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4.1.4. Situation at the Eastern Mediterranean route

4.1.4. Situation at the Eastern Mediterranean route

icon presenting eastern Mediterranean region

Developments at the Eastern Mediterranean route in 2021 continued to be marked with sea and land arrivals in Cyprus and Greece. While asylum applications in Greece (28,000) decreased by 30% compared to 2020, Cyprus (14,000) received 82% more applications *(see Figure 4.4)*. Afghans lodged less than one-half as many applications in Greece as in the previous year but remained the largest group, ahead of Pakistanis, Syrians and Bangladeshis.

Nationals of Syria, the Democratic Republic of the Congo and Nigeria were the largest groups to apply for asylum in Cyprus, and all applied considerably more than in 2020. While detections of illegal border-crossings on the Eastern Mediterranean route were higher in most months of 2021 than a year earlier, they remained below the pre-pandemic levels of January to March 2020.

In Cyprus, arrivals increased through the Green Line. The authorities took important steps to facilitate the registration and lodging of asylum applications, for example by updating relevant forms and improving the processing of personal data. However, the pressure faced by the asylum system prompted the authorities to consider requesting the European Commission for approval to temporarily suspend asylum procedures for persons who entered the country irregularly.368 Concern was raised within the European Parliament about Cyprus' expressed intention to suspend the processing of asylum applications.369 In replies to the European Parliament, the European Commission stated that derogations could be possible while respecting the right to seek asylum and the principle of *non-refoulement*.370

Fewer applications in Greece contrasted with rises in Cyprus

Figure 4.4. Asylum applications in Greece and Cyprus (left) and detections of illegal border-crossings (right) on the Eastern Mediterranean route, 2021 compared to 2020

Figure 4 Asylum applications in Greece and Cyprus and illegal border crossings
Source: Eurostat [migr_asyappctza] as of 22 April 2022 and Frontex [Detections of illegal border-crossings] as of 8 March 2022.

Difficulties in access to the territory in Cyprus persisted. The Council of Europe's Commissioner for Human Rights urged the authorities to investigate allegations of pushbacks and ill treatment of migrants, improve reception conditions and ensure an enabling environment for civil society organisations.371 However, the government emphasised the small share of asylum seekers and beneficiaries of protection and clarified that the Lebanese nationals returned to Lebanon had not applied for international protection.372 UNHCR also expressed concern about access to the asylum procedure.373

In November 2021, the Cypriot Council of Ministers approved the establishment of an inter-ministerial committee mandated to suggest specific responses and management measures to address the emergency resulting from increased migration flows; a management unit with operational facilities; and a contingency plan for the irregular arrival of third-country nationals by sea or through the Green Line.374

Greece continued to act as a crossing point with arrivals from the Aegean Sea and land borders in Evros. The Greek authorities extended the validity of documents issued to asylum applicants and made improvements to the issuance of the document, which now includes electronic registration and renewal.

The Greek National Commission for Human Rights published a report on the situation of human rights of migrants at the border and called on the Greek State to respect the principle of *non-refoulement*; to permit unhindered, timely and effective access to the asylum procedure for all foreigners who enter the territory irregularly; and to conduct timely and thorough investigations of all complaints on pushbacks in the Evros region.375

The Greek Ombudsperson published an interim report, following an investigation of alleged pushbacks of third-country nationals from Greece to Turkey in the Evros region. The report recommends the Greek police to investigate allegations formally and to develop a specific and detailed operational plan to effectively address the possibility that private groups and militia are engaged in illegal pushbacks of foreigners in this region.376

While Frontex has been providing support to the Greek authorities, its role in operations at the maritime border came under scrutiny in 2020 through media reports about alleged pushbacks in the Aegean Sea with Frontex personnel present.377 The investigation continued throughout 2021, with a request for missing information.378 The European Parliament,379 the European Anti-Fraud Office (OLAF)380 and the European Ombudsperson381 initiated investigations into these operations, which were also scrutinised by academia and civil society organisations for a lack of a monitoring mechanism and oversight.382 The European Parliament's Frontex Scrutiny Working Group (FSWG) noted that it "did not find conclusive evidence on the direct performance of pushbacks and/or collective expulsions by Frontex in the serious incident cases that could be

examined by the FSWG".[383] However, the report then concludes that Frontex "found evidence in support of allegations of fundamental rights violations in Member States with which it had a joint operations but failed to address and follow-up on these violations promptly, vigilantly and effectively".[384] As mentioned in the introduction to this section, the Agency reinforced its framework for fundamental rights monitoring and appointed a Fundamental Rights Officer in June 2021.[385]

The Council of Europe's Commissioner for Human Rights raised concerns about allegations of pushbacks in a letter to the Greek authorities in May 2021.[386] In reply, the Greek authorities claimed that such allegations do not correspond to well-established standard operating procedures and they proved to be largely unsubstantiated.[387]

Civil society organisations reported forced returns in the Aegean crossing points and in the Evros border and claimed that there had been violations of the principle of *non-refoulement*.[388] They also called on the European Commission to initiate infringement proceedings against Greece, claiming non-compliance with the EU asylum *acquis*.[389] In a letter sent to the European Commission on 27 April 2021, five Greek civil society organisations requested the European Commission to assess Greece's compliance with procedural requirements in relation to the principle of *non-refoulement* and the country's obligations to provide access to the asylum procedure at its sea and land borders.[390] In response, the Minister of Migration and Asylum underlined that "we categorically deny the allegations".[391]

UNHCR issued a press release stating that "in the absence of safe pathways, refugees and migrants feel compelled to entrust their lives to ruthless smugglers" and called for more action to curb the exploitation of persons in search of protection.[392]

The exceptional border procedure that applies to third-country nationals in the reception and identification centres in Lesbos, Samos, Chios, Leros and Kos was extended until the end of 2021.[393] Three civil society organisations, Médecins sans Frontières, Pro Asyl and Refugee Support Aegean, jointly published a statement raising their concern after several vulnerable asylum seekers supported by these organisations were placed in the border procedure.[394] Civil society organisations also flagged specific issues with the pre-registration procedure through the Skype application, claiming that it caused long delays to access the asylum procedure.[395]

On 7 June 2021, the Greek authorities designated Turkey as a safe third country[396] *(see Section 4.15.7)* for certain nationalities,[xii] which can render an application for international protection to be inadmissible. Civil society organisation HumanRights360 was critical of this approach, claiming that asylum applications must be substantively.[397] Refugee Support Aegean, the Greek Refugee Council, HIAS and DRC Greece commented on the bill amending migration and asylum legislation, reiterating the serious legal and political concerns on the use of the safe third country concept as an inadmissibility ground.[398]

Footnotes

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