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In 2021, the EU's external borders experienced increased pressure, with arrivals rising over pre-pandemic levels. The number of detected illegal border-crossings in 2021 was just below 200,000, according to preliminary data collected by the European Border and Coast Guard Agency (Frontex).143 This was the highest number since 2017. Based on Frontex reporting, fluctuations in the number of crossings were noted across different migration routes, with some experiencing significant increases while in others the situation remained relatively stable compared to 2020.144

The **Central Mediterranean route** continued being the most-used migratory route to Europe, accounting for one-third of all reported illegal border-crossings.

The number of illegal border crossings on the **Eastern Mediterranean route** was similar to 2020, accounting for approximately one-tenth of all detected irregular crossings at the EU’s external borders. But the pattern with entry routes changed: there was a sharp increase in arrivals in Cyprus, while the number of detections in Greece dropped.

The number of detections on the **Western Mediterranean route** and **Western African route** was also similar to 2020, with approximately 18,000 arrivals and 22,500 arrivals, respectively, reported in 2021.

A significant increase in detections was reported in the Western Balkan route, with a 124% rise over 2020 levels. Most illegal border crossings seemed linked to people who had been in the region for some time and repeatedly tried to reach their target country in the EU.

On the **Eastern land borders**, detections of illegal border-crossings increased more than tenfold, with approximately 8,000 illegal border crossings recorded for 2021.[145] This was linked to internal political upheaval in Belarus and international reactions to a forced landing of a passenger aircraft in Minsk in June 2021 which carried a Belarusian opposition journalist. In reaction, Belarus organised state-sponsored smuggling of migrants. This took place through flights and internal travel arrangements to facilitate the transit of migrants – mostly Iraqi nationals – into the EU initially to Lithuania and then to Latvia and Poland.[146]

Irregular border crossings from Belarus posed considerable pressure on these three Member States, with the EU swiftly providing a combination of financial, operational and diplomatic support to address the crisis at the external borders. Frontex launched a Rapid Border Intervention at the border between Belarus and Lithuania, which enabled a quick deployment of the standing corps, and provided support to Latvia and Poland. The EUAA provided operational support to Latvia and Lithuania to enhance capacity in registration and processing of asylum applications and for the reception of applicants.[147], [148]

In August 2021, the European Commission approved EUR 36.7 million for emergency assistance to Lithuania under AMIF funding to increase reception capacity, deliver shelter, food and clothing, provide first aid, medical care and hygiene kits, create COVID-19 isolation facilities and supply vaccines.[149] The European Commission and Frontex continue to work with Lithuanian authorities to carry out returns of third-country nationals who do not qualify for protection, while cooperation with key countries of origin and transit has intensified. In total, 19 Member States and Norway have provided their support through the Union Civil Protection Mechanism. [150] Poland also cooperated closely with Frontex and the European Commission in the field of identification of foreigners and the organisation of forced returns. The European Commission has been in on-going dialogue with Latvia, Lithuania and Poland about financial and operational needs and is making a further EUR 200 million available for border management.[151]

In response to the situation with the eastern land borders, the EU undertook a number of initiatives to address the instrumentalisation of migrants for political purposes and assist Member States under extreme pressure. In November 2021, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy issued a joint communication which provided an overview of actions taken in response to the situation at the eastern borders and addressed how the current migration framework could be adapted to provide a more permanent toolbox for addressing attempts to destabilise the EU through state-sponsored instrumentalisation of migrants.[152]

The toolbox comprises a combination of actions, both outside the EU and inside the EU and at the borders. Outside the EU, actions may include the introduction of restrictive measures or sanctions (with the possibility of suspending visa facilitation agreements in a targeted way); concerted diplomatic efforts; campaigns to address disinformation; humanitarian support to migrants who have been targeted by instrumentalisation; and facilitation of assisted voluntary returns from places where migrants have been stranded. Actions at the border or inside the EU may include the provision of operational and financial support for border management, asylum and return to Member States most affected; and intensive efforts to tackle migrant smuggling. In relation to the last point, the renewed EU Action Plan against Migrant Smuggling (2021-2025),

communicated by the European Commission in September 2021, provides a comprehensive approach for combatting migrant smuggling inside and outside the EU.153

As part of this comprehensive effort, the European Commission proposed a new legal framework allowing the EU to adopt measures to prevent and restrict the activities of transport operators who are involved in or facilitate smuggling or trafficking of people into the EU.154 Measures will be proportionate and assessed on an individual basis, and could include the limitation of operations in the EU market; the suspension of licenses or authorisations; the suspension of the rights to refuel or carry out maintenance within the EU; and the prohibition to transit or fly over the EU, make technical stops or call into EU ports. 155 The EU has also mobilised political and diplomatic capital to build a global coalition against the instrumentalisation of migrants for political purposes. This effort has yielded results, with several countries of origin and transit suspending flights to Belarus and introducing stricter screening of passengers at airports.156

To offer an extra level of needed flexibility to the countries most affected by this crisis, in December 2021 the European Commission put forward a proposal for a Council decision on provisional emergency measures for the modification of the asylum, return and reception rules at the EU's borders with Belarus for a period of 6 months.157 However, the proposal was not adopted.

On 14 December 2021, the European Commission published a proposal for updated rules to reinforce the governance of the Schengen area.158 The proposed rules are meant to equip Member States to deal effectively with emerging challenges, both at the external borders and internal borders within the Schengen area. Building on developments in 2021, the proposed rules introduce common tools to address public health crises and the instrumentalisation of migrants.159 As part of the Schengen reform package, on the same day, the European Commission proposed a regulation to address in a stable framework future situations of instrumentalisation in the field of migration and asylum at the EU's external borders.160 The proposal includes measures similar to those proposed in the temporary legislation to manage the situation in Latvia, Lithuania and Poland.

The EU continued to provide its support to other frontline Member States as well. Since the migratory crisis of 2015, EU funding for operational and financial support in relation to Greece has amounted to more than EUR 3.3 billion toward improving reception capacity, living conditions and medical care for refugees and migrants; accelerating asylum procedures; increasing returns; and improving border protection.161 After the catastrophic fires of September 2020 that destroyed the Moria Reception and Identification Centre in Lesvos, the European Commission took swift action to provide support and increase protection by funding the immediate transfer of over 8,400 persons from Lesvos to the mainland. A dedicated task force was created to work closely with the Greek authorities and EU agencies to set up new Reception and Identification Centres on five Greek islands, including a new, suitable facility in Lesvos.162

The European Commission and Greek authorities worked together to develop an independent monitoring mechanism to help prevent fundamental rights violations and set procedures in place for reporting and investigating such violations when they occur,163 and the Greek government has designated the National Transparency Authority to perform the functions of

such a mechanism.164 Apart from their bilateral contributions, European countries showed their solidarity to Greece by providing assistance through the Union Civil Protection Mechanism.165

To address the needs emerging from the high number of people arriving irregularly on the Canary Islands, in December 2020 the European Commission announced new funding of EUR 43.2 million to Spain. The funding has been used to expand temporary shelters and improve reception conditions overall, including providing access to health, food and sanitation. First launched in July 2019, the total EU support to Spain up to September 2021 has amounted to over EUR 49.6 million.166

The European Commission has played a key role in facilitating and coordinating voluntary relocations from frontline Member States following search and rescue operations for people who found themselves at distress in the sea. In March 2021, Commissioner Johansson opened the new European Contact Group on Search and Rescue, which is a key platform for cooperation, information-exchange and sharing of good practices among actors involved in search and rescue operations. Apart from Member States, the group includes EU agencies, international organisations and private entities, such as non-governmental organisations and merchant vessel associations.167Through the coordination of the European Commission and support by the EUAA, over 2,100 applicants for international protection were relocated from Italy and Malta between 2019 and September 2021.168 Between March 2020 and September 2021, more than 4,300 persons, including approximately 1,000 unaccompanied minors, were relocated from Greece to other Member States.169

The implementation of the European Border and Coast Guard Regulation,170 which entered into force in December 2019, has been a major step toward increasing effective management of external borders. In 2021, the first teams of the Frontex standing corps were deployed, and it is foreseen that by 2027, Frontex should be able to mobilise 10,000 operational staff from the standing corps to provide effective support to Member States.171 In the frames of ongoing operational activities, to date large numbers of border and coast guards, experts and equipment are deployed in Bulgaria, Greece, Italy, Lithuania, Romania, Spain and Western Balkan countries. 172Recent events at external borders have further highlighted the important role of Frontex, under its new mandate, can play in promoting, coordinating and actively contributing to the development of an EU-integrated border management.173 The extended Frontex mandate, the regulation on the interoperability of IT systems 174 and the proposed revised Eurodac regulation 175 will constitute key building blocks in this area.

Effective border management is also meant to allow for effective access to territory and the asylum procedure for those in need of protection, with full respect for fundamental rights and the principle of non-refoulement. Still, throughout 2021, actual or proposed legislative changes were made in some EU+ countries, which would practically result in restricting effective access to the territory and procedure.176, 177, 178 or could potentially lead to the externalisation of international protection.179, x European institutions and agencies, UNHCR, international and civil society organisations, and national human rights bodies often scrutinised policies and practices in European countries and called both national governments and the European Commission to ensure the protection of rights and reinforce adherence to the principle of *non-refoulement*. 180, 181, 182, 183, 184, 185, 186, 187 To help ensure a dignified stay for third-

country nationals who are apprehended or intercepted at the external borders, in March 2021, FRA issued a note comprising 12 points for protection-sensitive and fundamental rights-compliant planning and design of initial-reception facilities *(see Section 4.1).188*

Footnotes

[x] UNHCR defines externalisation of international protection as “measures taken by States— unilaterally or in cooperation with other States—which are implemented or have effects outside their own territories, and which directly or indirectly prevent asylum-seekers and refugees from reaching a particular ‘destination’ country or region, and/or from being able to claim or enjoy protection there. Such measures constitute externalization where they involve inadequate safeguards to guarantee international protection as well as shifting responsibility for identifying or meeting international protection needs to another State or leaving such needs unmet”. United Nations High Commissioner for Refugees. (2021, May 28). *UNHCR Note on the “Externalization” of International Protection.* https://www.refworld.org/docid/60b115604.html

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