FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

# MIGRATION AND FUNDAMENTAL RIGHTS BULLETIN

1/2026

JANUARY 2025-MARCH 2026

## Contents


**About this publication** 4

**Introduction** 5

**1. Rescue at sea and safe ports** 7

1.1. Fatalities at sea 7

1.2. Search and rescue capacity 8

1.3. Rescue and disembarkations in Libya 8

1.4. Disembarkation elsewhere 9

**2. Punishing humanitarian support** 10

2.1. Shrinking space for civil society 10

2.2. Legal proceedings for helping migrants and refugees 11

**3. Fundamental rights at the EU's external borders** 13

3.1. Fatalities at land borders 13

3.2. Alleged summary returns and violence 13

3.2.1. Eastern Mediterranean route 14

3.2.2. Balkan route 14

3.2.3. Border with Belarus 14

3.2.4. Other routes 15

3.3. Investigations into rights violations 15

**4. Fundamental rights monitoring** 18

4.1. Monitoring mechanisms under the Pact 18

4.2. Forced return monitoring 19

4.3. Monitoring by Frontex and the EU Agency for Asylum 20

**5. Access to asylum** 21

5.1. Asylum trends 21

5.2. Implementation of the Pact 22

5.3. Responses to the instrumentalisation of migrants and refugees 22

5.4. Other legal barriers to accessing asylum 23

5.5. Resettlement and humanitarian pathways 24

5.6. Asylum at internal Schengen borders 24

**6. Protecting people fleeing Ukraine** 25

6.1. Transitioning into national residence permits 25

6.2. Labour market integration policies 26

6.3. Access to education 27

6.4. Social protection 27

6.5. Gender-based violence 27

**7. Reception conditions and capacity 29**

7.1. Reception gaps 29

7.2. Limitations, sanctions and withdrawals of reception benefits 30

**8. Protection of unaccompanied children 32**

8.1. Reception of unaccompanied children 32

8.2. Guardianship 33

8.3. Age assessment 33

**9. Persons with special needs 35**

9.1. Identification 35

9.2. Referrals and procedural safeguards 36

**10. Immigration detention 38**

10.1. Expansion of immigration detention rules 38

10.2. Alternatives to detention 39

10.3. Judicial review of detention orders 39

10.4. Inadequate detention conditions 39

10.5. Immigration detention of children 40

**11. Fundamental rights in returns 42**

11.1. Harsher national laws and policies on returns 42

11.2. Voluntary and assisted voluntary returns 43

11.3. Cooperation with third countries and return hubs 44

11.4. Return of persons posing security threats 44

11.5. Non-removable people 45

11.6. Monitoring of forced returns 45

**12. Migrant workers and risk of exploitation 46**

12.1. Labour migration policies 46

12.2. Preventing exploitation at work 48

**13. Family reunification 49**

13.1. Legal restrictions 49

13.2. Practical obstacles 50

**Conclusions 51**

# About this publication

© European Union Agency for Fundamental Rights, 2026

Reproduction is authorised provided the source is acknowledged.

For any use or reproduction of photos or other material that is not under the European Union Agency for Fundamental Rights copyright, permission must be sought directly from the copyright holders.

Neither the European Union Agency for Fundamental Rights nor any person acting on behalf of the Agency is responsible for the use that might be made of the following information.

Luxembourg: Publications Office of the European Union, 2026

**HTML**

- TK-01-26-017-EN-Q
- ISSN: 3094-6220

**PDF**

- TK-01-26-017-EN-N
- ISSN:  3094-6220

FRA – EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS Rennweg 12 – 1030 Vienna – Austria

**Contact FRA**

- Website
- LinkedIn
- Instagram
- Facebook
- YouTube
- X

# Introduction

From 2015 to 2023, following a large number of arrivals in the EU, the European Union (EU) Agency for Fundamental Rights (FRA) regularly issued bulletins on fundamental rights challenges affecting migrants, asylum seekers and beneficiaries of international protection across the EU. These periodic updates provided timely evidence on displacement-related fundamental rights issues and developments in Member States. FRA published a final overview in May 2023: Asylum and migration: Progress achieved and remaining challenges.

Article 10 (2) (h) of the Asylum and Migration Management Regulation (EU) 2024/1351 (AMMR) envisages that the European Commission takes FRA's quarterly bulletins on migration into account when assessing the overall migratory situation, or evaluating whether a Member State is under migratory pressure.

Better understanding of fundamental rights trends, persistent issues and challenges will support the EU and its Member States as they prepare for the June 2026 implementation of the Pact on Migration and Asylum. FRA, therefore, is resuming the publication of periodic updates. This first bulletin of the new series revisits where the fundamental rights of migrants, asylum seekers and refugees stand in March 2026. It describes developments from January 2025 until the end of March 2026 as well as persistent issues, and emerging concerns. Some sections include contextual information which predates 2025.

For this bulletin, as in the past, FRA drew on its own data and expertise and used its multidisciplinary research network Franet for further desk research as well as interviews and written consultations with various stakeholders. Depending on the Member State, these included immigration and asylum authorities, ombuds institutions or national human rights institutions, international organisations and relevant civil society actors. FRA also used findings from its own field missions to Member States.

FRA shared the draft bulletins with national human rights institutions, through their European Network ENNHRI as well as with Member States, relevant EU agencies and the European Commission through the Migration Preparedness and Crisis Blueprint network, integrating their comments as appropriate.

In addition, FRA tested for the first time different general-purpose artificial intelligence (AI) tools, namely Perplexity and Chat GPT, to scan publicly available documents. FRA checked the information generated by these AI tools with respect to its correctness and sources, analysing it alongside more traditional sources of data and information. References to external sources are provided through embedded hyperlinks using phrasing which enables readers to identify and locate them. Hyperlinks were accessed on 30 March 2026.

The bulletin covers 13 thematic areas, each of which starts with a short introduction presenting the EU legal and policy framework.

Future FRA bulletins will address also the fundamental rights risks and opportunities of using artificial intelligence to support decision-making in asylum and immigration procedures. New FRA research is examining how AI-driven technologies are used in practice, assessing their impact on fundamental rights, to provide guidance to support relevant authorities to mitigate related fundamental rights risks.

# 1. Rescue at sea and safe ports

### EU legal and policy framework

Under Article 3 (1) (b) of the European Border and Coast Guard Regulation, search and rescue (SAR) at sea is one of the components of European integrated border management. The 1982 United Nations (UN) Convention on the Law of the Sea, to which the EU and all Member States are party, require shipmasters to render assistance to those in distress at sea, regardless of their nationality, status or the circumstances in which they are found. Gaps and delays in conducting and organising rescue operations, may under certain circumstances, raise issues under the right to life in Article 2 of the European Convention on Human Rights (ECHR), as the European Court of Human Rights (ECtHR) found in Safi and others v. Greece (2022). The EU Charter of Fundamental Rights (Charter) protects the right to life in Article 2.

Many people continue to die at sea while attempting dangerous journeys to reach Europe. Search and rescue capacities remain insufficient. Among those rescued, many are exposed to harm, particularly when brought on land in Libya. In FRA's report on preventing and responding to deaths at sea (2023), FRA recommended that the European Border and Coast Guard collectively ensures that sufficient and appropriate naval assets are deployed in open sea areas where risk analyses indicate that shipwrecks are more likely to occur. FRA's 2025 update on search and rescue (SAR) operations notes that SAR capacity at sea remains inadequate.

## 1.1. Fatalities at sea

According to data communicated by the International Organisation for Migration (IOM) on 1 March 2026, in 2025, at least 36 people died or went missing leaving the EU for the United Kingdom in 2025, including 1 child. In the same period, 3,409 people were reported dead or missing on sea routes to Europe in the Mediterranean or via Atlantic Ocean crossings to the Spanish Canary Islands, including at least 137 children.

The first six weeks of 2026 have been the deadliest start of the year in the Mediterranean since IOM began collecting data in 2014. IOM's Missing Migrants Project shows that in January 2026 at least 459 migrants died or were reported missing after attempting the crossing from North Africa to Europe, with many incidents occurring during journeys undertaken in bad sea conditions.

## 1.2. Search and rescue capacity

In the Central Mediterranean, civil society organisations continue to partly fill the gap with their life-saving operations. A March 2026 SOS MEDITERRANÉE report provides an overview of civil society SAR operations in the Central Mediterranean over the past ten years and the difficulties non-governmental organisations (NGOs) face (see section 2).

In some instances, Member States are seen as delaying rescue operations. For example, in March 2025, the United Nations Human Rights Committee issued interim measures to prevent imminent and irreparable harm to the right to life and the prohibition of torture and other forms of ill-treatment enshrined in Articles 6 and 7 of the International Covenant on Civil and Political Rights (ICCPR). It requested Malta to urgently coordinate a SAR operation for 32 individuals who had been in distress for four days near the Miskar gas platform, and to ensure their disembarkation in a place of safety.

Following the capsizing of a migrant boat near Lampedusa in April 2026, leaving at least 70 people dead or missing, the Parliamentary Assembly of the Council of Europe calls for the urgent creation of a European search and rescue corps to save lives.

## 1.3. Rescue and disembarkations in Libya

In the Central Mediterranean, in 2025, the Libyan authorities picked up some 27,116 migrants and refugees, bringing them back to Libya, compared to 21,762 people in 2024, according to IOM's 11-17 January 2026 weekly update. Migrants and refugees in Libya are exposed to widespread abuse, as a 2026 UN report jointly issued by the Office of the UN High Commissioner for Human Rights and the UN Support Mission in Libya documented. The report calls for a moratorium on returns to Libya until adequate human rights safeguards are in place. It also recommends applying strict due diligence rules to any funding, training or operational cooperation with Libyan entities and suspending assistance where serious human rights violations persist.

In November 2025, 13 SAR organisations issued a note on their decision to suspend operational communication with the Libyan Joint Rescue Coordination Centre, established in Tripoli in 2024. The Court of Rome (decision No. 2015/2025, published on 7 February 2025) upheld an appeal by the civil society organisation Sea-Watch against the detention of its vessel Sea-Watch 5 by the Italian authorities. Sea-Watch had carried out a rescue operation in the Libyan SAR zone without formal coordination or authorisation. The court underlined that the Italian authorities could not impose sanctions based solely on Libyan reports alleging lack of cooperation.

In the 2025 case S.S. and Others v. Italy, the ECtHR held that Italy lacked jurisdiction over migrants rescued by the Libyan coastguards in international waters. The court noted that all the reports in its possession show that refugees and migrants in Libya were at risk of torture, slavery

and discrimination, and it nonetheless held that Italy could not be held responsible for the alleged ill-treatment, due the lack of effective control over the persons concerned.

In a 2025 report on externalised asylum and migration policies and human rights law, the Council of Europe Commissioner for Human Rights criticised the Memorandum of Understanding between Italy and Libya, with its application lacking transparency. The Memorandum was automatically renewed for three years in November 2025, according to media reports.

## 1.4. Disembarkation elsewhere

Member States continue discussions on how to reduce incentives for migrants to undertake dangerous journeys. The Council of the EU explored in a note the 'place of safety arrangements' outside the EU, building on the October 2025 Pact for the Mediterranean. The 2023 Italy-Albania Protocol tested such an approach by establishing centres for asylum applicants rescued by Italy in international waters and coming from a safe country of origin. Under the Protocol, Italian authorities would examine asylum claims in these centres applying Italian asylum law. In a statement, UNHCR agreed to monitor the Protocol's application. Various difficulties, including fundamental rights considerations, hindered its application. In March 2025, Italy changed its legislation and used the centres for pre-removal detention (Law-decree of 28 March 2025, No. 37). In June 2025, the office of Italy's Supreme Court of Cassation published an analysis of the Italy–Albania Protocol, highlighting vague language and potential incompatibilities of the Protocol with the Italian Constitution. The court submitted a preliminary reference to the Court of Justice of the EU (CJEU, Case C-414/25, Sedrata).

# 2. Punishing humanitarian support

### EU legal and policy framework

In 2023, the EU proposed a new Facilitation Directive replacing the 2002 framework on combating migrant smuggling, which remains pending. A proposed recital indicates that the crime of migrant smuggling will usually not be fulfilled in case of assistance among family members or the provision of humanitarian assistance or the support of basic human needs. This would be crucial to avoid tensions with the Charter's right to life (Article 2) and prohibition of *non-refoulement* (Article 19).

Civil society actors helping migrants and refugees continue to face an increasingly hostile environment. In several Member States, measures affecting NGOs supporting migrants and refugees at borders have become more restrictive, with some humanitarian actors facing legal proceedings. While most such cases result in acquittals, they highlight ongoing concerns already identified in FRA's report on criminalisation of migrants in an irregular situation and of persons engaging with them (2014). The report suggests that anti-smuggling legislation should prohibit criminalisation of humanitarian assistance to migrants and refugees.

## 2.1. Shrinking space for civil society

Some Member States discussed or took measures to restrict the work of NGOs supporting migrants and refugees. In Greece, in August 2025, UNHCR and the National Commission for Human Rights issued a joint statement expressing concern over rhetoric undermining civil society working with refugees and migrants. In February 2026, a new 'legal migration' law was adopted that further restricts civil society's activity. New provisions limit cooperation with NGOs registered in the National Registry of Greek and Foreign NGOs (Article 50) and introduce criminal liability for certain acts when committed by members of registered organisations (Article 15). In May 2025, Hungary proposed a bill titled 'Transparency of Public Life bill' targeting actors receiving foreign support without government authorisation, thus threatening civil society work, according to the NGO Transparency International. Poland reinstated an exclusion zone, restricting access for humanitarian actors to the Belarus border, limiting the ability of NGOs to provide assistance (Decree of the Minister of Interior of 2 December 2025). In late February 2026, Poland extended the buffer zone regime for 90 days, until early June 2026 (Decree of the Minister of Interior of Law no. 235).

National and European courts responded to some of these measures. In October 2025, the Cypriot

Supreme Constitutional Court ruled that a past deregistration of the migrant-supporting NGO KISA was unlawful. In the 2025 case Ilareva and Others v. Bulgaria, the ECtHR ruled that Bulgaria had violated the rights of three NGO activists as it failed to protect them after they had received death threats due to their pro-migrant work.

## 2.2. Legal proceedings for helping migrants and refugees

Legal proceedings against individuals assisting migrants and refugees continued, most ending with acquittal but not all. In January 2026, according to a media article, the Appeal Court of the North Aegean (Greece) acquitted 24 volunteers from the NGO Emergency Response Centre International, accused of membership of a criminal organisation and of facilitating illegal entry, for their past volunteer rescue activities. In February 2026, the Greek authorities issued a European arrest warrant against the founder of the NGO Aegean Boat Report over allegations of human smuggling. In Poland, the District Court in Białystok (case no. III K 1787/24) dismissed the case concerning the volunteer Bartosz, charged in July 2025 with "influencing public officials" after assisting a Somali asylum seeker; and in September 2025 the Polish District Court in Bielsk Podlaski (case no. VII K 120/24) acquitted five activists, known as the "Hajnówka Five", who had been prosecuted for providing food, cloths and shelter to a family of migrants. In contrast, a court in Rēzekne (Latvia) issued a decision against Ieva Raubiško, a member of the organisation "I Want to Help Refugees", who assisted five Syrian asylum seekers at the Belarus border, for facilitating irregular border crossings, sentencing her to 200 hours of community service in August 2025. The Latvian authorities informed FRA in March 2026 that the judgement is not yet in force.

Echoing the United Nations Office on Drugs and Crime new interpretative guide (2025) on the Smuggling of Migrants Protocol, in December 2025, UN human rights experts called for a mandatory exemption from punishment of humanitarian assistance in EU law.

**Civil society actors engaged in search and rescue at sea**

In Italy, proceedings against humanitarian actors involved in search and rescue operations at sea continued, as documented in FRA's update on search and rescue operations (2025). In July 2025, a coalition of 32 NGOs denounced the systematic obstruction of non-governmental SAR efforts, noting that their vessels had been detained multiple times under Italian law.

In 2025, judicial authorities in Sicily initiated criminal proceedings against six crew members of the Mediterranea Saving Humans vessel Mare Jonio for aiding irregular immigration, in a 2020 rescue operation involving 27 migrants transferred from the Danish tanker Maersk Etienne. In 2025, multiple NGOs had their assets detained or received fines: the aircraft Colibri 2 was grounded for 20 days and fined €100,000 in September; the ships Aurora, Nadir and Sea-Eye 5 were each detained for up to 20 days. In February 2026, Italian authorities detained the German NGO vessel Humanity 1 in Trapani and imposed a fine after a rescue operation.

At times, courts lifted the detention, as was the case by the Civil Court of Salerno, for example, of

the GeoBarents. In February 2026, the Tribunal of Palermo ordered Italy to compensate an NGO for having blocked its rescue vessel in port in 2019.

In February 2025, the Italian Supreme Court of Cassation clarified that SAR responsibility includes organising disembarkation “within the shortest reasonably possible time” at a place of safety, and that considerations related to migration management cannot override these obligations. A few months later, in July 2025 the Italian Constitutional Court upheld the constitutionality of the legislative provisions regulating civil society SAR operations but clarified that their implementation must comply with international maritime law and fundamental rights, including the duty to render assistance to persons in distress at sea.

A report of the search and rescue organisation Sea-Watch, issued in October 2025 presents 54 violent incidents at sea by Libyan coast guards or Libyan militia over the past ten years, including two incidents in August and September 2025, when the coast guards shot at a civil society rescue boat.

# 3. Fundamental rights at the EU's external borders

### EU legal and policy framework

The principle of non-*refoulement* protects people from being returned to a risk of persecution or serious harm. It is the cornerstone of refugee protection. It derives from Article 33 (1) of the 1951 Refugee Convention and is reflected in Article 78 (1) of the Treaty on the Functioning of the EU and Articles 18 and 19 of the Charter. It is further defined in secondary EU law, such as the Schengen Borders Code, the Screening Regulation, the European Border and Coast Guard Regulation, and the Return Directive. Member States must investigate allegations of fundamental rights violations at borders.

Serious rights violations at borders persist and accountability remains low. Credible reports of violent summary returns at the EU's external land and sea borders continue. Although more reports of serious rights violations are investigated, gaps regarding promptness and effectiveness of investigations lead to a perception of impunity, which risks undermining the rule of law. FRA suggests in its 2024 guidance on investigating alleged ill-treatment at borders ways to strengthen investigations. A year later, FRA finds in its follow-up publication on Investigating alleged ill-treatment at the European Union's external borders – 2025 update that such violations still often go unreported and are insufficiently investigated.

## 3.1. Fatalities at land borders

According to data FRA received from IOM's Missing Migrants Project – in 2025, 32 people were reported dead or missing at the Belarus-EU borders. On the Western Balkan route, at least 22 people died or went missing. These data cover fatalities per route and include also those incidents that occurred outside the EU.

In future, new challenges may emerge. The five EU Member States bordering Belarus and the Russian Federation declared their withdrawal from the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction. The corresponding notifications justify the withdrawal on the basis of the deteriorated security situation.

## 3.2. Alleged summary returns and violence

Allegations of ill-treatment, summary returns and excessive use of force persist, as a civil society 2025 annual report on pushbacks reminds.

### 3.2.1. Eastern Mediterranean route

On the Eastern Mediterranean route, in Greece, the recording mechanism by the National Commission for Human Rights documented a "pattern of organised and structural violations of human rights and of the principle of *non-refoulement*". Its latest annual report (July 2025), which presents data collected in 2024, recorded 52 summary return incidents, 35 in the Evros region and 17 at sea. These incidents concerned at least 1,517 people, including at least 300 women and 225 children. Two out of three incidents at the land border in Evros and half of the incidents at sea, involved violence. At sea, 24% of the incidents involved life-endangering conduct.

In Cyprus, in March 2025, UNHCR issued a statement concerning the interception at sea of three boats with some 80 Syrian nationals, followed by disembarkation in Syria. The Cypriot authorities denied the allegations.

### 3.2.2. Balkan route

Along the Balkan route, in 2025, the tri-partite monitoring mechanism in Bulgaria, recorded some 214 summary returns affecting 6,117 individuals compared to 3,549 incidents in 2024, affecting 43,284 individuals, according to UNHCR. UNHCR's own monitoring work indicate that 17% of asylum applicants interviewed in Bulgaria were prevented from entering the territory of Bulgaria. Among those whose entry was prevented, 57% reported use of violence. In November 2025, investigating a serious incident, the Frontex fundamental rights officer (FRO) noted delays, misleading information, and possible negligence in relation to an operation where three children died from hypothermia near the Turkish border in December 2024.

The Croatian Ombudswoman (see annual report for 2024, page 170) continued to receive allegations of rights violations at borders and informed FRA that several investigations are ongoing, including one examining alleged police violence at the border. According to a Save the Children report (November 2025), summary returns persist, with testimonies consistently describing intimidation and physical abuse.

In September 2025, the Hungarian Helsinki Committee marked the 10-year anniversary of the fence at the border with Serbia and, in its submission to the UN Special Rapporteur on Torture reiterated that collective expulsion of migrants and related inhuman and degrading, continue.

### 3.2.3. Border with Belarus

The Member States at the border with Belarus publish data on third-country nationals prevented from irregular entry. For 2025, these concerned some 12,046 people in Latvia, some 1,652 people in Lithuania and some 25,114 in Poland (at Table 3). Data include people stopped before physically crossing the border as well as people reconducted at the border after apprehended inland (see section 5).

In their annual reports covering 2024, the national Ombuds institutions flag the fundamental rights concerns of such summary returns (e.g. the 2024 Lithuanian annual report, pages 122-129 and the 2024 Polish Commissioner for Human Rights annual report, page 17). In October 2025, the Polish Commissioner addressed a letter to the Ministry raising his concerns about the restrictions to asylum.

To prevent risks of *refoulement*, in Poland the ECtHR granted interim measures in 114 cases, representing 76 % of the court's interim measures relating to borders in 2025. Authorities do not always comply with them, as a case by the Association for Legal Intervention shows.

Next to the uncontrolled violence on the Belarusian side of the border, reports by Save the Children (September 2025) and by Oxfam and Egala (March 2025) describe violent summary returns from Poland, sometimes from hospitals, leaving people in the border area without water, food or healthcare. Civil society organisations supporting people on the move, such as "I Want to Help Refugees" (Gribu palīdzēt bēgļiem) in Latvia, the Sienos Grupė in Lithuania and the Polish NGO, We Are Monitoring (Stowarzyszenie) continue to report alleged rights violations at the Belarus border.

### 3.2.4. Other routes

In Spain, the Superior Court of Justice of Andalucia, Ceuta and Melilla, ruled illegal the immediate return in March 2025 of three migrants attempting to swim to Ceuta (decision No. 290/2025decision No. 290/2025). The same Court ruled in November 2025 that the immediate return to Morocco of six Syrian migrants who arrived in the Chafarinas Islands and requested asylum, violated asylum rights and procedural guarantees (decision No. 2434/2025). The Court held that the special border regime of Ceuta and Melilla cannot be extended to Chafarinas, requiring instead an individualised return or asylum process.

In Mayotte, a French overseas department, media investigations (2025) raised alarms about dangerous maritime interception practices by French authorities that have led to migrant deaths.

## 3.3. Investigations into rights violations

FRA's 2025 update on investigations into alleged ill-treatment at the EU's external borders finds that, between 2020 and 2024, at least 135 criminal and 161 disciplinary investigations were opened in 13 Member States, resulting in 4 criminal convictions and 13 disciplinary sanctions.

In Italy, the Tribunal of Crotone initiated judicial proceedings over the February 2023 Cutro shipwreck with six officials on trial since January 2026. In Greece, two years after the Pylos shipwreck, criminal proceedings have been initiated against 17 members of the Hellenic Coast Guard, including senior officers. After that incident in 2023, a FRA report on death at sea (2023) called for effective investigations.

National human rights institutions also investigate cases. For example, the Polish Ombudsperson is examining a case from 10–11 July 2025 in which a soldier allegedly used rubber bullets and struck an Afghan national with a rifle butt. The individual was hospitalised in Białystok. The Lithuanian Ombudspersonconducted two investigations in 2025, relating to allegations of *refoulement* at border crossing points (cases no. 5D-2025/2.1-389 and 5D-2025/2.1-465).

Calls for effective investigations into incidents continue. For Greece, in February 2025, the Council of Europe Commissioner for Human Rights issued a memorandum on migration and border control, recommending stronger accountability mechanisms. On 3 February 2026, after a vessel collided with a Hellenic Coast Guard ship near Chios, resulting in 15 fatalities, the Greek National Commission for Human Rights called for an urgent and thorough investigation into the incident. Subsequently, Greek authorities opened an inquiry. In his capacity as the National Mechanism for the Investigation of Arbitrary Incidents, the Greek Ombudsman stated that he will closely monitor the conduct of the investigation and assess its completeness upon its conclusion. According to the Greek Ombudsman annual report of 2025, reported misconduct cases increased by 53%, reaching a total of 272 compared to the previous year.

In A.R.E. v. Greece and in G.R.J. v. Greece (2025), it noted Greece's "systematic practice" of summary returns at its sea and land borders, finding a violation of the European Convention on Human Rights in the first of the two cases. In Almukhlas and Al Maliki v. Greece (2025), it condemned Greece over the death of an Iraqi child in 2015 near the island of Symi, shot by a coastguard during an interception. It found that Greece failed to protect the right to life and that subsequent investigations were inadequate, breaching Article 2 of the ECHR.

More generally, the ECtHR has issued several decisions concerning events at the EU's external borders. In Y.K. v Croatia (2025), the Court found that Croatia violated the applicant's rights by detaining him, preventing his access to the asylum procedure, and expelling him despite a risk of renewed torture. The Court observed that without legal representation and an automatic suspensive effect on appeals, the applicant couldn't effectively challenge his expulsion decision (paras. 124-132). A few months later, the ECtHR ruled in H.Q. v. Hungary (2025), that Hungarian authorities unlawfully expelled asylum seekers to Serbia without an adequate individual assessment. Over 30 cases remain pending before the ECtHR, including three cases on instrumentalisation and push backs referred to the Court's Grand Chamber relating to the situation in Latvia, Lithuania and Poland described in section 3.2.2.

At the EU level, the Frontex Fundamental Rights Office informed FRA that from January 2024 to June 2025, it concluded 69 serious incidents reports alleging fundamental rights violations in Frontex operational activities. It found that in 53 cases fundamental rights were likely violated or

that there was strong evidence regarding violations of fundamental rights. It referred these cases to national authorities for investigations under domestic law. By March 2026, none of these cases resulted in disciplinary or criminal sanctions, although some investigations remain pending.

# 4. Fundamental rights monitoring

### EU legal and policy framework

Monitoring compliance with fundamental rights is one of the promising aspects of the Pact on Migration and Asylum. New rules under the Screening Regulation (Article 10) and the Asylum Procedure Regulation (Article 43 (4)) require Member States to have an independent mechanism by June 2026 to monitor compliance with fundamental rights during the screening of new arrivals and when assessing asylum claims at borders. Member States must ensure that monitoring bodies are independent, have unfettered access to locations and documents, and are allocated adequate resources. Such rules complement effective forced return monitoring under Article 8 (6) of the Return Directive (2008/115/EC) and the internal monitoring mechanisms in Frontex and the EU Agency for Asylum.

Independent fundamental rights monitoring mechanisms can help prevent violations, strengthen the protection of victims through existing safeguards and expert advice, and support investigations through objective and evidence-based reporting. By enhancing transparency and accountability, it also contributes to trust in public authorities. While independent monitoring mechanisms under the Pact on Migration and Asylum are gradually being established, monitoring activities have expanded. However, when it comes to forced return monitoring, persistent gaps in transparency, timely information-sharing and sustainable funding persist. FRA's guide on national independent mechanisms (2024), issued pursuant to Article 10 of the Screening Regulation, advices EU countries on setting up independent monitoring mechanisms to ensure fundamental rights are respected during screening and the asylum border procedure.

## 4.1. Monitoring mechanisms under the Pact

In light of the obligation under Article 10 of the Screening Regulation for Member States to establish independent fundamental rights monitoring mechanisms as of June 2026, FRA and the European Network of National Human Rights Institutions (ENNHRI) contacted national human rights institutions regarding their monitoring activities during 2025 falling within the remit of monitoring under the Pact on Migration and Asylum. These included, for example, monitoring of detention and reception facilities where in future screening or border procedures may take place and of the treatment of persons hosted there. This follows a similar exercise done in 2025 for monitoring activities in 2023 and 2024. The mapping shows an increase in the number of monitoring activities carried out in 2025 – where some 170 monitoring visits occurred – as

compared to 2023 and 2024. In addition, in Bulgaria the tripartite monitoring mechanism by the General Directorate Border Police, UNHCR and the Bulgarian Helsinki Committee carried out 421 visits in 2025, compared to 589 monitoring visits in 2024, as described in its 2024 annual report.

Most Member States have committed to designate national independent monitoring mechanisms in their Pact's national implementation plans. Based on information available to FRA, as of March 2026, in most Member States, the task of an independent monitoring mechanism is or mostly likely will be attributed to existing national statutory human rights bodies, such as Ombuds institutions (e.g. Austria, Bulgaria, Cyprus, Czechia, Denmark, Finland, France, Latvia, Estonia, Poland, Portugal, Romania, Slovakia, Slovenia and Spain). In some Member States, the monitoring will be carried out in cooperation with civil society organisation. In the framework of a screening simulation exercise in Romania at the end of April, the Romanian Ombudsman and FRA will be jointly testing the screening monitoring methodologies developed by FRA.

Other Member States are opting for different solutions. For example, Ireland proposes the establishment of a newly created oversight mechanism, the Chief Inspector for Asylum and Border Procedures. Croatia plans to assign the task to the Office of Human Rights and the Rights of National Minorities who will cooperate with external partners.

In the 2025 European Annual Asylum and Migration Report, the European Commission urged Member States to conclude "arrangements relating to the fundamental rights monitoring" and recommended to avoid "splitting this role amongst different actors or, where composite arrangements are chosen, clearly defining a lead role."

FRA has been engaging with National Human Rights Institutions and National Preventive Mechanisms as well as Member States' authorities, to operationalise its monitoring guidance. As part of this process, FRA is developing a common monitoring methodology for future national mechanisms. Such practical manual will support fundamental rights monitors across the EU in their daily work, on what to monitor and how to plan, carry out and follow up on monitoring visits. In 2026, FRA plans to pilot the methodology in selected Member States with the help of national independent monitoring mechanisms established under the Pact.

## 4.2. Forced return monitoring

FRA's 2025 update on forced return monitoring systems confirms that all Member States bound by the Return Directive (2008/115/EC) have a legal framework and designated bodies for monitoring forced returns, but independence, coverage and sustainability remain uneven. In 2024, five Member States did not monitor any national forced returns. Persistent gaps in transparency, timely information-sharing and sustainable funding – including EU funding-related interruptions in some Member States – risk undermining the effectiveness and credibility of national systems. The proposed Return Regulation, intended to replace the Return Directive, suggests improvements to the existing forced return monitoring (see also section 11).

## 4.3. Monitoring by Frontex and the EU Agency for Asylum

The European Border and Coast Guard Regulation (EU) 2019/1896 has a fundamental rights monitoring mechanism, whereby Frontex fundamental rights monitors can monitor a wide range of activities at the borders covered by Frontex operations, including border surveillance and patrolling. At the beginning of 2026, some 50 monitors continuously cover Frontex activities in the field, collecting findings, including best practices, and providing Frontex with recommendations for mitigating measures or suggestions to suspend parts of the operations due to high risk of fundamental rights violations. They also provide training and advice. Frontex monitors spent some 1,700 days in the field in 2025. The main concerns they identified relate to national authorities not complying with EU and international law, such as in relation to the right to seek asylum and the duty not to return people without a return decision. The Frontex fundamental rights officer who oversees the monitors' work devotes significant resources to investigate incidents and liaises with national authorities encouraging them to take needed action.

The EU Agency for Asylum (EUAA) has also a dedicated fundamental rights officer, who is responsible to ensure the Agency's compliance with fundamental rights in all its activities, including to handle complaints, as well as to promote the respect for fundamental rights in the Agency. In 2025, he informed FRA that he visited EUAA operations in Cyprus, Greece, Bulgaria, Italy and Romania and handled 22 complaints.

Article 14 of the EUAA Regulation (EU) 2021/2303 requires the Agency to establish a mechanism to monitor the operational and technical application of the common European asylum system. While not focusing on fundamental rights compliance, this monitoring mechanism is explicitly tasked with covering also fundamental rights and child protection issues in the implementation of responsibility sharing mechanisms as well as reception conditions. In 2025, EUAA piloted the mechanism in Estonia and the Netherlands.

# 5. Access to asylum

### EU legal and policy framework

Access to international protection procedures is a key aspect of the right to asylum in Article 18 of the Charter and an essential component of the Common European Asylum System. In November 2025, the EU published its first annual asylum and migration report, to which FRA contributed. In February 2026, two new instruments were integrated in the Pact on Migration and Asylum. The Safe Third Country Regulation (EU) 2026/463 broadens the meaning of a safe third country, removing the requirement of a personal link thus enabling more inadmissibility decisions. The Safe Countries of Origin Regulation (EU) 2026/464 designates Bangladesh, Colombia, Egypt, India, Kosovo, Morocco and Tunisia—and EU candidate countries with some conditions—as safe, allowing applicants from these countries to be processed through accelerated procedures. UNHCR had urged EU lawmakers to reinforce safeguards for transfers to third countries and over 50 NGOs issued a joint statement raising serious concerns about the expansion of the safe third country and the safe country of origin concepts.

Access to asylum in the EU continues to be shaped by diverging trends and policy responses. While overall asylum applications declined in 2025 and preparations for the implementation of the Pact on Migration and Asylum progressed, structural pressures on asylum systems persist, including growing backlogs and uneven access to procedures. Measures adopted in response to the instrumentalisation of migrants continued to raise fundamental rights concerns. Other legal and practical barriers made access to asylum difficult in some Member States. Opportunities for protection through resettlement and humanitarian pathways remain limited.

## 5.1. Asylum trends

Asylum applications decreased by one fifth in 2025 compared to 2024, according to the EU Asylum Agency's Latest Asylum Trends 2025. Applications in 2025 were concentrated among a limited number of nationalities. The five largest groups were citizens of Afghanistan (14% of all applications), Venezuela (11%), Syria (5%), Bangladesh (4%) and Türkiye (4%). Together these accounted for approximately 39% of all applications lodged in the EU, Norway and Switzerland. Reasons for this decreasing trend are diverse, with some of the key drivers being described by the same EUAA report. However, this does not mean that protection needs are decreasing, with a rising trend of almost 30,5 million refugees worldwide in 2025, according to UNHCR.

Applications of Syrian nationals decreased the most, following the regime change in Syria. At the same time, after the landmark ruling of the CJEU in Joined Cases C-608/22 and C-609/22 of 4 October 2024, repeated applications by Afghan women rose despite no corresponding increase in arrivals at the external borders. The Court ruled that Afghan women face a general risk of persecution and can be recognised as refugees solely on the basis of their gender and nationality without requiring further individualised circumstances. According to the same EUAA report, Germany reported a sharp rise in Afghan women's asylum claims in mid-2025, noting that nearly half were repeated applications. According to a reply to a parliamentary request, the German government revoked resettlement pledges for Afghans in Pakistan.

At the same time, Eurostat data show that pending asylum applications have reached near-record levels, with over 1,2 million persons subject of pending asylum applications by November 2025, especially in France, Germany, Italy and Spain.

## 5.2. Implementation of the Pact

Member States are making efforts to implement the Pact on Migration and Asylum, which will fully apply as of mid-2026. The Pact consists of ten legislative acts aimed at creating a more integrated, efficient and balanced EU migration and asylum system. Two key regulations—the Asylum and Migration Management Regulation (AMMR) and the Asylum Procedures Regulation—required Member States to adopt National Implementation Plans by December 2024, linked to the Commission's Common Implementation Plan. National Implementation Plans set out concrete actions, timelines and costs to ensure effective use of the transition period and to adapt national legal, administrative and operational frameworks. In addition, the AMMR requires Member States to adopt national strategies intended to provide a coherent, strategic framework to ensure sufficient capacity for asylum and migration management. They should include measures to prevent and respond to migratory pressure, explain how common principles are applied at national level, and show how findings from EU-level monitoring and evaluations—by the EUAA, Frontex, and under the Screening and Schengen Regulations—are considered. An EUAA situational update of March 2026 contains the links to those national plans which are publicly available.

The AMMR further envisages a five-year asylum and migration management strategy, for the first time published on 29 January 2026 and an annual asylum and migration report, published on 11 November 2025, with FRA input.

## 5.3. Responses to the instrumentalisation of migrants and refugees

Member States bordering Belarus and Russia adopted measures in response to the instrumentalisation of migrants by third countries. Estonia repeatedly closed some of its border crossings to Russia, most recently the Luhamaa and Koidula road border crossings at night, as of 24 February 2026 for three months, according to a government press release. The situation at the

Finnish – Russian border remains calm after the Finnish government has repeatedly closed all border crossing points since 15 December 2023 – with the latest decision until further notice. In early July, Finland extended the validity of its Border Security Act, which enables the Finnish Government to limit the submission of applications for international protection, until the end of 2026. To FRA's knowledge, these laws did not lead to summary returns. For example, four men who crossed into Finland in February 2026, and who were suspected of serious crimes, were channelled into criminal procedures, according to Finnish media.

Legislation in Latvia, Lithuania and Poland maintained or extended restrictions to access to asylum at their borders with Belarus. These measures left people stranded in border forests without shelter or access to humanitarian assistance, as described in section 2. In February 2026, these three countries issued a declaration on strengthened cooperation on security of external borders, citing hybrid threats.

In a 2025 position paper, FRA stresses that measures to counter the instrumentalisation of migrants falling within the scope of EU law must remain fully compliant with EU law and uphold the fundamental rights guaranteed by the Charter. FRA noted that some of the actions taken to counter instrumentalisation – particularly those targeting migrants and refugees – may have long-lasting consequences for the protection of fundamental rights at the EU's external borders and may ultimately undermine the nature of asylum as a fundamental right.

National court decisions have increasingly scrutinised state practices at the external borders, particularly concerning summary expulsions and access to asylum procedures. On 30 December 2025, the Supreme Administrative Court of Lithuania ruled that summary expulsions at the Belarus border are unlawful and that denying access to asylum violates international and EU law. In November 2025, the Association for Legal Intervention reported the first Polish court ruling awarding compensation for unlawful detention and summary return of two Afghan nationals detained in August 2021 without access to legal assistance or interpretation.

## 5.4. Other legal barriers to accessing asylum

Legal barriers to accessing asylum persist in 'embassy procedure', which requires people to first file a "statement of intent" at Hungarian embassies in Belgrade or Kyiv before they can obtain a single-entry permit to apply for asylum in Hungary, rendering access to asylum almost impossible. According to the Hungarian Helsinki Committee, between June 2020 and June 2025, only 16 individuals were authorised to enter Hungary to lodge an asylum application via the embassy asylum procedure. In December 2025, Hungary announced in the media to contest the enforcement of CJEU 2024 ruling (C-123/22) which imposed financial penalties for Hungary's continued infringement of EU law.

In July 2025, Greece adopted a three month suspension of asylum applications for sea arrivals from North Africa to Crete (July–October 2025). The ECtHR issued interim measures to prevent removals under this policy. Persistent operational obstacles also continued to hinder access to

asylum procedures, including shortages of interpreters, as highlighted in the Aegean NGO Network's Monitoring Report on the Closed Controlled Facilities of March 2026. The report also illustrates the increasingly constrained operating space for NGOs supporting asylum seekers, such as reduced physical access to facilities, legal and administrative barriers to operation, constraints on independent monitoring, and a hostile or deterrent environment.

## 5.5. Resettlement and humanitarian pathways

According to the European Annual Asylum and Migration Report 2025, only about 12,000 people arrived in the EU through resettlement and humanitarian admission pathways in 2024–2025. Numbers of admitted refugees decreased in most Member States compared with previous years — illustrating a marked decline in resettlement activities.

## 5.6. Asylum at internal Schengen borders

Some EU Member States have reinstated controls at internal Schengen borders, turning back asylum applicants without applying Dublin Regulation procedures.

In May 2025, Germany expanded border controls and authorised immediate rejections at land borders, without assessing asylum claims, citing Article 72 of the Treaty on the Functioning of the EU (TFEU). Although in June 2025 a court in Berlin ruled the practice unlawful, authorities continued it. Border controls remained in place across all German land borders in March 2026. In response, Poland also reintroduced controls on its borders with Germany and Lithuania in mid-2025. According to the media quoting the Lithuanian State Border Guard Service, in July 2025, Lithuanian authorities detain migrants entering from Latvia and attempting to reach Poland.

# 6. Protecting people fleeing Ukraine

### EU legal and policy framework

The Temporary Protection Directive 2001/55/EC, activated in March 2022 in response to Russia's full-scale invasion of Ukraine, provides immediate protection, residence permits, access to the labour market, education, health and social services to displaced persons from Ukraine. In 2025, the Council of the EU extended temporary protection for displaced persons from Ukraine again to March 2027. A Council Recommendation (2025) on coordinated transition encourages Member States to offer national residence permits, facilitate access to EU Blue Cards and Single Permits, and to provide clear information on return and stay options. A Commission Communication (2025) sets out principles to transition into other residence permits and proposed Unity Hubs for information provision to Ukrainians in the EU. Under Article 18 of the Charter, everyone retains the right to apply for asylum, once temporary protection ends.

Temporary protection for people fleeing Ukraine was comparatively accessible, with 4.3 million people holding such status at the end of 2025 in the EU, according to Eurostat. As the end of temporary protection approaches, Member States are adopting divergent national residence solutions, some of which risk leaving vulnerable groups without protection. Labour market integration of displaced people from Ukraine has been comparatively strong, reflecting targeted national measures, yet risks of labour exploitation persist, especially for women. Children's access to education remains uneven across the EU, with a significant number still not fully integrated into host country education systems. In several Member States, social protection entitlements for temporary protection beneficiaries are being reduced or made conditional. At the same time, gender-based violence, discrimination and exploitation continue to affect women from Ukraine, as documented in FRA's report 'Seeking Safety from War – Violence and rights abuses against women from Ukraine (2026). The Register of Damage for Ukraine, which is part of a Council of Europe compensation mechanism, allows displaced people to submit claims for damages.

## 6.1. Transitioning into national residence permits

In the absence of an EU-wide approach, as Member States prepare for the post-temporary protection phase after March 2027, diverse national solutions are shaping access to residence rights, employment, education and social support. Already in May 2025, ICMPD noted in a policy

paper Four million people, one crossroads: Charting the future of temporary protection that several EU Member States had introduced alternative legal status options. These national policies suggest that primarily self-sufficient beneficiaries of temporary protection, particularly those in (high-skilled) employment, are increasingly being offered alternatives to temporary protection. ICMPD notes that the main concern lies with those who are ineligible, largely vulnerable groups, who will continue to depend on some form of protection to avoid falling through the cracks once temporary protection ends.

Displaced persons already in the Schengen area who meet standard requirements may apply for residence permits (e.g. study, work, family, reunification), as happens in Belgium, Estonia, Germany, Slovakia and Spain.

In some cases requirements have been adjusted: Austria's'Red White Red Card Plus', for example, counts the years spent under temporary protection toward long-term residence and requires only basic German language skills. Czechia provided new residence permits to working Ukrainians, applying many but not all of the conditions for long-term residence applicable to other third-country nationals. Italy enables temporary protection beneficiaries to convert their status into work permits without quota restrictions, albeit with administrative delays. Poland's introduction of the "CUKR permit" gives residence for up to three years, maintains labour market access but reduces social benefits.

FRA's report 'Seeking Safety from War – Violence and rights abuses against women from Ukraine (2026) highlights the need for the EU and Member States to take account of the specific situation of displaced people from Ukraine—60% of whom are women and girls—when temporary protection ends. The survey shows that two in five women from Ukraine (40 %) plan to stay in their current Member State of residence even when the war ends, while 33 % do not know whether they will go back to Ukraine or not. Unless addressed through other residence rights solutions, it is not unlikely that a large number of displaced people will apply for asylum when their temporary protection ends. This may put additional pressure on the asylum system.

## 6.2. Labour market integration policies

The employment rate of displaced persons from Ukraine is high compared to other non-nationals, indicating the effectiveness of targeted measures introduced by Member States to help increase the number of employed beneficiaries of temporary protection, such as in Estonia, Germany, and Lithuania. High employment rates – almost comparable to host levels - can be found in Hungary, Poland, Bulgaria, Czechia, and Slovakia, according to a UNHCR report of January 2026. According to the Czech Ministry of Labor and Social Affairs, Ukrainian temporary-protection holders have become a net fiscal benefit for Czechia, contributing CZK 8.2 billion (€340 million) in Q3 2025 against CZK 3.9 billion (€161 million) in state costs, generating a surplus of CZK 4.3 billion (€178 million). This positive balance reflects rising employment and declining reliance on humanitarian support, with the number of recipients falling from 234,000 in April 2022 to 83,000 in September 2025. Together, these trends produced a cumulative surplus of CZK 11.7 billion (€484 million) by

Q3 2025, following a full-year surplus in 2024.

As described in section 12.2, FRA's report 'Seeking Safety from War – Violence and rights abuses against women from Ukraine' (2026) shows that Ukrainian women are at particular risk of labour exploitation.

## 6.3. Access to education

Education outcomes remain uneven across the EU, according to UNHCR's analysis of major trends and challenges in education of refugees from Ukraine in Europe (April 2025). Germany, Poland and Czechia report the highest enrolment of Ukrainian children, though many continue following online schooling in Ukraine in parallel.

A February 2025 briefing of the European Parliament Research Service on Displaced Ukrainians: Challenges and outlook for integration in the EU highlights that 50% of school-aged Ukrainian children who left Ukraine because of the war are still to be enrolled in their host countries' education systems. Of the children enrolled in regular schools in Member States, more than half (60 %) also follow online classes from Ukraine in parallel. These data refer to a November 2024 mapping.

Children with disabilities, those with limited language skills and recent arrivals face persistent barriers.

## 6.4. Social protection

The level of social protection available to temporary protection beneficiaries is decreasing in some Member States while remaining stable in others. Czechia, Slovakia and Hungary have all rolled back benefits that were introduced earlier. Poland ended the special social-assistance regime for Ukrainian refugees and is shifting to a system where benefits depend on work, insurance, and standard residence rules, according to the news website Notes from Poland in February 2026. In May 2025, the Estonian Social Insurance Board discontinued the one-time compensation for housing rental costs as well as financial support for translation services for new applicants.

FRA's report 'Seeking Safety from War – Violence and rights abuses against women from Ukraine' (2026) shows that only around one in five women from Ukraine (21 %) interviewed in the survey was able to get by financially easily or fairly easily on their household income. Most women could only make ends meet with difficulty (39 %) or with some difficulty (40 %).

## 6.5. Gender-based violence

Russia's war of aggression against Ukraine has resulted in millions of women seeking safety in the EU. FRA's report 'Seeking Safety from War – Violence and rights abuses against women from Ukraine (2026), which is based on 1,223 interviews carried out in 2024 with women who fled Ukraine to Czechia, Germany and Poland, reveals the degree of violence and exploitation. Ten percent of interviewed women were interrogated by Russian forces, and among them over half (51%) were physically humiliated and nearly one-third (29%) sexually humiliated during these interrogations. Since the start of the invasion, one in four women (25%) have experienced physical or sexual violence, and over half (54%) were physically or verbally attacked or subjected to other negative conduct within the EU simply for speaking Ukrainian in public, leaving many feeling anxious, vulnerable and less self-confident. Sexual harassment is widespread: 51% experienced it overall, including 23% online, yet reporting remains extremely low, with only 3% informing organisations specialised in supporting women from Ukraine and 3% contacting victim support services.

# 7. Reception conditions and capacity

### EU legal and policy framework

The treatment of asylum applicants is regulated by the Reception Conditions Directive (EU) 2024/1346, which will apply as of June 2026, replacing Directive 2013/33/EU. The new instrument introduces more harmonised and enforceable reception standards, including, for example, earlier access to the labour market and stronger rules on education and guardianship for unaccompanied children.

Member States continue to face structural weaknesses in reception capacity, and uneven protection standards for vulnerable groups. Even though asylum applications have declined, reception systems remain under strain due to longstanding infrastructure gaps and overcrowding in several Member States. National policies increasingly rely on reductions, sanctions or withdrawal of reception benefits, including where there are capacity shortfalls. National and EU-level court rulings have reaffirmed that such constraints must remain proportionate and cannot undermine minimum material standards or human dignity.

## 7.1. Reception gaps

Reception conditions for asylum applicants across EU Member States have been under scrutiny for years, marked by chronic capacity shortfalls, overcrowding, homelessness and a patchwork of national restrictions despite declining asylum applications.

Based on findings of the First Annual Migration Management Cycle, the Commission designated Cyprus, Greece, Italy and Spain as Member States under migratory pressure. By March 2026, ten Member States were receiving targeted EUAA operational support to address strained systems, reflecting both the scale of infrastructure gaps and efforts to harmonise standards amid fiscal pressures.

In August 2025, the CJEU (C-97/24) established that Member States cannot invoke sudden rises in asylum applications or accommodation shortages to evade their obligations to provide minimum reception conditions like shelter, food, and water. Such failures, if they cause destitution or degrading treatment, are a serious breach of EU law. Member States must in any event cover the basic needs of the persons concerned, in accordance with the obligation to respect human dignity rooted in Article 1 of the EU Charter. In Ireland, in a separate case, the High Court ruled in February 2026 that the state should pay damages to asylum seekers who were left homeless upon their arrival. According to the Irish Refugee Council in December 2025, around 3,100 people

were not offered accommodation in 2025. The Minister for Justice, Home Affairs and Migration noted that the number of people without accommodation was reduced from over 3,500 in March 2025 to 613 in October 2025.

Instances of homelessness were also reported in other Member States, for example in Belgium, Netherlands and Spain. Belgian reception authorities have been facing a long-running reception crisis since 2023, with overcrowding regularly leaving single men without accommodation, as families were prioritised. At the same time, fewer new arrivals and a modest increase in departures led to a slight improvement in 2025, according to Fedasil, the Belgian reception authority. In Belgium, occupancy remained extremely high over the year, averaging around 94%, with about 25,000 persons having received a reception place. Occupancy rates remained very high also in the Netherlands, where the government has taken measures to limit the expensive emergency accommodation that is provided to 40% of those entitled to reception support (30,000 persons). Leaving aside the lack of adequate reception for unaccompanied children in the Canary Islands described in section 8, in 2025 the Spanish Ombudsman criticised the authorities in Melilla for denying reception to people who asked for asylum but had appointments weeks away, leaving them homeless on the streets.

## 7.2. Limitations, sanctions and withdrawals of reception benefits

National policies across the EU also rely on limitation, sanctions, or withdrawals of reception benefits to manage capacity pressures and secondary movements, as the following examples illustrate.

In August 2024, the Finnish government had temporarily cut allowances for asylum seekers' daily needs by roughly half. The government proposed to extend this measure until 11 June 2026. From 1 March 2026, new rules amending the Social Assistance Act will also fully count all earned income and benefits when calculating eligibility for a reception allowance. In Ireland, applicants in employment living in state-provided accommodation will have to contribute to the costs depending on their income; this scheme is being rolled out over a 12 month period from January 2026. From March 2025, Swedish authorities require asylum seekers to live in accommodation assigned by the Migration Agency to get financial support, like daily allowances. Those living on their own lost this aid, apart for a few exceptions for families already together. In Austria, authorities in Vienna abolished minimum income support for subsidiary protection beneficiaries from 1 January 2026.

Several court cases have assessed the legality of national restrictions on material reception conditions. In Belgium, amendments to the Reception Act allowed authorities to refuse accommodation to "M-status" holders since August 2025 – these are persons whose asylum claims fall under the Dublin system because they are already recognised as protected persons elsewhere in the EU. Belgium's Constitutional Court suspended this in February 2026 pending CJEU review, citing potential EU law violations. In Italy, authorities withdrew all reception conditions (housing, food) from an asylum seeker and his child who were refusing a transfer to a

centre in Milan for schooling reasons. On 18 December 2025, the CJEU (Case C-184/24) assessed this situation and ruled that such total deprivation of material reception conditions is unlawful, even for repeated refusals. The CJEU held that sanctions must remain proportionate and preserve human dignity. While coercion measures may be used to enforce transfers, minimum support cannot be withdrawn.

# 8. Protection of unaccompanied children

### EU legal and policy framework

The instruments adopted under the Pact on Asylum and Migration introduce a more coherent set of child specific safeguards, including multidisciplinary and child sensitive age assessment standards and guaranteed legal assistance, strengthened family unity provisions and priority treatment for unaccompanied children when determining the Member State responsible to examine an asylum claim under the Asylum and Migration Management Regulation (EU) 2024/1351, as well as mandatory temporary representatives during pre-entry screening.

Across the EU, asylum applications by unaccompanied children fell according to Eurostat from 40,405 in 2023 to 33,160 in 2024, with 2025 monthly data suggesting ongoing decline. A few Member States however had more applications by unaccompanied children, such as Greece (2,670 in 2023; 4,710 in 2024), and Spain (30 in 2023; 910 in 2024). At the same time, reception, guardianship systems and age-assessment procedures show gradual improvement in several Member States but continue to suffer from capacity gaps and delays. Courts increasingly reaffirm the presumption of minority and the child's best interests, while continued reliance on medical age assessments and delays in appointing guardians remain key concerns, as highlighted in FRA's ongoing work on the protection of unaccompanied children.

## 8.1. Reception of unaccompanied children

Several Member States adjusted their reception frameworks, introducing more child-focused procedures and specialised support to better identify and support unaccompanied children and address gaps in the system. For example, according to the government's National Register of Administrative Procedures, Greece regulated the operation and licensing of reception centres and semi-independent living apartments for unaccompanied children, while between February and July 2025 the ECtHR had to grant interim measures in four cases to protect 71 unaccompanied children from inadequate reception conditions in the hotspots of Samos and Leros (paragraph 32, Committee of Miniters' execution of judgements). According to a June 2025 EUAA reportEUAA report, Bulgaria opened another safe zone for unaccompanied children in the Harmanli centre with 98 places, expandable to 200 in times of crisis.

Belgium, through an AMIF funded project (2023–2025), developed a tool to assess the child friendliness of reception centres, embedding child rights criteria into reception monitoring and quality control, according to the European Migration Network. Denmark amended the Aliens Act

in December 2024 to ensure that children affected by forced marriages are assigned a representative.

Spain confronted severe overcapacity in the Canary Islands and Ceuta, where the protection systems operate at more than three times their ordinary capacity. Authorities adopted in March 2025 a decree to create a structural redistribution mechanism for unaccompanied migrant children based on a declaration of “extraordinary migratory contingency”, entailing mandatory interregional transfers according to population, and a one year deadline to complete the transfers following an August 2025 decree which defines the ordinary capacity thresholds of each autonomous community.

See section 10 for information on immigration detention of children.

## 8.2. Guardianship

The EU funded European Guardianship Network, formed by guardianship authorities, local agencies, NGOs and EU and international organisations, continued its efforts to coordinate and provide assistance to guardianship authorities in Member States, setting quality standards and sharing best practices.

The Council of Europe's implementation review of Recommendation CM/Rec(2019)11 of December 2024 documented partial progress on guardianship for unaccompanied children but flagged systemic gaps, such as delayed appointments, insufficient guardianship training, role overlaps with immigration authorities, and absent caseload limits across systems.

For example, in Austria, delays in the appointment of guardians continue to receive criticism from the Austrian Ombudsman Board, in January 2026, while a draft law on guardianship for unaccompanied children was published in early March 2026 for public consultation. In Greece, which launched in January 2024 a guardianship system under Law 5038/2023 in cooperation with two civil society organisations, there were delays in appointing guardians in some initial reception facilities, according to Save the Children and the Greek Council for Refugees.

In Belgium, preparatory work for the implementation of the Pact on Migration and Asylum focused, with the support of the European Commission, on improving the guardianship service through a gap analysis, increased guardianship recruitment and several pilot projects to ensure the early appointment of a guardian.

## 8.3. Age assessment

Age assessment remained a central legal and practical issue. According to Article 25 (2) of the Asylum Procedure Regulation, medical examinations to determine the applicants’ age should be used as a measure of last resort. However, a March 2026 EUAA report on age assessments

shows that none of the 15 Member States that provided information used non-medical methods to assess age. The EUAA published the third edition of its Practical Guide on Age Assessment in November 2025, which elaborates on the different age assessment methodologies, including non-medical ones.

At national level, Malta amended in December 2025 its legislation to permit medical age assessment where doubts persist, coupled with an explicit presumption of minority, unless identity documents conclusively prove adulthood. In 2024, Sweden further refined its medical age assessment model by introducing a detailed eight-stage wisdom tooth classification, a development that continues to attract scrutiny from medical and human rights bodies.

Case law has highlighted that deficient age assessment procedures can amount to violations of fundamental rights. In the January 2025 case A.C. v. France , the ECtHR found a violation of Article 8 of the ECHR due to procedural shortcomings, including incomplete and imprecise information provided to the applicant, inadequate reasoning, and lack of respect for the margin of error in age assessments. Similarly, in March 2025 in the case F.B. v. Belgium it condemned procedural flaws, reinforcing the presumption of minority and the child's best interests under Article 8 of the ECHR. In Italy, the EUAA reported that the Supreme Court of Cassation clarified in October 2025 that in detention validation proceedings involving a person claiming to be a child, courts must apply safeguards. They must give the benefit of the doubt where age is uncertain and suspend proceedings treating the person as an adult pending the juvenile court's decision on the child's age. In Spain, the Supreme Court ruled on 29 January 2026, that in cases of age uncertainty for migrant youth, minority status must be presumed in line with Article 12.4 of Organic Law 1/1996 of 15 January. Official documents and the lower age resulting from medical tests must be prioritised over broad forensic estimates.

# 9. Persons with special needs

### EU legal and policy framework

The Pact on Migration and Asylum establishes a new obligation to identify persons with special needs. Under the Screening Regulation authorities are required to conduct a preliminary vulnerability check upon arrival. A subsequent, more detailed individual assessment should identify individuals needing special reception conditions or procedural safeguards, in line with the Reception Conditions Directive (2024/1346) and the Asylum Procedure Regulation (2024/1348). Directive (EU) 2024/1712, amending the 2011 Anti-Trafficking Directive, strengthens victim identification obligations and requires referral mechanisms and cooperation arrangements with asylum authorities. It must be transposed by 15 July 2026.

Migration routes expose people to exploitation, abuse, and violence, leaving many in vulnerable situations. These experiences can involve serious violations of fundamental rights, which lead to trauma and mistrust of institutions. As their vulnerabilities may not be immediately visible, it becomes more difficult for authorities to assess their needs accurately and provide appropriate support.Although authorities and EU agencies have strengthened tools, training and guidance to improve detection—particularly for victims of trafficking, torture and gender-based violence—many vulnerabilities still go unnoticed. Ensuring timely referrals, tailored reception measures and procedural safeguards remains essential, including after protection is granted.

## 9.1. Identification

Victims of trafficking in human beings, of torture, and gender-based-violence require trauma-informed approaches and trained personnel to be detected and assisted, as shown in FRA's report 'Seeking Safety from War – Violence and rights abuses against women from Ukraine (2026). To support Member State authorities, the EUAA has produced several tools and launched a dedicated training module on vulnerability in the Pact. Vulnerability modules are among the most attended training provided by the EUAA.

Early identification is particularly important for trafficking victims, whose subtle indicators often evade initial screening despite their heightened vulnerability, as FRA discussed with actors on the ground in January 2026, with regards to young men from Bangladesh arriving to Sicily. The European Commission is developing a post-2025 EU Anti-trafficking strategy via a public consultation. The Council of Europe monitoring body GRETA, after the fourth-round evaluations

(2024–2025) covering Austria, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Finland, Germany, Hungary, Italy, Latvia, Lithuania, Romania and Slovakia, urges stronger victim identification among and support to asylum seekers, including in border situations.

Identifying vulnerabilities resulting from gender-based violence and gender identity remains critical to protect fundamental rights. France adopted in February 2024 a new decree standardising medical examinations for female genital mutilation cases, specifying protocols for detection, documentation, and victim-centred care, alongside a dedicated webpage supporting healthcare professionals on how to issue related medical certificates. Belgium adopted in March and April 2025 new internal guidelines and a protocol on handling asylum applications based on sexual violence, and adjusted female genital mutilation follow-up protocols (medical checks every 3 years instead of annually) to reduce psychological impact on girls. The Asylum Procedure Regulation exempts persons from the border procedure if their special reception needs cannot be met there, making early identification essential to prevent inappropriate channelling. Persons with special needs feature also among those that may continue to request asylum under legislation restricting access to asylum at the borders with Belarus. For example, under the exceptional measure introduced in March 2025 in Poland, persons with vulnerabilities are still allowed to request asylum.

Early identification of vulnerabilities is essential to ensuring that applicants receive appropriate support from the outset. However, vulnerability may also emerge or be disclosed at a later stage, and such developments must equally trigger tailored reception measures and procedural safeguards. National practice demonstrates this in cases of late disclosure by LGBTI applicants. Courts have recognised that late disclosure of sexual orientation in asylum claims should not undermine the person's credibility, given the sensitivity of the matter, as the following two examples from Austria's Federal Administrative Court (X v. Austrian Federal Office for Immigration and Asylum, June 2025) and Belgium's Council for Alien Law Litigation (X v. Commissioner General for Refugees and Stateless Persons, August 2024) show.

## 9.2. Referrals and procedural safeguards

Once a person has been identified as having special needs, authorities may adopt a range of measures, including allocation to specialised housing, access to psychological support, or the provision of procedural safeguards during the asylum procedure.

In October 2025, for example, the Italian Ministry of Interior, supported by the EUAA, adopted a protocol that sets out in detail the measures to be applied in reception and asylum procedures to ensure the protection of unaccompanied children. It follows the 2023 vademecum for vulnerable persons. At procedural level, the Austrian Constitutional Court ruled in June 2025 that an applicant's request for a female judge and interpreter should have been granted by the lower court in a case involving sexual self-determination.

Special needs must also be addressed once international protection status is granted, as shown

by the ECtHR's 19 February 2026 interim measures, published by the NGO Refugee Support Aegean, protecting a young Syrian refugee with disabilities in Greece. After receiving refugee status, her temporary health number was deactivated, barring access to life-saving medication. The ECtHR ordered the Greek authorities to guarantee uninterrupted treatment, but according to Refugee Support Aegean the interim measure was not implemented.

# 10. Immigration detention

### EU legal and policy framework

Article 6 of the Charter guarantees the right to liberty. The proposed Return Regulation, intended to replace the Return Directive (2008/115/EC), would significantly expand the grounds for and duration of pre-removal detention. To prevent absconding, thePact on Migration and Asylumincentivises restrictions to and deprivation of liberty, particularly during screening and border procedures.

Immigration detention is expanding in several Member States, including through extensions of maximum length and by increasing detention capacity. At the same time immigration detention-related shortcomings, including inadequate detention conditions, persist and alternatives to detention remain underused. Courts play a crucial role in reviewing the legality of detention, yet access to effective remedies is uneven. The detention of children continues. A joint FRA and Council of Europe publication on Children in migration issued in 2023 with a focus on the situation at borders sets out the very strict European law rules which restrict immigration detention of children to exceptional situations.

## 10.1. Expansion of immigration detention rules

Evidence gaps persist regarding disaggregated demographic data on people in immigration detention. According to national factsheets published by the Global Detention Coalition, most Member States do not routinely share immigration detention-related data disaggregated by gender, age, and nationality.

Some Member States expanded their immigration detention rules. For example, Greece's 2025 law on returns extends the maximum length of pre-removal detention from 18 to 24 months. In addition, the temporary suspension of access to asylum for all irregular arrivals via North Africa to Crete (see section 5) resulted in the blanket detention of approximately 2,000 people between July and October 2025, according to civil society.

Detention capacity is being increased. According to the Federal Coalition Agreement (page 179), Belgium plans to double its immigration detention capacity with three new pre-removal facilities (Zandlivet, Jumet and Jabbeke) and a 'quick-departure centre', as reported by the press. France equally plans to expand the capacity of its pre-removal detention centres to 3,000 places by 2027. In Cyprus, according to the Cypriot police, a new immigration detention facility started hosting the first returnees at the end of March. FRA expects that this will put an end on the holding of pre-

removal detainees in sub-standard police cells. Once fully operational, the new facility, located in Limnes, will have a capacity of 800 persons.

## 10.2. Alternatives to detention

In December 2024, the EUAA published comprehensive guidelines on alternatives to detention. They provide Member States with advice on how to use community-based alternatives, case management models, and regular reporting obligations instead of immigration detention. They complement Frontex's compilation of good practices on alternatives to detention in return procedures. Two Spanish civil society organisations, in partnership with the International Detention Coalition, likewise emphasised the need to make more use of effective non-custodial measures in the migration context in lieu of deprivation of liberty.

## 10.3. Judicial review of detention orders

Courts offer an effective remedy against unlawful detention. For example, the appeal court in Turin (Italy) has struck down detention orders that disrespect the principles set by the Supreme Court, as reported by the press in May 2025. However, developments in other Member States may weaken access to effective judicial remedies, as the following three examples illustrate. In December 2025, Germany repealed the compulsory appointment of a legal representative for the judicial procedure ordering immigration detention, introduced in 2024 after long-standing concerns by civil society actors. The Hungarian Helsinki Committee reports that their lawyers providing legal advice have been denied access to detention facilities in Hungary, except if the detainee explicitly asks for that using a special form. For Malta, the ECtHR found, in the 2025 case J.B and Others, Malta's detention-appeals board to be neither independent, nor impartial, violating Article 5 (4) of the ECHR.

## 10.4. Inadequate detention conditions

Asylum applicants and returnees must be placed as a rule in specialised detention facilities under the EU return and asylum acquis. Yet inadequate conditions continued in some facilities.

Council recommendations on addressing deficiencies identified during Schengen evaluations – a process which FRA supports with its expertise – point to several immigration detention-related shortcomings, including inadequate detention conditions. For example, the recommendations forPoland following the 2024 evaluation note the need to ensure that detainees at the Warsaw Airport Holding Facility have access to fresh air (recommendation 84) and to adjust the regime in the arrest rooms for foreigners in Przemyśl (recommendation 86). A recommendation for Slovakia following a 2024 evaluation stresses that material conditions and the regime in pre-

removal centres should not be prison-like and detainees should have free access to the outdoor areas (recommendation 76).

In the 2025 case B.G v. Greece, the ECtHR found violations of the prohibition of ill-treatment (Article 3 of the ECHR) at a police station in Greece where asylum seekers were held, due to degrading detention conditions, with overcrowding, lack of hygiene and inadequate medical care.

At the end of 2024, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) documented deplorable conditions in pre-removal centres in Milan, Gradisca d'Isonzo, Potenza, and Rome, alleging physical ill-treatment and excessive use of force; over-medication; unhealthy living conditions; lack of purposeful leisure activities; and prolonged handcuffing. In October 2025, the Italian Council of State decided that the Ministry of Interior must revise the technical specifications for services in immigration detention facilities to better protect detainees' health and prevent self-harm. Similarly, in 2025 the CPT report of its visit to Malta in 2023 expresses significant concerns, especially for detained children and trauma survivors. In their response, the Maltese authorities reported on the improvements made and planned actions to ameliorate the conditions. In a 2025 report of the CPTon Bulgaria, long-standing issues in the Busmantsi and Lyubimets immigration detention facilities were raised, on which also investigative journalists from The New York Times reported in February 2026, where material conditions remained extremely poor, with virtually all detainee accommodation areas being overcrowded, dilapidated, dirty and infested with bedbugs. The response of the Bulgarian government provided information on the measures taken to implement the CPT's recommendations. In Greece, in November 2025, the NGOs 'Refuge Support Aegean' and the 'Refugee Legal Support' submitted a complaint to the Greek Ombudsman concerning sub-standard detention conditions.

## 10.5. Immigration detention of children

Detention of children remains a contested and evolving area, with some Member States moving towards stronger prohibitions and others expanding detention powers.

In January 2026, 16 UN Special Procedure mandate holders warned the EU institutions that the proposed Return Regulation risks normalising child detention and expanding enforcement powers, conflicting with international human rights law.

Belgium, through the 2024 Proactive Return Policy Law, legally entrenched the prohibition of immigration detention of children. France's Law No. 2024-42 bans the detention of families with children and unaccompanied children in immigration contexts. The prohibition became effective immediately in the mainland. However, in the oversees department of Mayotte, where most child detention occurs, it will only apply as of 2027, as media reported.

By contrast, Poland's new Article 88a (4) of the Law on International Protection entering into force in January 2026, permits immigration detention of asylum-seeking unaccompanied children,

reversing earlier protections and triggering concern among child rights bodies. In Greece, Council of Europe execution documents detail persistent risks of *de facto* detention for unaccompanied children, entailing prolonged stays in closed “safe areas” of reception centres.

# 11. Fundamental rights in returns

### EU legal and policy framework

In March 2025, the European Commission proposed a new Return Regulation, aiming to replace the Return Directive (2008/115/EC). The proposal, which was under negotiation in March 2026, has been heavily criticised from a human rights law perspective by UN special procedure mandate holders, UNHCR and many civil society organisations. It is designed to complement the Pact on Migration and Asylum. It introduces stricter rules to make return more efficient and permits the establishment of 'return hubs' in third countries. Core fundamental rights enshrined in the Charter are at stake and must be respected in any initiatives to increase the effectiveness of returns. Without sufficient safeguards, returns may lead to violations of rights guaranteed in the Charter, such as protection from torture and other forms of ill-treatment guaranteed by Article 3 of the Charter, the right to asylum in Article 18, and lead to *refoulement* and collective expulsions prohibited by Article 19. Returns may also interfere with the right to liberty (Article 6), the rights of the child (Article 24) and the right to an effective judicial remedy (Article 47).

To make returns more effective, over the past few years, individual Member States have adopted or applied far-reaching national measures. Not all such policies are in line with EU law. At the same time, assisted voluntary return schemes and Frontex-supported reintegration programmes play an increasingly prominent role. Cooperation with third countries—including through proposed return hubs—raises complex legal and fundamental rights questions, as highlighted in FRA's 2025 legal position paper on return hubs. Enforcement efforts increasingly target persons considered to pose security risks. Long-standing challenges persist for non-removable individuals facing prolonged legal limbo. Finally, despite an obligation in force since 2010, gaps in the independence, coverage and transparency of forced return monitoring systems continue to undermine effective oversight.

## 11.1. Harsher national laws and policies on returns

Hungary continues implementing return policies – namely escorting all apprehended irregular migrants back to the outer side of the fence at its southern border – which the CJEU (C-808/18) found to be in violation of EU law in December 2020.

Other Member States discussed or adopted new legislation to make returns more effective, by restricting rights, as two examples show. In Greece, Law No. 5226/2025, introduced prolonged imprisonment under national criminal law for irregular entry or stay and the increase of the maximum length of pre-removal detention to two years, exceeding what EU law allows. Legislative amendments in Sweden raised the duration of entry bans.

The European Commission initiated infringement procedures for the improper implementation of the EU return acquis against Belgium, Germany, Greece and Spain.

Council recommendations on addressing deficiencies identified during Schengen evaluations identified several return-related shortcomings in national laws, policies and practices. For example, the recommendations (98) and (99) for Croatia following an evaluation in 2024, ask that appeals against a return decision have a suspensive effect when their enforcement may violate the principle of *non-refoulement* and that information and procedural safeguards be respected. A recommendation (59) for Czechia following its evaluation at the end of 2024 stresses that prolonged detention periods, notably those longer than three months, must be subject to an *ex officio* judicial supervision; whereas a recommendation (82) from Poland's 2024 evaluation asks that returnees be afforded an effective remedy to seek review of return-related decisions.

## 11.2. Voluntary and assisted voluntary returns

Member States continued to promote assisted voluntary returns (AVR). For instance, media in Germany reported that nearly 17,000 returnees used the AVR scheme in 2025, which is 60% higher than the year before. In Italy, voluntary departures increased from 789 in 2024 to 1,313 in 2025, according to official data reported by the press. To promote AVR, in France, a new decree on return and reintegration assistance tripled the lump sum grant under its voluntary return scheme for certain categories of irregular migrants who have crossed the Channel to €2,200, or €3,500 in special cases (Article 1). Cyprus has invested considerably in voluntary returns and runs an assisted voluntary return programme which offers various reintegration packages, with incentives depending on a variety of factors, as Caritas Cyprus informs. It reported one of the highest rates of voluntary returns in the EU in 2025 – over 75 % of those ordered to leave did so voluntarily, according to Eurostat.

Following the fall of the Assad regime in Syria, UNHCR facilitates voluntary return but maintains its 2024 moratorium on forced return of refugees. Innovative programmes have emerged. In summer 2025, the Asylum Service in Cyprus ran a special programme, according to which the husband or father is allowed to stay in Cyprus under a special work permit for two years (renewable for one year), while the wife and children return to Syria with a financial benefit of €2,000 for the wife/mother and €1,000 for each child. FRA does not have information on how sustainable these returns from Cyprus to Syria have been, and whether they led to secondary displacement, meaning a subsequent forced movement, for example due to lack of safety or sustainable living conditions.

Frontex has become a more prominent actor not only in removals but also in voluntary returns: the

EU Reintegration Programme (EURP) is active in 38 third countries of origin. Through Frontex, returnees can access short-term financial support and long-term in-kind post-return packages for 12 months.

## 11.3. Cooperation with third countries and return hubs

Work on concluding and/or updating EU-level readmission agreements and other non-legally binding arrangements with third countries, as listed by Statewatch, continues, including talks with Guinea, Somalia, Senegal, Ethiopia, and The Gambia as well as formal negotiations with Kazakhstan, as authorised by the Council of the EU.

Some Member States (e.g. Austria, Denmark, Germany, Greece, and the Netherlands) are, according to media reports, actively pursuing offshore return centres in third countries. These so called 'return hubs' have sparked significant discussions, with the Council of Europe Commissioner for Human Rights (Observations on the new EU returns framework, March 2026), UNHCR (The Need for Effective Returns Systems and the Potential Role of Return Hubs, March 2025), and the UN Special Rapporteur on the human rights of migrants (A/80/302, August 2025) recalling the numerous limitations that human rights law imposes.

In February 2025, FRA issued a legal position paper on return hubs, concluding that the planned creation of return hubs in third countries as a measure to increase effective returns is only compatible with EU law if accompanied by a clear and robust set of safeguards.

## 11.4. Return of persons posing security threats

A growing number of Member States are placing stronger emphasis on the swift removal of migrants in an irregular situation who pose public security risks. The Austrian Ministry of the Interior reported about the resumption of removals of criminal offenders to Afghanistan. One Austrian media outlet reported about removals to Syria and another media source about returns to Somalia. Similarly, Germany resumed returns of Afghan nationals with criminal records in February 2026. Denmark announced in the press in January 2026 the intention to impose tougher rules regarding returns of non-EU nationals sentenced to a year or more for serious crimes. The media also reported in February 2026 that Denmark plans to start cooperation on forced returns at a technical level with the Taliban in Afghanistan, which raised concerns about potential breaches of the principle of *non-refoulement*.

On 26 March 2026, in D.M. v. Sweden, the ECtHR noted that although serious, the general security and human rights situation in Afghanistan were not sufficient on their own to conclude that any removal to that country would necessarily breach the principle of *non-refoulement*. In the concrete case, which did not concern a person posing a security threat, the ECtHR found that the removal from Sweden of an Afghan of Hazara ethnicity violated Article 3 of the ECHR (prohibition of

inhuman or degrading treatment).

## 11.5. Non-removable people

Member States continue to struggle with resolving the situation of migrants in an irregular situation whom they cannot remove due to practical or legal obstacles, in some cases leading to stricter policies. For example, in Denmark, amendments to the Aliens Act in December 2024 abolished relevant sections that had allowed non-returnable third-country nationals to obtain a temporary one-year residence permit if they had cooperated with the return authorities for 18 months. The NGO Danish Refugee Council voiced criticism that the new rules would result in situations of limbo, with people residing in reception centres for indefinite periods without legal status.

Treatment of stateless persons in return procedures remains poorly documented. The European Network on Statelessness flagged the lack of consistent referrals to statelessness determination procedures of those returnees who lack a nationality – and the limited availability of such dedicated procedures across EU Member States – as a persistent gap.

## 11.6. Monitoring of forced returns

Pursuant to Article 8 (6) of the Return Directive, Member States must provide for an effective forced return monitoring system. For over ten years, FRA has regularly reported on the functioning of national forced return monitoring systems. Although the above EU law obligation has been in force since 2010, significant gaps persist. In 2024, five Member States did not monitor any forced return operation. In eight Member States, fewer than ten forced return operations were monitored. In some Member States, the monitoring entity is embedded within the authority responsible for returns, raising independence issues. A significant number of Member States still do not publish key findings from their monitoring.

Frontex has a pool of forced return monitors with approximately 70 monitors, all but two affiliated with the national entity in charge of forced return monitoring and formally appointed to this Frontex-governed pool. In practice, over 93 % of Frontex charter flights were monitored in 2025. However, under Article 50 (5) of the EBCG Regulation (EU) 2019/1896 every return operation organised or coordinated by the Agency must be monitored. The Frontex Fundamental Rights Officer convened a meeting of forced return monitors in November 2025, calling for a more structured, integrated EU-level forced return monitoring system, with complementarity between EU-level and national-level monitoring.

# 12. Migrant workers and risk of exploitation

### EU legal and policy framework

The decision on labour migration lies with the Member States, who are free to decide how many workers to admit, and who they are.. However, EU law sets admission rules and regulates the treatment of workers once in the EU through various instruments, such as the directives on highly skilled workers, intra-corporate transferees, seasonal workers and the Single Permit Directive. The soon-to-be adopted EU Talent Pool will match third-country nationals with identified labour shortages in EU Member States. Ensuring that this framework upholds human dignity (Charter, Article 1), equal treatment (Charter, Article 20), access to justice (Charter, Article 47), and fair and just working conditions (Charter, Article 31), is vital to protecting migrant workers from discrimination and exploitation.

Most migrants come to the EU through legal channels, as Eurostat reported for 2024, primarily for work (32% of all residence permits granted), family (27%) or education reasons (16%). Nevertheless, migrants arriving through legal channels also often still face significant challenges in exercising their rights. Labour migration policies across the EU vary, with some Member States expanding regular migration pathways, quotas and regularisation schemes to address labour shortages, while others tighten access to work and residence. At the same time, bilateral agreements and sector-specific programmes increasingly shape labour migration governance. Despite these efforts, preventing labour exploitation remains a major challenge, particularly for workers with insecure residence status, as FRA highlights in its work on trafficking and labour exploitation,underlining the need for effective safeguards, labour inspections and access to justice.

## 12.1. Labour migration policies

EU Member States have reformed their labour migration laws, expanded bilateral agreements, approved quotas, streamlined regularisation pathways, and enhanced oversight to balance workforce needs with the prevention of exploitation. Some EU Member States expanded, and others limited access to their labour market.

In January 2026, Spain has approved an extraordinary regularisation process for up to 500,000 undocumented migrants and asylum seekers who lived in the country before 31 December 2025 and have no criminal record. They may apply for one-year legal residence and work permits.

Portugal introduced a new visa allowing high-skilled non-nationals to enter Portugal to search for a job and transition to a residence/work permit.

Conversely, others have tightened their rules, as the following examples show. Belgium's Flanders region abolished work permits for very low-skilled jobs, removing access to work permits for positions requiring only basic education. Hungary initially liberalised its rules to address labour shortages in manufacturing and construction. It then reversed course through Government Decree 450/2024. (XII. 23.) which entered into force in January 2025. The decree restricts eligible third countries and halves the annual quota for migrant workers to 35,000. In 2025, work-permit applications to Finland dropped by approximately 25% compared to 2024, also due to the introduction of the "three-month rule," which mandates that third-country workers must secure new employment within three months of losing their job or risk losing their residence permit. Finally, Sweden raised the minimum salary threshold for national work permit eligibility to 80% of the median wage in 2023 with a further increase to 90% introduced – starting in June 2026, to prevent low-wage exploitation and restricting migrants from taking entry-level jobs. Sweden also abolished a system known as "track change" which allowed refused asylum applicants to apply for a residence and work permit instead, without leaving Sweden. Policies that restrict secure residence can increase vulnerability to exploitation and undermine access to justice.

Several EU Member States made use of bilateral labour migration agreements with third countries. These agreements typically focus on channelling migrant workers into sectors with acute shortages – agriculture, construction, hospitality, care, and IT – while seeking to discourage irregular migration. Some of them promote readmission clauses, requiring third countries to repatriate irregular migrants. For example, France and Morocco, Germany and Colombia, Poland and Vietnam as well as Spain and Egypt, negotiated new or expanded existing agreements. All these agreements include some references to protecting migrant workers' rights.

EU Member States have raised or optimised quotas for non-EU workers, especially in agriculture, caregiving, construction, and tourism. For example, Italy expanded its 2025 migration quota to 165,000 non-EU nationals, tying a portion of these to citizens of countries that signed migration cooperation agreements with Italy. Romania maintained its annual quota at 100,000 first-time permits, but employer demand far outstripped supply, prompting calls for further increases.

Spain's Collective Management of Hiring at Origin (GECCO) program provides migrant workers with a four-year multi-entry work permit, enabling up to nine months of annual employment and residence in the country. It incorporates key protections, such as bans on recruitment fees, mandates for employers to cover one-way travel costs, and requirements to supply adequate housing. The programme – launched in 2000 – has achieved record figures for circular migration in 2025, as the Prime Minister reported in December 2025. A total of 25,767 migrants benefited, exceeding the more than 20,000 participants in 2024 and the 19,000 in 2023.

In line with international calls to expand "complementary pathways," some EU Member States have piloted labour migration routes specifically for refugees living in third countries. Initiatives in Belgium, Ireland, and Italy allow skilled refugees to apply for regular work visas, often with administrative support from NGOs. Germany launched an initiative giving German employers

access to a pool of 140,000 skilled refugees worldwide and support in navigating visa rules.

## 12.2. Preventing exploitation at work

FRA has repeatedly stressed that workers' insecure residence status heightens the risk of exploitation, underscoring the need to address labour shortages through safe and regular migration channels that protect workers' rights. Various FRA reports recommend more labour inspections in high-risk sectors, effective access to complaints, and providing migrant workers with clear and targeted information about their rights and support services.

EU Member States faced persistent challenges in preventing exploitation and abuse of migrant workers. For example, in FRA's 2026 Violence and related human rights abuses against women fleeing the war in Ukraine survey, among those women who had done paid work in the EU, 29% reported working very long hours, 24 % said they were underpaid or not paid at all, and 12 % were prohibited from taking breaks.

The Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA)'s report of February 2026 on Measures to prevent and detect vulnerabilities to human trafficking identifies migrant workers as a high-risk group for labour exploitation and stresses the need for strengthened measures—such as better oversight and targeted prevention efforts—to reduce their vulnerability to trafficking for the purpose of labour exploitation.

High-profile cases, such as Portugal's "Operation Mirror" involving trafficking and forced labour of migrants from several countries underscore the risks of insufficient enforcement and oversight.

# 13. Family reunification

### EU legal and policy framework

Article 7 of the EU Charter protects respect for family life but does not grant a right to family reunification. The Family Reunification Directive (2003/86/EC)determines the conditions for family reunification by lawfully residing third-country nationals. It gives refugees facilitated reunification. The directive does not apply to subsidiary protection holders, asylum seekers and those under temporary protection, leading to uneven practices across the EU. The Asylum and Migration Management Regulation (EU) 2024/1351 strengthens family-unity rules in responsibility allocation between Member States.

Although the Family Reunification Directive has been in force for over 20 years, numerous legal, practical, and administrative hurdles make reuniting family members of individuals granted international protection in Europe still a challenging and time-consuming process, according to the European Parliamentary Research Service's briefing of April 2025 on Family reunification rights: Refugees and beneficiaries of subsidiary protection. In 2025, several Member States introduced or proposed restrictive legal measures, some of which prompted constitutional and EU-level judicial scrutiny. Persistent practical and administrative obstacles, including stringent income and housing requirements, complex documentation demands and lengthy procedures, continue to make timely and effective access to family reunification challenging.

## 13.1. Legal restrictions

Examples of restrictions discussed or introduced in 2025 include the following. Austria suspended family reunification applications not only for beneficiaries of subsidiary protection but also for refugees, justifying it under Article 72 of the TFEU, which preserves Member States' responsibilities for maintaining law and order and safeguarding internal security. This development, depending on its application, may raise tensions with EU law. Ireland and Sweden proposed and Belgium and Finland introduced severe restrictions affecting both refugees and beneficiaries of subsidiary protection. The Netherlands proposed and Germany introduced a suspension of applications for family reunification for beneficiaries of subsidiary protection, with Germany applying extremely restrictive criteria for hardship cases. A study by the German Institute for Human Rights of February 2026 finds these criteria are applied so restrictively that only very few cases qualify, raising the risk of violating the ECHR.

In some Member States, restrictions affected rights guaranteed by the constitution, triggering the involvement of constitutional courts. Belgium's Constitutional Court suspended the new provisions and referred preliminary questions to the CJEU to determine compatibility with EU law. In Portugal, the Constitutional Court found restrictions to family reunification, such as a two-year waiting period, unconstitutional.

## 13.2. Practical obstacles

Such legal developments are complemented by practical obstacles. An October 2025 European Migration Network report on family reunification lists various challenges to apply for family reunification which emerged from the research. Depending on the Member State, these include high housing costs, strict income thresholds, and burdensome documentation requirements. Integration requirements, particularly language proficiency, pose barriers, especially for applicants with vulnerabilities. In addition, processing times may be long and there may be difficulties in accessing consular services, and high costs, particularly for refugees from conflict zones.

A press statement by the German NGO Pro Asyl (May 2025) illustrates the practical barriers. It refers to short application deadlines (e.g. three months), lengthy procedures, unrealistic civil status documentation requirements for applicants from conflict areas, expanded use of DNA testing and additional verification procedures, which often make family reunification challenging or impossible.

# Conclusions

In FRA's last overview in May 2023 titled "Asylum and migration: Progress achieved and remaining challenges", the Agency made five suggestions for dealing more effectively with the opportunities and challenges that migration brings, in compliance with fundamental rights. They related to saving lives, ensuring access to asylum, enhancing legal pathways for those in need of protection, better fundamental rights monitoring and investigating reported rights violations.

This bulletin, covering the period from January 2025 up to the end of March 2026, shows that in relation to these areas, significant fundamental rights challenges persist. Fatalities at sea continue, violence and summary returns at the external EU borders remain, and accountability mechanisms are still weak. Access to asylum is increasingly constrained, although the Pact should bring some improvements. There are more legal pathway options but in pure numbers, Europe resettles few refugees.

As regards other aspects, reception conditions vary greatly across Member States, with persistent gaps for vulnerable groups in some. Several countries are expanding detention powers, including for children, while alternatives to detention remain underused. Return policies have become more enforcement-driven, increasing risks of *refoulement* amid inconsistent monitoring. Labour migration reforms show mixed trends, with some Member States creating new pathways and others heightening exploitation risks. Family reunification rules have been tightened across the EU, creating growing obstacles for families to remain together.