FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

MIGRATION AND FUNDAMENTAL RIGHTS BULLETIN

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

Contact FRA

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Introduction

Article 10 (2) (h) of the Asylum and Migration Management Regulation (EU) 2024/1351 (AMMR) envisages that the European Commission takes the quarterly bulletins on migration developed by the EU Agency for Fundamental Rights (FRA) into account when assessing the overall migratory situation in the EU and evaluating whether a Member State is under migratory pressure. This bulletin covers developments between 1 July and 30 September 2026.

This bulletin draws on evidence from FRA's data, expertise and findings from field missions to Member States, complemented by desk research through FRA's multidisciplinary research network Franet. The research also included interviews and written consultations with various stakeholders, including immigration and asylum authorities, ombuds institutions and national statutory public human rights bodies, international organisations, monitoring bodies and relevant civil society actors, depending on the stakeholders in Member States.

Additionally, under Article 10 (2) of the Screening Regulation, the Commission must take into account the findings of the national independent monitoring mechanisms when assessing the effective application of the Charter of Fundamental Rights of the European Union(the Charter). Additionally, under Article 10 (2) of the Screening Regulation, the Commission must take into account the findings of the national independent monitoring mechanisms when assessing the effective application of theCharter of Fundamental Rights of the European Union (the Charter). FRA drew on their input where relevant as they are progressively becoming operational.

FRA shared the draft bulletin with national human rights institutions through the European Network ENNHRI and with Member States, relevant EU agencies and the European Commission through the Migration Preparedness and Crisis Blueprint network. It also consulted the Frontex fundamental rights office and integrated their comments as appropriate.

In addition, FRA used general-purpose artificial intelligence (AI) tools 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 in the text. Hyperlinks were accessed on 2 October 2026.

1. Fundamental rights at the EU's external borders

EU legal and policy framework

In the 2026 State of the Union address, European Commission President Ursula von der Leyen announced a new European Emergency Response Framework for exceptional situations in which the sudden arrival at the EU's external border of many people happens.

Any new measures adopted must remain fully consistent with EU and international law. This includes the right to seek asylum and the principle of non-*refoulement*, as FRA describes in its 2025 legal position paper on instrumentalisation of migrants and refugees.

The principle of non-*refoulement* 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 reflected in secondary EU law, including the EU Pact on Migration and Asylum. In a July 2026 position paper, the United Nations Special Rapporteur on Torture stresses the absolute nature of the principle of non-*refoulement*.

Serious fundamental rights concerns persist at the EU's external borders, where some Member States continue to apply exceptional measures. The Frontex fundamental rights office describes credible reports of collective expulsions, inhuman or degrading treatment, excessive use of force, confiscation or destruction of property, and unlawful detention of migrants in the Frontex 2025 annual report published in July 2026.

The large-scale arrivals in Ceuta, the autonomous region of Spain, at the end of July 2026 put the balance between protecting fundamental rights and safeguarding the EU's external borders to the test.

1.1. Mediterranean routes

This section describes the Western and the Eastern Mediterranean routes. Central Mediterranean and fundamental rights issues are covered in Chapter 2.

1.1.1. Western Mediterranean

On 30 July 2026, more than 72 000 people entered the city of Ceuta in the Spanish autonomous region from Morocco irregularly, according to a statement from the Spanish Minister of Interior. According to media reports, at least 88 people died while attempting to swim across the border and enter irregularly. Around 90–95 % of the people went back voluntarily to Morocco within 24–48 hours after their arrival, according to a statement from the Spanish government. Civil society organisations alleged that some of the returns amounted to summary returns without individual assessment, which the Spanish government denied. Media reported that protestors in Ceuta set fire to makeshift shelters of people who have remained in Ceuta. Further media reporting showed that on 18 September Spanish police fired rubber bullets into the air and struck people with batons as they began an operation to clear thousands of people off beaches and move some of them into temporary housing. The Spanish government informed FRA that only the minimum and strictly necessary deterrent measures were used in reaction to the large-scale arrivals.

Fundamental rights concerns include risks to the right to life, alleged unnecessary use of force against those arriving in Ceuta, inadequate reception conditions and child protection issues.

The Ministry of the Interior installed barriers and buoys at the Tarajal breakwater in Ceuta. This followed a Supreme Court ruling of 29 June 2026 which held that migrants intercepted while swimming towards Ceuta or Melilla could not be returned under the special 'rejection at the border' regime because, at sea, there was no physical border crossing point or border infrastructure where that procedure could lawfully be applied. The court found that this exceptional regime applies to persons attempting to cross the border by overcoming physical borders, such as fences. In the absence of such physical borders at sea, the authorities must use the ordinary return procedure with its procedural safeguards, including the possibility to request asylum. In response to the events, Spain also adopted measures which mobilise and coordinate national resources until 31 December 2026.

Italy temporarily reintroduced border controls with Spain during the month of September and 22 European leaders called for a coordinated EU response, as a briefing by the European Parliamentary Research Service describes. The Spanish Ministry of Foreign Affairs clarified that the large-scale arrivals in Ceuta did not compromise the integrity of the Schengen Area because Ceuta and Melilla operate under a specific Schengen regime. The two Spanish autonomous cities have a special status under EU law, which is part of the final act of Spain's accession agreement, according to which anybody who leaves the autonomous cities by air or sea to reach Europe is subject to border checks.

In reaction to the temporary reintroduction of border controls between Italy and Spain, a group of academics and former EU Commissioners lodged a complaint with the European Commission, asking it to meet its supervisory obligations under the Schengen Borders Code.

During the reporting period, a new EU–UK agreement on Gibraltar removed land-border checks as

of 15 July 2026.

1.1.2. Eastern Mediterranean

The Greek National Commission for Human Rights identifies persistent fundamental rights concerns at Greece's borders in its July 2026 annual Rule of Law Report on Greece, including alleged informal forced returns, shortcomings in access to asylum and non-*refoulement* violations, and gaps in accountability for human rights violations during border controls. Through its recording mechanism, it also documents repeated allegations of rights violations at borders. The 2025 report of the Greek National Commission for Human Rights, published in July 2026, documents 21 reports of violent summary returns, based on 23 personal testimonies collected between January 2023 and December 2025, involving at least 359 victims, including women, children and other vulnerable people.

On 30 June, the Greek Ombudsman published its annual report on the investigation of arbitrary incidents. It notes an increase in cases concerning violations of fundamental rights at the borders, from a total of seven cases in the previous year to 24 cases in 2025. These include cases of unlawful pushbacks, ill-treatment, shootings, and the capsizing and sinking of vessels.

Ahead of Greece's Universal Periodic Review before the UN Human Rights Council, the review was informed by
Greece's national report, an OHCHR compilation of information from UN human rights mechanisms, and a summary of submissions from other stakeholders. The OHCHR compilation raises concerns regarding alleged pushbacks, compliance with the principle of non-*refoulement*, the use of surveillance technologies in Closed Controlled Access Centres, and legal restrictions affecting the work of NGOs and other humanitarian actors.

The Border Violence Monitoring Network's June report, Illegal pushbacks and border violence, published on 31 August, describes an increase in structural as well as verbal and physical violence in the Aegean. The Aegean Boat Report published photographs, videos and location data of 36 people who reached the Greek island of Giali on 2 August 2026. It reported that the same group was later rescued by the Turkish Coast Guard from two inflatable life rafts after allegedly being removed from Greek territory.

Concerning Cyprus, since July 2025 FRA has not received reports about excessive use of force or violations of the principle of non-*refoulement* during maritime border surveillance.

1.2. Eastern land route

1.2.1. Border with Russia

The situation at the land border between Finland and Russia has remained calm since Finland closed the crossing points on 15 December 2023. It remains closed until further notice and asylum applications cannot be lodged there. To FRA's knowledge, no asylum applicant has approached that border in recent months.

On 3 September, Finland proposed extending the Border Security Act until 31 December 2028 to strengthen border security in light of potential instances of instrumentalisation of migrants. The Act allows the reception of applications for international protection to be temporarily restricted in a limited area at Finland's national border and in its immediate vicinity. Its application requires a separate government decision. In addition, the Finnish Border Guard announced the completion of the 200-kilometre-long and 4.5 metre-high border fence with Russia.

1.2.2. Border with Belarus

EU Member States bordering Belarus continue to apply measures against incidents or threats of instrumentalisation of migrants and refugees, including alleged summary returns.

As of 28 September, in 2026, the Lithuanian State Border Guard prevented the irregular crossing of 1 637 people from Belarus.

Lithuania's Supreme Administrative Court ruled that restricting a pregnant asylum seeker's movement amounted to unlawful detention. Authorities had failed to assess her vulnerability or consider alternatives. The Court ordered her immediate release and a reassessment of her situation.

The media reported on 22 July that the Latvian army used tear gas and a warning shot against a group of at least five migrants who were trying to cross the border from Belarus and who were acting aggressively and throwing logs towards soldiers as they attempted to enter Latvia.

Poland extended the temporary restriction of the right to apply for international protection at the Belarus border in the case of instrumentalisation of migrants, with exceptions for vulnerable groups, from 18 September 2026 for a further 60 days. The restriction has been in place since March 2025. Poland also extended its buffer zone at the Belarus border for the ninth time. The Polish government reports that from the first half of 2025 and the first half of 2026, the number of attempts to irregularly cross the border with Belarus has decreased and is now 65 times lower than before. The number of successful crossings also decreased in the first half of 2026.

1.3. Balkan route

Hungary extended its mass migration 'state of crisis' until 31 December 2026, maintaining exceptional measures, including the summary removals across the border fence with Serbia. Human Rights Watch says that it violates EU and human rights law and UNHCR raises concerns

regarding continued restrictions on access to asylum in Hungary. Meanwhile, the number of people prevented from entering Hungary and those apprehended and escorted back to the Serbian border both decreased significantly in the first six months of 2026 compared with the same period in 2025. During this period, the police prevented 1 165 people from entering Hungary, compared with 4 773 during the same period in 2025. Separately, between January and June 2026, 736 people were apprehended and escorted through the border fences, down from 2 145 in the same period in 2025, according to the Hungarian authorities. The Frontex fundamental rights officer describes apprehensions, including at airports, and subsequent escorts to the Serbian side of the border fence in its 2025 Annual Report.

The Frontex fundamental rights officer's 2025 Annual Report also describes incidents of collective expulsions and other alleged fundamental rights violations at the Bulgarian and Greek borders with Türkiye and at sea borders in the Aegean Sea. In Bulgaria, the State Agency for Refugees announced inspections of the reception and accommodation centres in Harmanli, Pastrogor and Banya to assess their conditions. At the same time, according to the Frontex fundamental rights officer's 2025 Annual Report, a Frontex joint action plan on Bulgaria marked a clear commitment to improved fundamental rights compliance.

Reports of alleged fundamental rights violations continue also at the Croatian land border. The Collective Aid monthly advocacy reports "Lines that hurt" (July 2026) as well as the Border Violence Monitoring Network's June 2026 monthly report titled 'Illegal pushbacks and border violence', published on 31 August, describes alleged violent summary returns to Bosnia and Herzegovina. A media outlet reported repeated allegations of Croatian border police using violence to deter irregular border crossings and prevent people from accessing asylum procedures.

2. Rescue at sea and punishment of humanitarian action

EU legal and policy framework

Under Article 3 (1) (b) of the European Border and Coast Guard Regulation, search and rescue at sea is one of the components of European integrated border management. The 1982 United Nations Convention on the Law of the Sea and other maritime law conventions require shipmasters to render assistance to all persons in distress at sea. In 2023, the EU proposed a new Facilitation Directive, with a recital indicating that assistance among family members, humanitarian assistance or support for basic human needs will usually not amount to migrant smuggling. This would be crucial to avoid tensions with the Charter of Fundamental Rights of the EU's right to life, right to asylum and prohibition of *refoulement* (Articles 2, 18 and 19). FRA's 2026 update on civil society search and rescue operation in the Central Mediterranean highlights that such operations remain essential for saving lives at sea. Search and rescue must be carried out in full compliance with fundamental rights, with clear disembarkation arrangements and protection safeguards for rescued people.

Although arrivals by sea decreased in 2026, deaths and disappearances remained high. According to data the International Organization for Migration provided to FRA on 1 October, between 1 July and 30 September 2026, at least 852 people were reported dead or missing on migration routes to Europe in the Mediterranean Sea and along the Atlantic Ocean route to the Spanish Canary Islands. The highest numbers were recorded on the West Africa-Atlantic Route (283 dead or missing, including 5 children), followed by the Western Mediterranean route (229, including 8 children), the Eastern Mediterranean route (199, including 36 children), and the Central Mediterranean route (141, including 4 children). Search and rescue operations, disembarkation practices and delayed or hindered humanitarian assistance continue to raise serious fundamental-rights concerns.

2.1. Search and rescue in the Central Mediterranean

2.1.1. Restrictions on civil society actors involved in search and rescue at sea

People attempting to cross the Central Mediterranean continue to face a highly dangerous environment. Restrictions on civil society search and rescue organisations affected the ability of

people in distress at sea to receive timely assistance and reach a place of safety.

At the end of June 2026, civil society organisations had deployed 21 operational rescue vessels and five reconnaissance aircraft, as listed in FRA's 2026 update on search and rescue operations in the Central Mediterranean. Since 2017, 105 administrative or criminal proceedings have been opened against civil society organisations involved in search and rescue, which hinder such missions.

In Italy, imposed measures usually involve the temporary blocking of vessels in ports for periods of 20 or 60 days and fines of 2,000 to 10,000 EUR, as FRA's report describe. In July 2026 CompassCollective reported the blocking of *Trotamar III*, and posted on social media about the detention and the fining of its vessel *Louise Michel*. Sea Watch reported the detention of their vessel following a rescue operation in August 2026 and SOS Humanity reported the blocking of Humanity 2 in September 2026. *Sea Punk I* was detained and fined, according to a post on social media.

The search and rescue cases often concern an alleged failure to communicate with the Libyan Maritime Rescue Coordination Centre. Civil society organisations continue to contest the requirement to cooperate with Libyan rescue authorities, calling for an end to such cooperation. In July 2026, Médecins Sans Frontières urged the European Commission to decide on complaints concerning Italy's search and rescue rules that had been pending for three years.

2.1.2. Courts as safeguards

Judicial review remains an important counterweight to restrictions affecting civilian search and rescue operations. Courts continue to examine measures and proceedings targeting search and rescue actors.

In Catania, Italy, a court dismissed proceedings concerning waste management on the 'Aquarius', bringing to an end nearly nine years of criminal proceedings, as Médecins Sans Frontières reported. In July 2026, a court in Ortona, Italy ruled that the detention of 'Humanity 1' in December 2025 had been unlawful and reaffirmed that Libya cannot be considered a place of safety for people rescued at sea, SOS Humanity reported. In September 2026, according to Sea Watch, the court of Naples lifted the detention order and annulled the fine of *Sea-Watch 5* linked to an alleged failure to communicate with Libyan authorities during a rescue operation.

These cases underline a recurring tension in the existing regulatory framework: search and rescue actors continue to be sanctioned for not cooperating with Libyan authorities, while courts continue to recognise the protection risks associated with disembarkation in Libya. This contributes to legal uncertainty and imposes a significant legal and organisational burden on search and rescue operations, as highlighted in a joint statement by civil society organisations.

2.1.3. Safety at sea

Civil society organisations deploying search and rescue vessels face increasing safety risks at sea. During a rescue operation in the Central Mediterranean in August 2026, media reported about the vessel *Louise Michel* coming under fire from a Libyan patrol boat in international waters while attempting a rescue. Earlier, as the ship Louise Michel reported on social media, the same vessel rescued six unaccompanied children who reported being forced into the sea at gunpoint by armed Libyan militias. The absence of effective and independent investigations into reported incidents raises concerns about accountability and impunity. SOS Méditerranée highlighted that one year after its humanitarian rescue vessel *Ocean Viking* came under heavy fire from the Libyan Coast Guard damaging the ship, no one has yet been held accountable.

According to a report of Emergency, an international humanitarian civil society organisation, civil search and rescue vessels are regularly monitored and followed by Libyan patrol boats. Italian journalists published an article on the origin of 41 of the 97 vessels that various Libyan forces possess. 21 of them were donated as part of the cooperation with the EU and its Member States mainly from Italy (15 vessels).

Possible interceptions and returns to Libya also concern Malta's search and rescue zone, as the press reported early September 2026. In one case, the captain of a merchant vessel who had located people in distress at sea received instructions from Malta's Rescue Coordination Centre to wait near them until they were rescued by an unidentified vessel which most likely came from Libya. The article also reports a lack of information on the whereabouts of rescued migrants in two other incidents.

In September 2026, United Nations Human Rights Special Procedures mandate holdersissued a statement on the United States migration externalisation arrangements. Referring to arrangements with over 35 countries and territories, including Libya, it warns that the return of migrants may expose them to serious human rights violations, including arbitrary detention, torture and other forms of ill-treatment.

At EU level, the Frontex fundamental rights officer highlights concern regarding aerial surveillance in pre-frontier areas and the sharing of information and sightings with third countries accused of human rights violations against migrants. See section 3.3 of the 2025 Annual Report for more detail.

In Tunisia, the absence of official data on migrants who die or go missing at sea raises concern about what the media describe as 'invisible deaths'. In July 2026, 46 civil society organisations called for the EU to suspend its support to Tunisia's border control activities.

2.2. Restrictions on humanitarian support and civic space

A European Parliament briefing issued in September 2026 highlights the risk that measures to address migrant smuggling may also affect humanitarian actors and others assisting migrants, particularly where safeguards for humanitarian assistance are insufficient. FRA's 2026 update on civic space describes a complex and often hostile environment for civil society, undermining their ability to operate independently, advocate effectively and fulfil their role in a democratic society.

Following the large-scale border crossings in Ceuta at the end of July 2026, the recast of the Facilitation Directive gained renewed political momentum. In an intervention before the European Parliament, EU Migration Commissioner Magnus Brunner called for negotiations on the proposal to be finalised. As FRA previously pointed out, without adequate safeguards protecting humanitarian action, the revised directive may result in expanding the criminalisation of migrants and those assisting them.

Restrictions linked to funding, registration and criminal liability emerged in some Member States. In Bulgaria, a draft bill on the registration of 'foreign agents' was tabled again, raising concerns about further restrictions on civic space. If adopted, it would impose registration requirements and restrictions on certain organisations receiving foreign funding.

In Latvia, media reported that until the adoption of a final court decision, authorities suspended an Asylum, Migration and Integration Fund (AMIF) funded project benefitting the association 'I Want to Help Refugees' (*Gribu palīdzēt bēgļiem*). Another media organisation reported about pending criminal proceedings against a member of its board concerning alleged support for the irregular crossing of the Latvian border. The organisation argued that linking funding to pending criminal proceedings was contrary to the presumption of innocence and could have a chilling effect on civil society working on migration and human rights. The suspension followed wider scrutiny of AMIF-funded projects administered by the Latvian Ministry of Culture. The organisation also raised concerns that an Informative Report approved by the Cabinet of Ministers could lead to the criminalisation of assistance to migrants and asylum seekers under broadly defined provisions on the instrumentalisation of migration.

In Greece, the Council of State ruled on the registration system for civil society organisations working with migrants, which made registration a condition for operating in Ministry of Asylum and Migration facilities and accessing government or EU funding (see Migration bulletin 2/2026). While the Council of State upheld key elements of the registration framework, it annulled provisions concerning discretionary registration powers, donor transparency, re-registration bans and found the legal basis for maintaining a separate registry of civil society organisations members to be unconstitutional. The judges also referred questions to the CJEU on registration conditions linked to criminal proceedings or convictions involving civil society representatives and on the processing of criminal-record data.

Case T-593/26 - Gruber v. EDPS was lodged before the General Court of the European Union on 7 September 2026. According to the non-governmental organisation Front-Lex, a human rights defender alleges that the European Data Protection Supervisor of failed to properly assess Europol's use of her data linked to previous criminal proceedings before a Greek criminal court. The criminal case concerned her humanitarian work with migrants and the charges against her

were dropped.

2.3. Crossings of the English Channel

Crossings of the English Channel continue, although fewer people arrived in the United Kingdom (UK) according to the British Home Office.

Migrants increasingly use larger vessels carrying a higher number of people. In August 2026, 230 people crossed in a 15-metre dinghy, the BBC reported. The BBC also reported on serious incidents such as the death of a person following a boat capsizing at the end of July, three deaths in a separate boat found off the French coast, and the rescue of 173 people after a boat caught fire on 4 August. On 28 August, the French Maritime Prefecture informed that 81 people had been rescued, and one person had died in three incidents over the preceding 48 hours. On 29 September, three people including a child were found dead, according to the BBC. Since the beginning of 2025 until 28 September 2026, 63 deaths have been recorded from mainland Europe to the UK, according to IOM.

At the same time, France and the UK have intensified efforts to prevent sea crossings, including through increased French policing, surveillance and interception operations. As a report by the French National Assembly notes, the French authorities have begun intervening directly in the water to prevent boats from continuing their journey, marking a shift from the previous practice on preventing departures only from the shore. Such interception techniques are potentially dangerous. However, the French government informed FRA that their use follows strict guidance taking into account search and rescue considerations.

According to information received by FRA, the French Ombudsperson (*Défenseur des droits*) is examining two complaints concerning interceptions at sea. Since January 2023, it has handled 92 cases concerning sea crossings from northern France, of which 24 remain pending, including three concerning maritime interventions by the French authorities. There have been some disciplinary and judicial investigations into past incidents which remain pending or have been closed.

In response to the British Home Office's statement on prevented sea crossings during the period from 27 April to 2 August 2026, the civil society organisation Utopia 56 reported that nearly 35% of the people it supported on the French coast during the same period said they had experienced police violence, compared with 25% a year earlier. More women, children and families reportedly remain in precarious conditions along the northern French coast where protection mechanisms remain limited. There are also heightened risks of trafficking, exploitation and sexual violence, the Refugee Women's Centre, a French non-profit organisation, noted in its 2025 Annual Report.

The media reports an increase in departures from the Belgian coast as surveillance along the French coastline intensifies. Belgium and the UK have strengthened police cooperation to facilitate intelligence-sharing against migrant smuggling networks.

The ‘one in, one out’ arrangement, a bilateral pilot scheme for the return of certain migrants from the UK to France, will end in October 2026. The British press reported that, following a High Court ruling finding previous guidance unlawful, some returns from the UK to France proceeded without a fresh assessment of potential trafficking indicators. It also reported that nearly 100 people who said they were children had been treated as adults and detained pending age-assessment procedures, although unaccompanied children are excluded from the scheme. Separately, the European Commission’s action plan for the Channel route, published in June 2026 provides a broader framework for cooperation with the UK. The implementation of the action plan has not been immune to fundamental rights concerns. Fundamental rights concerns also extend to longstanding border enforcement practices under the distinct Le Touquet Agreements. A French National Assembly report (at page 187) mentions injuries, including bruising and fractures as well as psychological distress among people returned to France under the agreement. The Samu Social de Paris, a social-emergency and homelessness support organisation cited in the report, recommends establishing a mechanism to record and transmit allegations of mistreatment by the British authorities and said it had alerted the public prosecutor.

On 28 September, a French rescue vessel assisted an overcrowded migrant boat off Blériot-Plage and rescued 105 people. Three passengers, including a 10-year-old child and two women, died despite medical assistance French authorities reported.

3. Investigations into rights violations

EU legal and policy framework

Article 47 of the Charter of Fundamental Rights of the EU provides that everyone whose rights and freedoms guaranteed by EU law are violated has the right to an effective remedy before a tribunal. Case law by the European Court of Human Rights requires investigations into alleged violations of the European Convention on Human Rights to be prompt and effective. FRA has consistently highlighted shortcomings in the promptness and effectiveness of investigations into alleged ill-treatment at borders. Past recommendations from the Schengen evaluation and monitoring mechanism under Regulation (EU) 2022/922 had flagged the insufficient nature of investigations into rights violations at borders. Article 10 (1) of the Screening Regulation obliges Member States to effectively and promptly investigate substantiated allegations of fundamental rights violations during screening.

In October, FRA published its 2026 update on EU-mandated migration-related fundamental rights monitoring and investigations in the field of asylum, borders and returns. FRA reiterates that the gaps regarding promptness and effectiveness of investigations into reported rights violations at the EU external borders lead to a perception of impunity, which risks undermining the rule of law, one of the fundamental values on which the Union is founded under Article 2 of the Treaty on European Union.

3.1. National judicial investigations

Based on data FRA could collect, between 2020 and 2025, judicial authorities in 12 EU Member States opened at least 322 preliminary criminal investigations. Only nine of them led to a conviction, eight in Hungary and one in Spain. All new convictions FRA recorded in 2025 are from Hungary.

Most investigations are discontinued at preliminary investigations stage. In FRA's Guidance on investigating alleged ill-treatment at borders report, the agency acknowledges the challenges to investigate rights violations at borders, given that evidence for what may have happened is often scarce. Although FRA offers guidance to overcome evidentiary obstacles, two years later, systemic gaps hindering effective investigation of rights abuses at EU external borders remain.

The Greek National Commission for Human Rights identifies in its annual Rule of Law Report on

Greece the lack of effective follow-up to the ECtHR judgement in A.R.E. v. Greece. In particular, it raises concerns about the authorities' refusal to reopen the judicial investigation that had been archived despite the ECtHR finding violations. This raises doubt on Greece's implementation of the judgment and on the effectiveness of accountability mechanisms for alleged 'pushbacks' from the Evros region to Türkiye. The concerns are echoed by the Council of Europe's Committee of Ministers, which continues to supervise the execution of *A.R.E. v. Greece* under the enhanced procedure. In September, the Committee called for further measures to ensure effective investigations, access to remedies and safeguards against unlawful returns. Refugee Support Aegean and Stiftung PRO ASYL also submitted comments to the Council of Europe Committee of Ministers regarding the case.

The National Commission for Human Rights, in a July 2026 submission to the Council of Europe Committee of Ministers, described a recurring pattern concerning investigations, whereby cases remain pending for a prolonged time before being dismissed or archived. The Greek National Commission for Human Rights noted that no case has ever resulted in the identification of perpetrators.

In France, a judicial investigation in Mayotte concerning a 2019 maritime interception that resulted in a young migrant losing both legs was closed in June 2026 after almost seven years, with the Court of Cassation dismissing the case. While no criminal responsibility was established, elements emerging from the investigation pointed to certain dangerous interception techniques used by the police at sea, as well as shortcomings concerning the intervening vessel's authorisation and crew qualifications.

3.2. National disciplinary investigations

In addition to criminal investigations, Member States have procedures for disciplinary investigations, which vary in objective and scope. They aim to sanction officers' inappropriate conduct and to protect the reputation of law enforcement authorities. From 2020 to 2025, FRA counted 192 disciplinary investigations across 12 EU Member States. In 2025, most disciplinary investigations were opened in Greece and in Croatia. National authorities also reported new investigations in Latvia and Lithuania.

None of the investigations concluded in 2025 led to disciplinary sanctions. As a result, the situation remains unchanged compared to FRA'sInvestigating alleged ill-treatment at the European Unions' external borders – 2025 update. At the time, FRA reported that 13 disciplinary investigations resulted in sanctions: seven in Croatia and six in Hungary. Sanctions included demotions, termination of service (sometimes conditional or suspended), fines, a delay in promotion and reprimands. The breaches of conduct concerned, among other things, abuse of power, police brutality, unlawful confiscation of property, and assault.

3.3. EU accountability mechanisms

The Frontex and the EUAA fundamental rights offices examine complaints against wrongful conduct by their respective agencies, as per Article 111 of Regulation (EU) 2019/1896 on the European Border and Coast Guard and Article 51 of Regulation (EU) 2021/2303 on the EU Asylum Agency, respectively.

As described in the EUAA fundamental rights officer's 2025 Annual Report, the EUAA received 22 complaints in 2025. Out of them, only one complaint, relating to the EUAA operation in Greece, was admissible. Frontex registered 114 complaints in 2025, according to data from Frontex fundamental rights officer's 2025 Annual Report.

Most complaints were inadmissible because the alleged breach did not occur within Frontex or EUAA operational activities. Nevertheless, some complaints raise serious fundamental rights issues, such as alleged ill-treatment or inadequate reception conditions, which remain unaddressed.

There are also gaps in the follow up to Frontex's serious fundamental rights incident reports. In 2025, the Frontex fundamental rights officer launched 47 serious incident reports, according to its 2025 Annual Report. The most common allegations concerned ill-treatment, violations of the right to life, lack of access to asylum and collective expulsion. Since mid-2025, the Greek Ombudsman has intensified its cooperation with the Frontex fundamental rights office. According to the Ombudsman's annual report on the investigation of arbitrary incidents, the Frontex fundamental rights officer has been notifying the Ombudsman of the launch and closure of serious incident reports concerning possible violations of fundamental rights at Greece's borders.

As most alleged rights violations concern the conduct by national officers operating within Frontex operations, there is a need to ensure better follow up to the fundamental rights officers' findings, including through appropriate investigations at the national level. A July 2026 policy study by academics on how to strengthen the fundamental rights toolbox of Frontex calls for independent investigations and enhanced powers to suspend Frontex operations when abuses occur.

Regarding the EUAA, the EU Ombudswoman reviewed a complaint concerning the EUAA (Case 229/2024/AML). She concluded in July 2026 that the agency had failed to ensure that caseworkers deployed in its asylum support teams in 2024 were prepared to properly conduct interviews with vulnerable asylum seekers. She recommended enhanced training for case workers, certain operational measures and an internal procedure to report mistakes in the conduct of asylum interviews and follow up on them. The EUAA has been working on an escalation mechanism to report violations by the host Member State to feed into the procedure in Article 18 (6) of the EUAA Regulation. To be effective, FRA considers that such a mechanism should envisage a substantial role for the EUAA fundamental rights officer at each key step.

4. Fundamental rights safeguards under the Pact on Migration and Asylum

EU legal and policy framework

Since 12 June 2026, the EU Pact on Migration and Asylum (Pact) applies in full. At the external borders, the Screening Regulation and the Asylum Procedure Regulation introduce mandatory screening for certain third-country nationals and expands the use of asylum border procedures. During these procedures, Member States are required to have an independent mechanism to monitor compliance with fundamental rights. The legal instruments adopted with the Pact also establish a stronger framework for the protection of children, including child-sensitive and multidisciplinary age assessment procedures, enhanced guarantees of legal assistance and representation, and reinforced safeguards for family unity. The Handbook on European law relating to asylum, borders and immigration – Edition 2026 FRA issued with the European Court of Human Rights, available so far in English and Greek, presents the relevant law.

The Pact brings new risks and opportunities for fundamental rights. This section of the bulletin covers independent fundamental rights monitoring and child protection. It finds that not all Member States have established a monitoring mechanism yet, while highlighting practical challenges in safeguarding children during screening, guardianship and age-assessment procedures. Other topics, such as fundamental rights in border procedures and deprivation of liberty, will be dealt with in FRA's future migration bulletins, as more practice on Pact implementation becomes available.

4.1. Independent monitoring mechanisms

In October 2026, FRA published a report on EU-mandated migration-related fundamental rights monitoring and investigations in the field of asylum, borders and returns. It provides an overview of independent monitoring mechanisms across the EU.

By the end of September, all EU Member States, except Hungary, Italy, Malta, Poland, and Sweden, had designated the national entity responsible for monitoring or had corresponding draft legislation under consideration. Building on the provisions in Article 10 (2) of the Screening Regulation, most Member States assigned the monitoring tasks to one or more national statutory human rights bodies. Exceptions are Croatia, Greece and Ireland. Under to the Screening

Regulation, monitoring entities in these three countries must closely cooperate with national statutory human rights bodies but only Ireland has so far established a structured cooperation through an Advisory Board.

In Denmark, France, Germany and the Netherlands multiple actors share the monitoring duties. A few Member States, for example Croatia and Lithuania, plan to outsource some monitoring tasks – typically the field visits – to civil society actors. If multiple actors are monitoring, there is a need for clear cooperation and coordination arrangements, to ensure coherence in the monitoring. This is the case in France, as the government informed FRA.

Despite FRA's suggestion that the monitoring entity be designated by law, only 15 Member States had adopted a legal basis designating the independent monitoring mechanism by 30 September 2026. The lack of solid legal basis leads to uncertainties and may negatively impact on resources and on the effectiveness of the monitoring.

In the first months after the entry into force of the Pact, designated monitoring bodies have mainly undertaken preparatory work, such as recruiting monitoring staff and adjusting monitoring tools. In seven Member States – Austria, Estonia, France, Greece, Ireland, Luxembourg, and Slovakia – first monitoring visits took place. As a good practice of transparency, in Luxembourg, the Ombudsman published the first two reports from its observations of the screening: June 2026 Ombudsman report and August 2026 Ombudsman report.

4.2. Child protection

The legal instruments adopted under the Pact on Migration and Asylum strengthen the identification of vulnerabilities during screening, respect for family unity and the best interests of the child throughout asylum and migration procedures and provide for representation of unaccompanied children from the earliest stages of procedures.

Low numbers of arrivals, particularly of unaccompanied children, offered little opportunity to apply the new rules in practice. An exception is Spain, where the large arrivals of children to Ceuta at the end of July 2026, including many reportedly unaccompanied, tested the operational capacity of reception and child protection systems. The situation prompted emergency measures to expand reception capacity and highlighted practical challenges relating to the identification, registration and accommodation of children arriving in large numbers. Civil society organisations also raised concerns regarding reception capacity, timely identification of children and access to appropriate protection measures, the press reported. While acknowledging the authorities' efforts, the Spanish Ombudsperson highlighted the difficult situation of children on the street.

4.2.1. Screening and Eurodac registration

A July 2026 European Migration Network ad hoc query on independent monitoring of children's

fundamental rights during the screening shows Children's Ombudspersons have a limited role in monitoring. In most Member States, there is no formal consultation mechanism between the national independent monitoring mechanism and the Children's Ombudspersons on key child protection issues such as, the best interests of the child, age assessment, accommodation, information provision and legal assistance.

Stakeholders in some Member States raise concerns on how the screening is implemented. For example, in Italy, a coalition of medical, legal and humanitarian organisations criticises aspects of screening relating to the medical check and safeguards for vulnerable groups, including children. In the Greek islands of Kos, Leros and Chios, the NGO Equal Rights Beyond Borders welcomes the introduction of psychosocial screening for all arrivals but considered the assessment too basic to identify the full range of vulnerabilities, raising concerns that protection needs may remain undetected.

Article 14 (1) of the Eurodac Regulation extends fingerprinting obligations to children from the age of six. This has generated discussions. As an illustration, the Austrian Federal Ministry of the Interior noted practical difficulties in capturing fingerprints from younger children, as live-scanner technology does not always accurately capture the still developing ridge patterns of younger children, leading to repeated failed registration attempts and technical error messages. To facilitate the collection of biometric data, authorities adapted the procedure through child-friendly measures, such as adjusting the height of the equipment to be reachable for children and providing step stools with handrails for smaller children.

Recognising the importance of multidisciplinary cooperation, Article 12 (3) of the Screening Regulation allows authorities to be assisted by non-governmental organisations in the vulnerability check and Article 12 (4) emphasises the role of child protection authorities. Civil society actors FRA consulted in some Member States report that they have received insufficient information about the screening so far and are rarely involved in the vulnerability check or other steps.

4.2.2. Guardianship

The EUAA and FRA have jointly issued two guidance booklets for guardians of unaccompanied children on international protection and the asylum procedure.

The Pact requires effective representation of unaccompanied children from the earliest procedural stages. Member States have been adjusting their guardianship system to ensure temporary guardianship from the beginning, as the following four examples illustrate.

- Austria amended Section 207a of the Austrian Civil Code (ABGB), providing that the child and youth welfare authority assumes guardianship *ex lege* as soon as an unaccompanied child is identified on Austrian territory. Operational arrangements remain under development at regional level.

- According to the Guardianship Authority in Belgium, there is a permanent presence of guardians at the registration centre for asylum applicants, as well as a pool of guardians available to deal with border/urgent cases.
- In Estonia, local municipalities represent the child from the earliest procedural stages. However, responsibility is concentrated on the Estonian municipality responsible for the country's only relevant reception facility.
- As reported to FRA by the Irish child protection agency (Tusla),temporary representation for unaccompanied children is provided through a contracted service with AllPro Services. Under the arrangement, the contractor is expected to make a temporary representative available within 60 minutes of a child being identified. Children's rights groups have expressed concerns regarding the selection of the facilities management company AllPro Services to work with vulnerable children.

Other Member States already had arrangements in place. In Greece, civil society actors contracted, as part of the national guardianship system, provide temporary representatives at screening points. According to the Greek government, as of 31 August 2026, 2 199 unaccompanied children had received guardianship services in 2026.

4.2.3. Age assessment

Age assessment procedures clarify a person's age when there are doubts whether a person is under 18 years old and therefore, an adult. Determining the age is necessary to decide whether child-specific safeguards apply and whether an asylum applicant may be channelled into border procedures as an adult. In a case involving a Somali applicant travelling with a false passport indicating adulthood, in a judgement from the District Court of The Hague in the Netherlands on 3 August 2026 (ECLI:NL:RBDHA:2026:21691), the court held that authorities must offer an age assessment where there are indications that the person may be a child. Pending the assessment, the applicant should not be channelled into the asylum border procedure.

Article 25 of the Asylum Procedure Regulation requires a multidisciplinary age assessment approach. In the past, age was often assessed through a medical examination, for example through bone x-rays. The new approach also includes a psychosocial assessment.

Actors FRA consulted in several Member States reported difficulties with the new approach. In the Netherlands, for example, the Guardianship authority NIDOS informed FRA that the Immigration and Naturalisation Service (IND) consulted approximately twenty organisations and experts. They reported a lack of expertise and willingness of relevant professionals to participate in the age assessments. This has hindered the implementation of the new methodology required under the Asylum Procedure Regulation.

France has taken a multidisciplinary approach to age assessment for several years. A medical examination is one of the elements taken into account.

Some Member States have taken preparatory measures. Belgium has issued guidance and information materials on age assessment procedures. According to civil society actors consulted, Germany has reportedly created 30 specialised positions within the Federal Office for Migration and Refugees dedicated to age assessment. In Ireland, responsibility for conducting age assessments was transferred from the Child and Family Agency to the International Protection Office, with medical examinations introduced for the first time under Article 14 of the International Protection Act. The introduction of medical examinations was controversial. Both this change and the award of child representation services to a private company sparked public debate, according to the Houses of the Oireachtas (Irish Parliament).

4.2.4. Training

Training and specialised expertise are essential for the effective implementation of the Pact's safeguards for children. Several Member States reported training activities on child-specific provisions. For example, the Greek Ministry of Migration and Asylum carried out training activities with the support of the EU Asylum Agency, UNHCR and UNICEF. Topics covered include child protection and safeguarding, vulnerability assessments, asylum procedures and ethical standards, reaching approximately 1 500 participants. In Cyprus, UNHCR reported that Social Welfare Services' guardians of unaccompanied children receive EUAA training, but it was unclear what specific child-protection training health professionals at Pournara reception centre received.

Another example illustrates the supportive role civil society may play. In Sweden, the civil society organisation Save the Children Sweden's Safe Accommodation (Trygga boenden) project provides training and supervision to Swedish Migration Agency staff on trauma-informed approaches and communication with children. Save the Children Sweden advocates for extending similar training to the Migration Agency and to staff within the Swedish Police Authority involved in screening.

5. Protecting people fleeing Ukraine

EU legal and policy framework

In response to Russia's full-scale invasion of Ukraine, the Temporary Protection Directive 2001/55/EC, activated through Council Implementing Decision 2022/382 in March 2022, grants displaced persons immediate protection and access to key services. On 30 July 2026, the Council adopted Implementing Decision (EU) 2026/1912, extending temporary protection for displaced persons from Ukraine for a further year, until 4 March 2028. The decision excludes new applicants under Ukrainian military obligations, which mainly concerns men aged 23 to 60. The decision recalls the 2025 Council Recommendation on the coordinated transition out of temporary protection, encouraging Member States to nevertheless facilitate moves to other legal statuses. Under Article 18 of the Charter of Fundamental Rights of the EU, everyone retains the right to apply for asylum, once temporary protection ends. The Court of Justice of the European Union held on 1 October 2026, that EU law precludes automatically suspending examination of an asylum application merely because the applicant is benefiting from temporary protection.

National approaches towards beneficiaries of temporary protection continue to vary considerably in terms of the scope, level and conditions of support provided, according to the Asylum and migration overview 2025 of the European Migration Network, published in July 2026. Several countries adjusted accommodation and social welfare policies in response to rising costs and a broader shift away from emergency assistance towards greater self-sufficiency. Young Ukrainian men appear to be particularly vulnerable, facing mental-health and integration challenges, while some are also excluded from the latest extension of temporary protection.

5.1. Preparing for the end of temporary protection

The EU extended temporary protection for another year until March 2028. According to Eurostat nearly 4.4 million people benefit from temporary protection. The decision excludes those with military obligations in Ukraine. The Council of Europe Commissioner for Human Rights, the Irish Refugee Council and PICUM in a July 2026 blog post, raise concerns about these widely applied restrictions. This might have a disproportionate impact on Ukrainian men of military age. However, persons who do not qualify for temporary protection may still apply for international protection, and refusal to perform military service can, in certain circumstances, form the basis of

a protection claim—for example where the individual faces persecution for reasons of religion or conscience.

Overall, keeping and obtaining temporary protection seems to become more difficult in some countries. In Denmark, for example, a new law restricts access to Denmark's Ukraine special residence scheme for people covered by Ukrainian mobilisation rules, including some family-reunification cases. Applications filed before 25 June 2026 are generally assessed under the old rules.

In Latvia, the Ministry of Interior is planning an amendment to the Law on Assistance to Ukrainian Civilians. The proposal would let Ukrainian civilians with temporary protection in Latvia apply for permanent residence after five years of continuous lawful stay, including time spent under Ukraine-specific visas or permits. Applicants would also need proof that they are exempt from mobilisation-related military service, and the permit would not grant EU long-term resident status.

A new law in Poland requires people to confirm their identity at a Polish municipality office by 31 August 2026 for those with a PESEL number (Poland's national personal identification number) and with UKR status (which grants temporary protection rights to eligible Ukrainian refugees in Poland), if they had been originally registered without a passport. These requirements may be particularly difficult for children, especially where identity was previously recorded through a parent's or guardian's document. Failure to verify identity can result in loss of UKR status and ineligibility for CUKR. CUKR is a three-year temporary residence permit in Poland for eligible Ukrainian beneficiaries of temporary protection who choose to transition from UKR status to temporary residence.

According to the Ministry of Interior in Slovakia, Ukrainian men aged 18–60 seeking temporary protection must prove compliance with Ukrainian military obligations.

Besides temporary protection, and in line with Council Recommendation on the coordinated transition out of temporary protection, Member States continue to implement different national residence solutions for people with temporary protection.

In Finland, according to a press release of the Ministry of Interior, for example, at the end of July 2026, a total of 4 300 Ukrainians have been granted a residence permit on the basis of work and 2 800 on the basis of family ties.

In Slovakia, an amendment to the Act on the Residence of Foreigners, entering into force on 15 July 2026, introduced a one-year transitional period after the end of temporary protection, during which beneficiaries may apply for a standard temporary residence permit, including for employment, business, studies or family reunification, subject to specific conditions. During the consultation process, UNHCR and other civil society organisations raised concerns that some vulnerable beneficiaries may face difficulties in meeting these conditions and, as a result, may be unable to transition to the new legal regime.

5.2. Socio-economic situation

In some Member States, transitioning from temporary protection to another residence status may create a gap in access to reception conditions and social support.

Austria's Chancellery announced that family allowance for beneficiaries of temporary protection from Ukraine lapsed on 1 July 2026. Parliament subsequently adopted an amendment restoring entitlement retroactively from 1 July 2026 and removing the previous requirement to be employed or registered with the Public Employment Service. The amendment generally excludes people receiving basic care (*Grundversorgung*), except for certain disability-related cases, and had not yet entered into force as of end of September 2026. Several aid and civil-society organisations criticised the exclusion, warning it could increase child poverty and hinder families' economic independence.

According to the government in Ireland, the Temporary Protection Transition Scheme, open from 30 September 2026 to 30 March 2027, allows eligible beneficiaries of temporary protection to transition to a new permission. Applicants must have resided in Ireland under temporary protection for at least one year, have been employed or self-employed for six months with a minimum annual salary of 29 432 EUR and not be residing in state-supported accommodation at the time of application. Qualifying family members may also transition. Applicants receiving a rent supplement remain eligible. The scheme operates alongside the phased wind-down of state-contracted accommodation for beneficiaries of temporary protection.

In the Netherlands, two interim rulings by the District Court of The Hague in August 2026 (ECLI:NL:RBDHA:2026:23982 and ECLI:NL:RBDHA:2026:24478) highlighted the socio-economic consequences of disputes over temporary protection, particularly access to accommodation and employment. In both cases, Ukrainian women risked losing municipal housing after Dutch authorities refused temporary protection because of links to prior protection in Poland. While one request for interim relief was rejected, another was granted, with the court taking into account the applicant's risk of homelessness and her need to support a seriously ill mother. The divergent rulings also illustrate continuing legal uncertainty over how prior or current protection in another Member State affects access to temporary protection in the Netherlands.

As of 1 July 2026, under the Expiration Act, Poland has limited state-funded collective accommodation for temporary protection beneficiaries to certain vulnerable groups, while others must leave the centres or cover the costs themselves. The government has introduced measures, including the initiative Together towards Independence to support transitions to independent housing and reduce risks of homelessness and family separation.

5.3. Mental health

In June, UNHCR Ireland concluded a joint evidence-building and training project with the government to embed a trauma-informed approach to international protection accommodation provision.

A 2026 factsheet of the Research and Data Centre of the Dutch government found that Ukrainian refugees' mental health in the Netherlands has worsened since 2023, with about 65% reporting depression or anxiety symptoms and 28% high or very high stress. Women are seeking professional help more often, but informal support remains common. Social contact has declined, and loneliness is higher than among the Dutch population.

A July 2026 European Commission reference research on migrant integration in Romania highlights that Ukrainian male refugees aged 15–25 in Romania face significant mental-health and integration challenges linked to family separation, war-related uncertainty, masculine role expectations, discrimination, and language barriers. A UNHCR 2025 assessment, published in August 2026, indicates that Ukrainian refugees in Romania continue to face economic insecurity, social isolation and gaps in access to services, despite progress in socio-economic integration. A Socio-Economic Insights Survey 2025, published in July 2026, also reports deteriorating mental health and psychosocial wellbeing, linked to financial hardship, isolation and reduced community activities in Romania.

In Sweden, a project on Facilitating Refugee Integration through Dedicated Mental Health Support, implemented between April 2025 and October 2026, provided community-based mental health support to Ukrainian refugees. The project aimed to strengthen mental well-being and facilitate integration through peer-support groups.

Conclusions

Events during the reporting period highlight the human dimension that must remain at the centre of migration policy. The deaths at sea in the Mediterranean and the Atlantic, the dangerous crossings in the English Channel, and the large-scale arrivals in Ceuta demonstrate that migration is not only a matter of border management but also of protecting lives and human dignity. As the European Commission considers stronger responses to situations of migratory pressure, following a proposal for a future European Emergency Response Framework, maintaining effective safeguards and individual protection guarantees will remain crucial.

The first months of implementation of the EU Pact on Migration and Asylum mark the beginning of a new era in EU migration management. The Pact provides Member States with new tools to manage migration, strengthen solidarity and improve preparedness. At the same time, its success will depend on whether these measures are implemented in full compliance with the Charter of Fundamental Rights of the EU, including the right to asylum, the prohibition of *refoulement*, the prohibition of arbitrary detention, the rights of the child and the right to an effective remedy.

The Pact itself brings both risks and opportunities for the protection of fundamental rights. The new European annual asylum and migration management cycle, combined with the EU solidarity mechanism, should support a more coordinated approach across Member States and reduce the need for *ad hoc* responses in a situation of pressure. The establishment of national independent monitoring mechanisms and strengthened child-protection safeguards can enhance rights compliance.

At the same time, the evidence presented in this bulletin shows that significant work remains ahead. As implementation of the Pact progresses, applying all measures in line with the Charter of Fundamental Rights of the EU and the safeguards in the Pact instruments in practice will be essential.