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Section 2.4 External borders

Likely the most intensely debated aspect of migration management in Europe over the past years is managing external borders effectively while considering legal, political and humanitarian dimensions. An effective border management system allows for controlling the crossing of external borders; addresses transnational crimes, such as trafficking in human beings; increases internal security and safeguards the free movement of people within the EU; incorporates plans to swiftly respond to external threats, such as the instrumentalisation of migrants and situations of crisis; and enables those who arrive in Europe seeking protection to effectively do so, in full respect of fundamental rights, including by rescuing people in distress at the borders. This intricate set of objectives, which at times seem opposing, is not easy to achieve: it is essential to be able to respond to external emergencies and threats, while providing effective access to protection for people in need.

Over the past years, the EU has focused on catering to all of these essential elements. The strategic policy for a European Integrated Border Management was a major step,21 and a whole-of-the-route approach was solidified in the four EU Action Plans for the Western Balkans, Central Mediterranean, Western Mediterranean and Atlantic, and Eastern Mediterranean routes to address migration together with countries of origin and transit.22

Building on this ongoing reform, in May 2024 the Council of the EU adopted a new Schengen Borders Code in the event of a crisis at its external borders.23 The updated code foresees the possibility -following a Council decision- to adopt EU-wide measures that restrict the access of third-country nationals to the EU during a large-scale public health emergency. It also allows Member States to limit the number of border-crossing points, reduce opening hours and introduce enhanced border surveillance measures. The code clarifies the conditions in which internal border controls may be introduced as a measure of last resort. To help tackle secondary movements, a new procedure allows a Member State to transfer third-country nationals to the Member State from which they departed when they are apprehended in the border area and staying illegally on its territory.24 These functions are supported through large-scale IT systems

and inter-agency cooperation to enhance migration governance and crisis preparedness. With the full Schengen accession of Bulgaria and Romania as of January 2025, Europe's border-free zone expanded further.25

To strengthen the EU's policy response, in December 2024 the European Commission adopted a Communication with financial, political and operational measures to support Member States in countering hybrid attacks from the weaponisation of migration by Russia and Belarus.26 The measures may entail serious interferences with fundamental rights, such as the right to asylum and related guarantees. The Communication, however, outlines the conditions under which such measures may be taken and emphasises that they must be proportionate, limited to what is strictly necessary in clearly defined cases and temporary.27

Effective border management also entails safe and effective access to territory and the asylum procedure for those wishing to seek protection in Europe. The International Organization for Migration (IOM) has estimated that from 2014 to January 2025 close to 31,000 people have died or went missing while attempting to cross the Mediterranean Sea to reach Europe in the pursuit of safety or a better life.28 Throughout 2024, EU institutions and Agencies, UNHCR, and international and civil society organisations continued to scrutinise policies and practices in some EU+ countries at the borders – including the criminalisation of search and rescue operations by NGO vessels.29 Efforts are needed to further highlight in practice that protecting lives at the EU's external borders is a priority for the EU.

To this end, the EU and its Member States continued to render assistance to people in distress at external land and sea borders. Thousands of lives were saved in 2024 on the Mediterranean and Western African routes.30 Member States have been using the Voluntary Relocation Mechanism, implemented since 2022, to relocate asylum seekers from frontline countries to show support and alleviate the pressure while waiting for the permanent solidarity framework foreseen in the Asylum and Migration Management Regulation (AMMR) to take effect. In 2024, 2,280 such relocations took place.

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