

# FRONTEX [EXIT]

## CONCLUSION

For the past 10 years, Frontex has seen its role and resources strengthened, without any substantial democratic control: making full use of quasi-military equipment, the agency is more and more powerful, more and more obscure, and increasingly dangerous.

The constant reinforcement of Frontex by the EU and its member states has, since 2005, led to the diversion of migration routes - which remain dangerous and murderous - and to block further away from the border those who wish to reach the EU, with no consideration for the human rights violations they might face in the country they want to leave.

The allocation of additional means to Frontex shows very clearly that neither search & rescue, the opening of legal migration avenues, or reception of migrants are a priority for the EU and its member states.

Frontex's role in the decrease in the number of tragedies at sea in the past few months should therefore be nuanced as the primary goal of the agency is to identify undesirable people and to ensure their removal.

As the recent migration policy crisis and the threat or terrorist attacks are stirring up the expansion of security-driven policy-making all over Europe, a counter-narrative to the political discourse that tend to associate migration and terrorism, thereby justifying measures and policies meant to restrict fundamental rights, is crucial.

We hereby remind States of their obligations in international law which, in this context, are of the utmost importance.

The Frontexit campaign is taking the opportunity of the (in)famous 10th anniversary of Frontex to inform policy leaders and the public: the EU and its member states must urgently respect the values they are promoting, i.e. the reception and protection of migrants and refugees and, therefore, put an end to Frontex's activities which are incompatible with the respect of fundamental rights.

## 10<sup>TH</sup> ANNIVERSARY OF FRONTEX, 10 MEASURES WHICH PUT FUNDAMENTAL RIGHTS AT RISK

Since 2005, the European agency Frontex has been operational as the armed wing of the European Union (EU) in response to what is wrongly perceived as an invasive mass inflow of migrants in the EU.

Frontex's mandate is still incompatible with the respect of fundamental rights, despite numerous reports which have criticised the agency's opacity and lack of accountability, and despite superficial amendments to its founding regulation.

Here we highlight 10 upcoming developments<sup>1</sup> marking Frontex's 10th anniversary: a set of poisoned chalices emblematic of the EU's security obsession and detrimental to the fundamental rights, the reception and the protection of migrants and refugees.

### 1- FRONTEX IS DEPLOYED IN HOTSPOTS AND PROCESSING CENTRES

The EU is using centres in countries of first arrival (Greece and Italy at present), to filter people. Once their nationality has been identified, they are divided into two categories: asylum-seekers who are authorised to stay on, as opposed to those deemed "economic migrants" who are "meant" to be removed. Frontex is one of the operators and has requested that **350 border-guards are deployed to this end**. The agency's tasks may involve compulsory fingerprinting, identification and in-depth interviews. These practices were in use before 2015 and are being systematised despite a number **report on human rights violations by NGOs or independent monitoring bodies**.

### 2- FRONTEX WILL PLAY A GREATER ROLE IN THE REMOVAL OF IRREGULAR MIGRANTS

On 15 December 2015, the European Commission will propose the enlargement of Frontex's mandate to facilitate the removal of people in an irregular situation. In particular, the aim is to enable Frontex to initiate "joint return" operations – i.e. EU-wide removal operations – which so far was the sole competence of member states. By doing so, the EU would outsource forced deportation operations to Frontex at a lower cost.

### 3- FRONTEX CONTRIBUTES TO TRACKING IRREGULAR MOVEMENTS WITHIN SCHENGEN

Frontex is increasingly active beyond its geographical mandate, although it was initially set up to coordinate control at the external borders of the EU. The agency is now contributing to arrest operations conducted within the EU (**October 2014** and **April 2015**) **by transmitting information to member states' police forces**. Through its connection to databases accessible to immigration officers, to the Schengen Information System, and through its ability to transmit personal data to Europol, Frontex is a major intelligence provider.

### 4- FRONTEX EXCHANGES INFORMATION WITH OVER 40 COUNTRIES, INCLUDING THOSE WHICH VIOLATE HUMAN RIGHTS

**Frontex is exchanging information on migration movements and border security with 23 African countries, 3 Eastern European countries (incl. Belarus) and 4 Balkan countries, with no parliamentary oversight** - especially as regards compliance with human rights (including international law, African Union Charter, EU Charter on Fundamental Rights, ECHR). This network will soon be **enlarged to states that are party to the Khartoum declaration**, including where human rights violations are systemic and documented like Eritrea, Sudan or Egypt.

EUROPE IS AT WAR AGAINST AN IMAGINARY ENEMY  
[WWW.FRONTEXIT.ORG/EN](http://WWW.FRONTEXIT.ORG/EN)

### 5- FRONTEX DEPLOYS STAFF OUTSIDE OF THE EU TO CONTROL BORDERS FURTHER AWAY

As of December 2015, a Frontex officer will be permanently based in the premises of the EU's delegation in Ankara (Turkey). Information exchange and "operational cooperation" on **migration movements and border controls are key in Frontex's mission**. This immigration liaison officer is thus a full-fledged element of the EU's externalisation policy, beyond judicial oversight by the EU member states and states with which they cooperate.

### 6- FRONTEX PROVIDES TRAINING TO BORDER GUARDS IN COOPERATION STATES

Frontex is instrumental in the reinforcement of migration control before the European border. Seminars and training are organised in partner countries to prevent irregular exits and entries, in the framework of agreements - such as "**mobility partnerships**" - used by the EU to facilitate removals in exchange for visa waiver prospects if the country cooperates. Training sessions are a means to directly instill the EU's security-oriented vision and practices in neighbouring states.

### 7- FRONTEX INSTRUMENTAL IN FIGHTING TERRORISM

Since its inception, Frontex has been emblematic of the way EU's policies have presented migration, i.e. as a threat. **The agency produces analyses meant to anticipate a migration "risk"**, which fuels the fantasy of migrants flooding into Europe as well as the criminalisation of migrants and people who support them. In November 2015 the EU Council announced, without further details, that Frontex would support the fight against terrorism. Such moves, which associate migrants with terrorists, legitimise mistrust and stir up xenophobia and racism.

### 8- FRONTEX: BUDGET INCREASES FOR THE EU'S BEST-FUNDED AGENCY

Over the past 10 years, the budget of the agency has grown almost tenfold. In a context where all sectors are facing budget cuts, Frontex's provisional budget will reach 176M Euros in 2016. In 2015, maritime operations Triton and Poseidon saw their budget tripled, allegedly as a means to address shipwrecks in the Mediterranean. However, this budget is above all meant to serve border surveillance and migration control purposes.

### 9- FRONTEX, A COMMUNICATION TOOL AT THE EU'S SERVICE

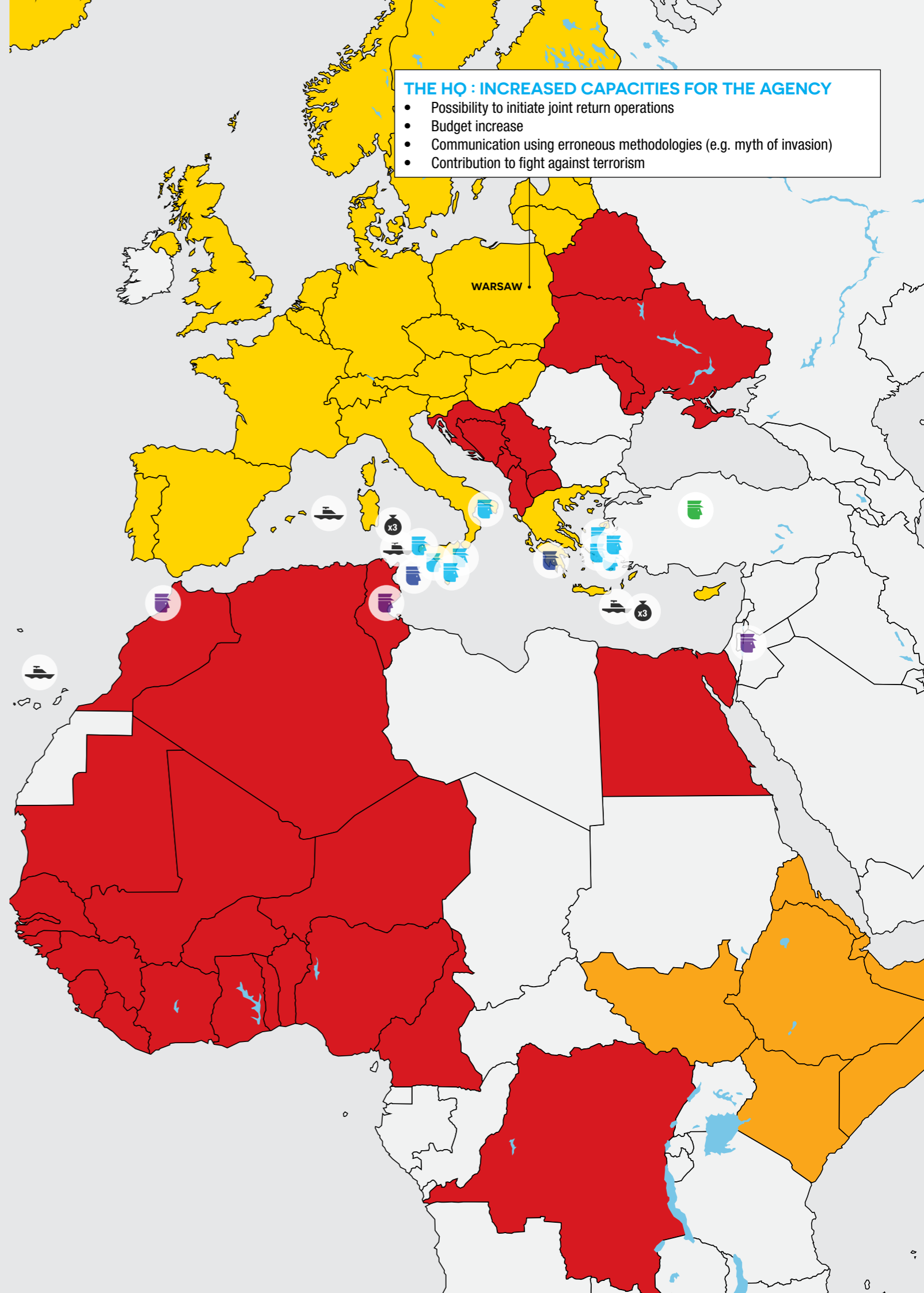
EU member states make use of Frontex's data that purports to count « irregular » entries in Europe. Yet the agency's figures count border-crossing movements and not people **(who can cross many borders during their journey), as acknowledged by the agency itself**. The inflated figures, **reproduced by the media**, fuel a fear of invasion and act to legitimate Frontex in public opinion. In April 2015, the EU tripled the budget of two Frontex operations allegedly meant to save lives. In fact, most rescue operations are conducted by the Italian navy and civil society, not by Frontex; search & rescue (SAR) at sea is not part of Frontex's mandate, as **repeatedly stated by its executive director**. SAR operations are part of Frontex's obligations pursuant to international law, but not as part of its mandate.

### 10- FRONTEX IS BEING REINFORCED AT THE EXPENSE OF THE HUMAN RIGHTS OR MIGRANTS AND REFUGEES

Over the past 10 years, doubts regarding the respect of fundamental rights during Frontex's activities have been a major issue: the agency can exchange (personal) data, take fingerprints, intercept and interview people, cooperate with dictatorships and control people's movement. No assessment of the agency's action outside of the EU has ever been conducted. Frontex's liability remains unaddressed in the absence of any independent body before which the agency should be held accountable, **despite numerous warnings from the Council of Europe, the UN Special Rapporteur on the human rights of migrants, or from the EU Ombudsman**.

### THE HQ : INCREASED CAPACITIES FOR THE AGENCY

- Possibility to initiate joint return operations
- Budget increase
- Communication using erroneous methodologies (e.g. myth of invasion)
- Contribution to fight against terrorism



#### CAPTION:

- Deployment in already open HotSpots
- Deployment in future HotSpots
- Deployment of a Frontex Liaison Officer
- Training of border-guards in non-EU countries
- Joint border surveillance and border control operations
- Tripling of the budget for maritime control operations
- Exchange of information extended to signatories of the Khartoum déclaration
- Exchange of information network already in place
- Intelligence on irregular migration in the EU