



Call for inputs / Questionnaire
Report of the Special Rapporteur on the human rights of migrants
Human rights violations at international borders: trends, prevention and
accountability

The Special Rapporteur is particularly interested in receiving inputs on any or all of the following issues:

1. Please provide information on any recently adopted domestic legislation amending border entry, asylum and other international protection procedures for non-nationals since May 2021. Grateful if you could kindly submit the original text of the relevant provisions of the legislation or policy(ies), accompanied by an English translation if it is in a language other than English, French or Spanish.

In the UK, on 27 January 2022, the [Nationality and Borders Bill](#) commenced at the Committee Stage in the House of Lords and continued into the next week. There are a series of amendments led by Conservative backbenchers. In March 2022, amendments are expected to go back to the House of Commons. The [main concerns](#) raised by civil society include: stripping citizenship, offshore processing of asylum seekers, the right of asylum seekers to work while their claim is being processed and a resettlement target for what the government describes as “safe and legal routes”.

On 14 October 2021 legislation was passed by the Polish parliament which de facto allowed [pushbacks of migrants](#). According to the bill, migrants illegally crossing the border will be forced to leave the country and will be banned from entering it for a period ranging between six months and three years.

Greece [Deportations and Returns Law](#) came into force on 4 September 2021. The bill reduces the grace period for voluntary deportations from 30 days to between a week and 25 days. It also makes it more difficult for migrants to appeal a deportation order with a stricter definition to what can be regarded as “humanitarian grounds” and reducing the period in which they can take legal action against such a decision to 30 days after it is issued.^[1] Even more controversial in the bill is Article 40 that proposes fines on NGOs involved in life-saving rescue of migrants at sea if they conduct operations without coast guard permission.

2. Please provide information on recent or current border management legislation/policies/measures, (including those temporary measures as part of a state of emergency), with the view to control, reduce or prevent migrant arrivals in your country.

On 1 December 2021, the one-month-long state of emergency introduced in September 2021 along the Polish-Belarusian border expired after having been extended for a further 60 days. Following this, the Polish government installed several [replacement measures](#) which



maintained restrictions on access to the area of the Poland-Belarus border. The restrictions at the border, which were rushed through the parliament, will remain in place until 1st March 2022.

In Lithuania, on 9 November 2021, a [state of emergency](#) was declared, concerning bordering territories, by the Lithuanian Seimas as a consequence of the emergency situation arising from the migrant crisis at the border with Belarus. The measures, imposing limits on entering the five kilometre-long zone and impacting migrants' and asylum seekers' rights, entered into effect on 10 November 2021. The state of emergency, which was set to be in force for one month, was further extended to 15 January 2022.

On 10 August 2021, the Cabinet of Ministers of Latvia issued an order declaring a [state of emergency](#) in the municipalities of Ludza, Krāslava, Augšdaugava and Daugavpils., in the light of the rapid increase in the number of illegal crossings on the border between Latvia and Belarus. This emergency situation, which was supposed to be effective from 11 August 2021 to 10 November 2021, was extended until May 10.

In the Dominican Republic, the government introduced [measures restricting the rights of Haitian migrants](#) and people of Haitian descent. On 2nd November 2021, the government announced a series of measures such as the suspension of a visa programme for Haitian university students and the limitation of migrants' access to healthcare services and to employment. In November 2021, more than 1,500 people were deported to Haiti.

In September 2021, Australian Home Affairs Minister and the president of Nauru announced they had signed a [new agreement](#). The new agreement will mean Australia will stop processing asylum seekers at offshore detention centres in Papua New Guinea, which has been criticised by human rights groups, but will continue handling them on the island of Nauru.

3. Please provide information on how the “safe third country” concept is applied and if there is any “safe third country” list in your country with the view to expedite border immigration and asylum procedures, as well as on any bilateral and multilateral agreement on collective/automatic re-admission of migrants of specific nationalities.

4. Please provide information on any progress made in developing independent border monitoring mechanism(s) at the national level.

In Portugal, a resolution of the Council of Ministers passed in April 2021 has abolished the Foreigners and Border Service (SEF), replacing it with the [Foreigners and Asylum Service \(SEA\)](#), an organ that will now solely have technical and administrative powers, namely document issuance, database management, inter-departmental cooperation and external representation regarding Schengen and EU border and asylum agencies. This implies that the Foreigners and Asylum Service will lose policing competencies, which will be transferred to the maritime, land, port and airport authorities. The reform abolishing the SEF was welcomed by association SOS Racismo, which claims that the agency was “xenophobic and racist” towards immigrants. The new SEA agency, in contrast, according to the Minister of the Interior, will have a central role in providing direct support to migrants and refugees, be it in administrative matters or in integration efforts