

Brussels, 06 02 2010  
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Dear Ms Lambert and Ms Lucas,

Thank you for your letter of 7 December 2009 addressed to my predecessor Jacques Barrot. In your letter, you express your concern about the situation facing migrants and asylum seekers currently gathered around the port of Calais and in particular about the living conditions of these persons and several EU asylum rules which you believe are not being applied in full to people seeking or having been granted protection status.

As you point out in your letter, the asylum directives place a series of obligations on the French authorities, in particular as regards the provision of information and access to reception conditions and integration-related entitlements. However, these guarantees apply to clearly defined groups of beneficiaries, namely persons who have made a request for international protection (i.e. Council Directive 2005/85 and Council Directive 2003/9/EC) or persons who have been granted international protection (Council Directive 2004/83/EC). In that regard, I have taken note of your observation that among the persons you met there appear to have been some asylum seekers and persons granted refugee status, but also persons who did not appear to have applied for asylum in France.

The Commission is aware of the difficult situation that many third country nationals present in Calais are currently facing. However, there is no clear evidence in your letter to suggest that the French authorities have refused third country nationals access to the asylum procedure, or that they have denied asylum applicants the benefit of any of the rights to which they are entitled under the relevant EU instruments. The French Ministry of Immigration, Integration, National Identity and Mutually-Supportive Development has regularly stated that the unaccompanied minors who had resided in these encampments were accommodated in specialised reception centres located in Moselle, Oise and Pas-de-Calais and that the adults were all asked if they wished to apply for asylum, and then offered the possibility of moving to accommodation centres in other parts of France. The Ministry also indicated that a specific centre for receiving asylum applications had been established in Calais, accompanied by an information campaign addressed to migrants concerning their rights.

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I would furthermore like to point out that the Commission provides France with financial assistance via the European Refugee Fund in a wide range of cases. Thus, several programmes dealing with reception conditions for asylum seekers and access of refugees to accommodation and employment are currently financed in the Nord-Pas de Calais region. The French authorities have informed the Commission that they intend to specifically focus on this region in the framework of the European Refugee Fund's annual programme for 2010.

I should also add that, in order to ensure better accessibility of the rights and guarantees provided for in the asylum *acquis*, the Commission has proposed the amendment of the current directives. The amendments are aimed at enhancing access to asylum procedures by requiring Member States to make information and advice available for persons who wish to lodge an application for international protection from the earliest stage of the procedure. They are also aimed at enhancing effective access to rights already granted by the EU asylum *acquis*, including in particular access to employment, accommodation and integration facilities for refugees themselves.

In conclusion, based on the situation you describe, the Commission does not consider that there is any clear evidence which would point to a breach of the EU asylum *acquis* by the French authorities. However, I would like to assure you that the Commission takes very seriously its role of monitoring the application of the relevant laws by Member States and will not hesitate to take whatever steps are needed to ensure that all EU rules in this area are duly applied.

Yours sincerely,



Cecilia MALMSTRÖM