



European Programme
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THESE CLIFFS
MEAN HOPE

Photo: Freedom from Torture

Anti-racism in Europe

Tragic fire in Moria camp

English Channel crossings

This Policy Update's Special Focus discusses the [renewed momentum](#) in the fight against racism in Europe following the Black Lives Matter protests in June. Civil society voices have shed light on persistent [challenges](#) regarding police violence, discrimination and historical racism in Europe. [Responses](#) by authorities at the national and EU levels to this call for action, however, have so far been tepid.

This Update also looks into the upcoming [EU budget](#) and specific needs in the area of migration arising in the aftermath of COVID-19. While the [proposal](#) for the Multiannual Financial Framework (MFF) is yet to be finalised, experts and civil society organisations have called for [more resources](#) to be invested in supporting migrant inclusion in both the short and long term.

As outlined in the Political Developments section, the UK government intends to respond to the rise in migrant crossings in the English Channel with

[muscular measures](#) that could create further dangers to asylum seekers, and lead to growing political tensions with France and the EU. This Update also examines the strengthened European partnership with Tunisia in the face of [increased arrivals](#) to Italy.

Other sections cover the [humanitarian emergency](#) following the fire in the Moria camp in Lesbos, as well as [border violence](#) and [pushbacks](#) along the Eastern Mediterranean and Western Balkan routes. This Policy Update also discusses the growing calls for [community sponsorship](#) as an alternative to state-sponsored resettlement programmes.

The case law section considers recent judgements by the CJEU in the areas of free movement and family reunification. In the Closer Look section, the Migrant Rights Centre Ireland presents its [RISE UP project](#), which aims to protect the rights of undocumented persons by promoting regularisation across Europe.



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SPECIAL FOCUS



Photo: Kenzo TRIBOUILLARD / AFP

Black Lives Matter: Anti-Racism in Europe

Inclusion Asylum

Anti-racism efforts in Europe gained renewed [traction](#) during the spring and summer following a series of [global protests](#) in support of the Black Lives Matter movement. The limelight was particularly placed on the persistent [challenges](#) posed by police violence and racial profiling, broader discrimination and harassment, and the lacking recognition of Europe's racist history. This Special Focus highlights the key concerns raised in these areas, as well as EU governments and institutions' responses to this mobilisation.

The [killing](#) of George Floyd, an African American man, by police officers in the United States on 25 May triggered a series of large-scale protests against racism and police brutality. These quickly spread across the [world](#), with thousands gathering in multiple European capitals. Beyond showing solidarity with the Black Lives Matter movement in the US, [protesters](#) in Europe sought to highlight the systematic harassment and discrimination that racialised communities continue to face across the continent.

A primary focus of the protests was police brutality against ethnic minorities. Protests in Paris, for example, were organised by the family of [Adama Traoré](#), who died in police custody in 2016. Activists drew parallels to similar deaths in [Belgium](#), [Italy](#), [Spain](#), [the Netherlands](#) and [beyond](#), calling for accountability for police abuses. In June, Pierrette Herzberger-Fofana, a Malian-German MEP, detailed her own account of [police harassment](#) in Brussels in a powerful [speech](#) to the Parliament. Although this prompted Belgian authorities to investigate the incident, a [probe](#) was also controversially announced into Ms Herzberger-Fofana herself for allegedly [insulting](#) police officers.

Civil society voices argued that such cases reflect a [wider trend](#) of [racism](#), [ethnic profiling](#) and [racialised violence](#) among European [police forces](#). Recent data suggests that black people are nearly 10 times more likely to be stopped and searched than white people in the [UK](#), and 42 times in [Spain](#). In [France](#), young men perceived as black or Arab are stopped by the police [20 times](#) more than others. These groups are also more likely to face [violent treatment](#) by police and to [die in custody](#). The [COVID-19](#) pandemic exacerbated these trends. Multiple [NGOs](#) warned that authorities were disproportionately targeting ethnic minorities and marginalised [communities](#) when [enforcing](#) lockdowns. This comes in addition to a rise in [xenophobia](#) and the [scapegoating](#) of [minorities](#) for the spread of the [coronavirus](#) across Europe.

Against this background, [calls](#) to [address police discrimination](#), violence and impunity grew. In a [resolution](#) adopted on 19 June, the European Parliament urged member states to increase the diversity of their police forces, establish a better dialogue with minority communities, and set up independent complaints bodies to investigate police abuse and hold officers accountable, among other measures. This followed a resolution from [March 2019](#), in which the Parliament had demanded an end to racial profiling. The European Commission against Racism and Intolerance of the Council of Europe echoed these [calls](#), further warning that ethnic profiling can result in groups' humiliation, alienation and stigmatisation.

However, these calls were not followed by structural reforms. Whereas France announced in June that it would ban police use of chokeholds when carrying out arrests, it later [backtracked](#) following internal police pressure. Similarly, the [German](#) Federal Interior Ministry withdrew its commitment to commission a [study](#) on racial profiling in the German police force in June, arguing that it was unnecessary. Although policing remains a national competence, the European Network Against Racism ([ENAR](#)) called on the European Commission to support human rights training and accountability mechanisms for the police across the EU. Few concrete [commitments](#) have been made to that end.

A second focus of the European Black Lives Matter protests was the continued discrimination based on racial, ethnic or religious identities or backgrounds, such as in housing or employment. [Six in ten](#) Europeans believe ethnic discrimination to be widespread in their country. In a Fundamental Rights Agency (FRA) [survey](#), 39% of respondents of African descent reported having experienced racial discrimination in the last five years. As [FRA](#), [ENAR](#) and other organisations have warned, racialised communities tend to be disproportionately un- and underemployed, due to both discriminatory hiring practices and structural inequalities. They may also face additional obstacles in the workplace, such as wage disparities or racist incidents. Racist [harassment](#) and [violence](#) remain [prevalent](#) in Europe: a [third](#) of people of African descent experienced [harassment](#) in the past five years, with 86% of these cases never being reported.

These challenges remain despite numerous EU legislative [initiatives](#) over the years. Most importantly, June marked 20 years since the adoption of the EU [Race Equality Directive](#) of 2000. This required states to establish a dedicated equality body and legislation to address housing and employment discrimination, among other measures. However, its implementation remains patchy. As of 2018, only [15 member states](#) had dedicated action plans and strategies to combat racism and ethnic discrimination domestically. National equality bodies often lack the necessary human and financial [resources](#) to be [effective](#).

Moreover, many of the affected groups remain unaware of their existence or are unwilling to report incidents.

[Researchers](#) have also warned that such instruments may have an individual focus that is too narrow to bring meaningful change. Addressing specific incidents of discrimination rather than [systematic issues](#) could place an undue burden on individual victims, ignore underlying racist societal attitudes and fail to identify or tackle structural, institutional and historical [discrimination](#). In order to grasp the extent of structural inequalities still at play, [civil society voices](#) have repeatedly called for the collection of equality data disaggregated by racial or ethnic background. They also promote [positive action](#) plans that address structural disadvantages across policy fields, such as diversity targets in leadership.

Thirdly and relatedly, the Black Lives Matter protests called for a reckoning with Europe's [racist past](#). Protesters demanded the removal of [statues](#) glorifying racist figures or colonial leaders, such as [King Leopold II](#) in Belgium, and their replacement with monuments that reflect and honour the [role](#) of racialised communities in [Europe](#). For example, protesters in Bristol threw the statue of a [slave trader](#) in the river and replaced it with a sculpture of Black Lives Matter [protester](#) Jen Reid, which was removed shortly [afterwards](#).

Against this background, [several cities](#) agreed to review their monuments and [landmarks](#). Several heads of [state](#) also denounced traditions that have long been regarded as [racist](#), such as [Zwarte Piet](#) in the [Netherlands](#), or apologised for colonial crimes for the first time, for example, during [Belgium's](#) rule of the DRC. [Civil society](#) voices urged states to go beyond this and ensure that school curricula fully reflect both the [contributions](#) of people of African descent to Europe's [history](#), as well as the latter's [colonial crimes](#).

EU institutions and officials' [responses](#) to this renewed focus on anti-racism across Europe varied. Home Affairs Commissioner [Ylva Johansson](#), Equality Commissioner [Helena Dalli](#) and Commission President [Ursula von der Leyen](#) condemned racism and expressed their commitment to tackling it across Europe. Other officials, meanwhile, were criticised for their [hypocritical](#) or tone-deaf reactions. Notably, Commission Vice-President Margaritis Schinas was accused by [NGOs](#) and [MEPs](#) of denying the scale of [racism](#) and police violence in Europe. [Human rights organisations](#) also drew links to Europe's worrying track record on [migration](#). They declared that the black lives lost in the [Mediterranean](#) must also matter, and condemned the lack of EU efforts to address racist [violence](#) against migrants at the EU's external border (see the Political Developments section).

European institutions themselves were also criticised for their failure to represent the diversity of Europe's population, including through the [#BrusselsSoWhite](#) campaign. Although there are an estimated [50 million](#) people of ethnic or minority background in the EU (or 10% of its population), only 3% of [MEPs](#) are [non-white](#), and there has never been a [non-white](#) Commissioner. Recently, demands for [positive action schemes](#) within EU institutions have gained [traction](#). Proposals include [traineeship schemes](#) aimed at young people of colour, firm targets of 10% representation of people of colour within EU institutions and ensuring inclusive working environments.

As a result of this momentum, the Commission will put forward an [Action Plan against Racism](#) in late [September](#). In her State of the Union [speech](#), Commission President von der Leyen announced plans to address gaps in racial equality laws, extend the list of EU crimes to hate speech and hate crime, improve education on the historical causes of racism, and appoint the Commission's first anti-racism coordinator. These [commitments](#) were [welcomed](#). However, commentators stress that there will be "[no quick fixes](#)": [meaningful](#) long-term [measures](#) to dismantle [structural racism](#) must follow, and racialised communities must be firmly included in [policymaking](#). A coalition of NGOs similarly argued that words must translate into action if the EU is to avoid squandering this chance to "[make history](#)".



Asylum and integration under the new EU budget

Inclusion Asylum

On 21 July, the European Council adopted its [conclusions](#) on the 2021-27 MFF and the EU Recovery Fund, also known as Next Generation EU. The latter aims to support member states in the COVID-19 financial recovery for two to four years. After five days of negotiations, [EU leaders](#) agreed on a total budget of €1,074.3 billion for the MFF, along with €750 billion for the Recovery Fund. [Negotiations](#) are ongoing between the Council and European Parliament, which will have to give a [final approval](#) such that the MFF and Recovery Fund can be adopted. Parliament President David Sassoli expressed ambitions to reach a political agreement by the [end of October](#), although [compromises](#) may be difficult to find. This section will first focus on the long-term budget before addressing the Recovery Fund.

It remains to be seen whether there will be further changes to migration and border management funding under the new MFF as negotiations progress. The latest conclusions foresee a total budget of no more than €22.67 billion – an almost €10 billion decrease from the Commission's earlier [proposals](#). This is, however, still an [increase](#) compared to the 2014-2020 MFF. Waning political salience of migration compared to the EU's economic recovery could explain this [cut](#). The Asylum and Migration Fund (AMF) was reduced from roughly €11 billion to €8.7 billion, while the total allocated to the Integrated Border Management Fund (IBMF) is €5.5 billion. Frontex was allotted €5.1 billion, which reflects the Commission's and EU leaders' strong emphasis on external border control.

Previously, [NGOs](#) had criticised that heavier investment in border controls and returns come at the detriment of strengthening asylum systems and protecting fundamental rights. Generally, [questions](#) also remain about how these funds will be allocated and distributed across the EU, member states and non-EU countries. [UNHCR](#) recommended that at least 20% of the future Asylum, Migration and Integration Fund ([AMIF](#)) be invested in asylum and resettlement, and 30% on integration.

With increased unemployment and job insecurity due to the COVID-19 crisis, young migrants and refugees face potentially [higher barriers](#) to integration. The [Swedish Public Employment Service](#), for instance, predicted a decrease in migrants' employment rate from 66.6% in 2019 to under 60% in 2021 – the country's lowest rate since the start of the century. To address obstacles to inclusion, [NGOs](#) urged member states to provide more flexible and simplified access to asylum and integration funding, and ensure the meaningful participation of all relevant stakeholders.

The Council conclusions partly reflect this priority. The new [European Social Fund Plus](#) (ESF+) is an attempt to ease access to and combine different types of funding related to socioeconomic inclusion. Merging programmes like the former European Social Fund, the

Youth Employment Initiative and the Fund for European Aid (FEAD), 25% of ESF+ funds are to be invested in social inclusion, including migrant integration. A reinforced [Youth Guarantee](#) which is dedicated to combating youth unemployment is also part of the new ESF+. Ultimately, it remains to be seen how migrants will benefit from this instrument.

Aside from the MFF, the EU Recovery Fund can also play a role in supporting migrant inclusion. [REACT-EU](#), a new crisis response and cohesion instrument proposed under the Recovery Fund, will support member states in addressing youth employment and child poverty, amongst other things. However, [NGOs](#) raised concerns that this funding boost may only increase the employment of migrants and refugees temporarily and fail to sufficiently ensure their longer-term social inclusion. For this reason, they recommend using REACT-EU especially to fund language courses, vocational training, guidance and mentoring.

Safe routes to reduce dangerous Channel crossings

Asylum Children and Youth

Between January and September 2020, over [6,000 people](#) are estimated to have reached the UK after crossing the English Channel in overloaded rubber dinghies and other small vessels. It is reported that many are [unaccompanied minors](#). Those looking for a new life in the UK used to enter through the [Channel Tunnel](#) or on [ferries](#) departing from France, but COVID-19 closures and reduced traffic blocked these routes. Restrictions on international travel also led the [British government](#) to suspend [resettlement schemes](#). According to [experts](#) and [international organisations](#), the lack of safe, [legal pathways](#) and limited access to family reunification means that more people are resorting to [smugglers](#) and [criminal groups](#) to reach the UK. [Several NGOs](#) called on the UK government to restart [resettlement schemes](#) and increase relocations. The [UK Refugee Council](#) remarked that “if there were more safe and regular routes ... the number of Channel crossings would decline sharply.”

The journey across the Channel poses high risks for migrants, as shown by [incidents](#) taking place over the summer period, including the tragic death of a [Sudanese man](#). Instead of investing more resources in [search and rescue](#) activities and ensuring access to the asylum process, the UK government stated its intention to make the Channel route “[unviable](#) for small boat crossings”. Accordingly, a Royal Air Force [surveillance plane](#) was deployed in early August to monitor the Channel. At the same time, Home Secretary [Priti Patel](#) threatened to use navy ships to intercept migrants in the Dover Strait. [Immigration Minister Chris Philp](#) later indicated that those intercepted would be placed in custody and deported immediately. [Senior officials](#) and [politicians](#) warned that the involvement of the [Royal Navy](#) would be impractical, [dangerous](#) and lead to growing tensions with neighbouring [France](#). [UNHCR and IOM](#) stated that the proposal to deploy large military ships to “block small, flimsy dinghies may result in harmful and fatal incidents.” [Lawyers](#) also condemned these plans, stressing that pushbacks at sea violate international law, and raised concerns about increasing [deportations](#).

Against this backdrop, [civil society](#) and [experts](#) also criticised the UK government for stoking [public fears against migrants](#), by using “inaccurate and inflammatory language” to describe those seeking asylum in the UK. This criticism followed controversial remarks by Prime Minister [Boris Johnson](#) that crossings are “bad and stupid” and his government’s appointment of a [Clandestine Channel Threat Commander](#) to oversee new measures. This name embodies the government’s [problematic narrative](#) that so-called ‘[irregular arrivals](#)’ constitute a threat to the country and all those reaching the UK by sea, including refugees, violate the law by doing so. [Conservative politicians](#) and [television channels](#) were also accused of fuelling an already [toxic environment](#) by referring to an [alleged ‘migrant invasion’](#). In response, [experts](#) highlighted that [sea arrivals](#) and [asylum applications](#) in the

UK are very low compared to [EU member states](#) and the rest of the [world](#). As such, they urged the government not to present this situation as a [crisis](#).

Over the summer, the [UK government](#) also met with its [French counterpart](#) to strengthen border cooperation. However, the bilateral talks ended in [disagreement](#) due to British demands for further [police cooperation](#). The UK government also intends to increase [returns](#), including those of [underage asylum seekers](#), to France and other EU countries. As [observers](#) indicated, the future partnership between the UK, France and the EU must be read in light of [Brexit](#). The [UK government](#) blames EU law, which will apply until the end of the [transition period](#) on 31 December 2020, for what it regards as the [low number of returns to the continent](#) of those who crossed the Channel. However, [returns to France](#) and the [rest of the EU](#) are only possible under the [Dublin scheme](#), which will cease to apply to the UK [after Brexit](#), unless an agreement is found. For [experts](#), the issue of Channel crossings shows that the UK's [departure](#) from the EU may reduce the government's [control](#) over [migration](#). In this context, the NGO [Safe Passage](#) also warned that the lack of a UK-EU agreement concerning the reunification of [unaccompanied minors](#) with their families could have catastrophic consequences.

Urgent actions needed after Moria's fires

Asylum Immigration Detention

On the [evenings](#) of 8 and 9 September 2020, [devastating fires](#) broke out in the Moria camp on Lesbos. They destroyed nearly the entirety of the camp's infrastructure and left its more than 12,000 residents – including more than [4,000](#) children – homeless [overnight](#). No casualties were reported in the immediate aftermath. [NGOs](#) and [MEPs](#) denounced that this [tragedy](#) was “foretold and predicted ... a thousand times”, with conditions steadily worsening in the past months. [Transfers and relocations](#) from the island had progressed [slowly](#) and access to basic services in the camps remained limited. Meanwhile, in early September, [35 residents](#) of Moria camp had tested positive for COVID-19, prompting [quarantine measures](#) for the entire facility while exacerbating fears and tensions. Developments continued to unfold as this Policy Update was published, and will be discussed in further detail in the next edition.

[NGOs](#) on Lesbos warned that immediately after the fire, migrants were blocked by police from entering the main town in Lesbos to seek [assistance](#) or care at the hospital. For over [a week](#), Moria's former residents slept on [roads](#) and [fields](#). In the meantime, [Greek authorities](#) established a closed [temporary site](#) to house the displaced persons. [Reportedly](#), only those moving to this temporary camp would have access to the asylum process. Yet, many were [reluctant](#) to enter a “[new Moria](#)”. Thousands, mostly [children and women](#), gathered on 11 September to [peacefully](#) protest the [plan](#) and implored authorities to be transferred to other European countries instead. The [Greek riot police](#) responded to these protests with tear gas.

In the wake of these events, the [Council of Europe's](#) Human Rights Commissioner, [several MEPs](#), as well as [local](#) and [international organisations](#) called on Greek authorities to provide adequate [support](#) and [shelter](#) to all those affected by the fire and to evacuate those most in need to the [mainland](#). [IOM](#), [UNHCR](#), [NGOs](#) and European [cities](#) also called on the [EU](#) and [member states](#) to support and expand relocations from Lesbos.

On 9 and 10 September, the [European Commission](#) facilitated the transfer of [400 unaccompanied](#) minors to the mainland with the plan to subsequently relocate them to other [member states](#). Following [criticism](#) for not doing enough, [Germany](#) aired a commitment to take in 150 minors and, later, an additional 1,500 refugees, mainly [families](#)

[and children](#). [Other governments](#) made smaller [scale](#) commitments. [Further reports](#) suggest that other vulnerable adults may be excluded from relocation efforts.

Meanwhile, [Greek authorities](#) declared that all those affected will leave Lesbos by next spring. At the same time, however, the [government](#) intends to build a new permanent facility on Lesbos. The [European Commission](#) also indicated that it would jointly manage this [pilot](#) “reception and identification” [centre](#) with Greece. [Analysts](#) voiced strong concerns about this [project](#), since it could replicate the same ‘[hotspot approach](#)’ embodied by Moria that led to repeated emergencies, deprived refugees of [hope](#), and inflamed [xenophobia](#) among the local population. [Experts](#) and [international organisations](#) pleaded for the camp not to be rebuilt in Lesbos.

[Civil society voices](#) stressed that this disaster should be a [wake-up call](#) to radically [transform](#) European migration and asylum [policies](#). The tragic events in Lesbos prompted the Commission’s President [Ursula von der Leyen](#) to push the [publication](#) of the New Pact on Migration and Asylum forward to 23 September “to speed up the discussion”. In her State of the Union [address](#), von der Leyen added that “the images of Moria are a painful reminder of the need for Europe to come together”, calling on all member states to step up their efforts in addressing the situation. However, [commentators](#) have warned that the upcoming Pact may, above all, exacerbate the risks of human rights violations at Europe’s external borders.

Renewed focus on migration from Tunisia

Asylum Immigration Detention

Following a dip in the spring, [Italy](#) has registered more than [21,000 new arrivals](#) since January 2020, indicating that most sea arrivals to Southern Europe currently occur via the [Central Mediterranean](#) route. Several [fatal](#) incidents off the coasts of Tunisia and Libya in [June](#) and [August](#) have further underscored this development. [Migration routes](#) are also shifting, with 47% of newly arrived migrants departing from Tunisia, compared to 40% from Libya.

The rise in departures from Tunisia is mainly attributable to [economic](#) factors and Tunisia’s growing role as a [transit](#) country for refugees and other migrants. [Persistent unemployment](#) since the 2011 [revolution](#), particularly for youth, and the impact of the COVID-19 crisis on key sectors, such as tourism, are driving more Tunisian nationals abroad. [Refugees](#) and [foreign residents](#) in Tunisia also experienced loss of [livelihoods](#) due to the pandemic, thus contributing to the upward [trend](#) of emigration.

These developments have reinforced the strategic importance of Tunisia for European countries, particularly Italy. While [EU cooperation with Tunisia](#) on migration is not new, [commentators](#) have pointed out that this partnership will play an even more critical role in the future, mainly due to routes shifting from Libya.

On the EU’s side, on 17 August, Home Affairs Commissioner Ylva Johansson and Commissioner for Neighbourhood and Enlargement Olivér Várhelyi met Tunisian authorities alongside Italy’s Interior and Foreign Affairs Ministers. Described as a “[constructive and important exchange](#)”, these [leaders](#) discussed anti-smuggling efforts and agreed to support Tunisia in countering limited job opportunities, especially youth unemployment. Prior to this [meeting](#), [Johansson](#) had already highlighted the strategic role played by Tunisia in preventing and combatting migrant smuggling.

The Italian government is particularly keen on strengthening cooperation with Tunisia. However, recent developments reveal that Italy intends to use this partnership to push its containment strategy. Instead of addressing the [economic and social](#) conditions that push

Tunisians and others to cross the Mediterranean, in July, Italy threatened to withhold [development assistance](#) if Tunisia did not reduce so-called ‘irregular migration’. In response to this [pressure](#), Tunisia deployed [naval assets](#), search teams and means of surveillance to key departure points. In August, [Italy](#) released €11 million to Tunisia, while also pushing for a shared information system to detect migrants at sea.

The Italian government also intends to implement [youth](#) programmes in Tunisia, but maintains that such aid will be dependent on the effective repatriation of Tunisians without the right to remain. [Return flights](#) from Italy recommenced on 10 August after having been suspended for several months due to the pandemic. These flights, averaging 80 persons per week, are based on a repatriation [agreement](#) signed in [2011](#). Aiming to increase repatriations, Italy’s Foreign Minister [Luigi Di Maio](#) called for a “new accord on migrants with Tunis”. The agreement would permit Italy to return migrants not only by air but also by sea, raising the weekly rate to several hundred people.

[Experts](#) underlined that this security-oriented approach could lead to increased tensions with Tunisia. The Tunisian President [Kaïs Saïed](#) described the current strategy as “insufficient”, arguing that the priority should be to provide job opportunities to young people and create development projects. [Commentators](#) also expressed doubts that intensified controls and deportations will reduce departures. NGOs such as [EuroMed Rights](#) have called for new cooperation with the region, prioritising access to the European territory through safe and fair labour migration policies.

Pushbacks and violence at Europe’s borders

Asylum Immigration Detention

Concrete actions are yet to be taken to stop border violence and pushbacks along the Eastern Mediterranean and Western Balkan routes. Large-scale collective expulsions on the Greece-Turkey border were reported in [March 2020](#). Since then, [Greek authorities](#) have been [repeatedly](#) accused of carrying out multiple [maritime pushbacks](#). In June, [investigative accounts](#) showed that asylum seekers intercepted by the Hellenic Coast Guard were placed in inflatable tent-like rafts without motors or steering mechanisms and left to drift in the Aegean Sea. Collective expulsions were also reported from within the Greek territory: a [group of migrants](#) was arrested in the [Thessaloniki area](#) and swiftly deported to Turkey.

Over the [following months](#), [evidence](#) of [unlawful practices](#) continued to mount. New reports from Human Rights Watch ([HRW](#)) and [The New York Times](#) suggested that the Greek government secretly expelled more than 1,000 refugees since March. Confronted with these new accusations, Prime Minister [Kyriakos Mitsotakis](#) denied the allegations, labelling them as fake news spread by Turkey. Although the [government](#) admitted preventing more than 3,000 persons from entering the country in August alone, officials [repeatedly](#) denied carrying out pushbacks. The government’s position appears hard to defend. For [HRW](#), “evidence and reports describing the abuses are too many to be ignored.” Similarly, for [local NGOs](#), there is no denying that collective expulsions have been widespread and systematic.

[Experts](#) also denounced that Greece is taking advantage of the COVID-19 pandemic to tighten its migration policies further. In late August, the [government](#) announced a 40km extension to the barbed wire fence along its northern border with Turkey, to prevent people from entering the country. Against this background, [UNHCR](#) and [IOM](#) launched [repeated](#) calls to the government to guarantee access to asylum procedures, investigate reported incidents and set up further preventive measures against such practices.

There is also mounting [evidence](#) that systematic border violence and collective expulsions have increased throughout the Western Balkans since the outbreak of COVID-19. This led the

Border Violence Monitoring Network ([BVMN](#)) to accuse the governments in the region of using the pandemic as an [excuse](#) to restrict mobility and [securitise borders](#). In the same vein, [ECRE](#) condemned the increase of collective expulsions violating the right to asylum and the fundamental principle of non-refoulement in Bulgaria, Hungary, Greece, Italy and Croatia, among others.

In a report published in May, [CARE International](#) drew attention to the long string of [violent incidents](#) at the hands of the [Croatian police](#) and authorities and urged the EU to respond to the [violent pushbacks](#) at its external borders. Although a few Croatian [police officers](#) suspected of hurting migrants were investigated as a result of these reports, evidence of [new abuses](#) along the Western Balkan route emerged in the following weeks. In June, [Amnesty International](#) documented various episodes of torture, broken bones and head wounds suffered by people on the move, and accused the Croatian border police of [unprecedented brutality](#). In June and again in August, it was also reported that [Italy](#) uses “[informal readmissions](#)” to push migrants back to Slovenia, where they face the risk of being [chain refouled](#) to Bosnia-Herzegovina or Serbia.

In this context, Council of Europe Commissioner for Human Rights [Dunja Mijatović](#) warned against the [normalisation of border violence](#). Arguing that pushbacks cannot take place with impunity, [she](#) urged all European countries to investigate and stop all unlawful practices. In a July [debate](#) in the European Parliament on border violence along the Greek-Turkish border, members of the European Parliament’s Civil Liberties, Justice and Home ([LIBE](#)) Committee demanded an investigation into the alleged pushbacks. In the same meeting, Home Affairs Commissioner [Johansson](#) indicated that the Commission might consider a new system to verify reports of pushbacks. However, [details](#) about how this system would function or when it would be introduced were not provided.

Increased calls for private refugee sponsorship

Asylum Inclusion

[Refugee resettlement](#) has long been hailed as a durable solution to forced displacement, enabling states to directly receive and grant permanent residence status to the most vulnerable refugees. In light of the estimated 1.44 million [persons](#) in need of resettlement, which increased by 1% since 2019, [resettlement](#) remains a pressing concern. While EU member states initially pledged to resettle 30,000 [persons](#) in 2020 (compared to 21,254 in [2019](#)), previous [commitments](#) have not always been fulfilled. [12 states](#) did not resettle any refugees in 2019. Home Affairs Commissioner Ylva Johansson has repeatedly called for an expansion of [legal pathways](#), including [resettlement](#).

The spread of COVID-19 poses further obstacles to states fulfilling their resettlement commitments. [UNHCR and IOM](#) announced the temporary suspension of [resettlement operations](#) on 17 March, and only partly [resumed](#) them on [18 June](#). Since then, progress has been slow. Government-imposed [travel restrictions](#) and [health concerns](#) continue to hinder resettlement efforts. COVID-19 also led to [financial](#) and resource [constraints](#), limiting both EU and non-EU countries’ reception capacities. Many [refugees](#) were left [stranded](#) and now face longer waiting times due to backlogs.

Against this background, [experts](#) called on governments and civil society to redouble their efforts whilst also highlighting the potential of private or community-based [sponsorship](#) to “safeguard and re-open” global refugee protection systems. Although private sponsorship schemes require significant resources, advocates draw attention to their [added value](#) for the long-term [integration](#) of beneficiaries and to the benefits for communities at large. Commissioner Johansson is [vocal](#) in supporting private sponsorship. With the upcoming [New Pact on Migration and Asylum](#), she intends to develop a [European approach](#) to

community sponsorship and fund several sponsorship projects as of 2021. For this purpose, a €4 million call for [funding](#) was launched under the present AMIF.

While most private sponsorship initiatives in Europe are still in their early stages, they already offer promising signs for the future. [Ireland](#) announced plans to resettle 100 refugees yearly between 2020 and 2023 through community sponsorship, alongside regular resettlement schemes. [Spain](#) already launched a pilot project for community-based refugee [sponsorship](#) in 2018, with a planned intake of another [200 persons](#) in summer 2020. [Germany](#), the [UK](#), [Italy](#) and [France](#) have sponsorship or similar programmes, while [Portugal](#), [Belgium](#) and the [Netherlands](#) have or are exploring the possibility of launching their own. Cities and municipalities, such as [Bristol](#) and Birmingham, have also [successfully](#) implemented their own programmes.

Of course, [refugee resettlement](#) through private sponsorship comes with [challenges](#), too. Across Europe, there is a need to upscale programmes, as many only started as pilot projects. Private sponsors may also face capacity and funding constraints. Given that private sponsorship entails long-term commitments, continuous and multisource private [investment](#) is crucial. Finally and above all, some governments have been slow to agree to such sponsorship schemes, in part because [resettlement](#) is not considered a priority. Nevertheless, past experiences can serve as an inspiration for others. In the UK, for instance, community sponsors have established an effective [rapport](#) with the Home Office to ensure ongoing government support. To date, almost 450 [refugees](#) have benefitted from community sponsorship in the UK.

SELECTED ECJ CASE LAW & LEGAL ACTIONS



[Asylum](#) [Children and Youth](#) [Mobile EU citizens](#) [Inclusion](#)

Case [C-448/19](#), *WT v Subdelegación del Gobierno en Guadalajara*, 11 June

This case concerned an administrative expulsion order issued by the Government Representation in Guadalajara, Spain against WT, a long-term resident of Moroccan nationality. WT was sentenced several times to periods of imprisonment of more than one year. Under Spanish law, long-term residents who are punishable by custodial sentences of over a year should be expelled through an administrative procedure without the need to consider their personal, family, social or employment circumstances. In his appeal against the decision, WT argued that his previous criminal convictions do not justify his automatic expulsion. More specifically, he claimed that as he resided in Spain for over a decade, he was well-integrated there and had family and occupational ties with the country. As part of his appeal procedure, the question was raised if [Directive 2003/109](#) allows for the automatic expulsion of long-term residents, as required by Spanish law.

The Court noted that the Directive explicitly provides that before taking a decision to expel a long-term resident, member states must consider, among other factors, the length of his or her stay and the links formed with the country of residence. The deciding tribunal must also determine whether the third-country national represents a genuine and sufficiently serious threat to public order or security. Accordingly, the Court concluded that the Long-Term Residents Directive precludes member states from adopting an expulsion decision based on criminal convictions and without taking into account the personal, occupational and social factors.

Case [C-754/18](#), Ryanair Designated Activity Company v Országos Rendőr-főkapitányság, 18 June

This case concerned a Ukrainian family member of an EU national who travelled from London to Budapest on a Ryanair flight and, upon arrival, was prevented from entering Hungary. The Hungarian authorities held that he did not hold the necessary visa. They asked Ryanair to reroute him back to London and additionally imposed a fine of €3,000 on the carrier.

Ryanair subsequently brought proceedings against this decision. As the company argued, the Ukrainian passenger was a recognised family member of an EU citizen with a permanent residence card. As such, he was exercising his free movement rights and was also exempted from any visa requirements. The Hungarian authorities, however, advanced a literal interpretation of the relevant provisions in Article 5 of the Citizens' Rights [Directive 2004/38/EC](#). They held that these provisions – in exempting family members from visa requirements – only explicitly referred to family members holding a temporary residence card. Accordingly, they argued, a family member who, after five years of continued legal residence, receives a permanent residence card is no longer covered by such an exemption.

The Court of Justice of the EU (CJEU) upheld the interpretation put forward by Ryanair. As it made clear, the objective of the Directive could not be that family members would no longer benefit from the visa exemptions after being granted permanent residence. Such a reading would lead to a winding back of acquired rights. It would especially contradict the Directive's objective of "ensuring the gradual integration of Union citizens and their family members who are not nationals of a member state into the society of the member state in which they are established".

[Joined Cases C-133/19, C-136/19 and C-137/19, BMM, BS, BM, BMO v État Belge](#), 16 July

This case arose in the context of requests of BMM, a refugee, for family reunification with his three minor children. The requests were originally rejected on the ground that the applicants had used false or misleading information. BMM and his children subsequently challenged the rejection before the Belgian council for asylum and immigration proceedings. This council deemed the actions inadmissible, however, on the ground that the applicants no longer had an interest in bringing proceedings. That is to say, as the children in question had reached the age of majority in the meantime, the council considered them no longer to satisfy [EU law](#) conditions for family reunification with minors. Proceedings were subsequently brought before the Belgian Council of State, which referred the case to Luxembourg.

The CJEU, in examining the situation, adopted a strongly fundamental rights-based reading. This included references to, amongst others, the right to family life, the obligation of having due regard to a child's best interests, as well as the right to an effective remedy, as laid down in the [EU Charter of Fundamental Rights](#). Based on this reading, it concluded that the point of reference for assessing the age of a minor applicant was the date of submitting the application for family reunification, not the date of the decision by member state

authorities. To hold otherwise, the Court pointed out, would lead to situations in which applicants are treated differently across Europe or even within a single state, depending on the speed with which their application is processed. This judgment is an important follow-up to the 2018 [A & S](#) ruling on the related situation of a minor refugee requesting family reunification with her parents and siblings.

Other relevant case law

Case [C-78/18](#), Commission v Hungary, 18 June

Case [C-36/20](#), PPU Ministerio Fiscal, 25 June

Case [C-18/19](#), WM v Stadt Frankfurt am Main, 2 July

Case [C-517/17](#), Milkiyas Addis v Bundesrepublik Deutschland, 16 July

A CLOSER LOOK FROM...

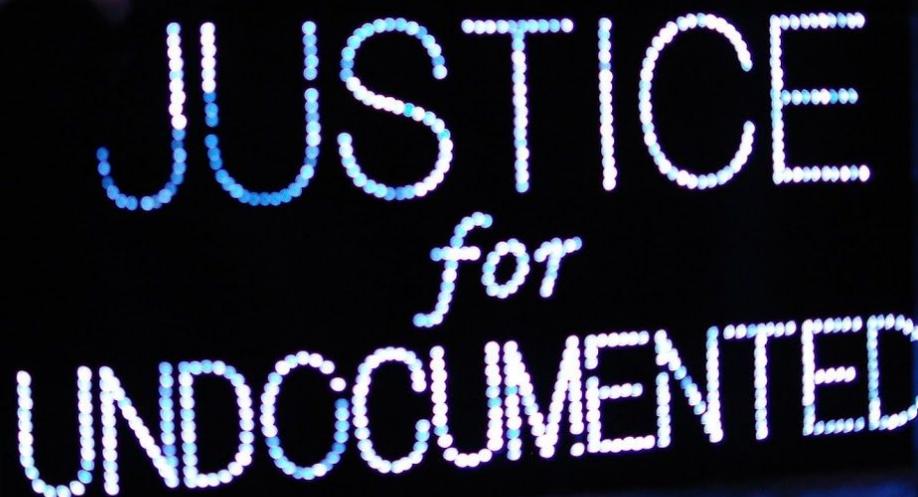
A photograph of a protest sign made of LED lights that reads "JUSTICE for UNDOCUMENTED". The sign is illuminated in blue and white against a dark background. The word "JUSTICE" is in large, bold, capital letters. Below it, the word "for" is in a smaller, lowercase, cursive font. Below that, the word "UNDOCUMENTED" is in large, bold, capital letters. The sign is held by a person whose hand is visible on the left side of the frame.

Photo: Migrant Rights Centre Ireland

Migrant Rights Centre Ireland

Inclusion | Children and Youth

By Neil Bruton, Campaign Development Worker, [Migrant Rights Centre Ireland](#)

In Europe, more and more people fall into irregularity as protection, humanitarian and immigration systems fail them. Being undocumented means little or no access to basic and essential services or support, living in constant stress and fear, facing exploitation and working in poor conditions. Over the past 18 years, the Migrant Rights Centre Ireland ([MRCI](#)) has pioneered evidence-based policy solutions, conducted [strategic advocacy](#), and advanced collaborative approaches with undocumented people to create pathways to residency. MRCI has supported thousands of undocumented workers and families to secure their rights and long-term status. Our successes include the [Irish Born Child Scheme 2005](#), the [Undocumented Workers Scheme 2009](#), the [Reactivation Employment Permit 2014](#), the [Atypical Working Scheme for fishers 2016](#), and the [Undocumented Students Scheme 2019](#).

In many countries, the situation of undocumented people could deteriorate further with the COVID-19 crisis, making it necessary to address the new challenges and explore possible solutions. However, the pandemic could also provide opportunities to advance the rights of undocumented people. Some countries like [Italy](#) and [Portugal](#) have already introduced new regularisation pathways since the outbreak of the pandemic. In June, the [Irish government](#) committed to creating new pathways for regularisation within 18 months. The pandemic

also showcased the vital contribution provided by migrants and undocumented workers to our economies and healthcare systems.

In this context, the EPIM-funded [RISE UP project](#) (Rights, Innovation, Solutions and Evidence-based policy for Undocumented People) aims to promote regularisation pathways amongst our nine European partners through a comprehensive strategy. Firstly, RISE UP will produce a policy brief to map ongoing initiatives and potential solutions. Little attention has been given to analysing fair and effective regularisations following the publication of the [REGINE Report](#) in 2009. Since then, new models have emerged that have not yet been reviewed. RISE UP will fill this gap with a definitive policy brief, a vital tool for the organisations' advocacy efforts.

Secondly, RISE UP will facilitate successful advocacy by sharing positive experiences and deepening cooperation with its partners. Organisations based in Ireland, Malta, Belgium and Switzerland will share their advocacy and campaigning strategies via accessible case studies. In the aftermath of COVID-19, messaging, tactics and actions may need to be adapted. Nevertheless, the opportunities to secure life changing regularisations will remain.

Thirdly, RISE UP will combat negative discourses about undocumented residents and irregular migration. By developing value-based messages and using positive frames consistently across Europe, we can take control of the conversation and discourse around irregular migration. In Ireland, a decade of positive framing led to undocumented people being seen as a valuable and integral part of our society. Building on this experience, undocumented people who lost their livelihoods during the pandemic were provided relief and unemployment assistance. [Firewalls](#) were also put in place so that they could access healthcare. Finally, the project will concretely support all project partners to advance their own theory of change and advocacy strategy. The common objective of RISE UP is to advance regularisation programmes that are suitable for each country whilst simultaneously collaborating on a European level, to bring long-lasting change for undocumented people. The progress of the RISE UP project can be followed on our MRCI [blog](#).

FACTS & FIGURES

In the first quarter of 2020, Spain, Germany, France and Greece received almost 80% of all first-time applicants for protection in the EU.

Source: Eurostat, June 2020.

UNHCR statistics on arrivals

Asylum

Recent data by the UNHCR [reveal](#) the following trends:

- 47,379 sea arrivals have been recorded since the beginning of the year: 21,021 have arrived in Italy, while 15,863 have arrived in Spain and 12,391 have arrived in Greece;
- So far, an estimated 495 people have been reported dead or missing in 2020;
- In Italy, two fifths of all refugees arriving by sea originate from Tunisia, followed by Bangladesh. Two thirds of all refugees arriving in Greece come from Afghanistan and Syria. In Spain, the majority of refugees arriving by sea come from Algeria, Morocco and Mali.

Relevant reports

Asylum Children and Youth Inclusion Immigration Detention

Oxfam and Greek Council for Refugees: Diminished, Derogated, Denied

This [report](#) indicates that the recently reformed Greek asylum law has diminished protection for people seeking asylum and exposed them to further abuse. This situation of vulnerability is aggravated by the poor living conditions in refugee camps. The report calls on the EU to establish a responsibility-sharing mechanism for asylum seekers and urges the Greek government to amend its asylum law in compliance with international and EU law.

European Asylum Support Office: EASO Asylum Report 2020

In this annual [report](#), EASO provides concise and comprehensive information on the functioning of the Common European Asylum System and key developments in European policy and national law. The report examines emerging trends and assesses the effectiveness of asylum systems at the European and national levels.

EPIM: Alternatives to detention: building a culture of cooperation

How can governments manage migration without detention? Drawing on an independent evaluation of Alternative to Detention (ATD) pilots in Bulgaria, Cyprus and Poland, this [report](#) highlights voluntary engagement as a key tool to ensuring compliance and case resolution whilst safeguarding individual rights. The report calls for ATDs to be extended.

Save the Children: Protection beyond reach. State of play of refugee and migrant children's rights in Europe

Five years after the death of three-year-old Alan Kurdi in September 2015, this [report](#) highlights that the situation of migrant children has continued to worsen. Among others, it urges the EU and member states to end child immigration detention and implement a flexible framework for family reunification.

UNHCR: Coming Together for Refugee Education

This [report](#) by UNHCR draws attention to the catastrophic effects of COVID-19 on refugee education. Before the pandemic, a refugee child was twice as likely to be out of school as a non-refugee child. Without greater support, this situation will get worse. The report urges states, cities and schools to take immediate action to ensure that refugees have access to education of all levels.

Amnesty International: Malta – Waves of Impunity

This [report](#) describes Maltese authorities' dangerous and unlawful measures to prevent asylum seekers from reaching its territorial waters. These include pushbacks to war-torn Libya and prolonged arbitrary detention. It urges Malta and the EU to revise their policies of border cooperation with Libya and swiftly disembark rescued persons to a place of safety.

EU Funding opportunities

Asylum Inclusion Children and Youth

Calls for proposals - EU funding

- [ISFP-2020-AG-RAD](#): Prevent Radicalisation
 - o Call out on 23.07.2020 – Deadline: 24.11.2020

Other opportunities

[EPIM](#): Rolling Call for Proposals on Asylum. Submissions will be reviewed every three months starting on 04.05.2020.

[Equality](#): Capacity building of city services for the inclusion of migrants.

[Dutch Council for Refugees](#): STEP UP Capacity NGO fund. Deadline: 28.09.2020.

[European Commission](#): Expert group on the views of migrants in the field of migration, asylum and integration. Deadline: 28.09.2020.

[European Commission](#): Public consultation on EU citizenship rights. Deadline: 01.10.2020.

EU CALENDAR: UPCOMING EVENTS

European Council and Council of the European Union

 8-9 October
3-4 December JHA Council

 15-16 October
10-11 December European Council

European Parliament

 5-8 & 19-22 October,
11-12 & 23-26 November EP Plenary

 21-22 & 24 September,
1, 15 & 26-27 October,
9-10, 16 & 30 November LIBE Committee Meetings

Other events

 23 September [Spotlight on hotspots and the new EU Migration Pact](#), Hertie School (Online)

 24 September [EU Framework for Legal Migration - Lessons learned and main challenges](#), ICMPD and Prague Process (Online)

 28 September [Addressing dementia among people with a migration background – From diagnosis to EU policy actions](#), EPC and EFID (Online)

 28 September [Deportation Union: revamped return policies and reckless forced removals](#), Statewatch (Online)

 29 September [Forecasting the Future of Global Migration](#), National EMN Conference 2020, Austria (Vienna and Online)

This document provides a focused analysis of recent EU level policy-making, legislation and jurisprudence relevant to EPIM's sub-funds on (1) Immigration detention; (2) Reforming the European Asylum System; (3) Children and Youth on the Move; (4) Mobile EU citizens and (5) Building Inclusive European Societies and covers the period from 26 May to 18 September 2020. We kindly ask the readers to keep in mind that the present Policy Update is composed of a selection of documents and does not claim to be exhaustive.

Should you, as representatives from EPIM's Partner Foundations or EPIM-supported organisations, have questions related to the analysis provided in this document or on EU developments in the field of migration and integration in general, you are invited to contact the authors (ah.neidhardt@epc.eu, h.hahn@epc.eu, o.sundberg@epc.eu, m.desomer@epc.eu). The sole responsibility for the content lies with the author(s) and the content may not necessarily reflect the positions of EPIM, NEF or EPIM's Partner Foundations.

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