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Dear Prime Minister, *Jean Nino*

Thank you for your letter of 18 January and your proposals to address the refugee crisis and in particular the emergency situation unfolding along the Western Balkans route. As you know, this is a key priority of this Commission, as illustrated by the agreement reached at the Western Balkans Route Leaders' Meeting of 25 October and the intensive and ongoing weekly follow-up and good cooperation that we have established together.

I agree with you that Greece is under immense pressure. As you know from my reports to the European Councils throughout the autumn, the Commission is engaged in an unprecedented effort of support to Greece, with on-the-spot support as well as financial assistance. I will report again to the February European Council. Solidarity from other Member States, with expertise and with an acceleration of relocation, is also essential. This is the only way to achieve our goal of returning to a situation of fully-functioning borders, Greece playing a full part in the Common European Asylum System, and returning Schengen back to its normal situation without temporary border controls on internal borders.

I fully agree that a key part of this is that migrants are given the opportunity to apply for international protection and, if they choose not to do so or if it emerges that they are not in need of protection, they should be returned swiftly to their countries of origin – or to transit countries. Part of the Commission support to Greece has been the decision to grant € 2,5 million in emergency assistance to the Hellenic Police (for forced returns) and the International Organization for Migration (for voluntary returns) for a period of 6 months. Already close to 1200 irregular migrants have applied for voluntary return assistance under this programme. This combines with our work to help Greece in the identification of irregular migrants and in effective return through Frontex joint return operations. All this needs to be further intensified.

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H.E. Mr Miroslav CERAR  
Prime Minister  
Republic of Slovenia

However, the increasingly demanding scale of the problem of irregular migrant flows reaching Greece and entering the Western Balkans route requires even greater efforts. It is an essential element of our response to the refugee crisis to have much more effective **return of irregular migrants** throughout the EU. We need to systematically and rapidly return those who are not in need of international protection if we are to build public trust and focus resources on the reception of the unprecedentedly high numbers of genuine refugees. This needs us all to send a clear message to third country partners. The Commission, in cooperation with the European External Action Service, is stepping up its engagement on the readmission of irregular migrants to Pakistan, Bangladesh, Afghanistan, and North African countries, as well as with Sub-Saharan partners.

At the same time, we are making a particular effort to support the return of irregular migrants from Greece to Turkey, as the departure country for the vast majority of those reaching Greece's shores. Until the EU-Turkey Readmission Agreement enters into force, the Commission is ready to work closely with both the Greek and Turkish authorities to scale-up the returns to Turkey under the existing bilateral Greek-Turkey agreement. The Commission is currently exploring with Greece what further support it requires to be able to systematically return those migrants who do not qualify for asylum. Frontex is ready to provide experts and technical assistance to help Greece to process the requests for returns and to increase the numbers of effectively returned persons from Greece.

As regards the proposed provision of **additional direct assistance to the Former Yugoslav Republic of Macedonia to strengthen its controls at its border with Greece**, it is important to note that current Union law does not allow for the deployment of officers in the framework of a Frontex joint operation on the territory of a third country. This shortcoming is being addressed in the Commission proposal for a Regulation establishing a European Border and Coast Guard that should be adopted by the co-legislators as soon as possible.

Given this limitation, alternative means of Frontex assistance to the Former Yugoslav Republic of Macedonia are currently under preparation, to strengthen the country's border management and asylum management capacities. Your good suggestion coincides with the visit of a joint Commission-Frontex team to the country on 20-22 January to assess the country's needs in terms of border management, including border surveillance.

In addition, already today, Frontex supports the protection of the border between Greece and the Former Yugoslav Republic of Macedonia through assistance provided in Greece. As well as the Poseidon Rapid Intervention to help Greece at the sea borders, an operational plan was agreed earlier this month between Greece and Frontex to deploy experts on the border with the Former Yugoslav Republic of Macedonia. A preliminary team is now in place to start implementing the operational plan. It will be essential that this operation is provided with further resources.

I welcome your suggestion that all EU Member States should provide assistance to the Former Yugoslav Republic of Macedonia authorities to support controls on the border with Greece through the secondment of police/law enforcement officers, and the provision of equipment.

*I know that in Slovenia, the similar mobilisation of assistance was organised on a bilateral basis between Slovenia and respective Member States. Your experience could be of particular benefit to build on the first steps taken and ensure swift and effective deployment in the Former Yugoslav Republic of Macedonia.*

*More generally, the Commission is providing financial assistance to the Former Yugoslav Republic of Macedonia to help deal with the refugee crisis. €2.6 million of direct humanitarian assistance has already been already provided. This is in the context of longer-term assistance in the areas of migration, asylum and border management for which the Commission has already provided €14.2 million with a further €25 million currently in the pipeline. On 1 January 2016, the Commission began the implementation of a multi-country programme on migration management in cooperation with Frontex and the European Asylum Support Office with particular focus on the Former Yugoslav Republic of Macedonia.*

*You also call to define **common criteria to determine eligibility of refugees to enter in the European Union**. In this regard, at our Western Balkans Route Leaders' Meeting of 25 October we agreed that a country may refuse entry to third country nationals who, when presenting themselves at border crossing points, do not confirm a wish to apply for international protection (subject to a prior non-refoulement and proportionality check, in accordance with international Law). That said, Member States should indeed refuse entry at the external border to third-country nationals who do not satisfy the entry conditions, including third-country nationals who have not made an asylum application despite having had the opportunity to do so. For Member States that have temporarily reintroduced controls at their internal border in compliance with the Schengen Border Codes, these Member States should also refuse entry at that internal border to third-country nationals who do not satisfy the entry conditions, including third-country nationals who have not made an asylum application despite having had the opportunity to do so. The Former Yugoslav Republic of Macedonia and other non-EU countries on the Western Balkans route should do the same under the provisions of their respective national law, whilst respecting their obligation under international law regarding fundamental rights and asylum. This means either a refugee applies for asylum and meets requirements for a genuine asylum according to applicable law, or that person is considered as not eligible to have access to the territory.*

*At the same time, we also agreed to discourage the movement of refugees or migrants to the border of another country of the region. A policy of waving through refugees without informing a neighbouring country is not acceptable. This should apply to all countries along the route. In this situation, I would invite Member States and non-EU countries on the Western Balkans route should also actively prevent third-country nationals from leaving their territory in an unauthorised manner by crossing the border outside the border crossing points, or before their legal status is determined.*

*I recognize that implementing such principles is challenging in the current circumstances, particularly given the need for consistency all along the route. In any case such measures should be in harmony with other EU measures, such as relocation and resettlement measures. The more we can provide credible and effective support to those in need of international protection, the less they will feel the need to take the route of irregular migration.*

*In conclusion, I thank you for the suggestions in your letter, which serve to underline the need to keep up the momentum to intensify our work along the Western Balkans route. This needs the full commitment of all actors – Member States, third countries, EU institutions and EU agencies – in order to improve the situation. For its part, the Commission is determined to continue its efforts to tackle the refugee and migration crisis along this route. A consistent and coordinated European approach is the only way to secure sustainable results.*

*Yours sincerely,*



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