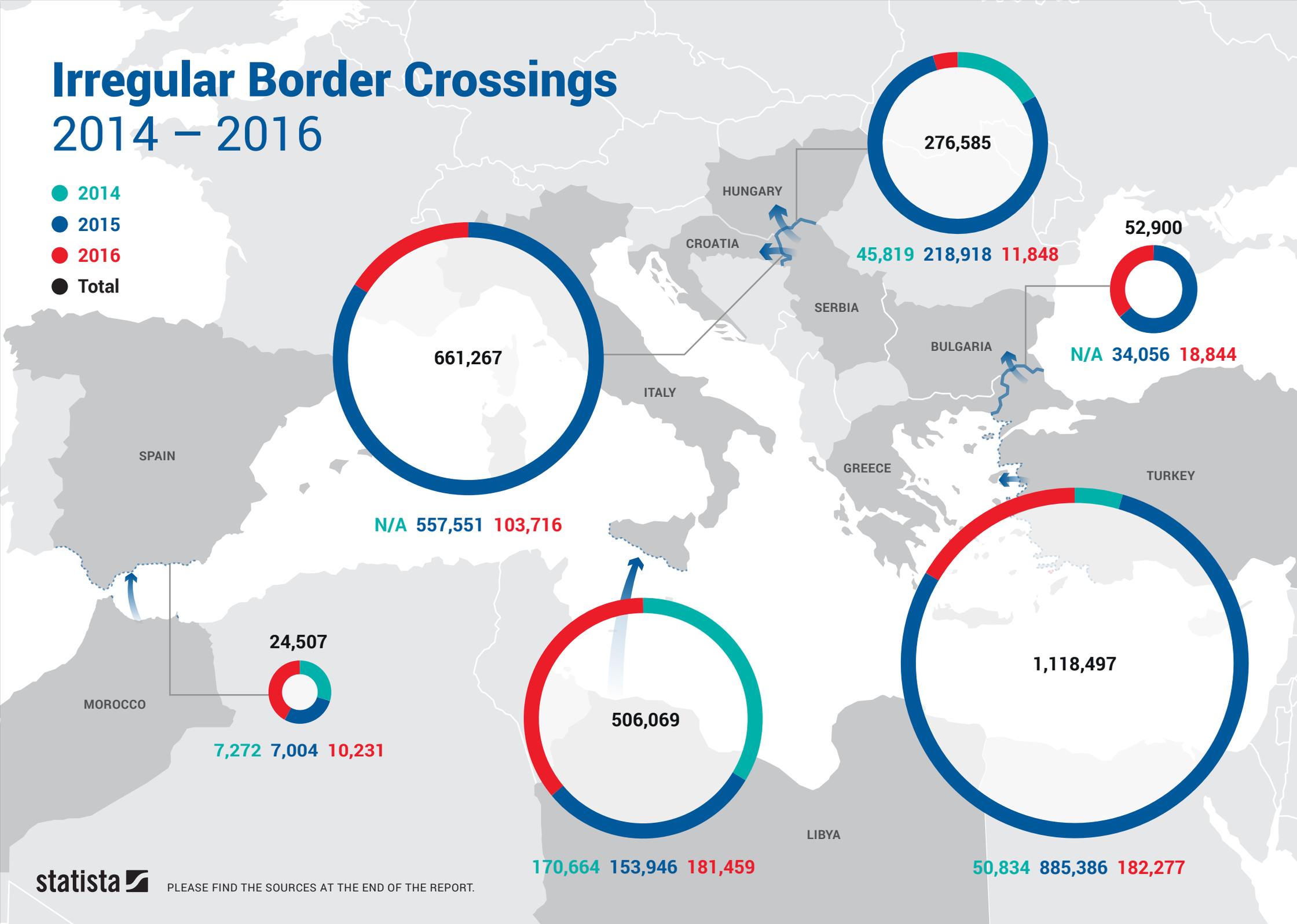
1. Preface

Contrary to the impression given in much political discourse, 2015 was not the year when mass migration to Europe started. The Western Mediterranean Route has been an important migration route for Africans wanting to enter Europe via Spain for decades. The Central Mediterranean Route has also been popular for a long time, with Libya a transit point for many on the way to Italy. The Eastern Mediterranean Route had also been under pressure in the years prior to 2015. Arrivals on the Western Balkan Route increased when Schengen visa restrictions were relaxed for five Balkan countries in 2012. Other routes via the Black Sea and Russia were historically relevant as well.

On a political level, even before the so called 'European migration crisis' of 2015, migration was declared by Jean-Claude Juncker to be one of ten main political priorities of the upcoming five-year-period. Therefore, already in May 2015 – as a reaction to the Mediterranean refugee and migration tragedies of the previous years – the European Commission launched the European Agenda on Migration, proposing measures setting new priorities regarding migration. The Agenda is based on four areas, with the aim of developing an effective and sustainable European migration policy: It covers the fields of *irregular migration*, *border management*, *asylum policy* and *legal migration*.

In the meantime, the political context which existed in May 2015 has changed, and more than three years have passed. Europe has experienced the largest number of refugee and migrant arrivals since the end of World War II. The European Union (EU) and its member states were insufficiently prepared to act. In fact, the lack of cooperation even calls into question the very basis of the existing Schengen system. Demands for reform of the Common European Asylum System (CEAS) have become impossible to ignore. However, the recent EU summit in June 2018, which focussed mainly on border protection, postponed the review progress until the next meeting in October.

Assessing the sucess of these policies appears an impossible task, and opinions differ widely. While the Commission was optimistic in its communications about the implementation of the European Agenda on Migration – especially with reference to the hotspots in Greece/Italy and the EU-Turkey Statement, critics argued that the Agenda provides only short-term solutions, advocates questionable cooperation with third countries, and essentially lacks a basic strategy.

Most importantly, not all EU member states identify themselves with the Agenda, and fail to act upon its principles. This has proved to be a permanent hurdle. The EU remains disunited in its policies and tools. As a result, member states – especially those with external borders – have been looking for national solutions. In order to manage the challenge at their borders, each country seems to be using their own different combination of internal and external instruments.

The report aims to shed light on different national border policies: What are the nation-specific differences in border management? What are common features? How has border management changed in recent years, and what should we expect in the future? Have the border systems fulfilled their purpose, and what are the real consequences for asylum seekers? It takes stock of the situation at six of the EU's external southern borders between 2015 and early 2018[1], in Hungary, Croatia, Bulgaria, Greece, Italy and Spain. Each report is written by local experts familiar with the respective member states' perspectives – but also reflect partly on the EU framework. **Angeliki Dimitriadi** writes about the border between Turkey and Greece, **Ugo Melchionda** and **Antonio Ricci** cover that between Libya and Italy, **Cecilia Estrada Villaseñor** and **María José Castaño Reyero** the one between Morocco and Spain, and **experts of The Economics and International Relations Institute** the Turkish-Bulgarian border. **Senada Šelo Šabić** analyzes the Serbian-Croatian border, while **András Kováts** covers the one between Serbia and Hungary.

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1   Most authors finished their writings in April 2018. They tried to update the latest developments, however, a few descriptions – especially the elections in Italy and Spain – might reflect the situation at that time.

The *first part* describes the current border and migration management systems in each country from an analytical point of view. Interpretations of the political goals of each member state's current migration and border policy are provided in the *second part*. The *third part* highlights the consequences of the existing border and migration management systems, focusing on asylum seekers, civil society, neighboring countries and the EU. Finally, the *outlook* examines possible future developments at the borders and within the nations under discussion.

The six borders were chosen because they have faced the biggest challenges since 2015 regarding the large-scale arrival of asylum seekers. The reports draw attention to the differences and similarities in the handling of border and migration management in these six EU member states, which should help to understand the different political motives and interests behind migration and border policy decisions. If the EU wants to find a long-term strategic tool for handling the global phenomenon of migration, it needs to act as one entity, instead of twenty-seven individual member states acting alone. A common system for protecting external borders would be one of the logical and necessary steps to take – while simultaneously securing the rights of asylum seekers. For this, a new approach needs to be discussed and developed; not only internally, but also at an EU level.

The reports show that insufficient human resources and experience are a problem at most of the borders examined, which could be solved by providing necessary financial, technical and professional support to these countries. The connection between a lack of legal entry points for asylum-seekers and the flourishing of the smuggling business needs to be taken into consideration when thinking about the fight against smuggling. Legal routes need to be created to decrease illegal entries and to combat the activity of smugglers.

In March 2018, the Commission announced the next stage for putting into place the missing elements of a more effective migration and asylum policy in the EU. It suggested a series of new initiatives in key areas: "a new resettlement scheme for at least 50,000 refugees, pilot projects for legal migration which the Commission can help finance and coordinate, and new measures to make the EU›s return policy more effective". The Commission also called on member states to "urgently make progress on reform of the Common European Asylum System and make further efforts to work with countries of origin and transit of migration, in particular by providing additional contributions to the EU Trust Fund for Africa."

A developed agreement on how the EU is acting as a common entity concerning migration management is urgently needed. It remains indisputable that none of the member states can effectively address immigration alone. Finding a common solution is essential for the future of the EU. The stakes are high.

2. SITUATION REPORT AT THE GREEK-TURKISH BORDER
Angeliki Dimitriadi

Turkey - Greece

● **Pre-removal Center**
● **Hotspots**
● **First Arrival Point for Migrants**

Fylakio ●

GREECE

TURKEY

LESBOS
Moria

CHIOS

SAMOS

LEROS

KOS

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The border between Turkey and Greece consists of a 203-kilometre-long land border in the Evros region in the North, which for the most part runs along the river Evros, and a sea border on the Aegean in the South. The South-Eastern Mediterranean migratory corridor has been an entry point to the EU since the mid-1990s, when the first asylum seekers from Iraq reached Greece.

The Greek-Turkish maritime and land borders are used primarily by mixed migratory flows (i.e. forced migrants, asylum seekers and economic migrants) in transit from Turkey to Greece. Greece also functions as a transit country. Until the economic crisis of 2009, it was primarily a transit site for asylum seekers. As the crisis grew more severe, economic migrants seeking to reach the informal labour market of other EU countries began to appear.

Despite the continuous presence of irregular migratory movement to Greece, the scale and speed of movement seen in 2015 is unprecedented. In 2015 and 2016 an estimated 1,067,663 migrants entered the European Union, primarily through the Greek-Turkish maritime border. Of those, 885,386 migrants entered in 2015, with another 182,277 recorded in 2016. In 2017 the total number of migrants reaching Greece by the maritime border with Turkey was, according to the United Nations High Commissioner for Refugees (UNHCR), 29,718 persons.

Throughout the summer and autumn of 2015, Greece functioned solely as a transit corridor, with migrants arriving on the Greek islands and quickly continuing their journey to other EU member states. Upon arrival to Greece, and until the parallel "closure" of the Western Balkan corridor and the Greek-Turkish maritime entry point in mid-2016, migrant's reliance on smugglers was reduced. NGOs on the ground provided a mix of first reception services (medical screening, interpretation, information on the country of arrival, food, clothes, and shelter) and information about the road ahead. Once registered with the police, migrants could make their way to Athens and Thessaloniki, then on from there to Idomeni, which functioned as a transit point for people to regroup and begin the journey north. By utilising mobile technology, NGO personnel, the media, volunteers and civil society it was possible to reduce the reliance on illegal organised networks such as smugglers to a minimum.

The current border management on the Greek-Turkish border was largely shaped by two documents: the European Agenda on Migration and the EU-Turkey Statement.

In May 2015, the European Commission launched the European Agenda on Migration. The Agenda clearly outlines the priorities on migration (legal and irregular) for the next five years, focusing extensively on combatting smuggling and setting up a border management system for external borders by assisting frontline member states

facing disproportionate migratory pressure. The latter is achieved through the hotspots: areas designated to receive a significant volume of irregular migratory flows where multiple agencies converge and cooperate in identification, screening and asylum processing.

- The first hotspot in Greece was set up in late 2015, on the island of Lesvos, undertaking registration, fingerprinting and screening.
- The hotspot approach has been implemented in Greece across five islands which currently "host" the 5 Registration and Identification Centres (RICs): Lesvos, Samos, Chios, Kos and Leros. The RICs are essentially facilities where registration and identification take place, initially designed for short term stays of a few days, particularly for vulnerable groups. Since the EU-Turkey Statement of 18th March 2016, Greece has employed the RICs (commonly referred as hotspots in Greece), as detention facilities.
- The Hellenic Police, in conjunction with the European Border and Coast Guard (also known as FRONTEX), play a critical role in the registration, screening and fingerprinting of new arrivals, as well as in determining nationality of origin. Asylum applications on the islands are processed by the Greek Asylum Service, assisted by representatives of the European Asylum Support Office (EASO). EASO only assists on the first attempt (appeals must be made autonomously) with decisions regarding the admissibility or otherwise of those at the hotspots. EUROPOL and EUROJUST are the advisory bodies on dismantling trafficking and smuggling networks, based on information provided by migrants during screening interviews.

The EU-Turkey Statement on the 18th of March 2016 brought about drastic changes. EU and Turkish leaders agreed on a plan to tackle irregular migration into the EU. According to the EU-Turkey Statement, all irregular migrants arriving post-March 20th 2016 on the Greek islands will be returned to Turkey if they do not apply for asylum or if their claims are rejected. For every Syrian returned to Turkey from the Greek islands, another

Syrian will be resettled in the EU. The Statement is now the overarching governance framework along the Greek-Turkish maritime border, with Greece applying the concept of the hotspots in such a way as to facilitate implementation of the Statement.

- The Statement resulted for Greece in the emergence of a parallel yet different management process for the islands and the mainland. Those on the mainland became eligible to participate in the EU relocation scheme for accommodation, reception services and cash-aid programs. By contrast, those reaching the islands post 18th March 2016 became restricted in their mobility. Unable to leave, they were faced with the prospect of return to Turkey and potentially to their country of origin.
- To implement the EU-Turkey Statement, Greece undertook a reform of its legal system. Law no. 4375/2016 established the criteria under which the RICs operate; clarifying the duration of detention, conditions and the overarching role of the First Reception Service. Furthermore, The SYRIZA-led coalition incorporated the Asylum Procedures Directive (APD)13 to ensure that the inadmissibility process is applied, and that returns take place based on the Greece-Turkey bilateral readmission agreement (signed in 2001). Implementation of returns hinges on ensuring that migrants remain on the islands.

Since the EU-Turkey Statement, Greece has utilized the Reception and Identification Centres (RIC) on the five islands where the hotspot approach is implemented as detention facilities. Greece had in the past used pre-removal facilities to detain and return those deemed eligible (rejected asylum seekers, economic migrants, etc.) while their documents were pending. The very name of the facilities clearly indicated that their purpose was to facilitate the return of third country nationals. Detention is a means to an end: ensuring that migrants do not abscond. In line with this, in 2017, pre-removal centres (ΠΡΟΚΕΚΑ), were once more set up. This time the centres were located on the islands (i.e. at the hotspots), to facilitate returns without requiring transfer to the mainland. Thus far two have been

set up, one on the island of Lesvos and the other on Kos. In Lesvos, the Pre-removal Centre has a capacity of 220 persons and is situated in a section of Moria (within the broader area of the RIC). In Kos, the pre-removal centre has a capacity of 500 persons, currently placed next to the RIC. Pre-removal centres are funded, as of 1st August 2017, through the AMIF.

■ In summary, three types of migrants are 'restricted' to the islands:
   1. Those who volunteer to leave through the International Organization for Migration (IOM) program and are waiting for the process to be completed. They are detained both in the RICs and now in the pre-removal centres (where available) for roughly 15-20 days until their travel documents are issued.
   2. Those who are eligible for return to Turkey under the EU-Turkey Statement (i.e. people of all nationalities who have arrived

since 18th March 2016 and whose asylum request have been rejected on appeal)
   3. Those who have committed criminal offences.

In theory, those who fall under the second category should be transferred from a RIC to a pre-removal centre for return to Turkey. The absence of these facilities on every island, as well as the incredibly slow pace of returns, mean that those affected remain almost indefinitely on the islands, from which they often try to leave by turning to smuggling networks.

Legally, there are only two ways for migrants to leave the islands. The first is to be deemed vulnerable. The second way to leave the island is to apply for asylum and have the application accepted either on the first attempt or on appeal. This is a drawn-out process that usually takes months, and in some cases up to a year.

2.1. Political goals

According to a recent statement of the former Minister of Migration (Mr. Mouzalas) there is an internal party opposition within SYRIZA that defends and promotes an 'open border' policy. In contrast, the official position of the government is the 'management of migration in accordance with the rules of science and within the current reality'.

In practice, the government has publicly and repeatedly supported the EU-Turkey Statement and advocated for its implementation and continuation. Though deterrence is not explicitly stated, the support for the EU-Turkey Statement shows indirectly that deterrence is the desired outcome.

The official discourse of the government regarding migration promotes the notion of a hospitable and open Greece, willing to receive refugees despite the economic crisis and austerity, and often at the expense of the Greek citizen. It is contrasted with the image of an unwelcoming Europe, with particular reference to Hungary and the Visegrád members.

BORDER STATISTICS
Turkey - Greece

Number of Irregular Border Crossings	
2014	50,834
2015	885,386
2016	182,277

Country of Origins (2015)	
1. Syria	496,340
2. Afghanistan	213,635
3 . Iraq	92,721

Country of Origins (2016)	
1. Syria	84,585
2. Afghanistan	43,120
3. Iraq	27,978

Type of Border	
Barbed Wire Fence Border	

Funding in the Areas of Migration and Border Management from Greece (2014-2020)	
Internal Security Fund	€ 166,814,388
Asylum, Migration & Integration Fund	€ 259,348,877
Total	**€ 426,163,265**

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These two 'images' of Greece within the EU dominated the government rhetoric in 2015 and early 2016. Initially, Greece was seen as a country standing alone among its EU partners, showing hospitality and upholding humanitarian values. However, this is not a new phenomenon in Greece: Previous governments have used the Dublin Regulation as evidence of an imbalanced partnership within the EU where Greece was expected to carry a disproportionate burden due to its geographical position. Since 2015, the focus has shifted to drawing parallels between ancient Greek hospitality and contemporary hospitality, and indirectly contrasting Greek generosity with 'European' ambivalence and reticence. Gradually, Germany was included (following its open-door policy to Syrians), reshaping that country's image and giving the impression of a coalition of sorts between the two-member states, in contrast to the rest of the EU.

By aligning itself with German policies, the SYRIZA government has been criticised domestically for seeking a better deal on the economic relief package, and lobbying for a positive Dublin reform, neither of which were ultimately achieved. At the same time, the increased financial assistance allocated for the management of the refugee population was mainly offered to International Organisations and NGOs instead of the government.

In fact, the predominant focus of the government was to ensure Greece's membership of Schengen. The country was repeatedly warned of potential removal from the Schengen zone due to its failure to register arrivals and to geographically restrict their movement. The steps undertaken, from the hotspots to the support of the EU-Turkey Statement, as well as the further incorporation of the Schengen border code, are all in line with keeping Greece in the Schengen area.

In this, Turkey has proven an instrumental partner. In 2001, the two countries signed a bilateral readmission agreement that was never fully enforced, largely due to Turkey's de facto geographical limitations (it only accepted the readmission of nationals from countries it shares direct borders with). The EU-Turkey Statement changed the level of cooperation drastically, with the readmission agreement 'reactivated' on the 8th of March 2016, as part of a broader agreement of cooperation between Greece and Turkey (in the fields of energy, commerce and tourism). The current operational cooperation was further supported through the presence of NATO in the Aegean (an anti-smuggling operation) and the broader EU-Turkey cooperation linked to the EU-Turkey Statement (accession negotiations, visa liberalisation). The attempted coup in Turkey in July 2016 appears only to have affected political cooperation between the EU and Turkey, but not operational cooperation between Greece and Turkey regarding irregular migration.

2.2. Consequences

There are two critical consequences of the current border regime. Firstly, it encourages the growth of smuggling operations. Secondly, it has led to the de facto construction of a border within a border, where parallel yet different asylum systems and reception conditions apply.

1. One of the critical issues regarding the Greek-Turkish border (both sea and land) is people smuggling. Smuggling has been identified as a 'pull' factor by policy makers, and the European Agenda on Migration has prioritised the importance of combatting smuggling. Yet as the events of 2015 and 2016 have shown, smuggling is a natural consequence of restrictive border policies. The lack of legal points of entry, even for those most in need, has created a demand which is being met by illegal services facilitating these journeys. In the case of the Greek-Turkish border, its geographical features have created an ideal location for the development of smuggling operations. The islands of the Northern Aegean and particularly Lesvos and Kos are situated close to the Turkish coast, while a 12 km strip of land runs along the border enabling safer passage for those unwilling to risk the Evros river. The 'refugee crisis' has significantly altered the smuggling landscape. The de facto opening of the Western Balkan corridor eventually reduced the profitability of

smugglers. The closure of Idomeni and the EU-Turkey Statement appear to have increased demand for smuggling once more, both for entry and particularly exit from Greece.

2. As a result of the governance framework, Greece has become a divided country, with two parallel systems in place. Those on the mainland are under a different reception system, either placed in camps or in the accommodation scheme funded by DG ECHO and in partnership with UNHCR. Roughly 20,000 places are filled, providing accommodation spaces to migrants eligible for relocation and/or deemed vulnerable, geographically spread across the country from northern Greece to urban centres like Thessaloniki and Athens. NGOs are active on the mainland, and assist with the provision of medical care, interpretation, cash-aid distribution, language training activities (mainly in English), as well as legal support. They also have the possibility of participating in the relocation scheme. In the case of applicants seeking asylum, the possibility of finding employment in Greece is also an option.

In contrast, those stranded on the islands fall under a different initial asylum screening process (the admissibility assessment). They are faced with the prospect of being returned to Turkey, and there is no adequate reception system to meet their needs. Thousands are trapped in facilities created to accommodate only a third of the current number. Despite varying capacities, almost all RICs with the exception of Leros are above and beyond capacity, with Lesvos at breaking point. The dire situation in the RICs is amplified by the limited presence of police and NGOs. Both keep their presence at a minimum for safety reasons, thus leaving migrants to fend for themselves. New arrivals cannot be sheltered in the available prefabricated units, and are placed in tents without heating and running water. Sanitation and safety – mainly affecting women – are major issues.

The new model at the external borders strives to create units of transition, and a climate of deterrence. These new practices affect the way the state of asylum is perceived, and also increase the risk migrants face during their journey.

There has been significant opposition to the EU-Turkey Statement and its implementation both from NGOs but also the public, who have been supportive of the migrants and their plight. According to a recent survey, most Greeks are disappointed by the attitude of the European Union and are not satisfied with the Greek government's response to the problem. On the contrary, they strongly support the refugees, the action of the NGOs and the action of specific state actors, namely the coastguard. However, as the number of those stranded on Greek islands continues to increase, the discontent of both locals and municipal authorities has increased though this discontent remains oriented towards the Greek government and the EU. The locals on the islands of Lesvos have been especially vocal in criticising the current approach, stressing the need to move

Situational picture of the five RICs (hotspots) in Greece

Island	Capacity	Actual number of migrants
Lesvos	3000	8500
Samos	648	3276
Chios	1014	1533
Kos	816	968
Leros	860	924

Source: Ministry of Migration, data valid as of May 2018.

the population to the mainland and put effective burden-sharing mechanisms in place. NGOs have also urged the government to increase transfers from the islands to the mainland, and to improve conditions in the hotspots/RICs.

2.3. Outlook

Though significantly reduced, according to the IOM, arrivals continue in the Aegean Sea, with 14.678 already recorded in 2018 by the 15th of July. Movement is also increasing on the land border with Turkey (currently 9.385 arrivals). Arrivals remain higher than expected despite border management efforts on both sides of the Aegean. Greece remains fundamentally unprepared for a potential crisis similar in scale to that of 2015, though such a repeat seems unlikely. Even so, current numbers have already put considerable strain on limited resources.

Financially, both the NGOs and government are dependent on aid through EU funding (either DG ECHO or DG HOME) and most large NGOs as well as International Organisations are downscaling. The Ministry of Migration – the authority responsible for the management of irregular migration – faces significant staff shortages, and has been unable to prepare adequate facilities for the coming winter. Policy disagreements within the SYRIZA party regarding the adopted policies are on the rise: The Minister of Migration was under growing pressure from members of the government to resign, and was eventually replaced in the recent cabinet reshuffle. The Statement and subsequent policies implemented at the border have come at a political cost. The government has been criticized for implementing a restrictive border policy, and neither Greece nor the EU appear to be prepared to handle a future mass arrival of migrants.

At present, the focus remains on 'securing' the borders through increased border patrols, on fighting smuggling and on the early identification of migrant vessels. With substantial financial and human resources as its disposal, FRONTEX will play an important role in facilitating the return of third-country nationals in the future. However, similarly to its predecessor, FRONTEX relies on EU member states and in the long run is committed to their interests.

Borders can also be secured by externalising migration management to a third country. The EU-Turkey Statement is the most recent example of such an effort, and is portrayed as the best available policy for achieving reduction in arrivals, both in Greece and in the EU. The Statement, and especially the geographical challenges that the Greek islands pose, appear to function as a deterrent to potential arrivals. However, the success of this policy depends on the operational cooperation that Greece and Turkey – as well as the EU and Turkey (with the help of FRONTEX) – have developed over the past years regarding the management of irregular migration. Still, the consensus on migration between the EU and Turkey is influenced by the political situation in Turkey, the rise of populist, far right discourse in EU member states, and changes in irregular migratory flows.

Both in Greece and in the EU, the success of migration policies is largely measured in numbers. Consequently, the number of arrivals at the external borders is key to the discussion of migration management. Despite the fact that there are alternative policies promoting burden-sharing on a permanent basis (for example a permanent resettlement system), they are unlikely to win support from other member states. Instead, there is a tendency, from the Greek-Turkish border to the Italian-Libyan waters, to externalise the management of migration to non-EU countries as much as possible. This is also the case regarding the deterrence of would-be migrants and asylum seekers. In this framework, the present Greek-Turkish cooperation in the Aegean can be seen as a pilot project and testing grounds for how the EU sees migration and its future.

3. SITUATION REPORT AT THE ITALIAN-LIBYAN BORDER[2]
Ugo Melchionda & Antonio Ricci, IDOS – Study and Research Centre

Libya - Italy

● Hotspots
● First Arrival Point for Migrants

Taranto

ITALY

Trapani

Porto Empedocle

Pozzallo

Lampedusa

LIBYA

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The Italian-Libyan maritime border defines the central Mediterranean route of migration from Sub-Saharan Africa to Europe, and partially overlaps with the Libyan "Search and Rescue Region" between the shores of the two countries. Between 2014-2016 approximately 500,000 migrants crossed from Libya to Italy by this route, and according to the IOM around 15,000 migrants have so far drowned attempting the crossing. In 2017, 119,369 migrants landed in Italy, mainly through the Central Mediterrean route.

The Italian agenda for Libya promoted by the Ministry of Foreign Affairs and International Cooperation (MAECI) foresees on the one hand continued support for the Government of National Accord in Tripoli led by Prime Minister Fayez al-Sarraj (formally recognised by the UN Security Council) and on the other hand the need to preserve Libya's unity and ensure a role for General Khalifa Haftar. Given this, and in furtherance of

the Italy-Libya Memorandum of Understanding (MoU), signed on the 2nd of February 2017, the specific objectives of the Italian authorities in terms of migration and border management policies are as follows:

- Intercepting unregulated boat traffic, with the support of Libyan institutions and the collaboration of international organisations.[2]
- Advocating for common European actions to tackle human trafficking[3], also involving countries adjacent to Libya, in order to reinforce Libya's control of its southern border.

The 'Bilateral Mission' approved on the 28th July of 2017 by the Italian executive (Council of Ministers, CdM) works to support the Libyan Coastguard at the express request of President al-Sarraj, and is responsible for more effectively combatting both irregular immigration and human trafficking among several other measures:

- The *Protocol for Cooperation between Italy and Libya* of 29th December 2007, regarding illegal immigration and human trafficking, as well as the *Additional Technical Operative Protocol* of 29th December 2009, call for an annual financial charge of €3.5 million to provide training missions for personnel serving in the Libyan Coastguard, as well as patrols by the four naval vessels donated by the Italian government to the Libyan government.
- With regards to the fight against human trafficking, Italy is participating in an international multi-year project to support the Libyan authorities in establishing integrated maritime and terrestrial borders, the first phase of which was approved at the end of July 2017 and financed with an annual budget of €46.3 million (of which Italy supplies €12.2 million, while €10 million comes from the *Africa Fund* implemented by MAECI and €2.2 million

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2   The paper was written before the Italian elections in spring 2018.
3   The authors decided to follow the language use of policy makers in Italy when using the term human trafficking.

comes from the Ministry of the Interior funds. The remaining balance is made up from the *EU Emergency Trust Fund for Africa*, the financial mechanism launched in 2015 in La Valletta).

■ These measures are complemented by the participation of the EUNAVFORMED mission Operation SOPHIA which, in addition to its initial tasks, has taken on the training of the Libyan Coastguard. So far around 100 non-commissioned officers (NCOs) and sailors have been trained, along with 40 land-based officials. In addition, the EUBAM Libya mission was established to train Libyan personnel and reinforce the Libyan administration in border management.

At the same time, bilateral and multilateral diplomatic action is being pursued to strengthen Libya's southern border, seeking closer coop-

eration with the countries which border Libya to the south, i.e. Niger, Chad and Sudan. The cooperation of these countries, with regards to the economic costs involved, is secured through Italy's *Africa Fund*, a sum of €200 million allocated through a decree of the Italian parliament. In addition, on the 6th of July 2017 a meeting was organised in Rome between European ministers and the leaders of African countries affected by transit routes, to lay the groundwork for new multilateral cooperation aimed at controlling Libya's southern border.

Finally, at the beginning of January 2017, Italy became the first country to reactivate consular services for visas in Libya, first with the reopening of its embassy in Tripoli and then from the 29th of June with the opening of an office in Tobruk, though this area is not controlled by the recognised government.

BORDER STATISTICS
Libya - Italy

Number of Irregular Border Crossings	
2014	170,664
2015	153,946
2016	181,459

Country of Origins (2015)	
1. Eritrea	38,791
2. Nigeria	21,914
3. Somalia	12,430

Country of Origins (2016)	
1. Nigeria	37,554
2. Eritrea	20,721
3. Guinea	13,550

Type of Border	
No direct land border	

Funding in the Areas of Migration and Border Management from Italy (2014-2020)	
Internal Security Fund	€ 156,306,897
Asylum, Migration & Integration Fund	€ 310,355,777
Total	**€ 466,662,674**

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3.1. Political goals

The political objectives of the Italian Government between 2013 and 2018 can be summarised in three positions:

1. The first was expressed by the then Minister of the Interior, Marco Minniti, after the MoU was signed with Libya to gradually reduce the flow of migrants by half. He concluded that in order to uphold democracy the flow of asylum seekers would have to be controlled.

2. The second involves the 'Code of Conduct' for NGOs performing 'SaR' (search and rescue) actions in the Mediterranean. In the introduction to this document, which limits NGOs activity, the Minister of the Interior maintains that 'the principal objective of the Italian authorities in rescuing migrants is the protection of human life and human rights, in full observance of international conventions'. At the same time, such rescue missions cannot be separated from a sustainable plan for long-term accommodation, devised together with other EU member states.

3. And third, during a meeting organised by the then Italian government with the Interior Ministers of Libya, Chad and Niger, the necessity of greater involvement from the IOM and UNHCR was expressed, with the objective of establishing reception centres for irregular migrants in Chad and Niger, and improving those which already exist in Libya. These should be in line both with their own legislative frameworks and with international humanitarian norms.

Furthermore, the increasingly limited accessibility of the Central Mediterranean Route, preceded by the apparent closure of the Eastern Mediterranean Route, has led to the 're-emergence' of pre-existing routes and old practices such as the so-called 'invisible boats', which transport a small number of migrants at high speed. With this in mind, the Italian authorities are continuing to strengthen bilateral cooperation with countries such as Tunisia and Algeria – even sending liaison officers to work on site in these countries. Italy promotes the opportunity for voluntary assisted repatriation, as well as considers the introduction of conditionality. This affects how visas are issued to nationals of those countries which do not collaborate in systems of repatriation, as it is presently the case on a European level with Bangladesh.

3.2. Consequences

Firstly, the Italian authorities have attempted to fully comprehend the complexity of the situation in Libya, taking an inclusive approach that recognises the authority of the Tripoli government, while at the same time keeping channels of communication open with all groups and factions.

The twofold Italian approach, providing both training and equipment, is working, in the sense that a significant reduction in arrivals has been recorded (32.7 % fewer migrants disembarked in Europe between the 1st of January 2017 and the 5th of December 2017, compared to those figures from the same period in 2016). Additionally, in nine months the Libyan coast guard have succeeded

in rescuing around 16,500 shipwrecked people within Libyan territorial waters, while along the southern border the number of arrivals – principally through Niger – seems to have dropped by around 35 %, according to Libyan sources.

The decision by the Libyan authorities to officially take charge of their search and rescue area – that is, the area of territorial waters in which search and rescue operations are under their responsibility – has indeed meant 'outsourcing' a part of border control from a European point of view, but without guaranteeing that those rescued at sea will be taken to the nearest and safest port. Moreover, conditions of detention in Libya cannot be described as sufficiently decent, and sanitation is an issue. The local authorities have not signed up to international conventions on human rights, meaning that respect for human rights cannot be guaranteed. In order to ensure maximum respect for the rights of asylum seekers, a donation of €10 million to the UNHCR and €18 million to the IOM was made by Italy to support local communities and assist voluntary repatriation from Libya towards individuals' countries of origin. The UNHCR, while maintaining its headquarters in Tunisia, has resumed operations in Libya thanks to Italian support and to ecumenical collaboration between the Federation of Evangelical Churches and the Community of Sant'Egidio, identifying around 1,000 vulnerable individuals who could potentially be resettled on Italian models of best practice.

The Italian government has made great efforts between 2013 and 2018 to offer sustainable alternatives to the local Libyan population who have so far subsisted on income generated through trafficking. The then government attempted to provide development projects through national and community funds. At the national level there is tendency to return to the practices of the past, like the hotspot approach, the reopening of detention centres (now termed permanent centres for repatriation) and the elimination of a further degree of judgement in the processing of asylum requests. But the following points will examine the weaknesses of the Italian and European approach in managing the flow of migrants in the Mediterranean.

- The agreement with Libya was motivated by the fear of not being able to guarantee sustainability in political terms, which took precedence over economic issues and questions of integration. In three years more than half a million people have entered Italy by irregular routes, and though many of these have requested asylum, the percentage of rejected asylum requests stands at around 60 %.

- Libya's containment policies when it comes to migrants, asylum seekers and refugees are inadequate from a human rights perspective. As humanitarian organisations and the UNHCR have recently said, the policies of both Italy and the EU risk 'leading to increased deaths in the crossing, violating the rights of migrants.' Even more drastically, Italy and the EU stand accused of 'moving the borders of Europe to Libya', pursuing, as many humanitarian organisations suspect, a concealed policy of blanket refusal.

- The third weak point is the insufficient levels of solidarity among European nations, as demonstrated by a series of indicators showing the limited success of the relocation scheme (10,000 relocated, instead of the 40,000 envisaged). The scarcity of European countries participating in the search and rescue operations at sea, as well as the scarcity of naval vessels made available to the EU border protection force FRONTEX, means that shortcomings have had to be made up for using vessels from NGOs which are only passably serviceable. Collaboration with international organisations is in practice limited by their restricted freedom of action in Libya, where they have succeeded in 'liberating' a number of refugees, but are powerless when it comes to detention centres for economic migrants. Many have expressed critical views on this situation, particularly since there appears to be no common strategy of intervention.

3.3. Outlook

It is improbable that the Italian effort to stop the flow of migrants from Libya will ever achieve complete success. While it is true that compared to 2016, in 2017 there has been a marked decline in landings in Italy, analysis by FRONTEX calls attention to two little-recognised phenomena: one is a marked change in the departures from Libya which, particularly after the clashes between militias in Sabratha, seem to include also a considerable number of Libyan citizens. The other is a rise in the number of departures from Tunisia, Algeria and even Turkey.

The recent border controls implemented by Italy have undoubtedly had the effect of reducing new arrivals by 30 %, though this also includes, apart from asylum seekers and refugees, irregular economic migrants. The price paid for this reduction has been extremely high. 3116 deaths in 2017 alone, while an unknown number of migrants who had attempted illegal migration (according to the Libyan department around 20,000) are locked up in 'official' detention centres in Libya, with around the same number in informal detention centres.

Italy's strategy to tackle new migrant routes is, for now, the following:

- A drastic reduction in the time taken to reach a decision on asylum applications (including the abolition of any opportunity to appeal against a refusal of asylum) to increase turnover in reception centres.
- An increase in centres for the forced repatriation of migrants whose asylum applications have been denied, in order to effectuate repatriation more rapidly.
- A specific plan for the integration of 75,000 refugees, through the implementation of measures designed to increase education courses and job opportunities for asylum seekers.

Two factors suggest a strengthening of FRONTEX: the increase in its activities and the exponential growth of the budget allocated to it since its inception. In the founding regulation its tasks were limited to coordinating and assisting operations with EU member states, including repatriations and research (risk analysis). However, when the new regulation came into force, the mandate of FRONTEX was expanded to include activities

such as coast guard functions and associated search and rescue operations, the monitoring of migratory flows towards and within the EU, the prevention and detection of cross-border crime, the analysis of risks for internal security and of threats affecting the security of external borders, vulnerability assessments and return operations. Meanwhile, the budget has gone from €19 million in 2006 to €97 million in 2014, then to €143 million in 2015 and finally €254 million in 2016.

From examining the EU-Turkey accord, the Italy-Libya Memorandum of Understanding, and the so-called Khartoum process (launched at a Ministerial Conference in November 2014 in Rome with the objective of establishing a long-standing dialogue on migration with Horn of Africa

countries), a certain pattern can be detected: externalising border controls to transit countries and ignoring the human costs of such operations, even when migrants are fleeing unacceptable living conditions or risk being held in detention centres which violate their human rights.

During the March 4th 2018 Italian electoral campaign, parties such as the League and the Five Stars Movement exploited the wounding by shotgun of six Sub-Saharan African migrants in Macerata to frame immigration as the most significant problem. The strategy proofed to be successful as both parties now form the new government. They propose a restrictive migration policy, which currently reaches as far as almost entirely closing its ports to rescue ships.

4. SITUATION REPORT AT THE SPANISH-MORROCAN BORDER[4]
Cecilia Estrada Villaseñor & María José Castaño Reyero

Morocco - Spain

● First Arrival Point for Migrants

SPAIN

Ceuta

Melilla

MOROCCO

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more people have accessed Europe through Central and Eastern Mediterranean routes. Only since August 2015 has media attention turned away from the southern borders of Spain to the masses of Syrian refugees traveling along the Eastern Mediterranean route.[4]

More and more effort has been made in recent years to secure the border around Melilla.

■ The building of the fence began as early as 1998, first as a single fence and later as two parallel fences three meters high. In 2005 they were raised to six meters, in 2006 repairs were made, in 2007 a three-meter-high tower was added between them, and in 2014 it was topped with barbed wire.

■ The Moroccan side of the frontier is also dotted with command posts from which police monitor the security zone. The fences, up to six meters high, are constructed of a special 'anti-climb' mesh, topped with coils of razor wire, and have gates linking the two juris-dictions through which individuals who have managed to cross the security zone are often returned.

■ In 2015, a set of two-story buildings where erected serving as a base for rapid response troops. This enables the swift mobilisation of reinforcements should there be any attempt at storming the fences. Most migrants attempt to enter Spain at points where fewer fences have been erected, and are thus somewhat easier to cross.

While Spain and Morocco are largely separated by the Mediterranean Sea, the countries share a short land border at the Spanish enclaves of Melilla and Ceuta. Both land borders are protected by a six-metre-high border fence. The greater part of the border between Beni Ansar, Morocco and Melilla, Spain is delineated by a security zone containing six rows of fences: three on Moroccan territory and three on Spanish terri-tory. For many years, Ceuta and Melilla have been the gate to Europe on the African continent; the Western Mediterranean route. A diverse, mixed flow of people enter through them, mainly from Sub-Saharan Africa and Syria. The number of entries has fluctuated over the years and, until 2014, media attention was focused exclusively on arrivals from sub-Saharan Africa. Fences are the symbol of this border, which is used predomi-nantly by people from Sub-Saharan Africa. The media coverage of these fences has not been proportional to the numbers, as significantly

The office where refugees present their peti-tions for asylum lies beyond the Spanish border checkpoint. The fact that this building is located in the zone reserved for traffic leaving Melilla for Morocco rather than the zone reserved for traffic entering Melilla from Morocco makes it virtually unreachable without a police or Guardia Civil

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4   The report was written before the no-confidence vote against the government of Mariano Rajoy in early summer 2018 after which Pedro Sánchez bacame Spain's new prime minister.

escort. Furthermore, it is not easily identifiable. The police checkpoint on the Moroccan side does not accept petitions from people seeking asylum in Spain. Petitions can only be presented on the Spanish side of the border. Around 2016, when the refugee exodus from Syria was at its peak, some asylum seekers were allowed to enter Spain from Melilla. Most of those who managed to file asylum claims during this period had fled from Syria, Algeria, Morocco, and Iraq.

It is important to note that migrants entering Spain form a heterogeneous group that includes asylum seekers, involuntary migrants (victims of human trafficking), unaccompanied minors, and economic migrants seeking a better life for themselves and their families. While their reasons for leaving their homelands may vary considerably, they have all been exposed to the same harsh conditions on the way to Spain, and have faced the same risks.

In 2017, 28,707 migrants reached Spain, most crossing the Mediterranean Sea on small boats and rafts. For 2018 this number is expected to be even higher. Since June, the country received already a total of 14.700 arrivals and in recent years the months of August, September and October have seen especially high numbers.
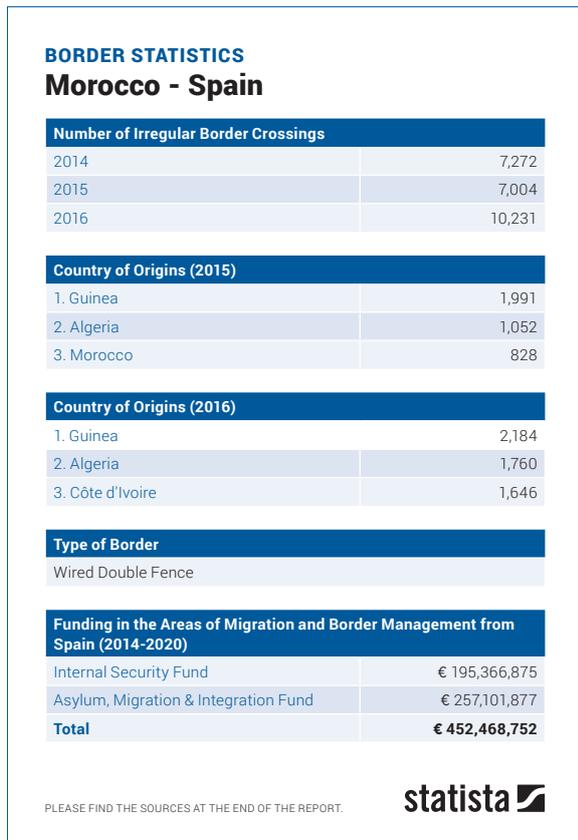
Spanish Organic Law legislates on the rights and freedoms of foreigners in Spain and their social integration, as well as providing the legal framework for the control of Spain's borders, which are properly delineated by international treaties. The initial reception of people arriving by sea in boats and other small vessels, referred to in Spain as *pateras,* is handled by the Spanish Maritime Safety and Rescue Agency and the Spanish Red Cross, which provide first aid to new arrivals as needed. A list of non-governmental actors involved includes the following: *Servicio Jesuita Migrantes* (Non-governmental

organization (NGO)), *Hijas de la Caridad* (religious), *Religiosas de María Inmaculada* (religious order), *Save the children* (NGO), and *ACNUR* (which does not provide assistance, but monitors reception conditions). All of the above are active in Melilla. On the Moroccan side, the *Red Crescent* Migration unit (which provides assistance to Sub-Saharan African migrants), the *AMDH* (a Moroccan human rights organisation) and *Astiande* (NGO) maintain operations in Nador.

The EU is an important actor in the maintenance of border security. Its security budget for 2007-2013 allocated over €2 billion to external border control infrastructure upgrades but only €700 million to improving the living conditions of refugees and asylum seekers entering or residing within its territory. During the same period, Spain spent €290 million on border control but contributed a mere €9 million to the European Refugee Fund.

For 2014-20, the European Commission has proposed simplifying funding programmes in this area by reducing the number to two. In trilogue, the European Parliament and the Council have agreed to establish an Asylum, Migration and Integration Fund (AMIF) and an Internal Security Fund (ISF, with a specific remit for external borders and visas). Pending final adoption through the ordinary legislative procedure, the AMIF and the ISF external borders and visa tool should be endowed with €3.1 billion and €2.8 billion respectively. In total, this represents just over 0.5% of the overall EU budget up to 2020.

In the case of budgets that directly affect the Spanish reception system´s funding, the EU co-financed 75 to 90 % (through the ERF in 2007-2013 or the AMIF in 2014-2020). There is clearly money available, but when the time comes to decide how and where to invest those funds, political and social factors override economic ones.

BORDER STATISTICS
Morocco - Spain

Number of Irregular Border Crossings	
2014	7,272
2015	7,004
2016	10,231

Country of Origins (2015)	
1. Guinea	1,991
2. Algeria	1,052
3. Morocco	828

Country of Origins (2016)	
1. Guinea	2,184
2. Algeria	1,760
3. Côte d'Ivoire	1,646

Type of Border	
Wired Double Fence	

Funding in the Areas of Migration and Border Management from Spain (2014-2020)	
Internal Security Fund	€ 195,366,875
Asylum, Migration & Integration Fund	€ 257,101,877
Total	**€ 452,468,752**

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4.1. Political Goals

The arrangements between Spain, the European Union and Morocco imply an intent to externalise migratory-flow management and form a counterpart to the agreements on policy and economic issues. In this context, responsibility for how Morocco treats its migrant and refugee population is also the responsibility of Spain and the European Union, since respect for human rights has not been specifically incorporated into their agreements. Here it is important to mention the Mobility Partnership between the Kingdom of Morocco, the European Union and its member states that was signed in Brussels on the 3rd of June 2013, as well as the Agreement between the government of the Kingdom of Spain and the government of the Kingdom of Morocco on the free movement of persons, transit and the readmission of foreigners entering the country illegally, which was signed in Madrid on the 13th of February 1992.

Spain's migration policy lacks the political will to increase the percentage of applicants granted refugee status in Spain. The country ranks among the EU member states that receive the lowest number of applications for international protection relative to their population size. According to a Eurostat report on asylum and refugee petitions presented in EU countries during 2016, Spain received 335 applications per million inhabitants that year; a figure significantly lower than the EU average of 2,360 per million. Moreover, the number of applications presented in Spain in 2016 (15,755) accounts for only 1.3% of asylum applications lodged in the EU during that 12-month period. In the context of the present migration crisis, such figures lead one to conclude that not only are Spanish authorities failing to facilitate access to asylum, but that refugees face obstacles in Spain that impede them from applying for international protection there:

- The current absence of regulations supporting the possibility for refugees to present their applications for asylum at Spanish foreign embassies and consulates outlined in the Spanish Law of Asylum of 2009.
- The border officials' recurrent practice of carrying out 'push-backs', the immediate forcible return of individuals who have illegally entered Spanish territory to the country (such as Morocco) which they entered from, without first establishing these individuals' countries of origin or whether they potentially qualify for international protection. Such returns are backed by amended legislation concerning the security of citizens and the rights and freedoms of foreigners in Spain and their social integration, which specifically authorises 'border rejections'.
- There are other circumstances beyond the legislation mentioned above that further limit the options open to refugees seeking to enter Ceuta or Melilla from Morocco. The two asylum offices located at entry points along the Spanish-Moroccan border (one in El Tarajal in Ceuta and the other in Beni-Enzar in Melilla) do not accept asylum applications from Sub-Saharan Africans. Refugees from sub-Saharan Africa who manage to enter

Spanish territory and evade immediate expulsion must present such petitions at the CETI short stay centre.

■ Refugees of all nationalities face periodic checkpoint closures ostensibly related to migration management, but which appear to occur on the basis of no particular formal criteria. The lack of legal channels for entering Spain, and the complexity of crossing the border in their absence, have created a lucrative business opportunity for mafias and people smugglers.

Among the various barriers of this sort which could be cited, two stand out for their particular relevance, and for the frequency with which they occur: inordinate delays in the processing and resolution of applications presented and the situation of 'legal exceptionality' that exists along Spain's southernmost border in the cities of Ceuta and Melilla.

The Spanish system is currently capable of providing basic accommodation for a total of 5,136 people. Spain's programme for applicants and beneficiaries of international protection addresses three consecutive phases of the refugee experience: reception, integration and autonomy. This process, in practice, usually takes about 18 months, although not everyone completes all three phases or continues to live in a reception centre and receives related services this long. The limited residency periods established for these centres also affect people awaiting transfer under the Dublin III Regulation, as well as those who have appealed rejections of their initial applications for international protection and are awaiting judicial resolution of their cases. Frustration with the deficiencies of the system often impels people seeking asylum or refugee status to leave Spain as soon as they can and try their luck elsewhere, a circumstance that is making Spain a point of transit to Germany, the Netherlands or Sweden rather than a destination.

Another obstacle hindering refugees' access to international protection in Spain is the state of 'legal exceptionality' in which they often find themselves trapped, an anomaly the Spanish government justifies as essential to migration control, but which has nevertheless led to the systematic violation of migrant and refugee rights along its southern boundaries, and especially its border with Morocco. The agreement between the Kingdoms of Spain and Morocco on the movement of people, the transit and the readmission of foreigners who have entered illegally, signed in Madrid on the 13th of February 1992, sheds further light on the current state of border relations between Spain and Morocco, and on Spain's continual efforts to shift the responsibility for migration management onto the Moroccan authorities.

4.2. Consequences

The policy currently being implemented to control transit along the border between Spain and Morocco has given rise to incidents of police brutality and violations of human rights on the Moroccan side of the border in Nador, and created innumerable problems for migrants and refugees seeking to cross the border between Morocco and Spain. Various organisations and human rights activists working in Ceuta and Melilla have repeatedly condemned the difficulties encountered when defending human rights due to police repression. In this regard, the Organic Law on the Protection of Public Safety, the so-called 'gag rule' has become an instrument of the Spanish government to limit these types of situations.

It is also important to understand the extent to which the conditions of reception that asylum seekers face in Ceuta and Melilla discourage people from presenting applications for international protection in these cities. The period of time asylum applicants (other than Syrians) are forced to wait for transfer to the Spanish mainland is inordinately long, and the wait for those who have not presented an application is even longer. The lack of adequate and timely access to protection leaves unaccompanied minors and victims of human trafficking in a particularly vulnerable position. The body responsible for the

delay in processing and resolving applications is the Office of Asylum and Refuge (OAR) of the Ministry of the Interior, which is currently sitting on a backlog of 33,990 unresolved cases, despite the fact that as of the 30th of October 2017 the amended law regulating the right to asylum and subsidiary protection stipulates that petitions for international protection must be reviewed and resolved within a period of six months. Delays in processing applications for international protection and notifying applicants of decisions cause further problems down the line regarding the time frames for temporary accommodation and support which applicants are provided, as people waiting for an answer run the risk of losing their right to these resources before their applications have been resolved. The sub-department for Immigrant Integration of the Ministry of Employment and Social Security, which is responsible for refugee reception in Spain, oversees a mix of government-run reception facilities, reception centres and care services managed by NGOs on a subcontracted basis.

There have been rallies, campaigns and protest marches against the political management of the refugee question during the first quarter of 2017. Hundreds of people demonstrated in favor of the refugees and against EU policies in Barcelona, Madrid, Valencia, Zaragoza, Sevilla and a number of other cities in Spain. However, there are no relevant changes in the public discourse (media coverage, public debate) concerning the issue of migration and asylum, which is mostly focused on controlling migratory flows and the problem of irregular immigration.

4.3. Outlook

Spain's current migration policy does not adequately address the right to asylum. There is an evident lack of political will to improve the percentage of applicants granted refugee status in Spain.[5]

Spanish authorities approved a mere 3.5 % (355) of the applications for refugee status they reviewed in 2016, a figure far below the 41 % and 21 % approved in France and Germany respectively. In contrast, almost seven out of ten asylum seekers whose applications were reviewed in 2016 (6,855 out of 10,250) received some kind of international protection. It should be noted, however, that 90 % (6,215) of the recipients of this type of concession were individuals fleeing the conflict in Syria. This figure is in line with the general tendency of Spanish authorities to extend protection to certain national groups while denying it to others also fleeing conflicts or persecution such as Venezuelans and Ukrainians, who together with Syrians form the bulk of protection requests filed in Spain.

The facts show that Spain's migration policy is strongly aligned with its border control objectives and that its security-based approach to migration is unlikely to change in the near or mid-term future. On 3rd October 2017, the European Court of Human Rights issued a landmark judgement condemning the refoulement of two men who had entered Melilla by scaling the border fence situated between that city and Morocco. The Court furthermore ruled that Spain must pay an indemnity of €10,000 to each of the plaintiffs, both of whom were forcibly returned to Morocco in August of 2014 without prior administrative or judicial procedure. The former Spanish government has announced its intention to appeal this ruling and continued to defend the practice.

The government's response to events has focused thus far on development assistance to countries of origin and the upgrading of border security installations and systems. This two-pronged approach of combining development assistance and border control is closely aligned with the 'migration compact' model recently adopted by the European Union; a practice of making foreign aid to countries such as Niger, Nigeria, Mali, Senegal and Ethiopia dependent on their commitment to the fight against irregular immigration.

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5   This report still reflects the views of the former government under Mariano Rajoy.

5. SITUATION REPORT AT THE BULGARIAN-TURKISH BORDER
The Economics and International Relations Institute

Turkey - Bulgaria

● **First Arrival Point for Migrants**

BULGARIA

● Sofia

Malko Tarnovo-Dereköy

Lesovo-Hamzabeyli

Pastrogor

Harmanli

Kapitan Andreevo-Kapıkule

TURKEY

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Bulgaria has 1225 kilometres of external EU borders, of which 259 kilometres make up the Bulgarian-Turkish border. According to the administrative-territorial map of Bulgaria, the Bulgarian-Turkish border falls within the territory of three districts and seven municipalities. The Bulgarian government's activities on border protection within the EU are based on the so-called "four pillars of better migration management" concept. These include measures such as the general guarding of borders and attempting to strengthen the role of FRONTEX as well as the reception of refugees. Ensuring a full and consistent implementation of the Common European Asylum System remains a priority.

The security system on the Bulgarian-Turkish border includes executive bodies at both central and local level. Policy and strategy development is the responsibility of the Council of Ministers.

The main bodies responsible for border protection are the General Directorate of Border Police of the Ministry of Interior and the Regional Border Police Directorates, consisting of border police sectors, border crossing points and lower level structural units.

In 2015 the following major actions were taken:

- Until 2014, border control resources had been assessed based on intensity and flow profile, threat assessment and risk analysis. However, with the increasing flow of migrants this proved to be insufficient in all aspects: human resources, organisational structures, working methods, skills and qualifications, infrastructure, facilities and technical equipment, information systems, communication, etc. During the so called "migration crisis," new practices were implemented based on a more technologically competent operational concept.
- The biggest project was the erection of a temporary fence along the entire Bulgarian-Turkish border. The final length of the fence runs 230-240 km, a three-metre-high wire-mesh construction topped with razor wire. It is expected to cost around €127 million and is financed from national funds. It covers all areas where crossing between Bulgaria and Turkey is a possibility. A dirt road runs its entire length, and a CCTV video surveillance system is currently being implemented along it. The crossing of the border is only possible at the three crossing points of Kapitan Andreevo-Kapıkule, Lesovo-Hamzabeyli and Malko Tarnovo-Dereköy.
- Officially the fence construction deadline was set for October 2017, but to date there have been no official statements or reports as to whether the fence has been completed. By government decree, official information about the fence is kept to a minimum, as it is considered a project of national security. This decision was taken several weeks before the release of a documentary film

which strongly criticized the erection of the fence. The release caused serious frictions between the government and the opposition, as it drew attention to some major defects in the border fence. It showed some refugees, including children and old people, climbing the wall with the help of a folding ladder, and also uncovered the existence of underground tunnels that allow unrestricted access and bypass official checkpoints. The most disturbing allegations were made by an anonymous border guard, who asserted that traffickers were in close contact with border security officials and coordinated their actions accordingly. The opposition demanded the resignation of the Minister of the Interior and the Vice Prime Minister responsible for the sector. This only served to fuel further doubts as to whether the country was prepared to deal with a future crisis of border security.

- In addition to building the fence, Bulgaria has increased the number of border staff responsible for identification, refugee profiling, and refugee risk assessment. This also includes improved operational relations and coordination with FRONTEX and other specialized EU police services. Currently, 173 FRONTEX employees work in Bulgaria. The EU has provided €160 million in aid to Bulgaria for border management in order to help overcome the migration crisis.

In terms of refugee rights, the government has promised to ensure a better flow of information to them, as well as modernised temporary residences. An additional €12 million was given in assistance to Bulgaria, aimed at providing shelter, food and medicines to refugees, as well as to better equip the Bulgarian border police. The country has access to €91 million for migration and protection of the EU's external borders for the period of 2014-2020.

BORDER STATISTICS
Turkey - Bulgaria

Number of Irregular Border Crossings	
2014	n/a
2015	34,056
2016	18,844

Country of Origins (2015)	
1. Syria	12,199
2. Afghanistan	10,322
3. Iraq	7,507

Country of Origins (2016)	
1. Syria	787
2. Afghanistan	2,755
3. Iraq	1,518

Type of Border	
Barbed Wire Fence	

Funding in the Areas of Migration and Border Management from Bulgaria (2014-2020)	
Internal Security Fund	€ 10,006,777
Asylum, Migration & Integration Fund	€ 40,366,130
Total	**€ 50,372,907**

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5.1. Political goals

All major Bulgarian political parties agree that border security and the reception of refugees must be considered a priority. While the concepts and actions of both the governing centre-right Citizens for the European Future of Bulgaria (GERB) and the opposition, centre-left Bulgarian Socialist party (BSP) try to fulfil their EU commitments, they also mirror the generally contradictory and dual attitude of the Bulgarian society towards refugees in general: empathy with their plight and suffering, combined with the fear that Bulgarian society would undergo unfavourable changes as a result of permanently settling refugees.

Under these circumstances, the main political actors have not defined a clear, comprehensive and consistent policy on migration. Instead they have often been influenced by short-term political interests. This is also reflected in the current government coalition, composed of GERB and three nationalist parties. The government considers it a priority to limit the flow of refugees through measures and policies such as

slowing down reception and resettlement flows. Relatively less attention and resources have been devoted to the integration of refugees than to limiting the number entering the country. A change of approach can hardly be expected in the near future, but if there is it will largely depend on EU policies. Still, it is also true that the Bulgarian government is strongly committed to strict compliance with the principles and standards of UN refugee rights, applying it at all stages of the process.

As a result of severe protests in the second half of 2016, Bulgarian institutions have minimised their efforts to settle refugees. However, it should be noted that the authorities' actions do not warrant the claims of some human rights organisations; namely that refugees arriving in Bulgaria are at risk of inhumane treatment. For example, Border Management Bulgaria (BMB), a branch of the German non-governmental organization Human Rights Watch, reported three cases of police violence in 2014 at the Harmanli camp and at the temporary refugee camps of the Ministry of Interior, termed „border prisons" by the refugees. There were also reports of cases when refugees were subjected to physical violence and their clothes were confiscated by the police. According to Human Rights Watch, the „takeover" by migrants of the refugee camp was due to Bulgarian government intending to forcefully return them to Turkey.

5.2. Consequences

According to official data, the increased number of border guards has seen a significant drop in the number of refugees entering Bulgaria. However, the Balkan Route is not completely closed and the transit of migrants through Bulgaria has not stopped. The detention of smugglers, the closure of smuggling routes and the arrest of corrupt police officers involved have still not taken place. Surveys show that for the vast majority of migrants Bulgaria is not the final destination. As a result of existing refugee protection legislation, and of the measures taken to return them to the country of initial entry and registration, many opt

for illegal channels in order to obtain registration in a country where they wish to remain. Another reason for attempted illegal entries is the lack of clear provisions for persons seeking protection in the territory of an EU country to gain legal access.

Public opinion polls show a rather critical attitude towards migration amongst the Bulgarian population. This can partly be explained by a relatively slow economic development resulting in low incomes and poor living standards among many. Also the financial means required to meet the influx of refugees are restricted. Overall it is feared that due to differences in culture and values, integration might prove impossible. There is a general mistrust of Muslim ethnic groups which has historical roots. As for present fears, there is a strong tendency among the population to associate refugees with the dissemination of Islamic fundamentalism and terrorism. In September of 2016, 61 % of citizens saw migration as the most serious external threat to national security, and 77 % were against the resettlement of non-EU citizens in Bulgaria. The construction of a fence along the border with Turkey was generally supported by the population, and the claim that a refugee costs more per day than what a Bulgarian pensioner receives is widespread in certain parts of society.

At the same time, adherence to common humanitarian values, support for European integration and pursuit of common EU policies are all factors pulling in the opposite direction. The fact, that every fifth Bulgarian lives or works in another European country also plays an important role. The existence of a traditional and established inter-ethnic and religious tolerance within the country has, in general, added to common understanding and support for a wider European identity.

5.3. Outlook

Compared to other countries in the Balkans, Bulgarian authorities have maintained a high level of control over irregular migration. The number of people passing through Bulgaria has declined

significantly. New resources and increased security at the Bulgarian-Turkish border show that the country is ready to respond adequately to a moderate increase in migratory pressure.

The Bulgarian government claims that Bulgaria is ready to stop more intensive migratory pressures in the future, but the establishment of a common security system with the EU is deemed essential. Another important prerequisite for continued best practice is good interaction with FRONTEX. Bulgaria's position on the establishment of a unanimous external border protection and reception system reflects a desire to develop cooperation and interaction with the competent EU authorities. Political consensus on these objectives ensures the future cooperative behaviour of the Bulgarian authorities.

Bulgaria is a relatively small country with limited resources which are not proportionate to the complex tasks of protecting the EU's external borders. A possible escalation of the crisis in the Middle East and neighbouring regions could

deepen this discrepancy. There are two possible approaches: First, receiving outside assistance (as is currently the case). Second, building a common system.

Bulgaria has received the necessary EU financial, technical and expert support. The forms of cooperation and interaction are sustainable and could become common organisational forms (e.g. the relationship with FRONTEX). Of course, participation in building a future common border-guarding system will require new approaches both internally and in relation to community policies.

From a Bulgarian perspective, the country's migration and border security policy can be called successful. It is in line with EU and international rules, norms and requirements, while it also reflects the attitudes of the majority of the population and is supported by it. Bulgaria tried during its EU presidency to find a compromise formula for the still widely different views of the member states on how to solve migration.

6. SITUATION REPORT AT THE CROATIAN-SERBIAN BORDER
Senada Šelo Šabić

Serbia - Croatia

● First Arrival Point for Migrants

CROATIA   SERBIA

Tovarnik ●

Bajakovo ●

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Croatia and Serbia share a 314-kilometre-long border, 136 kilometres of it along the river Danube. It is not fortified in any way, aside from Croatian preparations to meet the requirements necessary to join the Schengen Area.

The refugee crisis of 2015/16 caused a massive influx of people from Serbia to Croatia: Following the closure of the border between Hungary and Serbia in September 2015, the route was re-directed to Croatia. Asylum seekers, however, did not stay long in Croatia. Eager to move on to reach their final destinations in Germany, Sweden and other Western European countries, they travelled on from Croatia to Hungary. In October 2015, Hungary erected a wire fence and sealed off its border with Croatia. The route was re-directed once again, this time from Serbia through Croatia to Slovenia. A train line was established between the border town Šid in

Serbia and Slavonski Brod in Croatia. The centre was in operation from the 3rd of November 2015. The EU-Turkey deal in March 2016 effectively closed down the Western Balkan migration route. The last train arrived on the 5th of March 2016.

The arrival of asylum seekers caused friction and mutual accusations among neighbours. Serbia and Croatia, still resentful of each other on account of the war in the 1990s, did not hold back in their criticism of one another. Croatia closed all border crossings with Serbia to freight traffic on the 20th of September 2017, a few days after asylum seekers entered Croatia from Serbia. Serbia immediately retaliated by banning the import of goods from Croatia. The stand-off between these two neighbours recalled the troubled days of war from a couple of decades ago. This was the first time a border had been closed since the two countries signed an agreement on mutually friendly relations in 1995.

The crisis was resolved in a matter of days, helped by mediation on the part of the EU. Croatia and Serbia cooperated thereafter, for instance by sharing information and reporting developments on the ground. Still, this incident showed how easily relations might deteriorate between these neighbours when under stress. A sense of fragility is one lesson that has been learnt from the refugee crisis of 2015/16.
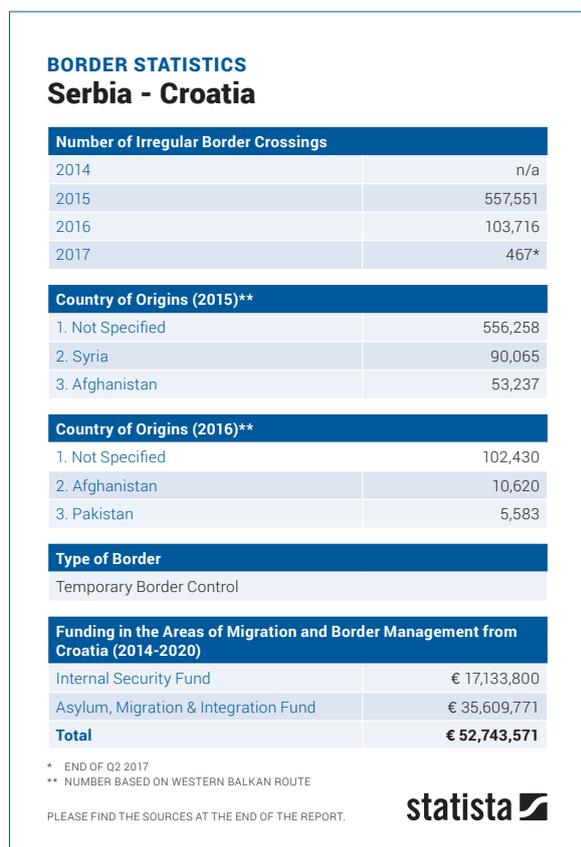
As a result of the refugee crisis, in a hurried procedure in March 2016, the Croatian parliament adopted amendments to the State Border Protection Act and the Defence Law which permits the deployment of the army in support of border police, if justified on security or humanitarian grounds. Immediately following the adoption of the amendments, the Centre for Peace Studies and the Social Democratic Party, independently of one another, submitted complaints to the Constitutional Court arguing that both laws are in violation of the constitution.

In addition, they argued, the government violated the law on the Right to Access Information by enacting a hurried procedure and thus avoiding public consultations (the Constitutional Court must rule on these cases by November 2018).

The Croatian government justified these amendments by decisions made in neighbouring countries: Austria and Slovenia had their armies deployed at their borders, while Hungary had sealed off its border. Preceding this, in February 2016, all security forces in Serbia were put on high alert. The Serbian Minister of Interior said that in cases of emergency the National Security Council could authorise the use of the army to support the border police. It is worth noting that neither Serbia nor Croatia made use of the army in protecting their common border.

In August 2016 Croatia opened the Transit Centre Tovarnik at its border with Serbia in Vukovar-Syrmia County. It was built with the support of the Schengen Instrument funds, and the total cost was just below €2,750,000. The purpose of this transit centre is temporary accommodation for asylum seekers who are found to have entered the country irregularly. Migrants do not have freedom of movement while accommodated in a transit centre. From a transit centre they are either relocated to an asylum reception centre or removed from Croatian territory on the basis of readmission agreements.

BORDER STATISTICS
Serbia - Croatia

Number of Irregular Border Crossings	
2014	n/a
2015	557,551
2016	103,716
2017	467*

Country of Origins (2015)**	
1. Not Specified	556,258
2. Syria	90,065
3. Afghanistan	53,237

Country of Origins (2016)**	
1. Not Specified	102,430
2. Afghanistan	10,620
3. Pakistan	5,583

Type of Border	
Temporary Border Control	

Funding in the Areas of Migration and Border Management from Croatia (2014-2020)	
Internal Security Fund	€ 17,133,800
Asylum, Migration & Integration Fund	€ 35,609,771
Total	€ 52,743,571

* END OF Q2 2017
** NUMBER BASED ON WESTERN BALKAN ROUTE

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6.1. Political goals

A general position of the Croatian government regarding migration is that any repeat of the refugee crisis in 2015 must be avoided. In other words, in the year 2018 security concerns regarding migration to Europe prevail over humanitarian ones. This is visible through the adoption of amendments to the State Border Protection Act and the Defence Law, as well as through statements made by government officials. In short, as in many other EU member states and EU membership candidate countries, the approach to migration focuses mainly on security.

Croatia has drifted away from what was perceived during the crisis as a humanitarian response. This humanitarian approach amounted to facilitating the swift transit of asylum seekers through Croatian territory. It included medical assistance, free transportation, provision of food, clothing and other necessities, but never included the settlement of asylum seekers in Croatia. Fear of becoming a country in which asylum seekers get stranded and are not able to move towards Western European countries was very much alive during the crisis.

A similar sentiment prevails today. The Croatian position is driven by several considerations: Firstly, Croatia does not feel responsible for conflicts that have caused the massive waves of migration to Europe. Secondly, Croatia is not the first EU country of entry for asylum seekers from the Middle East and Africa. Thirdly, Croatia is a small country and can contribute to European solidarity only relative to its capacities, beyond these.

Yet it deserves mentioning that Croatian citizens had never lost their own sense of once being asylum seekers. Both Croatia and Serbia showed empathy towards migrants in 2015 partially because people in both countries said they remembered their own suffering two decades ago. This discourse has been much reduced over the past two years, but still carries emphasis within the rhetoric of public debate on migration. Civil society organisations, both liberal and conservative, are vocal on the topic of migration. Conservative activists underline various threats migration poses for national security, identity and prosperity. Liberal activists, on the other hand, underline respect for human rights, the importance of safeguarding EU norms and maintaining a basic humanitarianism towards migrants.

6.2. Consequences of the current border regime

Irregular border crossings are registered along the green border between Serbia and Croatia. Croatian authorities have made it clear that they will not allow irregular entry into the country under any circumstances. Push-backs are thus justified as a legal and necessary measure. In January and March 2017, two Croatian NGOs published reports with detailed accounts of the methods used by the Croatian police to push asylum seekers back into Serbia. They reported the use of violent measures and degrading treatment towards asylum seekers. Some of the asylum seekers were apprehended within the border area, some deeper in Croatian territory. All, however, were brought to the border with Serbia and ordered to cross back. Croatian police allegedly harassed asylum seekers both physically and psychologically, and confiscated valuable objects such as mobile phones. According to these reports, the police declined these persons the right to apply for asylum. In response, the Ministry of Interior carried out a swift investigation and issued a statement: "the police protect the state border by using all means at their disposal while respecting human rights." Push-backs from Croatia to Serbia were also reported by Human Rights Watch, Save the Children and UNHCR.

As a consequence of the refugee crisis, asylum requests in Croatia are examined more thoroughly than ever. This stricter examination means the inclusion of the Croatian Security Intelligence Agency in the review of applications. According to the agency's 2017 Public Report, their inclusion serves to help prevent a repeat of the situation that unfolded in 2015 and 2016, when many persons entering EU territory are believed to have done so on illegal grounds and without plausible justification. In order to reduce the abuse and misuse of asylum rights, the agency is assisting the Ministry of the Interior in inspecting all applications.

Asylum seekers also enter Croatia from other EU member states, as Dublin returns. In the spring of 2017, the total number of asylum seekers in Croatia was 608, most of whom are those returned to Croatia on the basis of the Dublin Agreement. In July 2017, the European Court of Justice (ECJ) ruled that Croatia had broken the Dublin regulations by not examining asylum applications before allowing asylum seekers to move further. However, Croatian legal experts believe that this decision will have no significant impact on the number of Dublin returns, due to the fact that returns must be conducted within a year of a person's irregular entry into another member state. Furthermore, establishing a claim for return without necessary documentation and registration records would be a lengthy procedure with an uncertain outcome. Nonetheless, the ECJ decision is yet another reason why Croatia believes that it has to protect its borders regardless of circumstances.

In the summer of 2017, the Croatian parliament adopted changes to the Aliens Law de-criminalising the solidarity and assistance offered to asylum seekers, regardless of how they entered the country. In a previous version of the law, anyone who assisted a person found to have entered the country irregularly, regardless of the circumstances, could be charged with committing a criminal act.

As a result of the borders having been fortified, asylum seekers wishing to enter the EU rely increasingly on smugglers. Croatia, along with all other countries, is trying to detect and apprehend

these smugglers. One such smuggling route allegedly responsible for assisting the illegal entry of 300 asylum seekers into Croatia was blocked in September 2017 by the authorities of Croatia, Bosnia and Montenegro.

6.3. Outlook

Croatia, alongside Austria, the Czech Republic, Slovakia, Hungary and Slovenia, has agreed to joint army control of the borders should a new migration crisis arise. This initiative has been criticised in Brussels and Berlin, but the participating countries believe that they cannot allow the situation of 2015 to be repeated.

Croatia's more security-driven discourse regarding the protection of state borders is also justified by its goal to join the Schengen Area. Thus, the ability to defend the external borders of the EU – with Serbia, Bosnia and Herzegovina and Montenegro – will be assessed once the decision on whether to admit Croatia to Schengen is on the agenda.

Although it is difficult to generalise on the position of Croatia, and to make predictions about the future of the system, conservative governments are more likely to stress protection of Croatian national interests as their primary objective. However, it is also fair to say that the current conservative-led Croatian government is committed to the EU and would like to see it succeed in forging a stronger sense of agreement and solidarity amongst its members.

Still, Croatia is not a major advocate of Europeanism. A prevailing position of the Visegrád countries regarding security and identity issues resonates with many in Croatia. Croatian President Grabar-Kitarović has been consistent in calling for the defence of national security interests during and after the refugee crisis. She has urged the deployment of the army and appointed a special advisor for the refugee crisis in 2015, who vehemently criticised the social-democratic government for permitting the entry of asylum seekers into the country in excessively large numbers.

Since the closure of the Balkan route in 2016, both the office of the President and the government stress the need to build strong security forces that are able to tackle any security threat that Croatia might face.

7. SITUATION REPORT AT THE HUNGARIAN-SERBIAN BORDER
András Kováts

Serbia - Hungary

● **Transit zone**
● **First Arrival Point for Migrants**

HUNGARY

Tompa ● Röszke ●

SERBIA

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The 175-kilometre-long border between Hungary and Serbia is currently closed by a fence which was erected in three phases beginning in the summer of 2015. Setting up and maintaining the border fence has been the Hungarian government's response to the migration crisis of 2015, and in recent years the fence has become an integral part of the Hungarian border-management system. The idea of setting up a border fence to stop the irregular entry of a steadily-increasing number of asylum seekers across the Serbian border was raised in political communication in the late spring of 2015, followed by a set of policy recommendations, legal amendments and eventually the realisation of the measure. First a temporary array of concertina wire was installed, then in the second phase a border fence was installed, which was completed by September-October 2015. In the autumn of 2016 construction began on a second fence alongside the already

existing one, which was completed in early 2017. Heat-sensitive cameras and other electronic equipment were also installed along the more frequented parts of the double fence stretching along the Serbian border.

When first the green border with Serbia was closed in September 2015, then that with Croatia in October 2015, four designated points of entry were established for asylum seekers to enter Hungary via the official border crossing points. These so-called Transit Zones are near Röszke and Tompa on the Serbian border. There are two others near Letenye and Beremend on the Croatian border as well. Initially the capacity of these facilities was 50 persons each. The two entry points on the Croatian border have never received any asylum seekers, but the two on the Serbian border have been receiving applicants continuously since October 2015.

Until the 28th of March 2017 there was a "mixed" refugee reception system in place:

■ Asylum seekers entering the country from Serbia first entered the transit zones, where they underwent a so-called border procedure. The admissibility of their case was examined based on the "safe third country" principle, while those belonging to vulnerable groups were granted entry into Hungary. The procedure for those remaining in the transit facilities had to be concluded within 28 days.
■ People already in the country and requesting asylum were placed either in an open refugee reception centre, an asylum detention centre or – in case of unaccompanied minors – in a specialised child protection institute, and were supposed to stay there until their cases were processed.
■ People returned under the Dublin III regulation were either placed in closed asylum detention centres or in open reception centres in certain cases.

Due to the increasing number of irregular entries through the border fence, on the 5th of July 2016 the laws on immigration, asylum and border control were amended, introducing the so-called "Eight Kilometre Rule": any foreigner without a legal right to enter and stay in Hungary who was apprehended within eight kilometres of the Serbian border fence must be "escorted" back to the other side of the fence. As a result, the number of asylum seekers placed directly in the reception or detention centres dropped significantly, thus making the transit zones the main recipients of asylum seekers arriving into the country. Since their opening there has been a cap on the daily admittances: in the beginning it was twenty-five persons per transit zone per working day, which was gradually reduced to fifteen, then ten, then five, and in January 2018 to only one. The Office of Immigration and Nationality attributed this to the increased length and complexity of the security screening of applicants.

As of the 28th of March 2017, a new system was put in place based on an amendment of the laws on immigration, asylum and borders, resulting in a considerable expansion of the capacity and role of the transit zones in light of the new situation.

The most recent legal amendments brought changes in the following:

- The grounds for declaring a state of crisis due to mass immigration were changed, and the state of crisis – first announced on the 15th of September 2015 – was prolonged first until September 2017, then again until March 2018 and recently until September 2018. The former Eight Kilometre Rule was extended, making it possible to remove anyone staying irregularly in Hungary to the Serbian side of the border fence.
- Asylum seekers can only submit their asylum applications in the transit zones, and should stay there until the end of their asylum procedure. They can leave the transit zones and enter Hungary only if they are granted

international protection. The time for appeal against a negative decision has been shortened to three days (from eight previously), and court hearings can be held remotely through telecommunications.

- In case of inadmissible cases, repeated applications or final negative decisions, material provisions are no longer provided: people can stay in the transit zones as their designated place of residence, but are not entitled to food or other provisions, and if they go back into Serbia they do not have the right to return.
- Families with children, or people with special needs and vulnerabilities are no exception: they are accommodated in the transit zones, though in special units tailored to their needs.
- Unaccompanied minors between the age of 14-18 are also placed in the transit zones, with a case-guardian appointed for them – though this is not required by the amended laws on asylum and child protection in the case of a crisis due to mass immigration.

During the crisis the police had to redeploy a significant number of its personnel in order to perform the increasing border monitoring and migration policing tasks. As the government declared a state of crisis due to mass immigration, the Hungarian Defence Forces were mobilised to perform border monitoring tasks. In August 2016 the government decided to reinforce the police with 3000 so-called "border-hunters". To date only approximately a third of them have been recruited, trained and set on duty.

In late August 2017, the government submitted a request to the European Commission for the reimbursement of 50 % of the approximately €800 million that the reinforcement of the country's southern border had cost. It argued that – just as in Italy and Greece – Hungary had done its fair share in protecting the EU's external border, and although did it on its own initiative it should nevertheless be compensated. The President of the European Commission denied the request a week later.

BORDER STATISTICS
Serbia - Hungary

Number of Irregular Border Crossings	
2014	45,819
2015	218,918
2016	11,848
2017	3,974*

Country of Origins (2015)**	
1. Not Specified	556,258
2. Syria	90,065
3. Afghanistan	53,237

Country of Origins (2016)**	
1. Not Specified	102,430
2. Afghanistan	10,620
3. Pakistan	5,583

Type of Border	
175km Barbed Wire Fence	

Funding in the Areas of Migration and Border Management from Hungary (2014-2020)	
Internal Security Fund	€ 23,713,477
Asylum, Migration & Integration Fund	€ 40,829,197
Total	**€ 64,542,674**

* END OF Q2 2017
** NUMBER BASED ON WESTERN BALKAN ROUTE
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7.1. Political Goals

Since the beginning of the migration crisis in early 2015, the Hungarian Government has made it explicitly clear that it neither wants to let people cross its national borders irregularly nor supports any joint effort of the EU or its member states that seeks other solutions than that of keeping asylum seekers outside the European Union. This position has had a strong political resonance domestically, and resulted in a significant growth in the popularity of the government and the political party Fidesz. According to public opinion polls, the majority of the population supported the political direction of the government and the restrictive immigration measures that resulted in diverting hundreds of thousands of people towards Croatia and Slovenia during the active phase of the migration crisis in 2015-2016, rather than letting them enter and cross Hungary.

The Prime Minister and other members of the government also made it clear that Hungary is not going to comply with those common European measures which would result in asylum seekers entering the country. In 2015 together with Slovakia, Hungary turned to the European Court of Justice to annul the European Council's decision to mandatorily relocate asylum seekers from Italy and Greece into all other member states. In its judgement on the 6th of September 2017 the Court dismissed Hungary's and Slovakia's request.

Hungary seeks political alliances with other EU member states which share similar political positions. The government regularly refers to the other V4 countries (Czech-Republic, Slovakia, Poland) as supporters of its position, while occasionally Bulgaria and more recently Austria are referred to as allies in influencing European asylum and immigration policy.

The government's main messages are that the EU should externalise its asylum system to the greatest possible extent, that immigration should be reduced and restricted, that the main emphasis should be put on monitoring its external borders, and that member states should be given autonomy in deciding their own immigration and asylum policies.

7.2. Consequences

The current border regime has had a significant effect on the dynamics and volume of irregular migration on Hungary's border with Serbia. Statistical data shows that the closing of the border in October 2015, the introduction of the "Eight Kilometre Rule" in July 2016 and its subsequent extension in March 2017, together with the decision to make the transit zones the only place where asylum seekers are accommodated all resulted in an immediate and significant drop in the number of people entering the country irregularly, as well as of those applying for asylum in Hungary.

Apart from a chaotic few months in 2016 on the non-Hungarian side of the border fence near the transit zones, people were not stranded at the

crossing points; the Serbian asylum system functions as a pre-selection and accommodation zone for Hungary, affecting those who opt to enter the country (and the EU) through the transit zones. There are still others – though in ever-decreasing numbers – who try to cross the border fence with the help of smugglers or on their own.

As there are no detailed statistics available, it is difficult to assess the actual number of those crossing into Hungary and being "escorted" to the other side of the border fence. This is because one person may cross several times without being officially recorded, therefore only the total number of apprehensions are known. Around 200-300 people per week used to be apprehended by the border police, indicating that the border barrier itself is not impenetrable.

It is apparent that the material and human costs of crossing the border have risen considerably. There are frequent reports and allegations of violence and coercion by smugglers, by other migrants, by armed forces and by paramilitary units on both sides of the border. Most of these allegations remain uncorroborated, causing significant tensions between the police, governmental bodies and national and international advocacy organisations.

The public perception and acceptance of the border regime is overwhelmingly positive; a fact also reflected in the results of the Parliamentary elections of April 2018, where migration, border security and asylum were topics instrumentalised by Viktor Orbán's government to ensure its electoral victory. The majority of the general public supports the government's aims of keeping irregular immigrants outside Hungary and the European Union. Although it still considers the protection of refugees a fundamental duty, there is a broad consensus that the people trying to cross the Hungarian-Serbian border are not eligible for international protection.

NGOs, human rights organisations and international organisations (the EU Commission included) have been criticised by the government for not serving and supporting the national and European interest of keeping irregular immigrants and asylum seekers outside the EU, some politicians openly calling them a threat to national security. In June 2018 the Hungarian Cabinet passed the so called "Stop Soros" anti-immigration bill alongside with an amendment of the Fundamental Law of Hungary, further restricting the work of the civil society as well as the access of asylum seekers to effective protection. On July 17th the Commission opened a new infringement procedure against Hungary.

The main points of criticism concerning the government's policies are the following:

- The transit zones are places of de-facto mass detention, where ordering detention of asylum-seekers is not individualised, and not ordered or supervised by an independent court. Therefore, the detention is unlawful and arbitrary. This position is reflected by the ECHR's rule in the *Ilias and Ahmed v. Hungary* case.
- Transferring irregular immigrants to the other side of the Serbian border fence deprives them of their right to asylum and fair process, and creates situations where the police are free to act in an arbitrary and uncontrolled manner, often causing harm to the people involved.
- In the case of Dublin transfers, many asylum seekers lose their right to at least one fair and merit-based asylum procedure, as their previously abandoned cases are not reopened, and they are dealt with as repeated (subsequent) claimants.
- Accommodating unaccompanied minors in the transit zones contravenes the safeguards set forth in the Child Protection Act and the UN Convention on the Rights of the Child, as child-protection measures are not applied properly in the transit zones.
- The shortened deadlines for legal remedies, as well as the remote and summary hearings of the courts (often heard only by court clerks) seriously jeopardize the claimants' right to fair process.
- The living standards and reception quality of the transit facilities are not appropriate for hosting asylum seekers, especially families with children and people with vulnerabilities.

7.3. Outlook

In general, it is very difficult to make any predictions about the future of the system. Both the general migration situation and political priorities may change rapidly, though it is highly unlikely that the government will give up pursuing its strict border management policy in the near future. Criticism from the international community and in particular from the EU Commission, the Parliament and the Council of Europe may result in the revision of some elements of the present practice, though it is unlikely that this will take place any time soon. General EU level suspensions of Dublin returns to Hungary may contribute to these changes, though that seems to be in line with the government's intentions. Subsequent cases brought to the ECHR might make the Government at least partially reconsider the practice of using transit zones as the main place of accommodation for asylum seekers.

The infringement procedure initiated against Hungary regarding its non-compliance with the mandatory relocation scheme for asylum seekers – together with the ECJ ruling rejecting Hungary's and Slovakia's claim – may result in changes in the reception system, though it need not necessarily have any direct effect on the present operation of the border barrier and transit-zone systems. Changing migration patterns along the Balkans route which – depending on the nature of the changes – may result in a significant decrease or for that matter increase in the number of asylum-seekers, perhaps prompting a re-evaluation of the present system. Structural dysfunctions may emerge, making the maintenance of the present system too expensive from the perspective of both national and transactional costs. The system may get clogged by the slow asylum procedure, or by people's unwillingness or inability to leave the transit zones.

As people have no longer been able to leave the country by abandoning their pending asylum applications, the number and even the rate of recognitions have risen significantly, which was not necessarily in the interest of the government. The only way of mitigating this unintended consequence is the further restriction of entry and thus access to protection, which may further escalate the tension between the Government and the EU and international organisations.

8. Conclusion and Recommendations

The aim of this compilation of reports was to give an insight into the migration situation at six external EU borders, and to understand the dynamics, motivations and political goals influencing policy decisions concerning their management. The reports reveal a decentralised structure consisting of different migration and border management systems:

As for the border between Turkey and Greece, since 2015, Greece received the largest number of immigrants to Europe. The country tries to present itself as a hospitable and open country, and claims to have been abandoned by the rest of the European Union. In order to cope with the situation, the country has created two very different systems within itself: Asylum seekers on the mainland have access to comparatively strong assistance, while those on the islands are faced with the prospect of being returned to Turkey. The islands lack an adequate reception system. These developments have to be seen in the light of the EU-Turkey Statement from March 2016, which is still in effect today. As a result, the number of new arrivals to the islands – and hence to Europe generally – has dropped drastically (while movement on the land border with Turkey has recently increased). However, the situation inside the hotspots remains highly problematic. Thousands of asylum seekers are still stranded on the islands.

Next to Greece, the situation in Libya and Italy was certainly one of the most alarming – not only because of the high numbers of migrants arriving, but also due to the absence of political structures in Libya. Like Greece, Italy felt abandoned at the external border, with a clear lack of solidarity from other EU member states. The country tried to balance this out by negotiating direct agreements with Libya. Those actions generated many controversies about the conditions for immigrants inside Libya – especially concerning the role of the Libyan coastguard. As a consequence, the number of new arrivals has dropped sharply since the summer of 2017. This parallelled a controversial Code of Conduct regulation for NGOs, and the discussion about whether rescue operations

by NGOs create own pull factors or not. As of today, Italy is still searching for a sustainable solution for migration management. In the elections of March 2018, the migration issue had a major impact on the results. The new coalition government between the Five Star Movement and the Northern League follows a more restrictive approach. The country is driven by the goal of reducing the numbers of arrivals, which currently reaches as far as closing its ports to rescue ships.

The third arrival point to the EU via the Mediterranean Sea analysed in this paper is from Morocco to Spain. Spain's migration policy is strongly aligned with its border control objectives. The report questions the adequate access to international protection in Spain and the tools to fight irregular entries, including pushbacks and police brutality. In general, Spain's externalising of migratory-flow management to Morocco is highly controversial. The numbers arriving in Spain used to be lower than in Italy and Greece, mainly due to the strict bilateral agreements between Morocco and Spain, while Spain's two African enclaves – Ceuta and Melilla – are heavily fortified. However, in the first half of 2018, the country received already a total of 14.700 arrivals, making it the highest in Europe. According to FRONTEX, this trend will continue. How the new government under Pedro Sánchez will react to this situation was, by the time of writing, too early to judge.

As for the EU's external borders on the mainland, the situation has changed dramatically compared to the summer of 2015. Hungary reacted quickly to Angela Merkel's "Willkommenskultur" in 2015 by erecting a fence on the border with Serbia. Hungary's restrictive policies modified migration routes, and Croatia became temporarily the main entry point into the EU from Serbia. The migration influx in 2015 and the policy answers in the Balkans reminded some Serbs and Croats of old memories from the Balkan wars, which shows how interconnected the national migration and border management systems are. In Hungary, the governing FIDESZ-KDNP party convinced the Hungarian population with a narrative about regaining control over migration, which strongly influenced the party's electoral victory in April 2018. Today, one

person per entry point (transit zone) per working days is allowed to seek asylum in Hungary.

For the border of Turkey and Bulgaria, the report claims that Bulgaria's main political goal is to reinforce border security and to slow down reception and resettlement flows. Under its EU Council Presidency in the first half of 2018, Bulgaria aimed to seek consensus and joint efforts on asylum and migration policies, and to strengthen the EU's external borders. Finding a common agreement does not seem easy, despite all the efforts Bulgaria made during its presidency which ended in June 2018.

A comparison of the six cases proves anything but simple, but some unifying patterns and recommendations stand out: As the summer 2015 brought many changes, so member states have since adopted several modifications concerning their border management and asylum systems. Still, these capacities do not seem satisfactory in handling arrivals, and, as the EU summit in June 2018 has shown, it seems impossible to agree upon an effective burden-sharing mechanism. Analysis of migration and border management in the six countries shed light on the many deficiencies of the EU, and on the differences between member states.

In the last three years, the issues of migration and border control have dominated public discourse in most member states. This was especially visible in many election campaigns where anti-migration positions received strong support from the electorate. Fear that the situation of summer 2015 could be repeated can currently be seen as one of the most salient political motivations. Most state actors have since then had one specific aim: to keep the numbers of arrivals as low as possible. As such, border and migration management has been perceived solely as a security question. As a consequence, humanitarian aspects have been widely neglected. The frequent reports of push-backs, police violence, questionable access to asylum and a lack of legal channels mentioned in most reports, prove that human rights are of secondary importance compared to security concerns. In many border countries, security issues are even used to justify human rights violations.

A particular focus of the security argument is the preservation of the Schengen area, or obtaining Schengen membership. That the Schengen regime should be protected seems indisputable – the governing parties of member states agree on the necessity of preserving free movement. However, motivations and interests of neighbouring countries may differ depending on whether a country perceives itself as a destination or transit country. These different interests need to be harmonised by including not only EU member states but also third countries in the discussion. As this report has shown, closing the border in one region may simply open a new route elsewhere. Hence, cooperation with third countries is an essential tool; not only for individual member states but also on a European level.

Policy recommendations:

■ Information about the migration and border management systems of individual member states are extremely hard to access. Transparency and universal terminology is crucial to building trust into EU institutions and national policies.

■ The crisis of European solidarity could be allayed through cooperating on border management. The need for new alliances and cooperation was clearly expressed by several member states.

■ The lack of human resources and expertise in some member states calls for a Europe-wide solution. A further expansion of the Border and Coast Guard Agency would mean greater support for member states.

■ Security concerns increase conflicts between neighbouring countries. As things stand, the interests of self-proclaimed transit countries and destination countries are extremely divergent. The EU should take a stronger mediating role.

■ Human rights seem to have lost the battle against security priorities – nevertheless, both aspects should go hand in hand. When member states neglect the basic right to asylum, stronger sanctions should be taken by the EU.

■ To mitigate the fears of European populations and their governments, the successes of border management should be announced. The feeling of control is crucial in building up trust in EU policies, and in creating a common European asylum system.

■ To further allay the fears of European populations and their governments, a strategic preparation (scenario) for a possible further influx of immigrants – for example if the EU-Turkey Statement fails – is of crucial importance.

■ Outsourcing migration and border management to third countries is a trend which can be criticised from many angles. Long-term outcomes, consequences and the challenges of outsourcing responsibility and externalising migration control need to be more closely observed. Risk analysis should be conducted, also taking into account the basic rights of asylum seekers.

9. Actions on an European Level

While reconstructing the CEAS and establishing a new Dublin system has so far proven unsuccessful, the upgrading of FRONTEX to the European Border and Coast Guard Agency has become one key element which receives general support from all member states: Under the new mandate, the Agency was given a supervisory role to ensure common, integrated management of the EU's external border. It extended its technical and operational competences and was entitled to monitor the effective functioning of the external borders of the member states. With the creation of the European Border and Coast Guard Agency, the EU and its member states are trying to strike a balance between moving towards an integrated management system for Europe's external borders and upholding the national sovereignty of EU member states. As the reports of this compilation show, the European Border and Coast Guard Agency is working within a decentralized border management system. The differences can be understood through the different geopolitical situation of the external borders in question, the scale of immigration these EU member states are facing at their external borders, and the public opinion each member state is trying to respond to.

Today, the Border and Coast Guard Agency is supposed to strengthen cooperation within the EU. The European Commission advocates a six-fold increase in the Agency's budget, from €320m to €1.87bn in 2027, and an envisaged 10 000- strong standing border guard corps, mirroring the tendencies towards reinforcing its role and possibilities. Already today, the European Border and Coast Guard Agency has a mandate to send liaison officers and launch joint operations with neighbouring third countries, including operating on their territory. Fighting irregular migration and smuggling networks is another common point appearing in all reports as a main policy goal of the various governments. As part of the Border and Coast Guard Agency, a Return Office was established with the capacity to repatriate immigrants residing irregularly in the EU.

Finally, despite technical differences, the border reports reflect some common strategies which can be seen on one hand as a reaffirmation of the EU's migration and border management approach, and on the other hand as common ground to build upon. The need to strengthen migration and border management cooperation within the EU and with neighbouring countries is essential for making the next step towards a Common European Asylum System – one in which the rights of asylum seeker should not be forgotten.

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The Friedrich-Ebert-Stiftung (FES) is committed to the fundamental values of social democracy: we stand by the principles of freedom, justice, solidarity, peace and cooperation. The Friedrich-Ebert-Stiftung strives to fulfill its mission in Hungary as well. As an "advocate of social democracy" we wish to contribute to the development of democracy, the rule of law and social justice in political and public life, as well as to an understanding between the peoples of Hungary and Germany in a common Europe. Our partners representing political life, trade unions, the media and civil society are equally committed to these core values.

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The Friedrich-Ebert-Stiftung's project „Flight, Migration, Integration in Europe" was established in March 2017 with the purpose to support the development of a common European Migration and Asylum Policy. Conferences, publications and research articles will be used to support the project. The main aims of the project are:
· Monitoring national discourses on flight, migration and integration and contributing to a better mutual understanding among the European countries.
· Exchanging experiences concerning integration and sharing best practices in the field of integration policies.
· Developing ideas and recommendations for a Common European Migration and Asylum Policy, as well as contributing to a rapprochement of the divergent approaches towards migration policy within Europe.