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Dear Madam, dear Sir,

Thank you for your letter of 13 March 2020 referring to the situation at the external borders of the European Union with Turkey.

I agree that the EU must uphold its duty and assist persons fleeing war and persecution. The right to access asylum procedures is enshrined in the EU Treaty and in international law, and must be respected. It is also a legal obligation to protect the EU's external borders, in full respect of our values and fundamental rights.

Bulgaria, like other Member States, manages entry at EU borders. The Commission is doing everything it can to support Bulgaria in handling migration and border-related challenges, in full compliance with EU law and fundamental rights. To this end, Bulgaria has so far benefited from EUR 67.9 million from the Asylum, Migration and Integration Fund and EUR 252.5 million from the Internal Security Fund. On 4 March 2020, the Commission also received two applications for emergency assistance from Bulgaria, for which assessment is ongoing.

The main purpose of border surveillance as defined by the Schengen Borders Code is to prevent unauthorised border crossings and counter cross-border criminality. Therefore, while border controls should be without prejudice to the rights of people in need of international protection, the EU's external borders may be crossed only at border crossing points.

When it comes to the use of coercive measures by law enforcement authorities, including border guards, I would like to recall that this is regulated by national law. Moreover, any independent investigation following an allegation of improper use of force also falls within national competences. The Commission, for its part, consistently advocates that any measures taken – in this case by border guards – be proportionate to their objective and in respect of fundamental rights.

The team of Center for Legal Aid - Voice in Bulgaria
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To tackle the effect of the COVID-19 pandemic, the Commission has recommended to the Heads of State or Government to introduce a temporary restriction on non-essential travel to the EU. Such temporary restrictions should not apply to persons in need of international protection or that need to enter the EU for other humanitarian reasons. In response to the pandemic, the Commission is also considering to issue guidance to assist Member States to ensure the proper functioning of asylum procedures and reception systems in the current context. All COVID-19 related measures should be based on risk assessments and scientific advice and must remain proportionate. Any restrictions must take into account the principle of *non-refoulement* and obligations under international law.

In addition, please note that with the new migration and asylum proposals that I will bring forward, I aim to ensure that Member States will collectively manage the realities of migration based on common values and humanitarian responsibilities. I have personally consulted with civil society organisations working directly with migrants on the ground, with the aim to develop a proposal that includes the necessary guarantees for vulnerable applicants, including children. Of course, the new Pact will also have to take into account the exceptional circumstances created by the COVID-19 pandemic.

Finally, I take the opportunity to inform you that the Commission supports the Greek government to relocate asylum seekers, including unaccompanied migrant children, as a means to alleviate the humanitarian crisis on the Greek islands. The Commission is currently coordinating exchanges with certain Member States, including Bulgaria, to relocate up to 1 600 unaccompanied minors in full compliance with COVID-19 health measures. I am pleased that the first such relocations have taken place and that more will follow shortly. I continue to call on all Member States to take part in this collective effort.

I trust that these elements respond to the concerns you raised and I count on your active engagement and contribution to the debate on the new EU migration and asylum policies.

Yours sincerely,



Ylva Johansson

Annex: Recipients