

Fundamental rights of refugees and migrants at European borders



States have a right to control the entry of non-nationals into their territory. While they have to protect their external borders and safeguard public order and public health, they also have a duty to protect people's human rights.

To support European Union (EU) and Council of Europe member states in their duties, the EU Agency for Fundamental Rights (FRA) and the Special Representative on Migration and Refugees of the Council of Europe (CoE) are publishing a note stating the main fundamental rights safeguards applicable at member states' borders. These safeguards are stemming from EU law and CoE instruments, as they apply at the EU's external borders, bearing in mind that relevant CoE instruments apply to all borders.

The note focuses on questions such as:

1. What duties do member states have when protecting their external borders?
2. Which remedies should be in place in case of excessive use of force at borders?
3. What are the rules in place when people cross border unlawfully?
4. Can access to asylum be suspended?
5. How to respect the principle of non-refoulement?

6. What can be done to help the most vulnerable, in particular unaccompanied children?

For more information, please have a look at the [Handbook on European law relating to asylum, borders and immigration](#), jointly produced by FRA and the European Court of Human Rights and available in 23 languages.

While recognising the duty of states to safeguard public health amid the COVID-19 outbreak, and acknowledging the safeguards in the [European Commission's guidance](#) on the matter, FRA is currently undertaking a [rapid research exercise](#) focusing on the impact the responses to the pandemic have on people's fundamental rights. The report covers all EU Member States and it will be published in early April.

At the same time, the Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) stated that [protective measures must never result in ill-treatment of persons deprived of their liberty](#). States should continue to guarantee access for monitoring bodies to all places of detention, including places where persons are kept in quarantine.