

How the European Border and Coast Guard Agency (Frontex) handled a complaint concerning the rights of migrants in 'debriefing' interviews

Case opened

Case 1452/2022/MHZ - **Opened on** 21/09/2022 - **Decision on** 03/07/2023 - **Institution concerned** European Border and Coast Guard Agency (No maladministration found) |

Acting Executive Director

European Border and Coast Guard Agency

Dear Ms Y,

On 2 August 2022, I received a complaint against Frontex, submitted by Ms X and Mr X concerning 'debriefings' of migrants in the context of Joint Operation Indalo, which is located in the sea between Spain and Morocco.

I have decided to open an inquiry into two aspects of the complaint:

(a) How Frontex organises and conducts debriefing interviews of migrants detained in the *Centros de Atencion Temporal de Extranjeros* .

(b) How Frontex's Fundamental Rights Officer (FRO) dealt with the concerns raised by the complainants, including regarding the activities of fundamental rights monitors.

I have decided that it would be useful to receive a written reply from Frontex to the two aspects of the complaint.

In relation to aspect (a) of the complaint, it would be helpful if Frontex could address the following specific concerns raised by the complainants, notably that Frontex:

(i) fails to ensure access to legal aid for migrants in the context of debriefing interviews;

(ii) does not keep a record of migrants' consent for debriefings;



(iii) fails to ensure external oversight of debriefings; and

(iv) in selecting migrants and conducting debriefing interviews, does not take into account the potential vulnerabilities of migrants or the difficult situations of their detention in the *Centros de Atencion Temporal de Extranjeros* .

Please note that I am likely to send your reply and related enclosures to the complainants for comments. [1] We may also decide to publish your reply.

I would be grateful to receive your reply by 15 December 2022. If, in the course of this inquiry, Frontex becomes involved in court proceedings concerning the same subject matter as this complaint, I would ask you to let us know.

Should you require any further information or clarification concerning this inquiry, please do not hesitate to contact Marta Hirsch-Ziembinska, Principal adviser on Charter compliance, who is responsible for the inquiry.

Yours sincerely,

Emily O'Reilly European Ombudsman

Strasbourg, 21/09/2022

[1] If you wish to submit documents or information that you consider to be confidential, and which should not be disclosed to the complainant, please mark them 'Confidential'. Encrypted emails can be sent to our dedicated mailbox. Information and documents of this kind will be deleted from the European Ombudsman's files shortly after the inquiry has ended.