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2.2 Policy implementation based on the European Agenda on Migration

The rapid inflow of persons seeking protection in the EU in 2015 resulted in exceptional challenges for asylum systems in EU countries and highlighted existing limitations associated with the lack of a collective policy on migration management and border security. It became clear that individual Member States would not be able to effectively address the complex challenges alone, so in May 2015 the European Commission presented a policy framework to respond to emergencies in the short term, while setting the foundation for medium- and long-term solutions in the areas of irregular migration, border management, asylum and legal migration.[102]

And thus, the European Agenda on Migration was developed. Through a combination of internal and external policies founded on mutual trust and solidarity among EU Member States, the policy set out four levels of action that respect the right to seek asylum, respond to the humanitarian challenge, provide a clear European framework for a common migration policy and function over time.[103] While the pace of legislative reforms has been gradual *(see Table 2.1)*, progress was made at a faster pace in 2019 in policy implementation and consolidating the EU toolbox for migration and asylum management.

Since 2015, the EU has provided financial and practical support to Member States, especially those most affected by migratory pressure. As reported in October 2019, the EU has provided a total of
EUR 23.3 billion in financial support to EU Member States, agencies, neighbouring and partner third countries.[104] In addition, staff from EASO, Frontex and the European Union Agency for Law Enforcement Cooperation (Europol) – including experts from Member States deployed under the agencies' operations – have assisted frontline Member States on land and at sea to manage and strengthen external borders, save lives, provide protection to those who need it and return those who do not.[105] At the same time, the EU has worked closely with neighbouring and partner third countries to protect migrants and refugees, address root causes of forced displacements, support host communities, fight trafficking and smuggling, and provide safe and legal pathways for persons in need of protection.

In October 2019, the European Commission published a Progress Report on the Implementation of the European Agenda on Migration which took stock of major achievements since 2015 with a focus on developments in 2019.[106] The report presents an overview of the main migration

routes to the EU and the actions taken by the EU to provide support to Members States and third countries. While the overall number of arrivals decreased in 2019,[vii] different trends emerge when looking at migration routes. The Western and Central Mediterranean routes had fewer arrivals compared to 2018, while the Eastern Mediterranean and Western Balkans experienced an increase in arrivals.

Eastern Mediterranean route

A sharp increase in irregular border crossings was reported by Frontex[107] for the Eastern Mediterranean route, with about 83 300 crossings in 2019 compared to 56 600 in 2018.[108] This trend has placed additional pressure on the Cypriot and Greek asylum and reception systems.

In Greece, most arrivals entered through the Aegean islands, where the hotspot approach remained the key strategy in addressing migratory pressures. Greece has five hotspots operating in the islands,[viii] and new arrivals led to the further deterioration of conditions. Despite the transfer of over 20 000 applicants to the mainland during 2019, reception centres remained overcrowded, hosting more than 31 000 people in structures originally designed to accommodate approximately 8 000.[109]

After an onsite visit, in October 2019, the Council of Europe Commissioner for Human Rights, Dunja Mijatović, called for urgent measures to address the deteriorating situation in the hotspots, making reference to unhygienic conditions and deficiencies in the provision of medical care.[110] Likewise, in January 2020 in her opening statement at the European Parliament plenary debate about the humanitarian situation on the Greek islands, Commissioner Ylva Johansson acknowledged the grim conditions in the hotspots; expressed the commitment of the Commission to support Greek authorities through the creation of new centres on the mainland to relocate people from the islands; and urged Member States to express their solidarity with Greece by participating in the voluntary relocation of unaccompanied minors.[111]

The 2019 update of the 2016 “European Union Agency for Fundamental Rights (FRA) Opinion” on fundamental rights in the hotspots stated that, despite genuine efforts for improvement, many of the suggestions contained in the 21 opinions formulated by FRA remained valid, including delays in first interviews, legal aid capacity, child protection and safety of all who are in the hotspots.[112]

A key dimension of the EU approach in addressing the Eastern Mediterranean route is the partnership with Turkey through the EU-Turkey Statement. It is important to note that, since March 2016, the Statement has played a crucial role in reducing irregular crossings in the Aegean Sea, supporting Syrian refugees and host communities in Turkey, and providing safe resettlement opportunities for Syrians from Turkey to Europe.[113]

However, the return of rejected applicants to Turkey under the EU-Turkey Statement remained low. Nonetheless, Greece introduced national strategies to improve reception conditions, especially for unaccompanied minors, accelerate processes and increase the pace of returns. Throughout 2019, the European Commission and EU agencies offered support through funding

and expertise, EASO and Frontex deployed experts in the hotspots, and international organisations, funded by the EU, focused on improving protection and reception conditions and the provision of on-site support in reception facilities. The Commission also supported programmes carried out by Greek authorities to address existing gaps in the provision of legal aid, medical care and interpretation.[114]

To address increased needs in Cyprus, the EU also provided financial and operational support toward developing an action plan for effective migration management.

The EU has taken steps to address migratory trends across the Eastern Mediterranean route. Examples of initiatives include facilitating political dialogue between Afghanistan, Pakistan and Iran to identify durable solutions for Afghan refugees in host countries and providing financial support through various projects targeting refugees, host communities and returnees.[115] In addition, the EU Regional Trust Fund, which receives contributions from 22 Member States and Turkey, was set up to respond to the Syrian crisis,[116] by supporting refugees, host communities and internally displaced persons in Jordan, Lebanon, Turkey, and Iraq.[117]

Central Mediterranean route

Although Malta received more migrants in 2019 than previously, the combined number of arrivals for Malta and Italy was significantly lower than in 2018. Frontex reported[118] that the number of irregular border crossings through this route dropped to approximately 14 000 in 2019, significantly lower than the almost 23 500 crossings in 2018.[119] In addition to providing financial support to Malta in 2019, the Commission – with assistance from EASO - facilitated the relocation of disembarked migrants and refugees, and provided emergency assistance to the International Organisation of Migration (IOM) to support Malta in relocating 500 irregular migrants.[120] In 2019, EASO and the Maltese authorities signed an operating plan for the deployment of asylum support teams and the provision of technical and operational assistance.[121]

EU support to Italy included funding to enhance the asylum and migration systems, security and border management, as well as the provision of expertise from EU agencies and Member States through the deployment of experts in the context of EASO and Frontex operations.

Addressing the volatile situation in Libya has been a key dimension of EU actions regarding migratory trends along the Central Mediterranean route. In 2019, armed conflict in Libya escalated, leading to the displacement of thousands of Libyans.[122] The joint African Union-European Union-United Nations Task Force, in place since 2017, has been the main channel for providing support and protection to internally displaced Libyans, refugees and migrants in the country. Despite the volatile security situation, EU support continues. In July 2019, a new set of programmes were adopted in the frames of the EU Emergency Trust Fund for Africa[123] to protect refugees and vulnerable migrants in Libya, improve living conditions for Libyans and foster economic opportunities and labour migration in Northern Africa.[124] In conjunction with emergency and medical assistance, EU support in Libya comprises funding UNHCR’s Emergency Transit Mechanism in Niger[125] for evacuations from Libya; direct evacuations to Italy and to the

Emergency Transit Centre in Romania; and cooperation with the IOM with voluntary returns of migrants from Libya to countries of origin.

The EU has supported the Libyan Coast Guard by providing training, in particular on human rights, and equipment to enhance interception and search and rescue capacity at sea.[126] In a report by the UN Support Mission in Libya, published in August 2019, the UN Secretary General Antonio Guterres expressed serious concerns about the transfer of migrants rescued or intercepted at sea by the Libyan Coast Guard to unofficial detention centres in Khums. Hundreds of them, according to the report, were later listed as missing, and it is believed that they may have been trafficked or sold to smugglers.[127]

Western Mediterranean route

In 2019, there was a significant decrease in the number of irregular arrivals along the Western Mediterranean route, largely as a result of collaboration between the EU and Morocco.[128] In January 2020, Frontex reported that there were about 24 000[129] arrivals in 2019, compared to about 57 000 in 2018.[130]

Spain receives the largest volume of mixed migratory flows in the Western Mediterranean. The EU provided assistance to Spain, including financial support under the Asylum, Migration and Integration Fund to strengthen its asylum and reception systems, enhance border management and increase effectiveness in return applicants. Emergency funding was allocated to create local reception centres and reinforce civil and police authorities to improve assistance to migrants upon arrival. In addition, Frontex experts were deployed in the country to assist in border management.[131]

To address migratory trends along the Western Mediterranean route, the EU worked in close cooperation with Morocco, which in recent years has faced pressure both as a destination and transit country. The focus of EU support has been on strengthening Morocco’s capacity to manage migratory flows within and from its territory; addressing irregular migration and dismantling smuggling networks; providing protection and legal support of vulnerable migrants and refugees; and promoting voluntary return and reintegration.[132] Efforts have also been made to address the root causes of migration through support for initiatives aiming at job creation and improving the business environment.[133]

Western Balkan route

The number of irregular arrivals along the Western Balkan route more than doubled in 2019, with Frontex reporting about 15 150 arrivals, compared to about 5 900 in 2018.[134] In addition to financial assistance, the EU supports Western Balkan countries by sharing expertise through EU agencies and Member States, focusing on transposing EU norms and standards into national migration frameworks.[135] Support also includes the deployment of guest border guards by EU Member States, for example in North Macedonia and Serbia, and cooperation with humanitarian partners to provide basic services to refugees and migrants. To increase operational support,

the EU negotiated status agreements with five Western Balkan countries (Albania, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia) to enable deployment with executive powers in their territories.[136]

Overall, as migrants continued to arrive through the EU's external borders in 2019, initiatives aimed to enhance border management and address migratory pressures along the routes from countries of origin through transit countries. At the same time, while acknowledging the need for secure borders, it is important to ensure that migrants have the right to apply for protection and effective access to territory. Throughout 2019, this message was reiterated by the EU, UNHCR and civil society organisations alike.[137], [138] Nevertheless, as seen year over year, a number of incidents were reported, where effective access to territory and, subsequently to the asylum procedure, were inhibited across all four routes: from the Greek-Turkish border in Evros[139] and the Western Balkan region[140] to difficult deliberations on ad hoc disembarkations in the Central Mediterranean and the Spanish-Moroccan border at Ceuta and Melilla.[141] (*See Section 6.1 for more details on access to procedure.*)

This section presented key policy developments under the European Agenda on Migration in response to migratory pressures along the four main routes to Europe.The following sections address four key dimensions of EU policy in the areas of asylum and migration: the EU-Turkey Statement; temporary arrangements for disembarkation and relocation; resettlement; and the external dimension and third country support.

[vii] Data collected by Frontex also indicated a 4.9 % decline in illegal border crossings along the EU's external borders, about 141 800 in 2019 compared to 149 800 in 2018. Source: Frontex. (2020). Risk Analysis for 2020. https://frontex.europa.eu/assets/Publications/Risk_Analysis/Risk_Analysis/Annual_Risk_Analysis_2020.pdf

[viii] Through this approach, EASO, Frontex, Europol and the European Union Agency for Criminal Justice Cooperation (Eurojust) work with national authorities of frontline Member States to assist in screening, identification, fingerprinting, registration, information-sharing, debriefing and channelling of migrants to follow-up procedures. Source: European Commission. (2015). The Hotspot Approach to Managing Exceptional Migratory Flows. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/2_hotspots_en.pdf

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