

**Question for written answer E-002681/2013
to the Commission**

Rule 117

Hélène Flautre (Verts/ALE)

Subject: Granting Mayotte the status of an outermost region and implementing the *acquis communautaire* in the area of fundamental rights, immigration and asylum

After becoming a French department in March 2011, Mayotte will be granted the status of an outermost region on 1 January 2014. The Commission is currently drafting a proposal setting out the transitional measures and derogations from EU law which will be granted to the department of Mayotte. The French Act No 2012-1270 of 20 November 2012 on economic regulation in overseas territories and containing various provisions on overseas territories allows the government to amend Ordinance No 2000-373 of 26 April 2000 on the conditions for entry and residence of third-party nationals in Mayotte, with the particular aim of bringing the latter into line with EU law.

The legislation and derogations currently in force in the area of immigration and asylum result in clear violations of the *acquis communautaire* in Mayotte. The lack of an effective remedy, the infrequency of judicial reviews and the huge number of migrants who are detained, in particular minors, are just a few examples of ways in which rights of return are violated. On 13 December 2012, the Grand Chamber of the European Court of Human Rights found that the exceptional procedures applied in certain overseas territories (in this case Guyana, where the petitioner had been returned to the border before a decision had been handed down by an administrative court) by France violated the right to an effective remedy guaranteed by Article 13 of the Convention. Shortcomings are regularly reported in respect of the reception of asylum seekers and the procedure for handling asylum requests: these include expulsion during the asylum process and a lack of accommodation or compensation.

1. Is the Commission planning to propose that the outermost region of Mayotte should be granted transitional measures or derogations from the *acquis* in the area of asylum and migration and from the European Charter of Fundamental Rights? If so, which?
2. What proposals could the Commission adopt in order to guarantee that Mayotte complies with the *acquis communautaire* in the area of immigration, asylum and fundamental rights once it has gained the status of an outermost region?