



**Group of the Progressive Alliance of
Socialists & Democrats
in the European Parliament**

European Parliament
Rue Wiertz 60
B-1047 Bruxelles
T +32 2 284 2111
F +32 2 230 6664
www.socialistsanddemocrats.eu

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Dear President von der Leyen,

We write to you regarding the untenable situation regarding the respect for fundamental rights, in particular the right to international protection and the principle of non-refoulement at the external borders of the Union. Recent media reports by Der Spiegel, Lighthouse Reports, Libération and others have emphasised, once again, the highly alarming systematic nature of pushbacks of vulnerable people, often involving violence. The practices are especially concerning in the Aegean Sea, the border to Belarus and on the Western Balkan Route.

In Greece alone, the UNHCR has documented around 300 incidents of illegal expulsions around the Aegean islands and Greece's north-eastern Evros land border with Turkey between January 2020 and March 2021. Violent collective pushbacks at the Croatian-Bosnian border have been well documented by multiple international organisations since at least 2017. Most recent reports have alleged the involvement of Croatian police officers in pushback operations, which the Croatian government has confirmed.

Equally concerning is the situation on the EU's border with Belarus. The abuse of vulnerable people by the Belarusian regime is despicable. However, this abuse does not absolve us from our obligations under international and EU law and must not lead to a general classification of vulnerable persons as security risks. The access to asylum systems and the individual right to asylum must be maintained. At least seven people have died as a result of the inhumane situation. Adequate reception conditions and support should be provided, in line with the ruling of the European Court of Human Rights and access to media, NGOs and international organisations must be granted.

It is also alarming that the latest investigations suggests that parts of the material used to carry out pushbacks are seemingly paid for with EU money. This includes, approximately €77 million that have been granted to Croatia for "migration management" between 2014 and today.

We have repeatedly asked the Commission and Member States to take seriously the concerns regarding migration policies based on illegal expulsions. This is only possible by taking action commensurate to the gravity of the situation. Simply requesting national authorities to investigate pushbacks properly and transparently is not enough.

Asylum and migration are a shared EU responsibility. The available information demonstrates that often the competent national border authorities fail to perform their duties under the law, as they do not conduct proceedings on a case-by-case basis with respect to each asylum applicant crossing the EU's external borders. Illegal expulsions contravene European Union law, namely Article 78(1) of the Treaty on the Functioning of the European Union, Articles 3 and 4 of the EU Schengen Borders Code, Article 9 of the Asylum Procedures Directive, Article 5 of the Return Directive,

Articles 18, 19(2) and 24 of the Charter of Fundamental Rights of the European Union, and the 1951 Refugee Convention.¹ Thus, we ask the Commission to reappraise its approach and launch infringement procedures in the case of Poland, Greece and Croatia.

We recognise that the Commission has recently asked Greece to set up an independent mechanism to monitor and avoid pushbacks of migrants at its border as a condition to release an additional €15.83 million in migration funding. We believe this approach should be applied to the entirety of migration and asylum funds, as a minimum, until the Commission has sufficient evidence that pushbacks have ceased and countries engaging in systemic pushbacks fully comply with EU and international legislation in this area.

Creating walls and isolating ourselves from our closest neighbours should never be the way forward. We urge you to take all the necessary actions to put a stop to the inhumane policy of pushbacks that taints us all as Europeans. A Union of values starts at its external borders with the treatment of the most vulnerable who come to us seeking protection.

Yours sincerely,

Iratxe García Pérez, President of the S&D Group

Simona Bonafé, Vice President of the S&D Group

Birgit Sippel, S&D Coordinator, Committee on Civil Liberties, Justice and Home Affairs

¹ See for example: C-808/18 - Commission v Hungary (Accueil des demandeurs de protection internationale)