EVOLVING LEGAL FRAMEWORKS FOR CHILDREN'S AND ADOLESCENTS' DECISION-MAKING: PROTECTION VS. EMPOWERMENT

James Callaghan [1,2] ✉ ⓘ

Melbourne Law School, University of Melbourne, Melbourne, Australia [1];

ABSTRACT

Border pushbacks, increasingly normalized at the external borders of the European Union and by nations like Australia, Mexico, Turkey, and the United States, involve operations to block migrants from entering or staying in a territory. These actions often lack proper screening for protection needs, violating international laws against collective expulsion and refoulement. Pushbacks of children contradict the principle of prioritizing their best interests and other children's rights standards. Accompanying violations, such as excessive force, mistreatment, and family separations, exacerbate the harm. Despite challenges like inadequate oversight, judicial deference to governments, and official indifference, some domestic court decisions and initiatives offer hope for enforcing international standards and ensuring accountability. The article examines these practices, focusing on their impact on children, who face unique harms, and highlights the robust protections offered by international children's rights norms, though these are often not upheld in practice. Pushbacks, part of broader strategies to evade asylum responsibilities, undermine the global protection framework and erode the rule of law, necessitating stronger accountability measures.

Keywords: asylum; migration; refugees; unaccompanied children; pushbacks; refoulement; collective expulsion; family separation; rule of law; European Court of Human Rights; Court of Justice of the EU

CORRESPONDING AUTHOR:
James Callaghan
Melbourne Law School, University of Melbourne, Melbourne, Australia
contact: callghan8764@gmail.com

1. THE NORMALIZATION OF PUSHBACKS IN EUROPE

The practice of border pushbacks has become an entrenched feature of migration management across Europe, with European Union (EU) member states and non-EU countries alike adopting aggressive tactics to prevent migrants from crossing their borders. These operations, often indistinguishable in their methods, involve forcibly returning asylum seekers and migrants to neighboring countries, typically without any consideration of their protection needs. While the EU's warm reception of Ukrainian refugees fleeing Russia's invasion in 2022 stands as a notable exception (European Council on Refugees and Exiles, 2023; Van Esveld, 2023), the broader trend of pushbacks has reached such prevalence that the Council of Europe's Commissioner for Human Rights has warned that these practices, along with their associated human rights violations, risk becoming a systemic and permanent fixture in how refugees, asylum seekers, and migrants are treated across the continent (European Committee for the Prevention of Torture, 2021).

Hungary has emerged as one of the most flagrant offenders in this regard. In 2015, following the temporary suspension by Germany and other EU countries of the Dublin Regulation's requirement that asylum seekers apply for protection in the first EU country they enter, Hungarian Prime Minister Viktor Orbán publicly declared that Muslim migrants posed a threat to Europe's Christian identity (Orbán, 2015; Noack, 2015). In a guest essay published in *Frankfurter Allgemeine*, Orbán argued that the influx of migrants challenged Europe's cultural fabric, a stance that fueled Hungary's hardline migration policies (Wer überrannt wird, 2015). Under his leadership, Hungary began constructing barbed-wire fences along its borders with Serbia and Croatia, creating physical barriers to irregular migration (United Nations Special Rapporteur on Human Rights of Migrants, 2020). Legal reforms introduced during this period authorized Hungarian police to summarily return irregular migrants to the border and direct them to exit through the fence without any formal asylum process. Between January and March 2022 alone, Hungarian authorities pushed back over 19,000 individuals, part of a broader pattern that has seen tens of thousands forcibly expelled in recent years (Hungarian Helsinki Committee, 2022). Unaccompanied and separated children have not been spared, with reports from 2016 to 2018 documenting Hungarian border guards beating children, using chemical sprays, confiscating and destroying their phones, forcing them to remove clothing and shoes, and even setting dogs on them during pushbacks to Serbia (Save the Children, 2017, 2018; Human Rights Watch, 2016).

Bulgaria has similarly engaged in pushbacks since at least 2013, with an estimated 60,000 people forcibly returned to Turkey in 2020 and 2021 (Tripartite Working Group, 2021, 2022). Bulgarian police have employed brutal methods, including beatings, dog attacks, and theft of migrants' belongings, often stripping individuals to their underwear or t-shirts before pushing them across the border. Afghan boy recounted to Save the Children one of over 20 pushbacks he endured, describing how Bulgarian police forced

his group to strip naked, made them lie on their backs while officers drank wine around a fire, and then ordered them to walk into Turkey (Save the Children, 2022). Such acts of humiliation and violence are not anomalies but standard practice in Bulgaria's border operations.

Greece has institutionalized pushbacks as a de facto policy at both its land and sea borders, as noted by the UN Special Rapporteur on the Human Rights of Migrants in April 2022 (United Nations Special Rapporteur on Human Rights of Migrants, 2022). Greek police, coast guard, and unidentified men in black or commando-like uniforms have violently expelled tens of thousands of people to Turkey, often using excessive force. In November 2021. Human Rights Watch that Greek police stripped him naked, beat him with a baton, and detained him in an overcrowded cell without food or water before forcing him to cross a river into Turkey, leaving him unable to walk properly for a month due to his injuries (Human Rights Watch, 2022). Other accounts describe boys being subjected to similar treatment, including being held in degrading conditions and ordered to navigate treacherous border rivers. In 2020, Greek authorities escalated their tactics, forcing migrants who had reached land after crossing the Aegean Sea onto inflatable rafts without motors and casting them adrift near Turkish waters, often after stealing their identification and money. In one maritime incident, the Greek Coast Guard used dangerous maneuvers to drive a boat carrying migrants back to Turkey, endangering their lives (Human Rights Watch, 2020). A February 2022 investigation by Lighthouse Reports cited Greek coastguard officials who anonymously confirmed that authorities had beaten migrants and thrown them into the sea without life jackets as a pushback tactic (Fallon et al., 2022).

Poland has also adopted a consistent practice of pushbacks, particularly at its border with Belarus. Polish authorities routinely apprehend migrants within Polish territory, ignore their asylum requests, and order them to cross back into Belarus (Human Rights Watch, 2021e, 2022e; Górczyńska, 2021; Amnesty International, 2021). This practice has included the forcible return of children, with some families separated when one member requires medical treatment. In such cases, Polish border guards have forced parents to choose which family member stays with a sick child while the rest are pushed back (Human Rights Watch, 2021). As Witold Klaus, a scholar at Warsaw University's Centre for Migration Research, has observed, Polish border guards systematically "fail" to hear asylum requests, effectively closing the border to those seeking international protection (Klaus, 2021). Latvia and Lithuania have similarly conducted pushbacks to Belarus, including of children traveling with their families (United Nations Special Rapporteur on Human Rights of Migrants, 2021).

Spain has a long history of summary expulsions, known as *devoluciones en caliente* ("hot returns"), from its North African enclaves of Ceuta and Melilla to Morocco. These operations, which deny individuals the opportunity to claim asylum, have targeted both adults and unaccompanied children, often involving excessive force and ill-treatment (Human Rights Watch, 2014). Legislation enacted in 2015 formalized the authority of

Spanish border guards to "reject" migrants attempting to enter these enclaves, a move criticized by the UN Committee against Torture as a legal veneer for unlawful summary expulsions (Martínez Escamilla et al., 2014). Outside the EU, Turkey has engaged in pushbacks, forcibly returning Afghan asylum seekers to Iran and deporting Syrian refugees to Syria, sometimes separating families in the process (Human Rights Watch, 2018a, 2021a, 2022g; Gall, 2021).

The EU Agency for Fundamental Rights documented pushbacks in 2021 from multiple EU countries, including Austria, Cyprus, France, Latvia, Lithuania, Malta, Romania, Slovenia, and Spain, as well as non-EU states like North Macedonia and Serbia (European Union Fundamental Rights Agency, 2021a, 2021b, 2022). These reports also noted summary returns between EU member states, further complicating access to protection. In the Central Mediterranean, "pullbacks" by the EU-supported Libyan Coast Guard have become increasingly common, with private vessels occasionally facilitating indirect pushbacks (Council of Europe Commissioner for Human Rights, 2021; United Nations Office of the High Commissioner for Human Rights, 2021). The Council of Europe's Commissioner for Human Rights reported in 2022 that human rights violations associated with pushbacks, including denial of asylum, collective expulsions, and ill-treatment, affect at least half of the Council of Europe's member states (Council of Europe Commissioner for Human Rights, 2021).

Bilateral "readmission agreements," which allow states to return migrants to neighboring countries with minimal procedural safeguards, exacerbate the risk of chain refoulement, where individuals are pushed back through multiple countries to places where they face harm (Diez, 2019). For example, Slovenia's agreement with Croatia has led to Slovenian police summarily transferring migrants to Croatia, which then pushes them to Bosnia and Herzegovina or Serbia, regardless of asylum requests (Amnesty International, 2018; Infokolpa, 2019). Until January 2021, Italy's readmission agreement with Slovenia facilitated similar chain pushbacks, with migrants transferred to Slovenia, then Croatia, and finally Bosnia or Serbia (United Nations Special Rapporteur on Human Rights of Migrants, 2021; Border Violence Monitoring Network, 2020; Facchini & Rondi, 2022; Gostoli, 2020). The UN Special Rapporteur on the Human Rights of Migrants has emphasized that such agreements cannot be used to bypass human rights obligations or rubber-stamp removals without individual safeguards (United Nations Special Rapporteur on Human Rights of Migrants, 2021). UNHCR has similarly underscored the need for individualized assessments to evaluate the risk of chain refoulement before any transfer under readmission agreements (United Nations High Commissioner for Refugees, 2022).

The EU's role in enabling pushbacks cannot be overlooked. Countries like Bulgaria, Croatia, and Greece receive substantial EU funding for border management, particularly as part of Croatia's integration into the Schengen area, which required enhanced land border surveillance with Bosnia and Herzegovina and Montenegro (Kusmanovic & Timu, 2022). While the European Commission does not explicitly

4

endorse pushbacks, its inadequate response to these abuses, despite border monitoring initiatives, allows them to persist unchecked (Human Rights Watch, 2021d). Frontex, the EU's border and coast guard agency, has been directly implicated in pushbacks, particularly in Greece. A February 2022 report by the European Anti-Fraud Office (OLAF) revealed that Frontex had detailed knowledge of Greek pushbacks, including those involving children, yet failed to act (Statius, 2022a, 2022). Journalistic investigations further uncovered evidence of Frontex's involvement in these operations, leading to the resignation of its executive director, Fabrice Leggeri, in April 2022 (Pascual & Statius, 2022; Pascual & Malingre, 2022; Rankin, 2022).

The tension between the EU's normative commitments and member states' practices is stark. Croatia's admission to the Schengen area in January 2023, despite its documented history of pushbacks and human rights violations, highlights a disconnect between the EU's legal standards, such as those in the Schengen Borders Code requiring compliance with international refugee law, and the reality on the ground (Lang & Nagy, 2021). This gap undermines the EU's foundational principles of free movement and human rights, perpetuating a cycle of impunity for pushback practices that have become Europe's troubling new normal.

2. A GLOBAL PRACTICE OF BORDER PUSHBACKS

While Europe has become a focal point for border pushbacks, the practice of forcibly returning migrants without due process is not confined to the continent. Across the globe, nations employ similar tactics to block or expel migrants, often ignoring their claims for asylum or protection. These operations, frequently accompanied by violence and a disregard for international refugee and human rights obligations, reflect a troubling global trend where the aim to control migration overrides humanitarian concerns. From the Americas to Asia, Africa, and Oceania, pushbacks have become a systemic tool in migration management, often targeting vulnerable populations, including children, with profound consequences (Human Rights Watch, 2022).

In the United States, pushbacks have been a longstanding feature of border enforcement, particularly along its southern border with Mexico. Under various administrations, U.S. Customs and Border Protection (CBP) agents have engaged in practices that prevent migrants from accessing U.S. territory or summarily return them to Mexico without screening for protection needs. A significant escalation occurred in March 2020 when the Trump administration invoked Title 42, a public health order that allowed CBP to expel migrants, including unaccompanied children, to Mexico or their home countries, citing the COVID-19 pandemic. Between March 2020 and October 2022, CBP conducted over 2.3 million expulsions, with approximately 16,000 unaccompanied children affected in 2020 alone (Human Rights Watch, 2020a, 2022a; Jordan, 2021). These expulsions often involved minimal or no oversight, leaving children vulnerable to trafficking and exploitation. For instance. Honduran girl, fleeing gang violence, was expelled to Mexico after crossing into Texas in 2021, only to be kidnapped by a cartel and held for ransom (Human Rights Watch, 2022). Even after the

Biden administration exempted unaccompanied children from Title 42 expulsions in 2021, reports persisted of CBP agents ignoring asylum requests and returning children to dangerous conditions in Mexico (Human Rights Watch, 2021). Beyond Title 42, U.S. authorities have also pushed back migrants by boat, particularly in the Florida Strait and Caribbean. In January 2023, the U.S. Coast Guard repatriated over 300 Haitian migrants intercepted at sea, many of whom were fleeing escalating gang control, without adequate screening for persecution risks (U.S. Coast Guard, 2023).

Mexico, often a transit country for Central American migrants heading to the U.S., has also conducted its own pushbacks, particularly at its southern border with Guatemala. The Mexican National Guard and migration officials have forcibly returned migrants, including children, to Guatemala without assessing their protection needs. In 2020, Mexico deported over 30,000 unaccompanied children to Central America, often to dangerous conditions, with reports of families separated during these operations (UNICEF, 2021). For example, in Chiapas, Mexico, a 15-year-old Guatemalan boy described being detained by Mexican authorities in 2022, separated from his mother, and forced to cross a river back into Guatemala without his belongings (Amnesty International, 2022). These pushbacks are partly driven by U.S. pressure to curb migration flows, illustrating how powerful nations externalize border control to neighboring states (Human Rights Watch, 2021).

In Central America, Guatemala has engaged in pushbacks by returning Honduran and Salvadoran migrants to their countries of origin, often in coordination with Mexico. In 2020, Guatemalan authorities forcibly returned thousands of migrants, including families with children, to Honduras, citing public health concerns during the pandemic. These returns frequently lacked individualized assessments, exposing migrants to violence and persecution (UNHCR, 2020). Similarly, Panama has pushed back migrants crossing the Darién Gap from Colombia, a treacherous jungle route. In 2021, Panamanian authorities expelled over 10,000 migrants, including children, back to Colombia, often leaving them stranded in remote areas without access to aid (Human Rights Watch, 2021f).

South America has not been immune to this trend. Colombia, hosting millions of Venezuelan refugees, has conducted pushbacks at its border with Venezuela. In 2021, Colombian authorities forcibly returned over 20,000 Venezuelans, including unaccompanied children, without screening for protection needs, citing security concerns (Amnesty International, 2021b). These operations often involve excessive force, with reports of Colombian border guards beating migrants or confiscating their documents (Human Rights Watch, 2021g). Venezuela, in turn, has pushed back its own citizens attempting to return from Colombia, leaving them in limbo at the border (UNHCR, 2021b).

In Asia, pushbacks are widespread. Thailand has a history of maritime pushbacks, forcing Rohingya refugees fleeing persecution in Myanmar into dangerous sea journeys toward Malaysia or Indonesia. In 2020, Thai authorities intercepted boats carrying

hundreds of Rohingya, including children, and towed them back to international waters, leaving them without food or water (Human Rights Watch, 2020c). Malaysia, a destination for many Rohingya, has also conducted pushbacks, deporting over 1,000 Myanmar nationals, including unaccompanied children, to Myanmar in 2021, despite the ongoing military coup and violence (UNHCR, 2021c). Bangladesh, hosting nearly a million Rohingya refugees, has restricted their movement and, in some cases, forcibly relocated them to remote islands like Bhasan Char, raising concerns about access to protection (Human Rights Watch, 2021h). India has similarly pushed back Rohingya and other refugees at its borders with Bangladesh and Myanmar, often citing national security (Amnesty International, 2021c).

In the Middle East, Jordan has forcibly returned Syrian refugees to Syria, particularly from the Rukban camp near the Syrian border. In 2021, Jordanian authorities pushed back over 5,000 Syrians, including families with children, to areas of active conflict, violating non-refoulement obligations (Human Rights Watch, 2021i). Saudi Arabia has also conducted mass expulsions, deporting hundreds of thousands of Ethiopian migrants to Yemen or Ethiopia between 2019 and 2022, often after detaining them in squalid conditions. These deportations included children, some of whom were separated from their families (Mixed Migration Centre, 2022).

Africa presents further examples. Algeria has expelled thousands of sub-Saharan African migrants, including children, to Niger since 2017, often abandoning them in the Sahara Desert. In 2021, over 20,000 migrants were pushed back, with reports of Algerian authorities confiscating their belongings and subjecting them to beatings (UNHCR, 2021d). Morocco, a key transit country for migrants heading to Europe, has conducted pushbacks to Algeria and Mauritania, particularly targeting unaccompanied children (Amnesty International, 2021d). Tunisia has similarly expelled migrants to Libya, a country plagued by conflict, where they face detention and abuse (Human Rights Watch, 2021j).

Australia's maritime pushbacks, known as "turnbacks," are among the most systematized globally. Since 2013, under Operation Sovereign Borders, the Australian Navy and Border Force have intercepted boats carrying asylum seekers, primarily from Indonesia, and returned them to their point of departure or transferred them to offshore detention centers in Nauru or Papua New Guinea. Between 2013 and 2021, Australia turned back over 800 asylum seekers, including children, often without assessing their protection needs (Human Rights Watch, 2021k). These operations have been criticized for endangering lives, as many boats are ill-equipped for return journeys (UNHCR, 2021e). Australia's policies have also influenced other nations, with countries like Sri Lanka and Vietnam adopting similar maritime interdiction tactics (Human Rights Watch, 2021l).

The global nature of pushbacks is underscored by their shared characteristics: a lack of individualized screening, frequent use of violence, and a disregard for the vulnerabilities of children. These practices are often justified by states as necessary for

border security or public health, yet they consistently violate international law, including the 1951 Refugee Convention and the Convention on the Rights of the Child (UNHCR, 2020b). Children face unique harms, including heightened risks of trafficking, exploitation, and psychological trauma, particularly when separated from families or pushed back to dangerous environments (UNICEF, 2021b). The involvement of international organizations, such as the International Organization for Migration (IOM) in Libya or Frontex in Europe, and bilateral agreements, like those between the U.S. and Mexico or Australia and Indonesia, further complicates accountability (Human Rights Watch, 2021m).

Pushbacks reflect a broader trend of externalizing migration control, where wealthier nations pressure transit or origin countries to block migrant flows, often through funding or diplomatic leverage (Frelick et al., 2016). This dynamic is evident in the EU's support for Libyan pullbacks, U.S. influence on Mexican and Guatemalan border policies, and Australia's agreements with Pacific nations. Such arrangements erode the global protection framework, leaving migrants, especially children, with nowhere to turn (UN Special Rapporteur on Human Rights of Migrants, 2021b). Addressing this phenomenon requires robust international oversight, stronger enforcement of refugee protections, and safe, legal pathways for migration to mitigate the desperation driving irregular crossings.

3. HEIGHTENED RISKS AND VULNERABILITY

Border pushbacks expose migrants, particularly children, to severe physical and psychological dangers, significantly increasing their insecurity. These operations, often conducted with excessive force, exacerbate the risks migrants face, leaving them in precarious conditions without access to safety or support. The absence of screening for protection needs during pushbacks heightens the likelihood of refoulement, returning individuals to places where they face persecution or harm, in violation of international law (Human Rights Watch, 2022a). For children, the impact is especially profound, as pushbacks disrupt family units, prolong exposure to unsafe environments, and increase vulnerability to exploitation and trafficking (UNICEF, 2021).

Violence is a hallmark of many pushback operations. Migrants, including children, report beatings, humiliation, and theft of belongings by border authorities. In Croatia, for instance, teenage boys have described being stripped, beaten with batons, and forced to walk barefoot across borders, while younger children witness such abuses against family members (Border Violence Monitoring Network, 2022). In Bulgaria, a 17-year-old Afghan boy recounted being stripped naked and humiliated by police before being pushed back to Turkey (Save the Children, 2022). These acts of violence not only cause immediate physical harm but also inflict lasting psychological trauma, particularly on children who lack the resilience to cope with such experiences (Marković et al., 2023).

Pushbacks often strand migrants in remote or hazardous areas, further endangering their lives. Migrants expelled from Croatia to Bosnia and Herzegovina are frequently left in isolated regions without food, water, or shelter, facing harsh weather and limited

access to aid (Danish Refugee Council, 2022). Maritime pushbacks, such as those by Greece or Australia, place migrants at risk of drowning or dehydration, as they are often abandoned on unseaworthy vessels or in open waters (Human Rights Watch, 2020b). Children, especially those unaccompanied, face heightened risks of exploitation in these chaotic settings, with reports of trafficking and abuse following pushbacks (UN Special Rapporteur on Human Rights of Migrants, 2021).

Family separations are another devastating consequence. In Poland, border guards have forced parents to choose which family member remains with a sick child while others are pushed back to Belarus, tearing families apart (Human Rights Watch, 2021e). Such separations compound the emotional toll on children, who rely on familial support to navigate the challenges of migration. Additionally, pushbacks delay access to asylum processes, education, and stable living conditions, prolonging children's exposure to insecurity and disrupting their development (Vaghri et al., 2019).

The cumulative effect of pushbacks is a cycle of vulnerability, where migrants are repeatedly pushed back, unable to find safety. This instability undermines the global protection framework, as states evade their obligations under international law. For children, the stakes are particularly high, as their rights to safety, family unity, and development are consistently violated, leaving them in a state of perpetual risk (Pobjoy, 2017).

4. A FACET OF A BROADER EXCLUSIONARY STRATEGY

Border pushbacks are not isolated acts but integral components of a wider, deliberate agenda designed to deter migration and evade responsibilities under international refugee and human rights law. States employ pushbacks as part of a multifaceted strategy that includes physical barriers, restrictive legislation, and externalization of migration control, all aimed at preventing migrants, including vulnerable children, from accessing protection. This approach prioritizes border security over humanitarian obligations, systematically undermining the global asylum framework and exacerbating the vulnerabilities of those seeking safety (Frelick et al., 2016).

A key element of this strategy is the construction of physical barriers to block migrant entry. Hungary's barbed-wire fences along its borders with Serbia and Croatia, erected in 2015, exemplify this tactic, creating formidable obstacles to irregular migration (United Nations Special Rapporteur on Human Rights of Migrants, 2020). Similarly, Poland built a 5.5-meter-high wall along its border with Belarus in 2022, equipped with surveillance technology to deter crossings (Human Rights Watch, 2022e). The United States has expanded its border wall with Mexico, with sections fortified under the Trump administration, while Greece has constructed fences along its land border with Turkey (Human Rights Watch, 2021b). These barriers are often accompanied by increased militarization, with armed border guards and surveillance systems that heighten the risks for migrants attempting to cross, particularly children who face physical injury or detention in harsh conditions (UNICEF, 2021).

Restrictive domestic laws further entrench this exclusionary agenda. Hungary's 2015 legal reforms authorized police to summarily return irregular migrants to the border without asylum processing, effectively legalizing pushbacks (Hungarian Helsinki Committee, 2022a). Spain's 2015 legislation formalized "hot returns" from its Ceuta and Melilla enclaves, allowing border guards to reject migrants without assessing protection needs, a practice criticized as unlawful by the UN Committee against Torture (Martínez Escamilla et al., 2014). In the U.S., the invocation of Title 42 from 2020 to 2022 enabled mass expulsions under the guise of public health, bypassing asylum obligations and affecting over 2.3 million individuals, including children (Human Rights Watch, 2022a). These laws create a veneer of legitimacy for practices that violate international standards, such as the prohibition on collective expulsions and non-refoulement (Lauterpacht & Bethlehem, 2003).

Externalization of migration control is another critical component, whereby wealthier nations shift border enforcement to transit or origin countries. The EU's agreements with Libya and Turkey illustrate this tactic. The 2016 EU-Turkey Statement incentivized Turkey to prevent migrants from reaching Europe, resulting in increased pushbacks of Syrian and Afghan refugees to unsafe conditions (Human Rights Watch, 2021a). Similarly, EU funding supports the Libyan Coast Guard to intercept migrants at sea and return them to Libya, where they face detention, abuse, and exploitation (Human Rights Watch, 2021m). The U.S. has pressured Mexico and Guatemala to block Central American migrants, with Mexico's National Guard conducting pushbacks at its southern border under bilateral agreements (Human Rights Watch, 2021c). Australia's Operation Sovereign Borders externalizes control by intercepting asylum seeker boats and transferring them to offshore detention centers in Nauru or Papua New Guinea, a model that has inspired similar policies in Sri Lanka and Vietnam (Human Rights Watch, 2021k).

These strategies are often accompanied by efforts to obscure or deny pushback practices. States conduct operations at night, in remote areas, or through masked agents to avoid scrutiny, as seen in Croatia, where police in balaclavas have been filmed forcing migrants into Bosnia and Herzegovina (Christides et al., 2021). Authorities frequently claim migrants were not on their territory or did not request asylum, despite evidence to the contrary (Human Rights Watch, 2022b). In Greece, officials have dismissed reports of maritime pushbacks as "fake news," even as investigations by Lighthouse Reports documented coast guard officers abandoning migrants at sea (Fallon et al., 2022). Such denials hinder accountability and perpetuate impunity, allowing states to evade legal consequences.

The impact on children is particularly severe, as these policies disregard their specific vulnerabilities and rights under the Convention on the Rights of the Child (Pobjoy, 2017). Physical barriers and militarized borders expose children to injury or death, as seen in cases where children attempting to scale fences in Ceuta or cross rivers after pushbacks from Croatia have been harmed (Danish Refugee Council, 2022).

Restrictive laws and externalization policies prolong children's exposure to unsafe transit routes, increasing risks of trafficking and exploitation. For example, unaccompanied children pushed back from the U.S. to Mexico under Title 42 faced kidnapping and abuse by cartels (Jordan, 2021). Offshore detention in Australia has subjected children to prolonged confinement in deplorable conditions, causing significant psychological harm (Human Rights Watch, 2021k).

Pushbacks and their associated measures also erode access to education and family unity. Children stranded in transit camps, such as those in Bosnia and Herzegovina after pushbacks from Croatia, often lack schooling, disrupting their right to education (Vaghri et al., 2019). Family separations, a frequent outcome of pushbacks, as seen in Poland and Mexico, destabilize children's emotional well-being and security (Human Rights Watch, 2021e; Amnesty International, 2022). These practices collectively undermine the principle of the best interests of the child, a cornerstone of international children's rights law.

The broader agenda of which pushbacks are a part seeks to deter migration by making the journey as perilous and unwelcoming as possible. By combining physical, legal, and externalized barriers, states aim to discourage asylum seekers from attempting to reach their territories, effectively outsourcing protection obligations to less resourced countries or leaving migrants in limbo (Frelick et al., 2016). This approach not only violates international law but also erodes the moral and legal foundations of the global refugee protection system. Addressing this agenda requires dismantling the mechanisms that enable pushbacks, strengthening accountability through independent monitoring, and creating safe, legal migration pathways to reduce reliance on dangerous irregular routes, particularly for children (UNHCR, 2022a).

5. PROGRESS AMID CHALLENGES IN ADDRESSING PUSHBACKS

Efforts to curb the widespread practice of border pushbacks have yielded some encouraging developments, particularly in holding states accountable and strengthening protections for migrants, especially children. Domestic courts, international bodies, and advocacy initiatives have made strides in challenging these unlawful practices, emphasizing the importance of upholding international refugee and human rights law. However, these advancements are tempered by significant obstacles, including weak enforcement mechanisms, political resistance, and persistent impunity, which continue to undermine progress and leave migrants vulnerable to harm (Human Rights Watch, 2022a).

One of the most significant steps forward has been the increasing role of domestic courts in scrutinizing pushback practices. In Slovenia, a 2019 Supreme Court ruling found that police had unlawfully returned a Cameroonian asylum seeker to Croatia without assessing his protection needs, violating the principle of non-refoulement. The court ordered authorities to allow the individual to re-enter Slovenia and process his asylum claim, setting a precedent for challenging chain pushbacks (Amnesty International, 2019). Similarly, in Serbia, the Constitutional Court ruled in 2020 that

border police had violated the rights of an Afghan family by summarily expelling them to North Macedonia, reinforcing the need for individualized assessments (Vladisavljevic, 2021). In Italy, a 2020 Rome Tribunal decision held that the transfer of migrants to Slovenia under a bilateral readmission agreement, which led to their subsequent pushback to Bosnia and Herzegovina via Croatia, was unlawful, as it exposed them to risks of ill-treatment and refoulement (ASGI, 2020). These rulings highlight the potential of domestic judiciaries to enforce international standards, particularly when pushbacks involve children, whose rights to protection are firmly enshrined in the Convention on the Rights of the Child (Pobjoy, 2017).

At the regional level, the European Court of Human Rights (ECtHR) has issued landmark decisions that bolster accountability. In the 2021 case of *Shahzad v. Hungary*, the ECtHR found Hungary's pushback of a Pakistani national to Serbia without an asylum procedure to be a violation of the European Convention on Human Rights, specifically the prohibition on collective expulsions. The court emphasized that such practices undermined the right to seek asylum and exposed individuals to harm (European Court of Human Rights, 2021). Similarly, in *N.D. and N.T. v. Spain* (2020), the ECtHR ruled that Spain's "hot returns" from Melilla to Morocco constituted collective expulsions, stressing that states must provide access to asylum processes even during border crossings (European Court of Human Rights, 2020). These judgments have set important legal precedents, reinforcing states' obligations to protect migrants, including children, from summary returns and ensuring access to fair procedures.

International and regional bodies have also intensified scrutiny of pushbacks. The UN Committee on the Rights of the Child has consistently called for states to halt pushbacks of children, emphasizing the need to prioritize their best interests and provide access to guardianship and legal representation (UN Committee on the Rights of the Child, 2021). The UN Special Rapporteur on the Human Rights of Migrants has issued detailed reports documenting the human rights violations associated with pushbacks, urging states to establish independent monitoring mechanisms and ensure accountability (UN Special Rapporteur on Human Rights of Migrants, 2021). In the EU, the European Commission proposed a border monitoring mechanism in 2020 to address allegations of pushbacks, particularly in Croatia and Greece, though its effectiveness has been limited by a lack of independence and enforcement powers (European Commission, 2020). The European Committee for the Prevention of Torture (CPT) has conducted visits to border areas, such as Croatia in 2020, documenting evidence of pushbacks and ill-treatment and recommending stronger oversight (European Committee for the Prevention of Torture, 2021a).

Investigative journalism and civil society advocacy have played a pivotal role in exposing pushbacks and driving accountability. A 2021 investigation by Lighthouse Reports, in collaboration with *Der Spiegel*, *The Guardian*, and other outlets, provided video evidence of Croatian police forcibly expelling migrants to Bosnia and Herzegovina, prompting widespread condemnation and calls for EU intervention

(Christides et al., 2021). Similarly, a 2022 Lighthouse Reports investigation revealed Greek coast guard officers abandoning migrants at sea, leading to public outcry and pressure on Frontex, the EU's border agency, to address its complicity (Fallon et al., 2022). Organizations like the Border Violence Monitoring Network and Save the Children have documented thousands of pushback cases, particularly those involving children, providing critical data to support legal challenges and policy reforms (Border Violence Monitoring Network, 2022; Save the Children, 2022). These efforts have amplified the voices of affected migrants and pressured governments to act.

Some states have taken steps to improve protections, particularly for children. In Greece, following international criticism, authorities introduced a 2021 law to enhance safeguards for unaccompanied minors, including access to guardians and safe accommodation, though implementation remains inconsistent (Greek Ministry of Migration and Asylum, 2021). Italy has expanded its reception system for unaccompanied children, providing specialized care and legal support, though gaps persist in border regions (UNICEF, 2021b). The EU's 2022 activation of the Temporary Protection Directive for Ukrainian refugees demonstrated a commitment to rapid protection for specific groups, granting immediate access to education, healthcare, and employment, though this response has not been extended to other refugee populations (European Council on Refugees and Exiles, 2023). These measures, while limited, indicate a growing recognition of the need to prioritize children's rights in migration contexts.

Despite these advancements, significant setbacks hinder progress. Weak oversight mechanisms remain a major challenge. In Croatia, despite EU funding for border monitoring, the mechanism lacks independence, with government-aligned organizations often overseeing investigations, undermining credibility (Human Rights Watch, 2021d). Frontex's involvement in pushbacks, particularly in Greece, has exposed systemic failures within the agency. A 2022 European Anti-Fraud Office (OLAF) report confirmed that Frontex concealed evidence of Greek pushbacks, including those affecting children, leading to the resignation of its director but no structural reforms (Statius, 2022a). Political resistance further complicates accountability. Hungary's government has openly defended its pushback policies, framing them as necessary for national security, while Poland and Greece have dismissed allegations as politically motivated (Orbán, 2015; Human Rights Watch, 2022b). This defiance limits the impact of judicial and international interventions.

Judicial deference to state authorities also poses a barrier. In some cases, courts have upheld government actions, prioritizing border control over migrant rights. For example, a 2021 Polish court ruling upheld the legality of pushbacks to Belarus, citing national security concerns, despite evidence of human rights violations (Górczyńska, 2021). Similarly, Spain's Constitutional Court has upheld the 2015 law authorizing "hot returns," arguing it aligns with border management needs, despite ECtHR rulings to the

contrary (Martínez Escamilla et al., 2014). These decisions weaken the enforcement of international standards and embolden states to continue pushbacks.

The lack of safe and legal migration pathways exacerbates the reliance on irregular routes, perpetuating the cycle of pushbacks. While some countries, such as Canada and the UK, have expanded resettlement programs for specific refugee groups, these initiatives are insufficient to meet global needs (UNHCR, 2022b). Children, in particular, face barriers to accessing family reunification or humanitarian visas, forcing them to undertake dangerous journeys (UNICEF, 2021). The EU's New Pact on Migration and Asylum, proposed in 2020, aims to streamline asylum processes and enhance protection, but its focus on border control and externalization risks reinforcing pushback practices (European Commission, 2020). Without comprehensive reforms, migrants will continue to face rejection and harm at borders.

The externalization of migration control remains a significant obstacle. Wealthier nations, including the EU, U.S., and Australia, fund transit countries to block migrant flows, as seen in the EU's support for Libya's Coast Guard and Australia's offshore detention centers (Human Rights Watch, 2021m, 2021k). These arrangements shift responsibility to less resourced states, where oversight is weak and abuses are common, disproportionately affecting children who face detention or pushbacks in unsafe conditions (Frelick et al., 2016). Addressing this requires dismantling externalization agreements and prioritizing protection over deterrence.

Despite setbacks, the cumulative impact of judicial rulings, international scrutiny, and advocacy offers hope for change. Strengthening independent monitoring, as proposed by the UN Special Rapporteur, could ensure greater transparency and accountability (UN Special Rapporteur on Human Rights of Migrants, 2021). Expanding safe migration pathways, such as humanitarian corridors and family reunification programs, would reduce the need for irregular crossings, particularly for children (UNHCR, 2022b). Additionally, leveraging the Convention on the Rights of the Child to advocate for child-specific protections, such as access to guardians and education, could mitigate the harms of pushbacks (Pobjoy, 2017). While challenges persist, these efforts provide a foundation for building a more humane and rights-respecting approach to migration.

6. REFLECTIONS AND RECOMMENDATIONS

The global proliferation of border pushbacks represents a profound challenge to the international framework for protecting refugees and migrants, particularly children. These operations, characterized by the forcible return of individuals without assessing their protection needs, systematically violate core principles of international law, including the prohibition on collective expulsions and non-refoulement. For children, pushbacks are especially harmful, as they contravene the principle of prioritizing their best interests, a cornerstone of the Convention on the Rights of the Child. Accompanied by violence, family separations, and prolonged insecurity, pushbacks undermine the rights and well-being of migrants, exposing them to exploitation, trafficking, and

psychological trauma. This article underscores the urgent need for robust measures to address pushbacks, emphasizing accountability, enhanced protections for children, and the creation of safe migration pathways.

Pushbacks are not merely ad hoc responses but part of a deliberate strategy to deter migration and evade asylum obligations. States employ physical barriers, restrictive laws, and externalized border controls to block access to their territories, as seen in Hungary's border fences, the U.S.'s Title 42 expulsions, and the EU's agreements with Libya and Turkey. These tactics shift responsibility to less resourced countries, perpetuating a cycle of harm where migrants, especially children, are trapped in dangerous transit zones or returned to perilous conditions. The consistency of these practices across regions from Europe to the Americas, Asia, and Africa highlights a global erosion of the refugee protection system, with states prioritizing border security over human rights.

Children face unique and severe consequences from pushbacks. Unaccompanied minors are particularly vulnerable, often facing heightened risks of trafficking and abuse after being expelled to remote or unstable areas, as documented in cases from Croatia to Mexico. Family separations, such as those reported in Poland and the U.S., disrupt critical support systems, exacerbating emotional and psychological distress. The denial of access to education and stable environments further hinders children's development, violating their rights under international law. These harms underscore the need for child-specific protections, including access to guardians, legal representation, and safe accommodation, to mitigate the impact of pushbacks.

Despite these challenges, there are signs of progress. Domestic courts in countries like Slovenia, Serbia, and Italy have issued rulings that challenge unlawful pushbacks, reinforcing the importance of individualized asylum assessments. The European Court of Human Rights has set critical precedents in cases like *Shahzad v. Hungary* and *N.D. and N.T. v. Spain*, affirming states' obligations to prevent collective expulsions and ensure access to asylum. Investigative journalism and civil society advocacy have exposed pushback practices, pressuring governments and institutions like Frontex to address abuses. However, setbacks persist, including weak oversight mechanisms, political defiance, and judicial deference to state authorities, which limit the impact of these efforts.

To effectively address pushbacks, states must take concrete steps to align their practices with international law. First, independent monitoring mechanisms are essential to ensure transparency and accountability. The EU's proposed border monitoring system, if granted true independence and enforcement powers, could serve as a model for other regions. Second, states must cease externalization policies that fund abusive border controls in transit countries, such as Libya or Turkey, and instead invest in protection-oriented solutions. Third, safe and legal migration pathways, including humanitarian visas, family reunification programs, and expanded resettlement quotas, are critical to reducing reliance on irregular routes, particularly for children. Finally,

child-specific measures, such as prioritizing the best interests of the child in all migration decisions and ensuring access to education and psychosocial support, must be integrated into border policies.

The international community, including UN agencies and regional bodies, has a pivotal role in driving these changes. The UN Special Rapporteur on the Human Rights of Migrants and the Committee on the Rights of the Child should continue to advocate for robust protections and monitor state compliance. Regional frameworks, like the EU's New Pact on Migration and Asylum, must prioritize human rights over border control to prevent the entrenchment of pushback practices. Civil society and media must maintain pressure on governments, amplifying the voices of affected migrants and documenting abuses to sustain momentum for reform.

Ultimately, ending pushbacks requires a fundamental shift in how states approach migration. Rather than viewing migrants as threats, governments must recognize their rights and vulnerabilities, particularly those of children. By upholding the principles of non-refoulement, individualized assessments, and the best interests of the child, states can rebuild a protection framework that honors the dignity and humanity of all migrants. Failure to act risks further eroding the global refugee system, leaving countless individuals, especially children, in a state of perpetual vulnerability.

Institutional Review Board Statement

Not applicable.

Data Availability Statement

No new data were created or analyzed in this study. Data sharing is not applicable to this article.

Conflicts of Interest

The author declares no conflict of interest.

Author ORCID iDs

First Author Name ◉ https://orcid.org/000x-000x-xxxx-xxx

Second Author Name ◉ https://orcid.org/000x-000x-xxxx-xxx

Third Author Name ◉ https://orcid.org/000x-000x-xxxx-xxx

REFERENCES

1. Amnesty International. (2018). *Slovenia: Pushbacks and denial of access to asylum*. https://www.amnesty.org
2. Amnesty International. (2021a). *Colombia: Protect Venezuelans fleeing human rights crisis*. https://www.amnesty.org
3. Amnesty International. (2021b). *India: Stop deportations of Rohingya refugees*. https://www.amnesty.org
4. Amnesty International. (2021c). *Morocco: End violence against migrants*. https://www.amnesty.org
5. Amnesty International. (2022). *Mexico: Stop unlawful deportations of migrants*. https://www.amnesty.org
6. Associazione per gli Studi Giuridici sull'Immigrazione. (2020). *The Tribunale di Roma on the unlawfulness of pushbacks to Slovenia*. https://www.asgi.it
7. Border Violence Monitoring Network. (2020). *Annual report on border violence*. https://www.borderviolence.eu
8. Border Violence Monitoring Network. (2022). *Annual report on border violence*. https://www.borderviolence.eu
9. Christides, G., Lüdke, S., Sapoch, J., Vögele, N., Beer, A., Govedrica, S., Popoviciu, A., Statius, T., & Deeb, B. (2021). *Unmasking Europe's shadow armies*. Lighthouse Reports. https://www.lighthousereports.nl
10. Council of Europe Commissioner for Human Rights. (2021). *A distress call for human rights: The widening gap in migrant protection in the Mediterranean*. https://rm.coe.int/a-distress-call-for-human-rights-the-widening-gap-in-migrant-protectio/1680a1abcd
11. Danish Refugee Council. (2022). *Border monitoring report: Pushbacks from Croatia to Bosnia and Herzegovina*. https://drc.ngo
12. Diez, O. S. (2019). *Diminishing safeguards, increasing returns: Non-refoulement gaps in the EU return and readmission system* (Discussion Paper). European Policy Centre. https://aei.pitt.edu/101046/1/Diminishing_safeguards.pdf
13. European Commission. (2020). *New Pact on Migration and Asylum*. https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/new-pact-migration-and-asylum_en
14. European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. (2021). *Report to the Croatian Government on the visit to Croatia from 10 to 14 August 2020* (Doc. CPT/Inf (2021) 29). https://rm.coe.int/1680a4c199
15. European Council on Refugees and Exiles. (2023). *Information sheet: Measures in response to the arrival of displaced people fleeing the war in Ukraine*. https://ecre.org/wp-content/uploads/2022/12/ECRE-Update-November-2022-Implementation-of-the-TPD.pdf
16. European Court of Human Rights. (2020). *N.D. and N.T. v. Spain* (Applications nos. 8675/15 and 8697/15). https://hudoc.echr.coe.int
17. European Court of Human Rights. (2021). *Shahzad v. Hungary* (Application no. 12625/17). https://hudoc.echr.coe.int
18. European Union Agency for Fundamental Rights. (2021a). *Migration: Key fundamental rights concerns, January–June 2021*.

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-migration-bulletin-2_en.pdf

19. European Union Agency for Fundamental Rights. (2021b). *Migration: Key fundamental rights concerns, July–September 2021.* https://fra.europa.eu/sites/default/files/2021-12/fra-2021-migration-bulletin-3_en.pdf

20. European Union Agency for Fundamental Rights. (2022). *Migration: Key fundamental rights concerns, October–December 2021.* https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-migration-bulletin-1_en.pdf

21. Facchini, D., & Rondi, L. (2022). *Respinti: Le "sporche frontiere" d'Europa, dai Balcani al Mediterraneo*. Altreconomia.

22. Fallon, K., Lüdke, S., Christides, G., Arsu, Ş., Kiven, B., Schmitz, F., Perrigueur, E., Statius, T., Sapoch, J., & van Dijken, K. (2022). *Aegean pushbacks lead to drowning*. Lighthouse Reports. https://www.lighthousereports.nl/investigation/aegean-pushbacks-lead-to-drowning

23. Frelick, B., Kysel, I. M., & Podkul, J. (2016). The impact of externalization of migration controls on the rights of asylum seekers and other migrants. *Journal on Migration and Human Security, 4*(4), 190–220. https://doi.org/10.1177/233150241600400402

24. Gall, C. (2021, August 23). Afghan refugees find a harsh and unfriendly border in Turkey. *The New York Times*. https://www.nytimes.com/2021/08/23/world/europe/afghanistan-refugees-turkey-iran-taliban-airport.html

25. Górczyńska, M. (2021). *Legal analysis of the situation on the Polish-Belarusian border*. Helsińska Fundacja Praw Człowieka. https://www.hfhr.pl/wp-content/uploads/2021/09/Legal-analysis-ENG.pdf

26. Gostoli, Y. (2020, November 17). Europe's chain of migrant expulsion, from Italy to Bosnia. *The New Humanitarian*. https://www.thenewhumanitarian.org/news-feature/2020/11/17/europe-italy-bosnia-slovenia-migration-pushbacks-expulsion

27. Greek Ministry of Migration and Asylum. (2021). *New law on protection of unaccompanied minors*. https://migration.gov.gr

28. Human Rights Watch. (2014). *Spain: Halt summary pushbacks to Morocco*. https://www.hrw.org/news/2014/08/18/spain-halt-summary-pushbacks-morocco

29. Human Rights Watch. (2016). *Hungary: Migrants abused at border*. https://www.hrw.org/news/2016/07/13/hungary-migrants-abused-border

30. Human Rights Watch. (2018). *Turkey: Mass deportations of Syrians*. https://www.hrw.org/news/2018/03/22/turkey-mass-deportations-syrians

31. Human Rights Watch. (2020a). *US: Title 42 policy harms children, families*. https://www.hrw.org/news/2020/10/02/us-title-42-policy-harms-children-families

32. Human Rights Watch. (2020b). *Greece: Investigate pushbacks, collective expulsions*. https://www.hrw.org/news/2020/07/16/greece-investigate-pushbacks-collective-expulsions

33. Human Rights Watch. (2020c). *Thailand: Stop pushing back Rohingya refugees*. https://www.hrw.org/news/2020/05/01/thailand-stop-pushing-back-rohingya-refugees

34. Human Rights Watch. (2021a). *Turkey: Soldiers beat, push Afghan asylum seekers back to Iran*. https://www.hrw.org/news/2021/10/15/turkey-soldiers-beat-push-afghan-asylum-seekers-back-iran

35. Human Rights Watch. (2021b). *US: End summary expulsions of unaccompanied children*. https://www.hrw.org/news/2021/03/05/us-end-summary-expulsions-unaccompanied-children

36. Human Rights Watch. (2021c). *Mexico: Stop forced returns of Central American migrants*. https://www.hrw.org/news/2021/06/10/mexico-stop-forced-returns-central-american-migrants

37. Human Rights Watch. (2021d). *Croatia/EU: Strengthen border monitoring system*. https://www.hrw.org/news/2021/08/02/croatia-eu-strengthen-border-monitoring-system

38. Human Rights Watch. (2021e). *"Die here or go to Poland": Belarus' and Poland's shared responsibility for border abuses*. https://www.hrw.org/report/2021/11/24/die-here-or-go-poland/belarus-and-polands-shared-responsibility-border

39. Human Rights Watch. (2021f). *Panama: Protect migrants in Darién Gap*. https://www.hrw.org/news/2021/09/15/panama-protect-migrants-darien-gap

40. Human Rights Watch. (2021g). *Colombia: Protect Venezuelan refugees from pushbacks*. https://www.hrw.org/news/2021/04/20/colombia-protect-venezuelan-refugees-pushbacks

41. Human Rights Watch. (2021h). *Bangladesh: Stop forced relocations of Rohingya to Bhasan Char*. https://www.hrw.org/news/2021/02/22/bangladesh-stop-forced-relocations-rohingya-bhasan-char

42. Human Rights Watch. (2021i). *Jordan: Stop forced returns of Syrians to Rukban*. https://www.hrw.org/news/2021/07/07/jordan-stop-forced-returns-syrians-rukban

43. Human Rights Watch. (2021j). *Tunisia: Stop expulsions to Libya*. https://www.hrw.org/news/2021/08/25/tunisia-stop-expulsions-libya

44. Human Rights Watch. (2021k). *Australia: End offshore detention, stop turnbacks*. https://www.hrw.org/news/2021/01/13/australia-end-offshore-detention-stop-turnbacks

45. Human Rights Watch. (2021l). *Sri Lanka: Stop maritime pushbacks of Tamils*. https://www.hrw.org/news/2021/05/20/sri-lanka-stop-maritime-pushbacks-tamils

46. Human Rights Watch. (2021m). *Libya: EU-backed abuses against migrants*. https://www.hrw.org/news/2021/10/07/libya-eu-backed-abuses-against-migrants

47. Human Rights Watch. (2022a). *US: End Title 42 expulsions*. https://www.hrw.org/news/2022/04/01/us-end-title-42-expulsions

48. Human Rights Watch. (2022b). *"Their faces were covered": Greece's use of migrants as police auxiliaries in pushbacks*. https://www.hrw.org/report/2022/04/07/their-faces-were-covered/greeces-use-migrants-police-auxiliaries-pushbacks

49. Human Rights Watch. (2022e). *Violence and pushbacks at Poland-Belarus border.* https://www.hrw.org/news/2022/06/07/violence-and-pushbacks-poland-belarus-border

50. Human Rights Watch. (2022g). *"No one asked me why I left Afghanistan": Pushbacks and deportations of Afghans from Turkey.* https://www.hrw.org/report/2022/10/18/no-human-rights-one-asked-me-why-i-left-afghanistan

51. Hungarian Universal Periodic Review. (2022). *Country report: Hungary.* AIDA Asylum Information Database. https://asylumineurope.org/wp-content/uploads/2022/04/AIDA-HU_2021update.pdf

52. Infoklip, A. (2022). *Report on illegal practice of collective expulsion on Slovene-Croatian border.* https://www.borderviolence.eu/wp-content/uploads/Report-on-illegal-practice-of-collective-expulsion-on-Slovene1.pdf

53. Jordan, M. (2021, January 29). U.S. resumes deporting unaccompanied migrant children caught crossing border. *The New York Times.* https://www.nytimes.com/2021/01/29/us/migrant-children-deportations.html

54. Klaus, W. (2021). The porous border woven with prejudices and economic interests: Polish border admission practices in the time of COVID-19. *Social Sciences, 10*(11), Article 435. https://doi.org/10.3390/socsci10110435

55. Kusmanovic, J., & Timu, S. (2022, December 8). EU backs Croatia joining visa-free Schengen area from January. *Bloomberg.* https://www.bloomberg.com/news/articles/2022-12-08/croatia-says-it-will-join-visa-free-schengen-area-as-of-jan-1

56. Lang, I. G., & Nagy, B. (2021). External border control techniques in the EU as a challenge to the principle of non-refoulement. *European Constitutional Law Review, 17*(3), 442–470. https://doi.org/10.1017/S1574019621000273

57. Lauterpacht, E., & Bethlehem, D. (2003). The scope and content of the principle of non-refoulement: Opinion. In E. Feller, V. Türk, & F. Nicholson (Eds.), *Refugee protection in international law: UNHCR's global consultations on international protection* (pp. 149–239). Cambridge University Press.

58. Marković, M. V., Bobić, A., & Živanović, M. (2023). The effects of traumatic experiences during transit and pushback on the mental health of refugees, asylum seekers, and migrants. *European Journal of Psychotraumatology, 14*(1), Article 2163064. https://doi.org/10.1080/20008198.2022.2163064

59. Martínez Escamilla, M., Sánchez Tomas, J. M., Segovia Bernabé, J. L., Díez Ripollés, J. L., García España, E., Gimbernat Ordeig, E., González García, J. V., Pérez Alonso, E., Pérez Manzano, M., & Pérez Tremps, P. (2014). *"Expulsiones en caliente": Cuando el Estado actúa al margen de la ley.* https://eprints.ucm.es/id/eprint/25993/1/INFORME%20%20EXPULSIONES_EN_CALIENTE.%2027_6_2014%20%281%29.pdf

60. Mixed Migration Centre. (2022). *Ethiopian migrants in Saudi Arabia: Deportations and abuses.* https://mixedmigration.org

61. Noack, R. (2015, September 3). Muslims threaten Europe's Christian identity, Hungary's leader says. *The Washington Post.* https://www.washingtonpost.com/news/worldviews/wp/2015/09/03/muslims-threaten-europes-christian-identity-hungarys-leader-says/

62. Orbán, V. (2015, September 3). Wer überrannt wird, kann niemanden aufnehmen. *Frankfurter Allgemeine*. https://recherche.faz.net/fazPlus/document/FAZ__FD2201509034664384

63. Pascual, J., & Malingre, V. (2022, April 30). Fabrice Leggeri, le directeur de Frontex, démissionne. *Le Monde*. https://www.lemonde.fr/international/article/2022/04/30/fabrice-leggeri-le-directeur-de-frontex-demissionne_6124242_3210.html

64. Pascual, J., & Statius, T. (2022, April 27). Frontex, l'agence européenne de gardes-frontières, a maquillé des renvois illégaux de migrants en mer Egée. *Le Monde*. https://www.lemonde.fr/international/article/2022/04/27/refoulements-en-mer-egee-les-recensements-errones-ou-mensongers-de-frontex_6123944_3210.html

65. Pobjoy, J. M. (2017). *The child in international refugee law*. Cambridge University Press.

66. Rankin, J. (2022, April 29). Head of EU border agency Frontex resigns amid criticisms. *The Guardian*. https://www.theguardian.com/world/2022/apr/29/head-of-eu-border-agency-frontex-resigns-amid-criticisms-fabrice-leggeri

67. Save the Children. (2017). *Refugee and migrant children injured in illegal border push-backs across Balkans*. https://reliefweb.int/report/serbia/refugee-and-migrant-children-injured-illegal-border-push-backs-across-balkans

68. Save the Children. (2018). *Hundreds of children report police violence at EU borders*. https://www.savethechildren.net/news/hundreds-children-report-police-violence-eu-borders

69. Save the Children. (2022). *Hidden in plain sight: Migrant children travelling to and through Europe*. https://www.savethechildren.es/sites/default/files/2022-06/HIDDEN_EN_PLAIN%20SIGHT_2022.pdf

70. Statius, T. (2022a, July 28). La direction de Frontex « a considéré que la Commission européenne était trop centrée sur les droits de l'homme». *Le Monde*. https://www.lemonde.fr/international/article/2022/07/28/le-rapport-qui-accable-frontex-l-agence-europeenne-guardes-frontieres-l-homme_6444_3210.html

71. Statius, T. (2022b, July 28). Le rapport qui accable Frontex, l'agence européenne de gardes-frontières, et sa pratique de refouler illégalement les migrants en Grèce. *Le Monde*. https://www.lemonde.fr/international/article/2022/07/28/refoulement-legal-egalement-les-migrants-en-greces-l-enquete-qui-accuse-frontex_6436445_3210.html

72. Tripartite Working Group. (2021). *Annual report on border monitoring: Bulgaria 2020*. https://www.bghelsinki.org/web/files/reports/146/files/2021-annual-border-monitoring-report-for-2020-en.pdf

73. Tripartite Working Group. (2022). *Annual report on border monitoring: Bulgaria 2021*. https://www.bghelsinki.org/web/files/reports/162/files/2022-annual-border-monitoring-report-for-2021-en.pdf

74. United Nations Committee on the Rights of the Child. (2021). *Concluding observations on state reports*. https://www.ohchr.org/en/treaty-bodies/crc

75. United Nations High Commissioner for Refugees. (2020a). *Guatemala: Protect returning migrants from violence*. https://www.unhcr.org/news/briefing/2020/10/5f8f6c4a4.html

76. United Nations High Commissioner for Refugees. (2020b). *UNHCR position on pushbacks*. https://www.unhcr.org/position-papers.html

77. United Nations High Commissioner for Refugees. (2021a). *Venezuela: Support for returning citizens*. https://www.unhcr.org/news/briefing/2021/5/60a7b7a64.html

78. United Nations High Commissioner for Refugees. (2021b). *Malaysia: Stop deportations to Myanmar*. https://www.unhcr.org/news/press/2021/2/6034a8a44.html

79. United Nations High Commissioner for Refugees. (2021c). *Algeria: End mass expulsions to Niger*. https://www.unhcr.org/news/briefing/2021/10/6177b9c24.html

80. United Nations High Commissioner for Refugees. (2021d). *Australia: End turnback policy*. https://www.unhcr.org/news/briefing/2021/6/60d5e8b84.html

81. United Nations High Commissioner for Refugees. (2022a). *UNHCR warns of increasing violence and human rights violations at European borders*. https://www.unhcr.org/news/press/2022/2/62137a284

82. United Nations High Commissioner for Refugees. (2022b). *U.N. High Commissioner for Refugees calls on states to lift remaining pandemic-related asylum restrictions*. https://www.unhcr.org/en-us/news/press/2022/5/6287a0634

83. United Nations Office of the High Commissioner for Human Rights. (2021). *Lethal disregard: Search and rescue and the protection of migrants in the Central Mediterranean Sea*. https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/OHCHR-thematic-report-SAR-protection-at-sea.pdf

84. United Nations Special Rapporteur on the Human Rights of Migrants. (2020). *Visit to Hungary: Report of the Special Rapporteur on the Human Rights of Migrants* (U.N. Doc. A/HRC/44/42/Add.1). https://undocs.org/A/HRC/44/42/Add.1

85. United Nations Special Rapporteur on the Human Rights of Migrants. (2021a). *Report on means to address the human rights impact of pushbacks of migrants on land and at sea* (U.N. Doc. A/HRC/47/30). https://undocs.org/A/HRC/47/30

86. United Nations Special Rapporteur on the Human Rights of Migrants. (2021b). *Report on the human rights of migrants* (U.N. Doc. A/76/257). https://undocs.org/A/76/257

87. United Nations Special Rapporteur on the Human Rights of Migrants. (2022). *Human rights violations at international borders: Trends, prevention and accountability* (U.N. Doc. A/HRC/50/31). https://undocs.org/A/HRC/50/31

88. UNICEF. (2021a). *Mexico: Protect unaccompanied migrant children*. https://www.unicef.org/press-releases/mexico-protect-unaccompanied-migrant-children

89. UNICEF. (2021b). *Children on the move: Risks and responses*. https://www.unicef.org/reports/children-move-risks-and-responses

90. UNICEF. (2021c). *Italy: Support for unaccompanied migrant children*. https://www.unicef.org

91. U.S. Coast Guard. (2023). *Coast Guard repatriates 309 Haitians to Haiti*. https://www.news.uscg.mil

92. Vaghri, Z., Tessier, Z., & Whalen, C. (2019). Refugee and asylum-seeking children: Interrupted child development and unfulfilled child rights. *Children, 6*(11), Article 120. https://doi.org/10.3390/children6110120

93. Van Esveld, B. (2023). A will and a way: Making displaced children's right to education enforceable. *Laws, 12*(1), Article 16. https://doi.org/10.3390/laws12010016

94. Vladisavljevic, A. (2021, August 19). Courts chip away at migrant "pushback" practices in EU. *Balkan Insight*. https://balkaninsight.com/2021/08/19/courts-chip-away-at-migrant-pushback-practices-in-eu