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*Plenary sitting*

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**A8-0066/2016**

23.3.2016

# REPORT

on the situation in the Mediterranean and the need for a holistic EU approach to migration  
(2015/2095(INI))

Committee on Civil Liberties, Justice and Home Affairs

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### **on the situation in the Mediterranean and the need for a holistic EU approach to migration**

**(2015/2095(INI))**

The European Parliament,

- having regard to the Geneva Convention of 1951 and the additional protocol thereto, and in particular the right to non-refoulement,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the Convention on the Rights of the Child of 1989 and to the European Parliament resolution of 27 November 2014 on the 25th anniversary of the UN Convention on the Rights of the Child,
- having regard to the United Nations Convention on the Law of the Sea of 1982, the International Convention for the Safety of Life at Sea of 1974 and the International Convention on Maritime Search and Rescue of 1979 as amended,
- having regard to the International Convention on the Protection of the Rights of all migrant workers and members of their families of 1990,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the Commission Communication Action Plan on Unaccompanied Minors (2010-2014)(COM(2010)0213) and to the European Parliament resolution of 12 September 2013 on the situation of unaccompanied minors in the EU<sup>1</sup>,
- having regard to its resolution of 29 April 2015 on the latest tragedies in the Mediterranean and EU migration and asylum policies<sup>2</sup>,
- having regard to its resolution of 10 September 2015 on migration and refugees in Europe<sup>3</sup>,
- having regard to the debates held in the European Parliament's Committee on Civil Liberties, Justice and Home Affairs on 14 April 2015 in the presence of Commissioner Avramopoulos; on 6 May on solidarity and fair sharing of responsibility, including search and rescue obligations; on 26 May on the strategy on cooperation with third countries; on 4 June on developing safe and lawful routes for asylum seekers and refugees into the EU and on the implementation of the Common European Asylum System; on 25 June on tackling criminal smuggling, trafficking and labour exploitation

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<sup>1</sup> OJ C 93, 9.3.2016, p. 165.

<sup>2</sup> Texts adopted, P8\_TA(2015)0176.

<sup>3</sup> Texts adopted, P8\_TA(2015)0317.

of irregular migrants, developing adequate legal economic migration channels, and border management and visa policy; on 2 July on how Home Affairs funds are spent in the migration and development context; on 6 July on the first package of Commission proposals following the Agenda on Migration and on solidarity and fair sharing of responsibility, including search and rescue obligations and developing safe and lawful routes for asylum seekers and refugees into the EU; on 16 July in the presence of experts on EU funds for migration policies, on policies, practices and data on unaccompanied minors in the EU Member States and Norway, on EU cooperation with third countries in the field of migration, and on exploring new avenues for legislation for economic migration; on 22 September on the second package of Commission proposals following the Agenda on Migration; on 23 September with national parliaments on the hotspots approach and on addressing migration at the national and local level; on 19 October on tackling smuggling, trafficking and labour exploitation of irregular migrants; on 10 November on the Commission communication entitled ‘Managing the refugee crisis: State of Play of the Implementation of the Priority Actions under the Agenda on Migration’ (COM(2015)0510); on 19 November on the EU internal and external funding related to its migration and asylum policy; on 10 December on EU cooperation with third countries in the field of migration; on 21 December on border management and visa-policy, on effective implementation of the CEAS and on developing adequate legal economic migration channels,

- having regard to the debates held in the joint meeting of its Committee on Civil Liberties, Justice and Home Affairs and Committee on Development on 1 April 2015 on the nexus between development and migration, and in the joint meeting of the Committee on Civil Liberties, Justice and Home Affairs, Committee on Foreign Affairs and Sub-Committee on Human Rights on 15 September on respecting human rights in the context of migration flows in the Mediterranean,
- having regard to the reports of its Committee on Civil Liberties, Justice and Home Affairs on the visits by its delegations to Lampedusa on search and rescue operations in September 2015 and to Tunisia on cooperation with third countries in the area of migration, asylum and border control in October 2015, and having regard to the report of its Committee on Budgets and Committee on Civil Liberties, Justice and Home Affairs on the visit by their joint delegation to Sicily on how to address the migratory pressures in the region, including in particular from a budgetary perspective in July 2015,
- having regard to the Commission Ten Point Action Plan on Migration, presented at the Joint Foreign and Home Affairs Council held in Luxembourg on 20 April 2015,
- having regard to the Commission communication entitled ‘A European Agenda on Migration’ (COM(2015)0240),
- having regard to the Council Decision (CFSP) 2015/778 on a European Union military operation in the Southern Central Mediterranean,
- having regard to the decision to start the second phase of operation EUNAVFOR Med, renamed Operation Sophia, taken by EU Ambassadors within the Political and Security

- Committee<sup>1</sup>, and having regard to the NATO-led operations in the Aegean Sea,
- having regard to UN Security Council Resolution 2240 (2015) of 9 October 2015,
  - having regard to the Commission Communication entitled ‘EU Action Plan against migrant smuggling (2015-2020)’ (COM(2015)0285),
  - having regard to the Commission Staff Working Document on Implementation of the Eurodac Regulation as regards the obligation to take fingerprints (SWD(2015)0150),
  - having regard to the Commission recommendation on a European resettlement scheme (C(2015)3560 final) and to the Conclusions of the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20 000 persons in need of international protection, presented at the Justice and Home Affairs’ Council meeting of 20 July 2015,
  - having regard to the Commission Explanatory note on the ‘Hotspot’ approach, and the state of play reports on Greece and Italy of 10 February 2016, as well as the Progress report on Greece of 4 March 2016,
  - having regard to Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece,
  - having regard to Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece,
  - having regard to the Commission proposal for a regulation of the European Parliament and of the Council establishing a crisis relocation mechanism and amending Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person (COM(2015)0450),
  - having regard to the Commission proposal for a regulation of the European Parliament and of the Council establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, and amending Directive 2013/32/EU (COM(2015)0452),
  - having regard to the Commission communication entitled ‘EU Action Plan on Return’ (COM(2015)0453),
  - having regard to the Commission recommendation establishing a common ‘Return Handbook’ to be used by Member States’ competent authorities when carrying out return related tasks (C(2015)6250) and its Annex,
  - having regard to the Commission communication entitled ‘Public procurement rules in

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<sup>1</sup> <http://www.consilium.europa.eu/en/press/press-releases/2015/09/28-eunavfor/>.

- connection with the current asylum crisis' (COM(2015)0454),
- having regard to the Commission communication entitled 'Addressing the Refugee Crisis in Europe: The Role of EU External Action' (JOIN(2015)40),
  - having regard to the Commission Decision on the establishment of a European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (C(2015)7293),
  - having regard to the Commission communication entitled 'Managing the refugee crisis: immediate operational, budgetary and legal measures under the European Agenda on Migration' (COM(2015)0490) and its Annexes,
  - having regard to the Commission communication entitled 'Managing the refugee crisis: State of Play of the Implementation of the Priority Actions under the European Agenda on Migration' (COM(2015)0510) and its Annexes,
  - having regard to the Commission communication entitled 'A European Border and Coast Guard and effective management of Europe's external borders' (COM(2015)0673) and to the Proposal for a regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC (COM(2015)0671), to the Proposal for a regulation of the European Parliament and of the Council on a European travel document for the return of illegally staying third-country nationals (COM(2015)0668), to the Proposal for a regulation of the European Parliament and of the Council amending Regulation No 562/2006 (EC) as regards the reinforcement of checks against relevant databases at external borders (COM(2015)0670), to the Commission Proposal for a Council Decision establishing provisional measures in the area of international protection for the benefit of Sweden in accordance with Article 9 of Council Decision (EU) 2015/1523 and Article 9 of Council Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (COM(2015)0677), and to the Commission Recommendation for a voluntary humanitarian admission scheme with Turkey (COM(2015)09490),
  - having regard to the Communication from the Commission to the European Parliament and the Council on the state of play of implementation of the priority actions under the European Agenda On Migration (COM(2016)0085),
  - having regard to the Commission Recommendation addressed to the Hellenic Republic on the urgent measures to be taken by Greece in view of the resumption of transfers under Regulation (EU) No 604/2013 (C(2016)871),
  - having regard to the proposal for a Council Implementing Decision on the temporary suspension of the relocation of 30 % of applicants allocated to Austria under Council Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (COM(2016)0080),
  - having regard to the Communication from the Commission to the European Parliament, the European Council and the Council entitled 'Back to Schengen – A roadmap

(COM(2016)0120),

- having regard to the Report from the Commission to the European Parliament and the Council entitled ‘Second Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap’ (COM(2016)0140),
- having regard to the proposal for a Council Regulation on the provision of emergency support within the Union (COM(2016)0069), the accompanying Commission Staff Working Document (SWD(2016)0097) and the upcoming amending budget for 2016 to create the budget line for this instrument,
- having regard to the Conclusions adopted by the European Council at its special meeting of 23 April 2015, at its meeting of 25 and 26 June 2015, at the informal meeting of EU Heads of State or Government on migration of 23 September 2015, at its meeting of 15 October 2015, at its meeting of 17 and 18 December 2015, and at its meeting of 18 and 19 February 2016,
- having regard to the Conclusions adopted by the Council on safe countries of origin at its meeting of 20 July 2015, on migration at its meeting of 20 July 2015, on the future of the return policy at its meeting of 8 October 2015, on migration at its meeting of 12 October 2015, on measures to handle the refugee and migration crisis at its meeting on 9 November 2015, and on statelessness at its meeting of 4 December 2015, and on migrant smuggling at its meeting of 10 March 2016,
- having regard to the Presidency conclusions adopted on 14 September 2015,
- having regard to the conclusions adopted by the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20 000 persons in clear need of international protection at their meeting on 20 July 2015,
- having regard to the EU-Turkey Joint Action Plan of 15 October 2015, and its implementation reports of 10 February and 4 March 2016,
- having regard to the Statement by the EU Heads of State or Government of 7 March 2016;
- having regard to the Declaration of the High-Level Conference on the Eastern Mediterranean – Western Balkans Route, adopted on 8 October 2015, and to the leaders’ statement on refugee flows along the Western Balkan route adopted at the meeting on 25 October 2015 and to its progress report of 10 February 2016,
- having regard to the Action Plan and Political Declaration adopted at the European Union-Africa Summit on Migration, held in Valletta on 11 and 12 November 2015,
- having regard to the work and reports of the European Asylum Support Office (EASO), and in particular to their Annual Report on the Situation of Asylum in the European Union 2014 and to the monthly Asylum Trends,
- having regard to the work and reports of Frontex, and in particular to their Annual Risk

Analysis 2015 and their Risk Analysis Network Quarterly Reports,

- having regard to the work and reports of Europol, and in particular to Joint Operational Team MARE, and the establishment of the European Migrant Smuggling Centre (EMSC) by Europol,
- having regard to the work and reports of Eurojust, and in particular to its reports on trafficking in human beings,
- having regard to the work, annual reports and studies of the Fundamental Rights Agency (FRA), and in particular to their studies on severe forms of labour exploitation and on criminalisation of migrants in an irregular situation and of persons engaging with them,
- having regard to the Policy Department C studies on the implementation of Article 80 TFEU, on new approaches, alternative avenues and means of access to asylum procedures for persons seeking international protection, on exploring new avenues for legislation for labour migration to the EU, on enhancing the Common European Asylum System and Alternatives to Dublin, on EU cooperation with third countries in the field of migration, and on the Reception of Female Refugees and Asylum Seekers in the EU, and having regard to the Policy Department D study on EU funds for Migration policies: Analysis of Efficiency and best practice for the future, and to the Policy Department EXPO study on Migrants in the Mediterranean: protecting human rights,
- having regard to the studies by the European Migration Network (EMN), and in particular to their study on policies, practices and data on unaccompanied minors,
- having regard to the work and reports of the UN High Commissioner for Refugees,
- having regard to the work and reports of the UN Special Rapporteur on the Human Rights of Migrants,
- having regard to the work, reports and resolutions of the Council of Europe,
- having regard to the work and reports of the International Organization for Migration,
- having regard to the work and reports of the UN Office on Drugs and Crime,
- having regard to the Opinion of the European Committee of the Regions – European Agenda on Migration, adopted at its 115th plenary session of 3-4 December 2015,
- having regard to the Opinions of the European Economic and Social committee on the European Agenda on migration and on the EU action plan against migrant smuggling,
- having regard to its resolution of 17 December 2014 on the situation in the Mediterranean and the need for a holistic EU approach to migration<sup>1</sup>,
- having regard to the working document on Article 80 – Solidarity and fair sharing of

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<sup>1</sup> Texts adopted, P8\_TA(2014)0105.



- responsibility, including search and rescue obligations,
- having regard to the working document on tackling criminal smuggling, trafficking and labour exploitation of irregular migrants,
  - having regard to the working document on border management and visa-policy, including the role of Frontex and other relevant agencies,
  - having regard to the working document on developing safe and lawful routes for asylum seekers and refugees into the EU, including the Union resettlement policy and corresponding integration policies,
  - having regard to the working document on developing adequate legal economic migration channels,
  - having regard to the working document on the EU internal and external funding related to its migration and asylum policy,
  - having regard to the working document on effective implementation of the Common European Asylum System (CEAS), including the role of EASO,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Foreign Affairs, the Committee on Development, the Committee on Budget, the Committee on Employment and Social Affairs, the Committee on Transport and Tourism, the Committee on Regional Development, the Committee on Women’s Rights and Gender Equality and the Committee on Petitions (A8-0066/2016),
- A. whereas in its resolution of 17 December 2014, it instructed the Committee of Civil Liberties, Justice and Home Affairs to assess the various policies at stake, develop a set of recommendations and report to Plenary in the form of a strategic initiative report;
- B. whereas according to Frontex data<sup>1</sup>, in 2015 1.83 million persons were detected while attempting to cross irregularly the EU’s external borders, setting an unprecedented record compared to the 282 500 migrants who arrived in the Union in the course of the whole 2014; and whereas, according to IOM/UNICEF data, around 20 % of all migrants arriving by sea are children<sup>2</sup>;
- C. whereas according to EASO data<sup>3</sup>, in 2015 over 1.4 million applications for international protection were lodged in the EU+<sup>4</sup>, with numbers rising steadily since April, while the share of repeated applications has been decreasing; and whereas around

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<sup>1</sup> Frontex news, <http://frontex.europa.eu/news/number-of-migrants-arriving-in-greece-dropped-by-half-in-november-cITv3V>.

<sup>2</sup> IOM and UNICEF, Data Brief: Migration of Children to Europe, [http://www.iom.int/sites/default/files/press\\_release/file/IOM-UNICEF-Data-Brief-Refugee-and-Migrant-Crisis-in-Europe-30.11.15.pdf](http://www.iom.int/sites/default/files/press_release/file/IOM-UNICEF-Data-Brief-Refugee-and-Migrant-Crisis-in-Europe-30.11.15.pdf).

<sup>3</sup> EASO Newsletter, November-December 2015, [https://easo.europa.eu/wp-content/uploads/EASO-Newsletter-NOV-DEC\\_-20151.pdf](https://easo.europa.eu/wp-content/uploads/EASO-Newsletter-NOV-DEC_-20151.pdf).

<sup>4</sup> The EU+ is composed of EU-28 plus Norway and Switzerland,.

6 % of applicants claimed to be unaccompanied minors; whereas in February 2016, 22 % of the sea arrivals in Greece were women and 40 % children<sup>1</sup>;

- D. whereas, for the purposes of the UN Convention on the Rights of the Child, a child means every human being below the age of eighteen years;
- E. whereas in 2015 over 3 771 persons were reported dead or missing in the Mediterranean Sea, according to the International Organisation for Migration<sup>2</sup>; and whereas up to 8 March 2016, 444 persons had been reported as drowned in the Mediterranean; whereas in the first nine weeks of 2016, 77 children died – an average exceeding one per day; whereas according to recent Europol data at least 10.000 unaccompanied children have disappeared after arriving in Europe;
- F. whereas 3 October should be recognised as a Day of Remembrance for all the men, women and children who perish while attempting to flee their countries as a result of persecution, conflict and war, as well as all the men and women who risk their lives every day in order to save them;
- G. whereas some parts of the world are affected by war and violence and suffer the combined effects of extreme poverty, environmental degradation and a lack of opportunities for young people, which can engender more violence and insecurity and lead to further population movements;

***Article 80 TFEU – Solidarity and fair sharing of responsibility, including search and rescue obligations***

- H. whereas Article 80 TFEU puts the principle of solidarity and fair sharing of responsibility at the heart of the whole of the Union system, providing a legal basis for the implementation of these principles in the Union policies on asylum, migration and border control;
- I. whereas solidarity can take the forms of internal and external solidarity; and whereas relocation, mutual recognition of asylum decisions, operational support measures, a proactive interpretation of the current Dublin Regulation and the Temporary Protection Directive are all tools for internal solidarity, while resettlement, humanitarian admission and search and rescue at sea promote external solidarity, and the civil protection mechanism can target both;
- J. whereas, on 3 March 2016, only 338 of the 39 600 asylum seekers awaiting reassignment from Italian reception facilities to other Member States had actually been relocated, while in the case of Greece 322 out of the 66 400 projected relocations had actually taken place;

***Tackling criminal smuggling, trafficking and labour exploitation of irregular migrants***

- K. whereas migrant smuggling, trafficking and labour exploitation are distinct legal phenomena tackled by distinct legal frameworks at Union and international level,

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<sup>1</sup> UNHCR - Greece data snapshot - 7 Mar 2016.

<sup>2</sup> IOM, Missing Migrants Project, <http://missingmigrants.iom.int/>.

requiring properly targeted responses, while often overlapping in practice; and whereas criminal smuggling and trafficking networks can change their modus operandi very quickly, thus requiring rapidly adapted responses based on the most recent and accurate data; whereas efforts to counter the criminal smuggling of migrants should not affect those providing humanitarian assistance to irregular migrants;

- L. whereas the fight against migrant smuggling, trafficking and labour exploitation necessitates both short, medium and long-term responses, including measures to disrupt criminal networks and to bring criminals to justice, the gathering and analysis of data, measures to protect victims and to return irregularly staying migrants, as well as cooperation with third countries and longer-term strategies to address the demand for trafficked and smuggled persons and the root causes of migration which force people into the hands of criminal smugglers;

***Border management and visa policy, including the role of the Borders Agency and other relevant Agencies***

- M. whereas the ordinary legislative procedure is ongoing on numerous Commission proposals in the area of borders and visa policy, in particular on the proposal for a Regulation on the Union Code on Visas (recast) (2014/0094 COD), the proposal for a regulation establishing a touring visa (2014/0095 COD) and the proposal for a regulation on Uniform format for visa: security (2015/0134 COD); and whereas new proposals in this area have recently been launched by the Commission and will be dealt with according to the ordinary legislative procedure;
- N. whereas the abolition of internal border controls must go hand in hand with the effective management of external borders, with high common standards, effective exchange of information between Member States, and full respect for everyone's fundamental rights;
- O. whereas the European Parliament has called for the Union Border Agency to strengthen its capacity to deal with possible violations of fundamental rights, including within the framework of its working arrangements concluded with the competent authorities of third countries, and whereas the Commission proposal for a new Union Border Agency contains a complaint mechanism;
- P. whereas the current Visa Code allows Member States to deviate from the normal admissibility criteria for a visa application 'on humanitarian grounds' (Articles 19 and 25);

***Developing safe and lawful routes for asylum seekers and refugees into the EU, including the Union resettlement policy and corresponding integration policies***

- Q. whereas 86 % of the world's refugee population is hosted by non-industrialised countries; and whereas criminal networks and smugglers exploit the desperation of people trying to enter the Union while fleeing persecution or war;
- R. whereas safe and legal routes for refugees to access the Union are limited, and many continue to take the risk of embarking on dangerous routes; and whereas the creation of new safe and lawful routes for asylum seekers and refugees to enter the Union, building on existing legislation and practices, would allow the Union and the Member States to

have a better overview of the protection needs and of the inflow into the Union and to undermine the business model of the smugglers;

***The strategy on cooperation with third countries, in particular on regional protection programmes, resettlement, returns and to address the root causes of migration***

- S. whereas EU-third country cooperation is developed through political instruments such as regional dialogues, bilateral dialogues, common agendas for migration and mobility and mobility partnerships, through legal instruments such as migration clauses in ‘global agreements’, readmission agreements, visa facilitation agreements and visa exemption agreements, and through operational instruments such as Regional Protection Programmes (RPP), Regional Development and Protection Programmes (RDPP), Frontex working arrangements and EASO cooperation with third countries;
- T. whereas individual Member States continue to develop intense external action on migration at the bilateral level;
- U. Whereas the Union has intensified its external cooperation with third countries in migration and asylum to respond adequately to the current refugee crisis, and has launched new cooperation initiatives such as the EU-Turkey Joint Action Plan, the commitments taken on the Western Balkans Routes and the Action Plan adopted at the Valetta summit;

***Developing adequate legal economic migration channels***

- V. whereas the working-age population in the Union is projected to decline by 7.5 million by 2020; whereas projections on the development of labour market needs in the Union points to emerging and future shortages in specific fields; and whereas third-country nationals face many difficulties in obtaining recognition of their foreign qualifications, and therefore tend to be over-qualified for their jobs;
- W. whereas the current Union approach to labour migration is fragmented, with numerous directives focusing on specific categories of workers and of third-country nationals who are, under certain conditions, allowed to work; and whereas this approach can only serve to meet short-term, specific needs;

***Analysis on how Home Affairs funds are spent in migration & development context, including emergency funds***

- X. whereas several Union financial instruments exist to fund Member States’ and third countries’ actions in the area of migration, asylum and border management; whereas in particular funds for Member States are allocated mainly through the Asylum Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF), but whereas numerous other programmes and funds can be used for activities related to migration; and whereas funding to third countries, while allocated mainly through the Development Cooperation Instrument, is administered by numerous Commission Directorates-General and the European External Action Service;
- Y. whereas the existing fragmentation of budget lines and responsibilities can make it difficult to provide a comprehensive overview of how funds are used, and even to

quantify exactly how much the Union spends on migration;

***Effective implementation of the Common European Asylum System, including the role of the European Asylum Support Office***

- Z. whereas the Common European Asylum System (CEAS) includes a set of common rules for a common asylum policy, a uniform asylum status and common asylum procedures valid throughout the Union; whereas, however, many alerts, including the infringement decisions adopted by the Commission, show that the CEAS has not been fully implemented in many Member States; whereas implementation is essential in order to harmonise national laws and promote solidarity among Member States, and whereas Member States can seek supporting assistance from EASO to meet the standards required by the CEAS; whereas harmonisation of reception conditions and asylum procedures can avoid stress on countries offering better conditions and are key to responsibility sharing;
- AA. whereas the current mechanisms of the Dublin system have failed to be objective, to establish fair criteria for allocating responsibility for applications for international protection and to provide swift access to protection; whereas the system is not being applied in practice, and explicit derogations have been adopted with two Council decisions on temporary relocation; and whereas the Commission had announced a proposal for a proper revision of the Dublin III Regulation by March 2016;

***On solidarity***

1. Points out that solidarity must be the principle upon which Union action on migration is based; notes that the principle of solidarity, as set out in Article 80 TFEU, covers asylum, immigration and border control policies; takes the view that Article 80 provides a legal basis ‘jointly’ with Articles 77-79 TFEU to implement the principle of solidarity in those areas;

***On search and rescue***

2. Starts from the premise that saving lives must be a first priority and that proper funding, at Union and Member State level, for search and rescue operations is essential; notes that there has been an increase in the number of irregular arrivals by sea and an alarming increase in the number of deaths at sea, and that a better European response is still required;
3. Recalls that the saving of lives is an act of solidarity with those at risk, but that it is also a legal obligation under international law, as Article 98 of the United Nations Convention of the Law of the Sea – ratified by all Member States and the Union itself – requires assistance to be given to any person in distress at sea;
4. Takes the view that a permanent, robust and effective Union response in search and rescue operations at sea is crucial to preventing an escalating death toll of migrants attempting to cross the Mediterranean Sea;
5. Suggests, in that respect, that search and rescue capacities must be strengthened, and that Member States’ governments must deploy more resources – in terms of financial

assistance and assets – in the context of a Union-wide humanitarian operation, dedicated to finding, rescuing and assisting migrants in peril and bringing them to the closest place of safety;

6. Points out that private shipmasters or non-governmental organisations (NGOs) who genuinely assist persons in distress at sea should not risk punishment for providing such assistance; believes that merchant shipping should not provide an option in lieu of Member States and the Union fulfilling their obligations in terms of search and rescue;

#### ***On tackling human trafficking and criminal smuggling***

7. Calls for a clear distinction to be made between those persons who are smuggled into the Union and those who are trafficked into the Union because, while the policy response must be properly integrated, they must also be properly targeted; states that, in general terms, the criminal smuggling of migrants involves facilitating the irregular entry of a person to a Member State, whereas human trafficking involves the recruitment, transportation or reception of a person through the use of violent, deceptive or abusive means, for the purpose of exploitation;
8. Holds that any holistic approach to migration must necessarily contain measures aimed at disrupting the activities of criminal networks involved in the trafficking and smuggling of people;
9. Welcomes the positive role played by navy vessels in saving lives at sea and in disrupting criminal networks to date; supports the aims of navy operations such as Operation Sophia, and stresses the need to protect life, emphasising that all aspects of the operation should ensure that migrant lives are protected;
10. Underlines that military operations should not be the predominate aspect of any holistic approach to migration and reiterates that Operation Sophia must not distract assets already deployed in the Mediterranean from saving lives at sea;

#### ***On the role of Union agencies in the fight against criminal smuggling***

11. Points out that, since criminals can and do change their modus operandi very quickly, policy responses must adapt to the most recent and accurate data; notes, as a positive step forward, that the Commission adopted a Union Action Plan against Migrant Smuggling on 27 May 2015 ('the Action Plan on Smuggling'), under which it provides for the setting up of a Contact Group of Union Agencies on migrant smuggling, to strengthen their operational cooperation and information exchange;
12. Emphasises that full use should be made of existing instruments, such as the agencies' risk analyses; observes that Union agencies should cooperate fully, but that they also need to step up cooperation with Member States; notes that better coordination of efforts should allow for the collection of data at national level and its onward communication to the Agencies;

#### ***On relocation***

13. Recalls that the process of relocation – that is to say, transferring an applicant for

international protection, or a beneficiary of international protection, from one Member State to another – is a practical example of solidarity within the Union; recalls, in addition, that, since 2009, Parliament has been calling for a binding mechanism for the distribution of asylum seekers among all the Member States;

14. Notes that, within the last year, the Council has adopted two decisions on temporary relocation measures in the Union ('Relocation Decisions')<sup>1</sup>, and that they involve the transfer of applicants for international protection from Greece and Italy to other Member States; observes that, although the Relocation Decisions do not end the current Dublin rules on allocation of responsibility, they do constitute a 'temporary derogation' from the Dublin rules;
15. Takes the view that the establishment of urgent relocation measures is a move in the right direction, and calls on Member States to fulfil their obligations with regard to those measures as soon as possible;
16. Recalls that, for the purposes of the Relocation Decisions, relocation will cover only those nationalities for which the proportion of positive decisions granting international protection in the Union has been 75 % or more for the preceding three months, on the basis of Eurostat data; notes that the Relocation Decisions will affect a relatively small number of people, and will leave out the large numbers of applicants originating from other third countries who cannot be relocated under those decisions;
17. Is concerned that, under the current Relocation Decisions, Member States of first arrival still have to handle the more complicated claims for international protection (and appeals), have to organise longer periods of reception, and will have to coordinate returns for those ultimately not entitled to international protection; reiterates that any new system for the management of the Common European Asylum System must be based on solidarity and a fair sharing of responsibility;
18. Is of the opinion that, in addition to the criteria contained in the Relocation Decisions, namely the GDP of the Member State, the population of the Member State, the unemployment rate in the Member State, and the past numbers of asylum seekers in the Member State, consideration should be given to two other criteria, namely, the size of the territory of the Member State and the population density of the Member State;
19. Believes that the preferences of the applicant should, as much as practically possible, be taken into account when carrying out relocation; recognises that this is one way of discouraging secondary movements and encouraging applicants themselves to accept relocation decisions, but that it should not stop the relocation process;

### ***On resettlement***

20. Takes the view that resettlement is one of the preferred options for granting safe and lawful access to the Union for refugees and those in need of international protection, where the refugees can neither return to their home countries nor receive effective protection or be integrated into the host country;

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<sup>1</sup> Council Decision (EU) 2015/1523 and Council Decision (EU) 2015/1601.

21. Observes, furthermore, that resettlement through the auspices of the United Nations High Commissioner for Refugees (UNHCR) is a well-established humanitarian programme, and is a useful tool for managing orderly arrivals of persons in need of international protection onto Member State territories;
22. Points out that, given the unprecedented flows of migrants that have reached and continue to reach the Union's external borders, and the steady increase in the number of people asking for international protection, the Union needs a binding and mandatory legislative approach to resettlement, as set out in the Commission's agenda for migration; recommends that, to have an impact, such an approach must provide for resettlement of a meaningful number of refugees, with regard to the overall numbers of refugees seeking international protection in the Union, and taking into account the global resettlement needs published annually by the UNHCR;
23. Underlines that there is a need for a permanent Union-wide resettlement programme, with mandatory participation by Member States, providing resettlement for a meaningful number of refugees, having regard to the overall number of refugees seeking protection in the Union;

#### ***On humanitarian admission***

24. Points out that humanitarian admission can be used as a complement to resettlement in order to give urgent protection, often on a temporary basis, to the most vulnerable where needed, e.g. unaccompanied minors or refugees with disabilities or those in need of urgent medical evacuation;
25. Underlines that, in so far as resettlement remains unavailable for third-country nationals, all Member States should be encouraged to establish and implement humanitarian admission programmes;

#### ***On humanitarian visas***

26. Points out that humanitarian visas provide persons in need of international protection with means of accessing a third country in order to apply for asylum; calls on the Member States to make use of any existing possibilities to provide for humanitarian visas, particularly for vulnerable persons, at Union embassies and consular offices in countries of origin or transit countries;
27. Considers that persons seeking international protection should be able to apply for a European humanitarian visa directly at any consulate or embassy of the Member States, and, once granted following an assessment, such a humanitarian visa would allow its holder to enter the territory of the Member State issuing the visa for the sole purpose to lodge therein an application for international protection; believes, therefore, that it is necessary to amend the Union Visa Code by including more specific provisions on humanitarian visas;

#### ***On the Common European Asylum System (CEAS)***

28. Points out that further steps are necessary to ensure that the CEAS becomes a truly uniform system;



29. Recalls that a comprehensive assessment (in the form of the Commission's evaluation reports) of the implementation of this package, followed by a speedy follow-up in case implementation is unsatisfactory in certain Member States, is absolutely necessary in order to improve harmonisation;
30. Notes, for example, that inadmissible applications, subsequent applications, accelerated procedures and border procedures are all specific cases in which the recast of the Asylum Procedures Directive tried to strike a delicate balance between the efficiency of the system and the rights of the applicants, in particular those of vulnerable persons, underlines that such a balance can only be achieved if the legislation is fully and properly implemented;
31. Stresses the importance of judicial control of all forms of detention pursuant to the laws on immigration and asylum; recalls that both international law and the Union's Charter of Fundamental Rights require Member States to examine alternatives to detention; calls on Member States to correctly apply the Asylum Procedures and the Reception Conditions Directives in relation to access to detention centres;
32. Recalls the importance of reducing the number of stateless persons, and encourages Member States to introduce statelessness determination procedures and share good practices amongst themselves concerning the collection of reliable data on stateless persons as well as on the procedures for determining statelessness;

#### ***On the revision of the Dublin III Regulation***

33. Observes that the operation of the Dublin III Regulation<sup>1</sup> has raised many questions linked to fairness and solidarity in the allocation of the Member State responsible for examining an application for international protection; notes that the current system does not take into sufficient consideration the particular migratory pressure faced by Member States situated at the Union's external borders; believes that the Member States need to accept the on-going difficulties with the Dublin logic, and that the Union should develop options for solidarity both among Member States and the migrants concerned;
34. Points out that the pressure placed on the system – as established by the Dublin Regulation – by the rising number of migrants arriving in the Union has shown that, as implemented, the system has largely failed to achieve its two primary goals of establishing objective and fair criteria for allocation of responsibility and of providing swift access to international protection; reiterates its reservations regarding the criterion whereby currently it is the Member State of first entry that is determined to be responsible for the examination of a claim for international protection, and considers that this criterion should be revised;
35. Further points out that, at the same time, the incidence of secondary movements across the Union remains high; views it as self-evident that, since its creation, the Dublin system was not designed to share responsibility among Member States, but that its main

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<sup>1</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (OJ L 180, 29.6.2013, p. 31).

purpose was to assign swiftly responsibility for processing an asylum application to a single Member State;

36. Recommends that the criteria on which the Relocation Decisions are based should be built directly into the Union's standard rules for allocating responsibility for handling claims for international protection; emphasises that, in reviewing the Dublin Regulation, the concept of 'applicants in clear need of international protection' needs to be reviewed, since those migrants and refugees who do not fall into that category would then still have to be dealt with by the Member State of first arrival;
37. Takes the view that the European Union should support the Member States receiving the most asylum claims with proportionate and adequate financial and technical support; considers that the rationale of using solidarity and responsibility-sharing measures is to enhance the quality and functioning of the CEAS;
38. Points out that one option for a fundamental overhaul of the Dublin system would be to establish a central collection of applications at Union level – viewing each asylum seeker as someone seeking asylum in the Union as a whole and not in an individual Member State – and to establish a central system for the allocation of responsibility for any persons seeking asylum in the Union; suggests that such a system could provide for certain thresholds per Member State relative to the number of arrivals, which could conceivably help in deterring secondary movements, as all Member States would be fully involved in the centralised system and no longer have individual responsibility for allocation of applicants to other Member States; believes that such a system could function on the basis of a number of Union 'hotspots' from where Union distribution should take place; underlines that any new system for allocation of responsibility must incorporate the key concepts of family unity and the best interests of the child;

#### ***On mutual recognition***

39. Notes that, at present, Member States recognise asylum decisions from other Member States only when they are negative; reiterates that mutual recognition by Member States of positive asylum decisions is a logical step towards proper implementation of Article 78(2)(a) TFEU, which calls for 'a uniform status of asylum valid throughout the Union';

#### ***On the Temporary Protection Directive***

40. Points out that, in the event of a mass influx, the Commission, acting on its own initiative or after examination of a request by a Member State, can propose to trigger Council Directive 2001/55/EC on Temporary Protection (the 'Temporary Protection Directive')<sup>1</sup>; observes that the actual triggering requires a Council decision adopted by a qualified majority; notes that the directive should be triggered where there is a risk that the Union asylum system would be unable to cope with the mass influx or imminent mass influx of displaced persons; highlights, however, that, since its adoption in 2001, the Temporary Protection Directive has never been triggered;

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<sup>1</sup> Directive 2001/55/EC of 20 July 2001 sets minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

41. Notes that the Temporary Protection Directive also provides for the possibility of evacuation of displaced persons from third countries, and that such evacuation would allow for the use of humanitarian corridors, in cooperation with UNHCR, with an obligation on Member States – where necessary – to provide every facility for obtaining visas;
42. Believes that the asylum systems of some frontline Member States are already clearly overburdened and that the Temporary Protection Directive should – under its own logic – have been triggered; calls, in any case, for a clear definition of ‘mass influx’ to be established upon revision of this directive; understands that such a revision of the Temporary Protection Directive can form part of the review of the Dublin system;

### *On integration*

43. Notes that the participation of all actors involved in society is crucial, and therefore suggests that, while respecting the competences of Member States as regards integration measures, the exchange of best practice in this field should be strengthened; underlines that integration measures for all legally residing third-country nationals should promote inclusion, rather than isolation; notes that local and regional authorities, including cities, have a key role in integration processes;
44. Emphasises that hosting Member States must offer refugees support and opportunities to integrate and build a life in their new society; notes that this should necessarily include accommodation, literacy and language courses, inter-cultural dialogue, education and professional training, and also effective access to democratic structures in society – as provided for in the Qualifications Directive<sup>1</sup>; notes that – just like Union citizens – refugees have both rights and obligations in the host Member States; emphasises therefore that integration is a two-way process and that respect for the values upon which the Union is built must be an integral part of the integration process, as must respect for the fundamental rights of the refugees;
45. Recalls that, under Article 15 of the Reception Conditions Directive, Member States are to determine the conditions for granting access to their labour markets for applicants for international protection, provided that such access is effective and is in accordance with the timeframe laid down in Paragraph 1 of that Article; understands that, under Article 15(2) for reasons of labour market policies, Member States may give priority to Union citizens and nationals of states parties to the Agreement on the European Economic Area, and to legally resident third-country nationals;
46. Takes the view that, where those persons granted international protection in the Union have an offer of employment in a Member State other than the one in which they have been granted international protection, they should be able to avail themselves of such an offer;
47. Reaffirms that better recognition of foreign qualifications is one practical way of

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<sup>1</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 20.12.2011, p. 9).

ensuring that those third-country nationals already present in the Union can integrate better, and calls on the Commission to come forward with appropriate proposals in that regard;

48. Encourages private and community integration programmes for those persons accepted for resettlement, in cooperation with, and building on best practices of, Member States and local authorities;

#### *On family unity*

49. Encourages the Member States to seek to keep families together, which will assist integration prospects in the long-term as the focus can be directed towards the establishment of a new life instead of concerns towards family members that are still in insecure situations;
50. Underlines that Member States should overcome any legal and practical obstacles to arrive at swifter decisions on family reunification;
51. Recommends that, until such time as the Dublin Regulation has been fundamentally overhauled, it is important for Member States to make better use of the discretionary clauses to respect the principle of family unity;

#### *On children*

52. Emphasises the vulnerable position of children arriving in the Union and reiterates the right of every child to be treated as a child first and foremost; calls on Member States to fully apply the specific provisions of the CEAS concerning unaccompanied minors, including access to legal assistance, guardianship, access to healthcare, accommodation and education, the right to be spoken to in a language they understand and to be interviewed by properly trained officials; reiterates that Member States should not detain children on the grounds that they are migrants;
53. Recalls that support, information and protection should be extended to unaccompanied and separated children, in line with their best interests, and that applications for family reunification filed by unaccompanied and separated children should be expedited;
54. Notes that an effective guardianship and a child-sensitive protection system are key to preventing abuse, neglect and exploitation of children deprived of parental care; stresses the importance of defining Union guidelines for a guardianship system aimed at providing adequate support and protection and ensuring that foreign and national children are treated equally;
55. Believes that age assessment should be carried out in the least invasive manner, should be multi-disciplinary and safe, should respect children's physical integrity and human dignity, with particular attention to girls, and should be performed by independent, qualified practitioners and experts;
56. Calls on Member States to gather disaggregated data on the situation of refugee and migrant children in order to improve the ability of systems to integrate refugee and migrant children;

### *On returns*

57. Understands that the safe return of those people who, following an individual assessment of their asylum application, are determined not to be eligible for protection in the Union is something that must be carried out as part of the proper implementation of the CEAS;
58. Acknowledges that, in the light of the fact that, in 2014, 36 % of third country nationals who were ordered to leave the Union were effectively returned, there is a need to improve the effectiveness of the Union's return system;
59. Considers that in order to increase the efficiency of readmissions, and in order to ensure the coherence of returns at a European level, it will be necessary to adopt new EU readmission agreements which should take preference over bilateral agreements between Member States and third countries;
60. Believes that the return of migrants should only be carried out safely, in full compliance with the fundamental and procedural rights of the migrants in question, and where the country to which they are being returned is safe for them; reiterates, in that regard, that voluntary return should be prioritised over forced returns;
61. Suggests that any attempt by Member States to 'push back' migrants who have not been given the opportunity to present asylum claims runs contrary to Union and international law, and that the Commission should take appropriate action against any Member State that attempts such 'push backs';

### *On a list of safe countries of origin*

62. Acknowledges the recent Commission proposal for a Union list of safe countries of origin, amending the Asylum Procedures Directive<sup>1</sup>; observes that if such a Union list would become obligatory for Member States it could, in principle, be an important tool for facilitating the asylum process, including return;
63. Regrets the current situation in which Member States apply different lists, containing different safe countries, hampering uniform application and incentivising secondary movements;
64. Underlines, in any event, that any list of safe countries of origin should not detract from the principle that every person must be allowed an appropriate individual examination of his or her application for international protection;

### *On infringement procedures*

65. Notes that, in September 2015, the Commission was obliged to adopt 40 infringement decisions related to the implementation of the CEAS against 19 Member States, which was in addition to 34 cases already pending; reiterates that Parliament should be kept fully informed of proceedings launched by the Commission against Member States that

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<sup>1</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L180, 29.6.2013, p. 60).

have not implemented, or have not properly implemented, Union legislation in this area;

66. Re-emphasises how essential it is that, once Union legislation has been agreed upon and adopted, the Member States uphold their side of the bargain and implement that legislation;
67. Notes further that it is impossible properly to evaluate the advantages and drawbacks of certain elements of the CEAS owing to the fact that many Member States have not yet fully implemented the legislation;

#### ***On the European Asylum Support Office (EASO)***

68. Recommends that EASO be developed, in the long term, into a principal coordinator of the CEAS with a view to guaranteeing common application of the rules of that system; reiterates that, as the CEAS becomes genuinely European, EASO needs to develop from a collection of experts from Member States into a fully-fledged Union agency providing operational support to Member States and at the external borders; emphasises, in that regard, that it must be provided with the necessary funding and human resources in the short, medium and long term;
69. Observes that the EASO budget for 2015 for relocation, resettlement and the external dimension was a mere EUR 30 000; reiterates that this very small budget cannot be taken seriously in the light of current events in the Mediterranean and in the light of the multiple references made to EASO in the Relocation Decisions; recalls that significant increases in the budget of EASO, in its human resources and in the amounts it allocates in respect of relocation and resettlement, will be needed in the short, medium and long term;

#### ***On Frontex and the proposed new European Border and Coast Guard***

70. Notes the recent role of Frontex in rendering assistance to any vessel or person in distress at sea, and acknowledges its contribution, through the Triton and Poseidon joint operations, to the rescuing and saving of many lives in the Mediterranean;
71. Understands that the recently proposed European Border and Coast Guard is intended to replace Frontex and is meant to ensure a European integrated border management at the external borders with a view to managing migration effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons therein; in line with the Treaties and their Protocols, notes that Member States which are party to the Schengen Agreements but not yet part of the Schengen Area without internal border controls can participate in and/or benefit from all the actions under the new proposal;
72. Looks forward to negotiations on the proposal within and between the co-legislators in the context of the ordinary legislative procedure, in accordance with Article 294 TFEU;

#### ***On Schengen and the management and security of the external borders***

73. Recalls that, since the establishment of the Schengen Area, the Union is an area without internal borders, that the Schengen Member States have developed a step-by-step

common policy towards the Schengen external borders, and that the inherent logic of such a system has always been that the abolition of internal border controls has to go hand in hand with compensatory measures strengthening the external borders of the Schengen Area and the sharing of information through the Schengen Information System ('SIS');

74. Acknowledges that the integrity of the Schengen Area and the abolition of internal border controls are dependent on having effective management of external borders, with high common standards applied by all Member States at the external borders and an effective exchange of information between them;
75. Accepts that the Union needs to strengthen its external border protection and further develop the CEAS, and that measures are necessary to enhance the capacity of the Schengen Area to address the new challenges facing Europe and preserve the fundamental principles of security and free movement of persons;
76. Points out that access to the territory of the Schengen Area is generally controlled at the external border under the Schengen Borders Code and that, in addition, citizens of many third countries require a visa to enter the Schengen Area;
77. Reiterates the UNHCR's call that respect for fundamental rights and international obligations can only be ensured if operating procedures and plans reflect those obligations in practical, clear guidance to border personnel, including those at land, sea and air borders; points out to the need to further strengthen the Union Civil Protection Mechanism in order to respond to events with wide-ranging impacts which affect a significant number of Member States;
78. Emphasises again that, as for legislation specifically in the area of asylum and migration, in order for legislation on internal and external borders to be effective, it is essential that measures agreed at Union level are implemented properly by the Member States; underlines that better implementation of measures by Member States at the external borders, following increased pressure, is essential and will go some way towards allaying the security fears of citizens;
79. Takes note that on 15 December 2015 the Commission came forward with a proposal for a targeted revision of the Schengen Borders Code, proposing to introduce systematic controls of all Union nationals (not only on third-country nationals) against the relevant databases at the external borders of the Schengen Area;
80. Considers that the Schengen Area is one of the major achievements of European integration; notes that the conflict in Syria and other conflicts elsewhere in the region have triggered record numbers of refugees and migrants arriving in the Union, which in turn has revealed deficiencies at parts of the Union's external borders; is concerned at the fact that, in response, some Member States have felt the need to close their internal borders or introduce temporary border controls, thus calling into question the proper functioning of the Schengen Area;

### ***On hotspots***

81. Recalls that, in the 'hotspot approach' set out by the Commission in its European

Agenda on Migration, the Borders Agency, EASO, Europol and Eurojust are to provide operational assistance to Member States in accordance with their respective mandates;

82. Points out, in that regard, that the Union agencies require the resources necessary to allow them to fulfil their assigned tasks; insists that the Union agencies and the Member States keep the Parliament fully informed of work undertaken at the hotspots;
83. Notes that both of the Relocation Decisions provide for operational support at the hotspots to be provided to Italy and Greece for the screening of migrants when they first arrive, registration of their application for international protection, provision of information to applicants on relocation, organisation of return operations for those who did not apply for international protection and are not otherwise entitled to remain or those who applied unsuccessfully, and the facilitation of all steps involved in the relocation procedure itself;
84. Calls for the hotspots to be set up as soon as possible in order to give concrete operational assistance to those Member States; calls for the allocation of technical and financial resources and support to Member States of first arrival, such as Italy and Greece, to enable the swift and effective registration and referral to the competent authorities of all migrants arriving in the Union with full respect for their fundamental rights; considers that quick and effective support by the Union to Member States and the acceptance of such support is important for mutual trust;
85. Recognises that one of the main purposes of hotspots is to allow the Union to grant protection and humanitarian assistance in a swift manner to those in need; emphasises that great care needs to be taken to ensure that the categorising of migrants at hotspots is carried out in full respect for the rights of all migrants; acknowledges, however, that proper identification of applicants for international protection at the point of first arrival in the Union should help facilitate the overall functioning of a reformed CEAS;

#### ***On criminal law related to migration***

86. Notes that, in its Action Plan on Smuggling, the Commission states that it is considering a revision of Council Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, and who cooperate with the competent authorities;
87. Believes that such a revision is necessary and should consider introducing a system allowing for victims of trafficking and criminal smuggling to come forward and aid in the effective prosecution of a trafficker or criminal smuggler without fear of being prosecuted themselves;
88. Notes that the Commission is considering a revision of Council Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence; takes the view that anyone who provides different forms of humanitarian assistance to those in need should not be criminalised and that Union law should reflect that principle;
89. Underlines that another crucial step in dismantling criminal smuggling and trafficking networks is to prioritise financial investigations, as tracking and confiscating the profits



of those criminal networks is essential if they are to be weakened and eventually dismantled; calls, in this regard, for the Member States to transpose swiftly and effectively the fourth Anti-Money Laundering Directive;

90. Recalls that, to ensure that criminal investigations are conducted effectively, training of practitioners is essential, so that those involved fully understand the phenomenon they are seeking to tackle and know how to recognise them at an early stage;

#### *On cooperation with third countries*

91. Points out that the Global Approach to Migration and Mobility (GAMM) pillar on asylum and international protection should be developed further, with greater involvement of third countries; notes that current actions in this field, under Regional Protection Programmes (RPPs) or Regional Development and Protection Programmes (RDPPs), focus on capacity building to tackle criminal smuggling and human trafficking networks within third countries of origin and transit; notes, at the same time, that the resettlement component of these programmes continues to be weak; believes that capacity-building efforts and resettlement activities should be stepped up and carried out together with third countries hosting large refugee populations;
92. Acknowledges that the basic instrument that sets out the objectives of the Union's external policies on migration, asylum and borders is the GAMM; takes note that various instruments exist under that umbrella, including regional dialogues, bilateral dialogues, mobility partnerships, common agendas for migration and mobility, readmission agreements, visa facilitation agreements, visa exemption agreements, RPPs and RDPPs;
93. Understands that the external dimension should focus on cooperation with third countries in tackling the root causes of, and addressing, irregular flows to Europe; understands that partnerships and cooperation with key countries of origin, transit and destination should continue to be a focus, for example through the Khartoum and Rabat processes, the Africa-EU migration and mobility dialogue, the Budapest Process and the Prague Process;
94. Points out that the Union and its Member States must be selective in their support for third-countries' law enforcement agencies taking into account the record of those agencies in breaching the human rights of migrants;
95. Recommends that cooperation with third countries involves assessing those countries' asylum systems, their support for refugees, and their ability and willingness to tackle human trafficking and criminal smuggling into and through those countries;
96. Calls on the Union to help third countries build up their asylum systems and integration strategies in order to allow third country nationals in need of international protection to seek protection there; believes that the Union must adopt a win-win approach to cooperation with third countries, that is, an approach that is beneficial to the Union, to the third country in question and to the refugees and migrants in that third country;
97. Recalls that the Union has intensified its external cooperation with third countries in migration and asylum in order to respond adequately to the current refugee crisis, and

has launched new cooperation initiatives, such as the EU-Turkey Joint Action Plan; emphasises, in that respect, the need for all parties to fulfil their commitments deriving from the Joint Action Plan, including addressing the root causes leading to the massive influx of Syrians, stepping up cooperation for the support of Syrians under temporary protection and their host communities in Turkey, and for Turkey to fulfil its commitments to prevent irregular migration flows from its territory to the Union;

#### *On awareness-raising campaigns*

98. Points out that many smuggled persons have some level of awareness of the risks they will face on a potentially hazardous trip to Europe, but choose to embark on the journey regardless, as they assess those risks to be lower than those they would face if they were not to migrate;
99. Welcomes the fact that the Action Plan on Smuggling links the launching of new awareness-raising campaigns to the assessment of existing ones; recommends that any such campaigns should contain information on the criteria to be used to determine protection status in the Union, since such information may convince some migrants – who risk embarking on a perilous journey only to be returned if they are not granted protection – not to make the journey;

#### *On addressing root causes*

100. Reaffirms that the Union must adopt a long-term strategy to help counteract the ‘push factors’ in third countries (conflict, persecution, ethnic cleansing, generalised violence or other factors such as extreme poverty, climate change or natural disasters), which force people into the hands of criminal smuggling networks, which they see as their only chance to reach the Union;
101. Recalls that the UN Special Rapporteur on the Human Rights of Migrants has also called on the Union to open up regular migration channels so as to allow migrants to use formal entry and exit channels instead of having to resort to criminal smuggling networks;
102. Highlights that the recent increase in arrivals of refugees into the Union has shown that, on their own, preventive measures are not sufficient for managing the current migration phenomena;
103. Understands that, in the long term, greater impetus is needed in solving the geo-political issues that affect the root causes of migration, as war, poverty, corruption, hunger and a lack of opportunities means that people will still feel forced to flee to Europe unless the Union looks at how to help re-build those countries; points out that this means that the Commission and the Member States must put up the money to help build capacity in third countries, such as by facilitating investment and education, strengthening and enforcing asylum systems, helping to manage borders better, and reinforcing legal and judicial systems there;

#### *On funding to third countries*

104. Notes that the main funding instrument for funding to third countries is the

Development Cooperation Instrument (DCI), which includes the only Union global thematic funding for migration under the Global Public Goods and Challenges Programme managed by the Directorate General (DG) for International Cooperation and Development (DEVCO); notes further that, as with funds allocated directly to the Member States, other Commission DGs, and other Union bodies, are involved in managing the DCI, so that, Union assistance to neighbourhood countries is provided by DG Neighbourhood and Enlargement Negotiations through the Instrument for Pre-Accession Assistance; humanitarian aid is provided by the DG for Humanitarian Aid and Civil Protection ('ECHO'); and the European External Action Service ('EEAS') manages the Instrument Contributing to Stability and Peace; recalls that, since the two funds managed by the DG for Home Affairs and Migration (HOME) – the AMIF and the ISF – also provide for an external dimension, this provides a new stakeholder on the external funding scene;

105. Welcomes the recently established Emergency Trust Fund for Africa and the EUR 1.8 billion pledged to the fund, which has added an additional element to third-country funding; calls on the Member States to continue contributing to the fund;
106. Recommends that, in line with the GAMM, the four thematic pillars addressing (i) legal migration and mobility, (ii) irregular migration and trafficking in human beings, (iii) international protection, and (iv) the development impact of migration should be of equal importance in Union external policy and funding;

#### *On transparency in funding*

107. Notes that the Union's migration policy is implemented through different policy instruments, each having its own objectives, which are not necessarily interlinked, and that there is insufficient coordination of funding between the multiple actors involved; points out that the fragmentation of budget lines and responsibilities creates a management structure that could make it difficult to provide a comprehensive overview on how the different funds available are allocated and ultimately used; points out, furthermore, that such fragmentation makes it harder to quantify how much the Union spends overall on migration policy;
108. Is of the opinion that such a comprehensive overview of Union funding related to migration, both within and outside the Union must be provided, as the absence of such an overview is a clear obstacle to transparency and sound policymaking; notes, in that regard, that one possible option could be a website comprising a database of all Union funded projects related to migration policy; underlines that the need for transparency also extends to budget lines in order to ensure adequate funding for all objectives of Union migration policy;
109. Recalls that the positive impact of the EU migration funds relies on processes at national and Union level to ensure transparency, effective monitoring and accountability, believes that consideration should be given as to how to make monitoring and evaluation ongoing processes and not only ex-post processes and that the role of the Court of Auditors should be strengthened in that regard; notes that comparable qualitative and quantitative indicators should be established in order to measure the impact of EU funds and help to assess whether those funds have achieved their objectives;

### ***On additional funding for migration***

110. Welcomes the additional funding made available in the Union's budget for 2016 to start to deal with the current migration phenomena; points out that most of that new funding represents funding under the 2014-2020 Multiannual Financial Framework (MFF), which has been brought forward, with the result that the Union is spending today what was intended to be spent tomorrow;
111. Agrees that, while recent budgetary proposals and the additional funding foreseen in the Union's budget for 2016, including the use of the flexibility instrument, should be welcomed, medium and longer-term funding remain a concern; is concerned that the increase in the amounts proposed for budget lines under AMIF for 2016 have not been accompanied by a proposed revision of the global resources available under that fund for the 2014-2020 funding period; understands that, left as is, the result will be that funding under AMIF will have dried up long before 2020;
112. Encourages the Member States to take full advantage of the possibilities offered by funds which are not directly related to migration policy, but which can be used to fund actions in that area (e.g. integration actions), such as those available under the European Social Fund, the Fund for European Aid to the Most Deprived, Horizon 2020, the European Regional Development Fund and the Rights and Citizenship Programme;
113. Recommends that, under the MFF review scheduled for the end of 2016, substantial additional resources be provided under the Union budget, Heading 3, on Citizenship, Freedom, Security and Justice, so that adequate funding is made available on the basis of migration trends and the attendant financial requirements for the Union's and the Member States' asylum, migration and integration policies;

### ***On the involvement of civil society***

114. Points out that securing operational funding is a key challenge for NGOs as most funding is project-related; affirms that volunteer and civil-society initiatives dedicated to providing assistance to migrants should be promoted and, where appropriate, funded by the Commission and the Member States; calls on the Member States and the Commission to seek, where appropriate and possible, to fund projects managed by civil society organisations working in the areas of migration, integration and asylum;
115. Reiterates that civil society involvement in the development of Union actions and national programmes must be ensured, in line with the partnership principle as laid down in AMIF; proposes that, at Union level, thought be given to regular consultation between the Commission and relevant civil society organisations working on migration, asylum and integration issues;

### ***On demographic trends***

116. Notes that, prior to the increased migratory flows into the Union in 2015, according to an OECD and Commission study of 2014, the working-age population (15-64) in the Union will decline by 7.5 million between 2013 and 2020, and that if net migration were to be excluded from their projections, the decline would be even more pronounced, as it would amount to a reduction of the working age population by

11.7 million;

117. Points out, nevertheless, that as of November 2015, the youth unemployment rate across all the Member States stood at 20 %;
118. Further notes that, according to recent Eurostat projections, the ratio of people aged 65 or older, relative to those aged 15 to 64, will increase from 27.5 % at the beginning of 2013 to almost 50 % by 2050; notes that this would mean a change from the present ratio of four working-age persons for every person aged 65 or older to only two working-age persons for everyone aged 65 or older;

### ***On legal labour migration***

119. States that the legal basis for the management of legal migration at Union level is set out in Article 79 TFEU;
120. Understands that Article 79(5) specifically reserves the right for Member States to determine the volumes of admission of third country nationals coming from third countries to their territory in order to seek work;
121. Points out that the Europe 2020 strategy has identified the need for a comprehensive labour migration policy, and for better integration of migrants, in order to meet the Union's goals for smart, sustainable and inclusive growth;
122. Notes that the existing Union legislative framework regulating the access of third-country nationals to work in the Union is rather fragmented, as it focuses on specific categories of workers rather than on regulating, generally, all migrant workers;
123. Takes the view that, in the long run, the Union will need to establish more general rules governing the entry and residence for those third-country nationals seeking employment in the Union to fill the gaps identified in the Union labour market;

### ***On the need for better data***

124. Calls for a comprehensive vision of the labour market in the Union as a necessary pre-condition for the development of labour market policies; points out that it is necessary to develop tools for identifying and forecasting present and future labour market needs in the Union in a better way; suggests, in that regard, that existing tools – such as those developed by the European Centre for the Development of Vocational Training (CEDEFOP) or the OECD – could be improved upon, and even merged, with international statistics on potential labour supply from third countries in order to provide a more accurate picture of the situation;
125. Believes that better data and improved tools for analysing such data can only help policy-makers determine future labour migration policies, and that the Union and the Member States should identify gaps in their labour markets that could help them fill jobs that would otherwise remain vacant;

### ***On labour exploitation***

126. Notes that labour exploitation can take place as a consequence of trafficking, of

smuggling, or even in the absence of both, with the result that there is impunity for those exploiting irregular migrants in those Member States in which it is not criminalised as such;

127. Deplores the fact that the low risk of being detected and/or prosecuted as an employer exploiting the labour of irregular migrants has been identified as an important factor in labour exploitation, in particular in sectors most at risk (agriculture, construction, hotels and restaurants, domestic workers and care services); recommends that in order to tackle this impunity it is necessary, firstly, to ensure that all cases of severe labour exploitation are criminalised and adequately punished under national law and, secondly, to increase labour inspections in at-risk sectors;
128. Takes note of the fact that, at present, many Member States criminalise labour exploitation only when it takes place as a form of trafficking, which leaves a wide gap in all cases where the labour exploiters were not involved in the trafficking, or their involvement cannot be proved;
129. Reiterates that special procedures to ensure facilitation of complaints foreseen by Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (the ‘Employers’ Sanctions Directive’) should be fully implemented and correctly applied in practice; believes that increased protection for those victims of trafficking, and for those smuggled into the Union, who cooperate and facilitate prosecution of traffickers and/or criminal smugglers, is necessary; suggests that, in addition, support should be given for the setting up of a European Business Coalition against Trafficking in Human Beings (as mooted in the 2014 Strategy against Trafficking in Human Beings) with the purpose of developing supply chains that do not involve trafficking in human beings;
130. Believes that, in the end, any effort to eradicate labour exploitation must take the dual approach of effectively prosecuting abusive employers while protecting the victims of such exploitation;

#### *On revision of the Blue Card*

131. Recalls that in the Agenda on Migration, the Commission announced its intention to revise the Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (the ‘Blue Card Directive’), looking particularly at the issues of scope (possibly covering entrepreneurs willing to invest in Europe) and improving the rules on intra-EU mobility;
132. Reiterates that the Commission’s Implementation Report on the current Blue Card Directive underlines its flaws, including the very limited level of harmonisation brought about by the wide discretion in implementation it gives the Member States, in particular the right for Member States to maintain parallel national schemes;
133. Believes, moreover, that it is clear that the directive should focus not just on the highly-qualified, but also on targeted high-qualification occupations where there are proven labour shortages; believes, in addition, that the revision of the Blue Card should be both ambitious and targeted, and should seek to remove the inconsistencies of the existing directive, particularly as regards parallel national schemes; recommends that thought be

given to revising the scope to include those third-country nationals who could help tackle the gaps identified in Union labour markets;

134. Instructs its President to forward this resolution to the Council and the Commission, to the parliaments and governments of the Member States, and to EASO, Frontex, Europol, Eurojust, FRA, eu-LISA, the Council of Europe, the Committee of the Regions and the European Economic and Social Committee.

16.11.2015

## **OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS**

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation in the Mediterranean and the need for a holistic EU approach to migration  
(2015/2095(INI))

Rapporteur: Demetris Papadakis

### **SUGGESTIONS**

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Expresses concern at the recent events on the EU's borders, which are a result of this unprecedented migration crisis and which have exposed the inadequacies of the current reception system for refugees and migrants, and points out the importance of greater harmonisation of migration and asylum policies at EU and international level;
2. Highlights the need for a holistic EU approach to migration, which ensures coherence between its internal and external policies, encompasses all migration routes and is based on solidarity, full respect for human rights, compliance with international law and the values on which the EU is built;
3. Considers that such a comprehensive EU strategy should be a key element of the new EU Global Strategy on Foreign and Security Policy in order to contribute actively to the stabilisation of EU's neighbourhood and prevent other similar humanitarian crises in the future;
4. Calls on the EU and its Member States to halt the construction of walls at the EU's external borders and to stop preventing refugees and migrants from reaching EU territory;
5. Expresses concern about the increased trend for illegal on-the-spot deportations, and rejects these practices as contrary to human rights and the rule of law; expresses deep concern about the fate of third-country nationals and stateless persons readmitted under EU readmission agreements, including cases of indefinite detention, legal limbo or refoulement to their country of origin;



6. Stresses that the persistent instability and conflicts in the EU's neighbourhood have a serious impact on the number of migrants, refugees and displaced persons; believes that a long-term, genuine and effective response to the humanitarian crisis in the Mediterranean will come only from tackling the root causes, especially instability, wars, terrorism, lack of security and violations of human rights, as well as poverty, inequality, persecution, corruption, climate change and natural disasters; stresses the urgent need for the EU to initiate concerted diplomatic efforts with international partners and key regional powers and organisations, such as the African Union and the League of Arab States, in order to address the challenges facing fragile states and to focus on conflict prevention;
7. Is convinced that the current migrant and refugee crisis is linked to the conflict in Syria and other parts of the Middle East and instability in the wider MENA region, which the EU must make every effort to end; calls for proper implementation of the EU strategy to counter Da'esh; calls on the EU and its Member States to proactively support a UN-led effort to settle the Syrian conflict and to step up substantially their diplomatic efforts to settle ongoing conflicts in its neighbourhood and in the Middle East in cooperation with all the actors in the region, with and in support of the UN;
8. Welcomes the adoption of the Valletta Summit Action Plan which should serve as a platform for a far-looking EU-Africa strategy guided by the principles of solidarity, partnership and shared responsibility in response to the human, social and political challenges of migratory flows between Africa and the EU; calls for the full implementation and monitoring of the outcomes achieved at the Valletta Summit; stresses the importance of the EU's engagement to Africa through development cooperation to address the root causes of irregular migration and forced displacement; acknowledges that greater efforts should be made to advance legal migration and mobility possibilities;
9. Emphasises that the Western Balkans, as a transit route for refugees and migrants heading to EU Member States, have been under increasing and severe pressure with serious humanitarian consequences, and therefore need to be supported; welcomes the proposal in the Council's conclusions of 12 October 2015 (12880/15) to extend the scope of the EU Regional Trust Fund established in response to the Syrian crisis (the 'Madad Fund') to the Western Balkans; supports the Declaration of the High-level Conference on the Eastern Mediterranean - Western Balkans route on 8 October 2015 in Luxembourg and calls for its swift implementation and follow-up;
10. Points out that, according to UNHCR estimates, Syria's neighbouring states have taken in some 4 million Syrian refugees; recalls that Turkey, Lebanon and Jordan are subject to large refugee flows and highlights the need for effective EU support and close cooperation with these countries in order to address the humanitarian crisis and create better conditions for refugees; points out that the active involvement of the Gulf states would have a positive impact by showing solidarity; stresses in parallel the importance of supporting frontline countries such as Greece, Italy and Malta with new or enhanced mechanisms to tackle humanitarian crises of this magnitude;<sup>11</sup>. Believes that accession countries, namely FYROM and Serbia, should be given full support by the EU when dealing with the migrant and refugee influx; warns, however, of the negative impact their actions can have in their progress towards EU integration and reminds the governments of those countries of their international human rights obligations;

12. Calls for the VP/HR and the External Action Service to be given the necessary tools and mandate to deploy the political and diplomatic action needed in the region within the framework of the Common Foreign and Security Policy, in coordination with the Member States;
13. Advocates broader and intensified EU cooperation with third countries of origin and transit, in full respect of the rights of migrants, through bilateral agreements, mobility partnerships and technical cooperation agreements, of which monitoring mechanisms involving local civil society organisations must be ensured, in order to:
  - develop a forward-looking approach to the migration crisis in the Mediterranean, adapting to and differentiating between the various causes of these migratory flows,
  - fight against smuggling and trafficking networks,
  - ensure capacity building in the fields of asylum systems and border control,
  - provide protection for people in need, in cooperation with the UNHCR and specialised NGOs,
  - strengthen the global approach to migration and mobility,
  - establish humanitarian corridors,
  - establish frameworks for safe and legal migration and ease existing restrictions on family reunification,
  - grant humanitarian visas,
  - put into force a humane and effective return policy for irregular migrants;
14. Calls for mobility partnerships and circular migration agreements to facilitate the movement of third-country nationals between their countries and the EU and to sustain the socio-economic development of both parties;
15. Calls on the VP/HR to take practical steps at the UN with a view to the Security Council giving the European Union a mandate to take action to target, in ports, the infrastructure of groups that organise people smuggling;
16. Notes the Commission proposal on ‘safe and unsafe’ third countries; calls on key origin and transit countries for irregular migration to the EU to fully and effectively implement existing bilateral readmission agreements as soon as possible; stresses that the conclusion or application of readmission agreements should ensure that the latter comply with the relevant international law and protection of human rights obligations on the part of these third countries; highlights, furthermore, the need to improve cross-border cooperation with neighbouring Member States in this respect, including through enhanced operational and technical cooperation with EASO and FRONTEX;
17. Believes, at the same time, that the EU should establish a binding resettlement programme for refugees, in close cooperation with UNHCR, with quotas and a permanent, mandatory, but flexible, automatically-triggered relocation system across the EU, based

on objective criteria and taking into consideration the situation and reception conditions in the entry Member States as well as the needs and, as far as possible, the preferences of the refugees;

18. Welcomes the increase in resources for the Triton and Poseidon operations; notes the launch of the EUNAVFOR Med/Sophia operation against smugglers and traffickers in the Mediterranean and supports the reinforcement of the management of the Union's external borders; acknowledges the transition to the second phase of the operation in accordance with international law and underlines the necessity of cooperation with third countries in order to address effectively the organised criminal networks of migrant smugglers; insists, however, on the need for broader, sustained, coordinated and effective search-and-rescue mechanisms in the Mediterranean to save lives, in particular through the establishment of a European coastguard service, and for an EU policy on asylum, subsidiary protection and temporary protection which fully complies with binding obligations under the Geneva Convention, the UN Convention on the Rights of the Child and the European Convention on Human Rights, and respects the non-refoulement principle;
19. Points out that migrants and refugees, and in particular unaccompanied children, are very vulnerable and are consequently in danger of falling victim to people trafficking; emphasises the need to ensure special care for women and children refugees and migrants who are the victims of traffickers and to provide them with medical and psychological assistance and appropriate child protection; calls on the EU and the Member States to include a children's and gender perspective in their policies on immigration, integration and asylum and insists on the need for an EU approach to migration and border management which respects the rights of vulnerable people and the core principle of the best interests of the child;
20. Considers that cooperation and development assistance, in accordance with the Policy Coherence for Development principles, plays a crucial role in tackling the root causes of migration; calls on the Member States to overhaul their development assistance, in line with the 0.7% of GNI commitment, with a view to achieving the sustainable development goals; welcomes the fact that one of the aims of the Valletta Summit is the better targeting of development and cooperation assistance in Africa; stresses that the EU must continue its support, in the long term and on a practical level, to international efforts towards poverty reduction and the eradication of corruption, as well as to peace-building, promotion of democracy and governance, human rights and fundamental freedoms, gender equality, employment and education, regional, political and economic stability, security and prosperity;
21. Believes that the migrant and refugee crisis in the Mediterranean can only be resolved with sustained political will, international cooperation and coordination across EU institutions and Member States, and considers that the EU could take the initiative of convening an International Conference under the auspices of the UN to address the current crisis at humanitarian level;
22. Believes that the Regional Protection Programmes (RPP), which aim to enhance the capacity of non-EU countries in the regions from which considerable numbers of refugees originate or transit, could be significantly strengthened by entering into political dialogues between the EU and third countries, thus giving greater weight and engagement;

23. Calls on the Commission and EU Member States to take the necessary legislative and administrative steps to allow for the provision of emergency visas and facilitate temporary shelter for human rights defenders at risk in the Mediterranean region; urges Member States to pay particular attention to cases linked to requests for political asylum, so as to prevent any return potentially entailing a violation of human rights;
24. Welcomes the set-up of the EU Emergency Trust Fund for stability and addressing the root causes of irregular migration and displaced persons in Africa, which aims to foster stability and contribute to better migration management in the African countries and regions most affected by migration; stresses, however, the need for guarantees regarding where the money will come from and for which actions it will be used; calls on Member States to show their strong commitment by contributing and matching the EUR 1.8 billion which was put forward; underlines the need to mobilise more funding in order to unlock the untapped potential of the African continent which will contribute, through trade and investment, to sustainable development and poverty reduction;
25. Points out that additional EU budgetary resources, especially humanitarian aid, will be required to tackle the migrant and refugee crisis in the Mediterranean; calls for the establishment of migration information centres in third countries and notes the swift deployment of European immigration liaison officers to EU delegations in key third countries to gather information on migratory flows, co-ordinate with national liaison officers, and co-operate directly with the local authorities, thus enabling the activation of early warning systems at EU level to allow a timely reaction to new migration crises;
26. Encourages the VP/HR and the EEAS to continue to support the process of ratification of the UN Convention against Transnational Organised Crime, the Protocol thereto to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition;
27. Expresses its concerns about the increasing criminalisation of the current migration issue at the expense of the human rights of the people concerned, and the ill-treatment and arbitrary detention of refugees in third countries; calls on the EU to address this issue, including in the course of its human rights dialogues and in justice, freedom and security subcommittees, and to develop protection capabilities in third countries of transit;
28. Requests that the Commission and the EEAS participate actively in the debate on the term 'climate refugee', including its possible legal definition in international law or in any legally binding international agreement;
29. Recognises statelessness as a significant human rights challenge; asks the Commission and the EEAS to fight statelessness in all EU external action, in particular by addressing discrimination in nationality laws on the basis of gender, religion or minority status, by promoting the right of children to a nationality, and by supporting the UN Refugee Agency (UNHCR) campaign aimed at ending statelessness by 2024;
30. Requests that the Commission consults the European Parliament prior to the conclusion of any agreement between Frontex and a third country; insists that these agreements must provide for adequate safeguards to ensure that human rights standards are fully respected,

including with regard to return, joint patrolling, search-and-rescue or interception operations.

## RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	16.11.2015
<b>Result of final vote</b>	+: 49 -: 6 0: 6
<b>Members present for the final vote</b>	Lars Adaktusson, Michèle Alliot-Marie, Francisco Assis, James Carver, Javier Couso Permuy, Andi Cristea, Arnaud Danjean, Mark Demesmaeker, Georgios Epitideios, Knut Fleckenstein, Eugen Freund, Sandra Kalniete, Manolis Kefalogiannis, Afzal Khan, Janusz Korwin-Mikke, Eduard Kukan, Ilhan Kyuchyuk, Barbara Lochbihler, Sabine Lösing, Ulrike Lunacek, Andrejs Mamikins, Ramona Nicole Mănescu, Tamás Meszerics, Francisco José Millán Mon, Javier Nart, Pier Antonio Panzeri, Demetris Papadakis, Vincent Peillon, Tonino Picula, Kati Piri, Andrej Plenković, Cristian Dan Preda, Jozo Radoš, Sofia Sakorafa, Jacek Saryusz-Wolski, Alyn Smith, Jaromír Štětina, Charles Tannock, László Tőkés, Johannes Cornelis van Baalen
<b>Substitutes present for the final vote</b>	Ignazio Corrao, Luis de Grandes Pascual, Angel Dzhambazki, Tanja Fajon, Mariya Gabriel, Liisa Jaakonsaari, Javi López, Norica Nicolai, Urmas Paet, Miroslav Poche, Soraya Post, Marietje Schaake, Helmut Scholz, Igor Šoltes, Renate Sommer, Traian Ungureanu, Marie-Christine Vergiat
<b>Substitutes under Rule 200(2) present for the final vote</b>	Beatriz Becerra Basterrechea, Claudiu Ciprian Tănăsescu, Ivan Štefanec, Patricija Šulin

12.11.2015

## **OPINION OF THE COMMITTEE ON DEVELOPMENT**

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation in the Mediterranean and the need for a holistic EU approach to migration (2015/2095(INI))

Rapporteur: Beatriz Becerra Basterrechea

### **SUGGESTIONS**

The Committee on Development calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Considers that, in order to achieve long-term and sustainable solutions, the current migration situation can be addressed only within the context of a European holistic approach, which should form part of a comprehensive overview of migration in the framework of the 2030 Agenda; stresses, therefore, the need for the Member States to strengthen cooperation on managing the migratory flows; welcomes the initiative to launch a new European Agenda on migration, which must be rights based, designed by the European Parliament, the Commission and the European Council, with the direct involvement of relevant stakeholders in the decision-making process, in consultation with civil society, including migrant organisations, and be underpinned by solidarity and responsibility among the Member States; emphasises that this agenda must include the replacement of the Dublin Regulation with a centralised European asylum system which takes into account the preferences of asylum seekers and refugees, making it possible to create an area of security, freedom and justice, harmonise asylum procedures and ensure an effective control of the common external border; underlines the need for a binding and permanent relocation system for asylum seekers benefiting from international protection;
2. Condemns the fact that the Commission has had to wait until the unprecedented humanitarian crisis, which was followed by a strong reaction of protest and solidarity by civil society, to re-think its failed migration policies with a holistic approach that includes development, cooperation and respecting the principle of Policy Coherence for Development;
3. Insists on an immediate improvement of the terrible living conditions for the millions of people living in refugee camps, in particular in Turkey, Jordan and Lebanon; calls for the EU and the Member States to improve their humanitarian aid and support mechanisms for

neighbouring countries in conflict zones, which are hosting the largest number of refugees; welcomes the Commission's commitment to increasing its financial support for these countries and calls on the Member States to stick to their pledges; recalls that the root causes of migration must be tackled effectively, responding to global inequalities, human rights violations, poverty, unemployment, state fragility and climate change, and stresses, in this connection, that it is vital to work for a peaceful settlement of the armed conflicts; takes note of the migration summit held in Valletta on 11-12 November 2015, which provided an opportunity for an integrated approach to tackle the root causes of forced migration;

4. Believes that European migration policy should distinguish between 'refugees' and 'economic migrants'; stresses that different approaches should be taken to these two categories of migrants;
5. Stresses that the men, women and children affected by the current crisis are fleeing religious or political persecution, war, dictatorship, oppression, torture, decapitation, etc., and that their rights as human beings are non-negotiable; notes that the majority of them are covered by the 1951 Geneva Convention on refugees, which has been ratified by all 28 Member States; calls for the EU to impose sanctions against countries which violate these rights and thereby infringe one of the fundamental conditions of their EU membership;
6. Calls on the Commission and the Council to invite the United States, as a part of our transatlantic development policy cooperation, to work with us to stem the tide of migration through intensified development cooperation in Africa and in the Middle East and through effective assistance to the millions of people living in the refugee camps;
7. Insists that the complex development-migration nexus must be better integrated so as to make EU policies which seek to manage migration in the EU compatible with those that seek to reduce poverty in the developing world and to mitigate some of the causes of forced migration, for example by maximising the development impact of remittances by reducing their cost; highlights the need to work effectively with third countries to identify the causes that lead to these migration flows rather than focusing exclusively on their consequences; recalls that emigration rises with economic development until countries reach an upper-middle-income country status (around USD 7 000-8 000 per capita), at which point it begins to decrease; stresses, therefore, that to achieve a long-term, sustainable solution, cooperation and management of migration flows must be strengthened; recognises that sustainable economic development and the building of a state based on democratic, strong and transparent institutions contribute strongly to tackling the root causes of forced migration; calls for the EU and all international stakeholders to enhance development cooperation and instruments for ongoing political dialogue;
8. Is worried by attempts to divert development aid appropriations to address migration issues which are not linked to development; rejects the fact that support expenditures for refugees in donor countries may already be counted as official development aid; rejects plans to use and link development aid to more border controls or readmission agreement controls by third countries; urges the Member States and the Commission to increase the funding and means available for responding to humanitarian crises; calls for a longer-term plan that includes measures aimed at reinforcing the role of UN agencies; welcomes the



establishment of an EU Regional Trust Fund in response to the Syrian crisis and of an EU Emergency Trust Fund for Africa, an effective instrument for combating destabilisation, forced displacement and irregular migration; asks the Commission to enhance the transparency of the EU Emergency Trust Fund for Africa; encourages the Member States to contribute to the Trust Fund and underlines that monitoring and evaluation of the projects and programmes financed will be essential to make sure that the Fund serves its purpose, namely helping those in need and not financing governments responsible for human rights violations;

9. Urges the EU, the African Union and the United Nations to strengthen international cooperation on migration with a view to creating legal migration channels, and calls on the Commission and the Member States to maximise the positive contribution of migration and human mobility in global development, as recognised for the first time in the post-2015 development agenda and the proposed Sustainable Development Goals and their migration targets; urges the Member States to facilitate the integration of immigrants, whose active participation in society helps to promote the social and economic development and cultural diversity of the Union; encourages the EU and Member State authorities to improve the recognition of migrants' academic and professional qualifications with the aim of swifter and better integration into the labour market;
10. Recalls that the right to leave any country, including one's own, is enshrined in Article 13 of the UN Universal Declaration of Human Rights; stresses that, while this is a liberty and a fundamental right that should benefit everybody, only citizens of the 'global North' and the wealthiest citizens of the 'global South' can truly exercise this right; stresses the need to better and fully implement the principle of 'non-refoulement', which, particularly for asylum seekers, is the corollary of the right to migrate and is enshrined in Article 33 of the 1951 Convention on Refugees, contained in the 1967 Protocol relating to the Status of Refugees and reaffirmed in Article 3 of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment;
11. Stresses the need to protect, promote and fulfil the international right to seek asylum as enshrined in Article 14 of the UN Universal Declaration of Human Rights, including the need to better and fully respect the principle of 'non-refoulement'; stresses the importance of establishing and strengthening migration information centres in emigration and transit countries, along the lines of the Migration Information and Management Centre (CIGEM) in Mali; stresses that the lack of legal routes leaves no choice for many men, women and children but to turn to smugglers, at enormous cost and risk to their lives; calls for the EU to implement existing legislation and to create more safe and legal avenues for entering and staying in the EU;
12. Rejects the proposals from the Member States to set up asylum centres in third countries and to involve Northern African countries and Turkey in European search and rescue operations with the aim of intercepting refugees and bringing them back to African and Turkish soil; calls on the Commission, in this connection, to provide Parliament with an evaluation of the extent to which these proposals comply with international asylum law and of the practical and legal obstacles to their implementation; calls for the Khartoum process to be replaced by a process based on full respect for human rights and focused on improving living conditions so as to address the root causes of migration; urges the Commission and the Council to focus the Valletta Summit in November on the root

causes of migration, such as poverty, inequality, injustice, climate change, corruption, ill-governance and armed conflict;

13. Considers to be of major importance the issues and problems faced by women, girls and vulnerable groups of people such as the elderly, children, disabled people, minorities and others in the migration process within the EU and their impact on their empowerment and human rights; considers the issues and problems faced by LGBTI migrants in the migration process and within the EU to also be of major importance; calls for an explicit LGBTI dimension to be included in all migrant-related policies; stresses the vital need for an inclusive dimension in migration policies that takes account of the specific features of each vulnerable group, and calls for it to be included in all policies directed towards migrants; notes that EU asylum legislation includes genital mutilation among the criteria to be taken into account in dealing with asylum applications; insists on the need to respect the human and individual rights of the most vulnerable among migrants;
14. Calls for the EU and its Member States to ensure that migrants have access to rights and services which guarantee their equity and prevent the growth of racism and xenophobia within the EU;
15. Recalls the need to uphold the paramount interests of children and unaccompanied minors, with regard to asylum for example, under the 1989 Convention on the Rights of the Child and the Charter of Fundamental Rights of the European Union; stresses the need to strengthen child protection systems to protect children from abuses and exploitation at all times, including through the provision of essential services such as medical care, psychological support, quality education and specific measures for their progressive integration into the Member States; calls for special attention to be paid to the needs of separated families and those left behind, and for Council Directive 2003/86/EC to be reviewed in order to facilitate family reunification;
16. Calls for the Commission and the EU to fully respect the principle of Policy Coherence for Development in its migration policies, and in particular in the implementation of its European Agenda on Migration, bearing in mind, in this connection, the link between internal and external policies and hence the relationship between migration and development policies on the one hand and current social protection and employment policies in the Member States on the other; underlines, therefore, the need for a more systematic incorporation of the development dimension in migration policies; recalls that some EU policies and the limited efforts to fight illicit capital flows from developing countries contribute indirectly to instability and migration flows; requests, therefore, that the Commission present an Action Plan on policy coherence; highlights the importance of guaranteeing policy coherence and coordination between the EU's external action, security, defence, trade, humanitarian aid, migration and development cooperation policies; considers that European responsibilities in the conflicts should be assumed in full through greater commitment to peacekeeping and durable solutions for refugees (resettlement, local integration, mobility and return when possible); calls on the Commission and the Member States to do more to embrace internal and external policies involving migration, so as to facilitate the mobility of individuals in a bid to improve their welfare and that of their families;
17. Expresses its concerns at the rising number of climate refugees, which is triggered by

droughts, famines and deteriorating health and living standards; considers that populations in least developed countries are more vulnerable to the effects of climate change, which can have effects on growing inequalities and social instability;

18. Calls on the Commission to coordinate its development policies with its economic ones, in order to end the exploitation of human and natural resources in third countries, which undermines the purpose of any kind of development aid; calls for the EU and its Member States to strictly regulate the activities of transnational companies of European origin operating in third countries;
19. Strongly supports the effective and comprehensive dissemination and implementation of the UN Guiding Principles on Business and Human Rights (UNGPs) within and outside the EU, and emphasises the need to take all necessary policy and legislative measures to address gaps in the effective implementation of the UNGPs, including as regards access to justice; recalls that the aim of the UNGPs is not to create a new international legal obligation, but to establish a common global standard for preventing and addressing the adverse human rights impact of business activity;
20. Highlights the need to incorporate policies on access to essential medicines in Policy Coherence for Development; states that trade and intellectual property regulation issues should be given special attention, given their importance for effective medicine provision in the developing world;
21. Is dismayed that, as a result of the awarding of public procurement contracts and debt servicing, inter alia, 61 % of official development assistance goes back to donor countries; calls therefore for an increase in real aid which has a positive impact on the needs of the people;
22. Calls on the Commission to review Europe Aid's evaluation and results-oriented monitoring systems, which are essential for planning, designing and implementing EU policies and interventions, and for enhancing transparency and democratic accountability; recalls that empowerment and the development of sustainable structural change should be a core focus in our policies;
23. Deplores the fact that in some Member States such as Italy a series of serious acts of fraud and administrative irregularities, often perpetrated with the involvement of organised crime, took place in the management of some asylum-seeker reception centres, resulting both in the misuse of European funds and in the further worsening of the living conditions and protection of the human rights of migrants.

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	10.11.2015
<b>Result of final vote</b>	+: 21 -: 1 0: 1
<b>Members present for the final vote</b>	Beatriz Becerra Basterrechea, Ignazio Corrao, Doru-Claudian Frunzuliță, Nathan Gill, Charles Goerens, Enrique Guerrero Salom, Heidi Hautala, Maria Heubuch, Teresa Jiménez-Becerril Barrio, Linda McAvan, Norbert Neuser, Cristian Dan Preda, Lola Sánchez Caldentey, Elly Schlein, Pedro Silva Pereira, Davor Ivo Stier, Paavo Väyrynen, Bogdan Brunon Wenta, Rainer Wieland, Anna Záborská
<b>Substitutes present for the final vote</b>	Marina Albiol Guzmán, Louis-Joseph Manscour, Joachim Zeller

4.9.2015

## OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation in the Mediterranean and the need for a holistic EU approach to migration (2015/2095(INI))

Rapporteur: Gérard Deprez

### SUGGESTIONS

The Committee on Budgets calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Welcomes the Commission's adoption of an ambitious EU migration agenda; regrets that the European Council, aside from its declarations, does not have the same level of ambition and is failing to support the Commission;
2. Welcomes the Commission's proposal to introduce a mechanism for the relocation of 40 000 people over the course of 2016 and 2017, at a total cost of EUR 240 000 000; supports the efforts made by some Member States that have accepted the number proposed by the Commission and in some cases even more, while deploring the fact that owing to the unwillingness of some Member States the figure of 40 000 persons has still not been reached;
3. Welcomes, further, the Commission's recommendation concerning a resettlement programme and the additional EUR 50 000 000 set aside for this purpose in 2015 and 2016; stresses that the amount set aside should correspond to real needs depending on future migration flows and therefore should be adapted accordingly;
4. Applauds the decision to increase the appropriations for the Asylum, Migration and Integration Fund (AMIF) by EUR 57 000 000 in the fifth draft amending budget for 2015 and by more than EUR 169 000 000 (EUR 171 900 000 after reprogramming) in the 2016 draft budget; criticises, however, the fact that while the funding set aside for the strengthening and development of a common EU asylum system is to be increased by more than EUR 174 000 000 (EUR 161 694 285 after reprogramming), funding for legal migration and integration and better, fairer and more effective repatriation strategies is to be cut by nearly EUR 5 000 000 (+ EUR 9 985 847 after reprogramming);

5. Calls on the Commission to provide as accurate an assessment as possible of the appropriations needed for AMIF over the period to 2020 and, on that basis, to present a proposal for an increase in the heading 3 appropriations and, if necessary, an adjusted allocation among the various implementing programmes in the context of the revision of the multiannual financial framework, due by the end of 2016; stresses also the need for such funding to have genuine European added value rather than simply supporting existing national programmes;
6. Makes clear its intention to modify the budgetary nomenclature of AMIF in an effort to make it more transparent and make it easier to monitor the allocation of annual appropriations among the various implementing programmes and instruments; calls for a greater flexibility margin for this fund in the future;
7. Welcomes the increase of EUR 41 245 000 in funding for Frontex in the 2016 draft budget; calls for reliable statistics to be provided on the cost of the Triton and Poseidon; regrets that, eleven years after its establishment in Warsaw, the headquarters agreement between Frontex and the Polish Government has still not been signed, thereby preventing agency staff from working under optimum conditions; calls on the Commission to provide more information on the proposed amendment to the part of Frontex's mandate relating to the organisation of repatriation;
8. Acknowledges that the Council did not cut the main lines of AMIF and the Internal Security Fund (ISF) in heading 3, underlining that an increase would be needed; criticises, however, the reductions in the migration and asylum line under the Development Cooperation Instrument (DCI) (-EUR 200 000 in commitment appropriations, -EUR 5 million in payment appropriations), and in the poverty reduction lines for both Mediterranean countries (-EUR 50 million in payment appropriations) and the Eastern Partnership (-EUR 12 million in payment appropriations) and more generally for the Instrument for Pre-accession Assistance (IPA); believes that the proposed cuts are counterproductive in relation to the general management strategy for future migration flows;
9. Stresses that the European Asylum Support Office will be called upon to play a greater role in asylum management in future; points out that the addition of just four people to its staff complement is nowhere near enough, and that the funding, not including assigned revenue, allocated to it in the 2016 draft budget has been reduced at a time when real needs dictate that it should be increased;
10. Acknowledges the role of Europol in countering human trafficking and more specifically its activities in combating criminal networks, which requires additional staff in at least three newly established hot spots; points out that the addition of just three people to its establishment plan is not sufficient to fulfil these extremely demanding tasks, and that the funding allocated to it in the 2016 draft budget does not ensure sufficient resources to perform these tasks in an adequate manner;
11. Stresses that staff at the JHA agencies must not be reduced or automatically redeployed; calls for a genuine medium- and long-term strategy to be drawn up for these agencies;
12. Welcomes the planned increase in funding for asylum and immigration in the 2016 draft budget; stresses that unspent money may be transferred to other budget lines to address

unforeseen challenges and developments such as those outlined in the European Agenda for Migration;

13. Considers it essential to keep a close eye on the use made of all funding related to immigration, in particular with regard to contracting and subcontracting procedures, in view of a number of instances of fraud and mismanagement that have occurred in the Member States.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	3.9.2015
<b>Result of final vote</b>	+: 23 -: 4 0: 3
<b>Members present for the final vote</b>	Nedzhmi Ali, Jonathan Arnott, Lefteris Christoforou, Jean-Paul Denanot, Gérard Deprez, José Manuel Fernandes, Eider Gardiazabal Rubial, Carlos Iturgaiz, Bernd Kölmel, Zbigniew Kuźmiuk, Vladimír Maňka, Ernest Maragall, Clare Moody, Siegfried Mureşan, Victor Negrescu, Liadh Ní Riada, Patricija Šulin, Eleftherios Synadinos, Paul Tang, Indrek Tarand, Isabelle Thomas, Inese Vaidere, Daniele Viotti, Marco Zanni
<b>Substitutes present for the final vote</b>	Anneli Jäätteenmäki, Andrey Novakov, Nils Torvalds, Tomáš Zdechovský
<b>Substitutes under Rule 200(2) present for the final vote</b>	Anthea McIntyre, Tatjana Ždanoka



18.2.2016

## **OPINION OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS**

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation in the Mediterranean and the need for a holistic EU approach to migration  
(2015/2095(INI))

Rapporteur: Elisabeth Morin-Chartier

### **SUGGESTIONS**

The Committee on Employment and Social Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Acknowledges the Commission's efforts to create an ambitious migration agenda, and urges the European Council to show a high level of ambition and attention to detail, and to act in unison to come up with timely and strong responses to the migration crisis; calls on the Council to be proactive in supporting the Commission's work by means of concrete deeds and swift action and by taking practical measures designed to achieve common objectives, on the basis of the principles of solidarity and the fair distribution of responsibilities among all the Member States; regrets the blocking stand taken by some Member States towards the adoption of an effective and sustainable political solution that respects the fundamental values on which the European Union is built, including respect for the rule of law, human rights and the principles of non-discrimination, solidarity and common responsibility;
2. Notes that the current wave of refugees represents a European challenge in a global context, and as such needs to be dealt with in the European Council as well;
3. Stresses that, in particular, the social dimension of the refugee influx calls for a common European asylum policy, a debate on European quota agreements, and on-the-spot registration of particularly vulnerable refugee groups in over-burdened states neighbouring the crisis regions in question;
4. Stresses that the only feasible solution for managing the inflow of third-country nationals and stateless persons is to put in place a permanent relocation mechanism for all Member States as soon as possible; points out that, as regards the medium term, the issue being raised by the current refugee crisis is that of Europe's will to integrate refugees into its society, since they are not seeking a permanent stay; emphasises that education and

employment are fundamental to the successful integration of refugees and migrants; calls on the Commission, therefore, in very close coordination with the Member States, to adopt immediate measures and to opt for a plan which is geared towards and promotes the social inclusion of refugees and their integration into an EU labour market still suffering from the impact of the economic crisis, while taking into consideration the differences between economic migrants and refugees;

5. Stresses that genuine integration is a two-way process requiring the mutual commitment of refugees and of Europe and its citizens; emphasises that it is essential to ensure an effective and agile system of recognition of refugee status and allocation to the countries of destination so that the process of social inclusion and labour market integration can start as soon as possible; urges the Commission to promote upward convergence of social protection and a standard for the swift delivery of work permits to those with recognised refugee status, across the Member States;
6. Calls on the Member States to exchange good practice as regards integrating refugees into European society and the labour market; calls on the Commission to draw on Member States' experiences and come up with a set of recommendations for the effective completion of this process;
7. Recalls the EU's Common Basic Principles for Immigrant Integration Policy (CBPs)<sup>1</sup> as the underlying approach to integration;
8. Calls on the Commission to pay particular attention to the needs of those deserving international protection and of vulnerable groups such as unaccompanied minors, women, young people, children and the elderly, and, when possible, to promote relevant actions in third countries during the pre-departure stage; calls for special consideration to be given to the often vulnerable position of women in the process of social inclusion and labour market integration; is concerned about recent findings concerning a high number of unaccompanied refugee children who are missing, and calls on the authorities to investigate their whereabouts;
9. Encourages the Commission to enhance the dialogue with business and labour on migration and skills, with a view to identifying labour market shortages in specific industry sectors, including entrepreneurship, and opening up well-managed legal migration channels and employment opportunities for refugees; takes the view that such a dialogue should be based on a balanced representation of interests with a view to the rights-based integration of migrants and refugees into the labour market;
10. Maintains that, when designing integration policies in the EU, labour market data, particularly as regards unemployment and job opportunities, and social situation data have to be taken into account in the permanent relocation mechanism for refugees in order to ensure that this process does not worsen the social and economic situation in host regions, especially those hit hardest by the economic crisis, and in those Member States that are most indebted and still in the process of fiscal consolidation, and to ensure better social inclusion and labour market integration of refugees, bearing in mind that the social and economic insecurity of these territories and their populations is a factor which is quite separate from the current refugee emergency, given the actual employment opportunities

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<sup>1</sup> Council conclusions of 19 November 2004.

in the regions concerned;

11. Suggests that a system whereby asylum seekers could, insofar as this is possible in practice, apply for asylum in a Member State where they already have family ties, community links or better employment prospects would improve their integration prospects;
12. Stresses that a comprehensive approach to migration which encompasses the major demographic challenge currently facing Europe and its economy also needs to be developed; points out, at the same time, that the medium- and long-term integration of refugees and migrants also represents an opportunity as regards demographic development and the strengthening of Europe's skills base; calls on the Member States to compile a digital inventory of refugees' work profiles in order to coordinate the relocation of refugees with the national and regional labour market situation;
13. Points out that the Commission has indicated that European funds, including the European Social Fund (ESF), could be used to help integrate refugees; calls on the funds' managing authorities to use them as effectively as possible to help address the integration of refugees in a way that is not detrimental to other goals and recipients, especially the most vulnerable groups, and to ensure that this benefits all recipients; notes that the Commission has also indicated its availability to help the managing authorities adapt their ESF operational programmes in order to integrate migrants and refugees effectively without undermining the ESF's employment goals; also draws attention to the funds available to provide training on diversity and equality management in the workplace and to support local and regional authorities with regard to integration measures;
14. Urges the Commission, in its mid-term review of the multiannual financial framework scheduled for 2016, to ensure that the EU budget – and especially the European Social Fund – has a stronger focus on the social and labour market integration of refugees with legal status; calls on the Commission to explore the use of the Asylum, Migration and Integration Fund (AMIF) in measures for the social and labour market integration of non-EU nationals; calls on the Member States to make full use of the European Fund for Strategic Investments (EFSI), combined with other EU funds, to provide the necessary investment to integrate the inflow of refugees in the medium term; calls on the Commission, in its review of the multiannual financial framework, to raise the allocation for social policies in order to enhance cohesion policy so that it can cope with the labour market integration and social inclusion of refugees;
15. Calls on the Member States to provide their public employment services with sufficient resources to ensure that refugees who are eligible to work are fully integrated into the labour market; emphasises that the European Network of Public Employment Services can play an important role in integrating migrants into the European labour market;
16. Also recalls the importance of assisting SMEs to employ migrant workers where necessary;
17. Stresses that access to the labour market is fundamental to integrating refugees and maintaining their dignity; welcomes the efforts made by some Member States to reduce the length of time which elapses before refugees can enter the labour market, in the

context of the transposition of Directive 2013/33/EU<sup>1</sup>;

18. Calls on the Member States to screen their education systems carefully in order to identify ways to integrate refugees' children into the education process as quickly as possible;
19. Reiterates its call on the Commission, in cooperation with the Member States, to set up a uniform system which is in line with existing European systems with a view to enabling and speeding up possible official recognition of diploma equivalence and formal and informal recognition of skills, in combination with the standardisation of acknowledgements and equivalences among the Member States at European level, thereby helping refugees and migrants to become fully included in society and to work at their skill level rather than below it, as is often the case;
20. Maintains that training must be available and easily accessible to refugees and migrants, and that refugees and migrants must, as a matter of urgency, receive language training and take integration courses which constitute, and are offered as, an integral part of the relocation programme as soon as displaced persons arrive in the country to which they have been relocated, in addition to the medical and psychological support services available to asylum seekers and refugees;
21. Recalls that it is important that skills acquired while working in the EU are also validated, in order to provide added value for the individual should they leave the EU to work in another country;
22. Notes that the smooth integration of refugees and migrants into host communities requires a rights-based approach and the mobilisation of all institutional and civil society forces, as the social partners can play a role in reaping the benefits of faster integration of migrants and refugees into the local labour market; calls on the Member States, therefore, to take due account of all relevant stakeholders when designing integration strategies;
23. Calls on the Member States to prepare local societies to welcome refugees and their families, through well-planned information campaigns;
24. Encourages the Commission and the Member States to promote and support initiatives by organised civil society aimed at providing assistance to migrants and refugees, for instance via the European network of contact points for migrants and UnionMigrantNet, which are just two examples of cross-border cooperation among contact points providing migrants with information and assistance for integration;
25. Points out to the Commission that undeclared work by migrants constitutes a danger to their health and safety and deprives them of their employment and social security rights; urges the Commission to prevent severe labour exploitation; notes that, under the Employers Sanctions Directive<sup>2</sup> and the Seasonal Workers Directive<sup>3</sup>, employers can be

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<sup>1</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, OJ L 180, 29.6.2013, p. 96.

<sup>2</sup> Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, OJ L 168, 30.6.2009, p. 24.

<sup>3</sup> Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, OJ L 94,

punished for exploiting migrant labour; calls on the Commission, however, to work towards a more integration-oriented system that encompasses all aspects of these problems, including with a view to providing refugees with adequate protection in order to eliminate the abuse of migrant labour;

26. Recalls that, in order to avoid a two-tier system in the workplace, it is important that migrant workers are able to access their labour rights fully, including the right of trade union membership;
27. Points out that, when they sign an asylum seeker's employment contract, both the employee and the employer run a risk insofar as the application for asylum might be rejected; considers that this may also jeopardise the Commission's aims regarding the policy of return to the home country;
28. Points out that the majority of asylum seekers whose applications have been rejected in any Member State stay in the EU without any legal status, which means that there is a growing number of illegal migrants without the right to work or access to education for their children; stresses, therefore, the need to control and monitor illegal migrants, as they are at risk of social exclusion and poverty, which makes them susceptible to all types of external influence, including radicalism;
29. Calls on the Commission and the Member States to carry out an information campaign in migrants' countries of origin in order to provide them with proper and adequate information on legal procedures for entering the EU, together with their rights and obligations in Member States, so as to ensure that those who travel have a valid legal claim;
30. Stresses that the EU should offer people wishing to come to Europe legal avenues for entering and staying in the EU and ways to change their migration status while in the EU, and should develop a genuine circular migration policy; calls for a labour immigration corridor to be set up for candidate countries for EU accession, which would give citizens of those countries facilitated access to the European labour market;
31. Calls on the Commission, when revising the 'Blue Card' Directive<sup>1</sup>, to adopt an ambitious approach in order to strengthen the importance of the EU Blue Card, which is applicable to highly qualified workers from third countries and helps to address demographic challenges in the EU by filling shortages in the EU's labour markets; stresses that highly qualified migrants could be an asset in integrating and assimilating other non-EU nationals into European societies, and stresses the necessity of a comprehensive migration assessment comprising an evaluation of courses of action aimed at combating existing shortages in European labour markets with a view to arriving at a win-win situation;
32. Recommends a massive increase in aid to those countries of the South which have taken in large numbers of refugees and migrants, and close cooperation on the ground with the United Nations High Commissioner for Refugees and with NGOs.

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28.3.2014, p. 375.

<sup>1</sup> Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, OJ L 155, 18.6.2009, p. 17.



## RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	17.2.2016
<b>Result of final vote</b>	+: 42 -: 9 0: 3
<b>Members present for the final vote</b>	Laura Agea, Guillaume Balas, Brando Benifei, Mara Bizzotto, Vilija Blinkevičiūtė, Enrique Calvet Chambon, David Casa, Ole Christensen, Jane Collins, Martina Dlabajová, Lampros Fountoulis, Elena Gentile, Arne Gericke, Marian Harkin, Czesław Hoc, Danuta Jazłowiecka, Agnes Jongerius, Jan Keller, Ádám Kósa, Agnieszka Kozłowska-Rajewicz, Kostadinka Kuneva, Jean Lambert, Jérôme Lavrilleux, Patrick Le Hyaric, Jeroen Lenaers, Verónica Lope Fontagné, Javi López, Thomas Mann, Dominique Martin, Joëlle Mélin, Elisabeth Morin-Chartier, Emilian Pavel, João Pimenta Lopes, Marek Plura, Terry Reintke, Sofia Ribeiro, Maria João Rodrigues, Claude Rolin, Anne Sander, Sven Schulze, Siôn Simon, Jutta Steinruck, Romana Tomc, Ulrike Trebesius, Marita Ulvskog, Renate Weber, Jana Žitňanská
<b>Substitutes present for the final vote</b>	Amjad Bashir, Tania González Peñas, Miapetra Kumpula-Natri, António Marinho e Pinto, Tamás Meszerics, Neoklis Sylikiotis, Ivo Vajgl

19.10.2015

## OPINION OF THE COMMITTEE ON TRANSPORT AND TOURISM

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation in the Mediterranean and the need for a holistic EU approach to migration (2015/2095(INI))

Rapporteur: Merja Kyllönen

### SUGGESTIONS

The Committee on Transport and Tourism calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- A. whereas the Union's sea borders in the Mediterranean are external borders of the European Union and, unlike land borders, cannot be closed, and whereas the problem of the influx of refugees needs to be addressed as a matter of urgency in order to prevent them from becoming victims of traffickers and mafias;
1. Expresses its concern that the number of people who risk their lives attempting dangerous sea crossings of the Mediterranean to the EU is increasing dramatically; stresses that the Mediterranean is the largest maritime migration route in the world, with a dense network of merchant traffic; emphasises that the current refugee crisis has put the commercial maritime sector under great pressure, increasing its share of burden, especially in terms of crew safety and general safety compliance; takes the view that the comprehensive measures by which the EU intends to tackle the multi-dimensional problems arising from this crisis should take due account of this, and should consequently decrease the negative impact on the transport sector;
  2. Recalls that under the UN Refugee Convention<sup>1</sup>, the UNCLOS convention<sup>2</sup>, the SOLAS convention<sup>3</sup> and the SAR<sup>4</sup> convention, every state party to those conventions must require the master of a ship flying its flag, in so far as he or she can do so without serious danger to the ship, the crew or the passengers, to render assistance to any person found at sea in danger of being lost, regardless of the nationality or status of such a person or the

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<sup>1</sup> UN Convention relating to the Status of Refugees of 1951.

<sup>2</sup> UN Convention on the Law of the Sea of 1982, Article 98 ('Duty to render assistance').

<sup>3</sup> International Convention for the Safety of Life at Sea of 1974, Regulation 33 ('Distress Situations: Obligations and procedures').

<sup>4</sup> International Convention on Maritime Search and Rescue of 1979, as amended.



circumstances in which that person is found, to provide for their initial medical or other needs, to deliver them to a place of safety and to participate actively in search and rescue operations at sea; stresses that rescuing a person in danger at sea is not only an international obligation but also an ethical duty;

3. Calls on all port and maritime authorities of the Member States and on the European Maritime Safety Authority (EMSA), and in particular on the captains of vessels sailing in the Mediterranean, to be extremely vigilant in relation to any vessels carrying migrants and refugees who may be in danger; recommends, in this context, that they strictly apply the guidelines issued by the International Maritime Organisation and the UN Refugee Agency (UNHCR) on the treatment of people rescued at sea<sup>5</sup>;
4. Points out that in the period from 1 January to 31 May 2015 a total of 47 265 migrants were rescued at sea in the Mediterranean, 13 475 of them by merchant vessels<sup>6</sup>; notes that in this five-month period 302 merchant vessels were asked to reroute and change course in order to assist in rescue operations, and that 104 of these vessels were ultimately asked to rescue and disembark migrants on account of the urgency of the situation;
5. Expresses its regret that so far more than 3 000 people have lost their lives in fatal sea crossings in 2015 alone, as reported by the UNHCR<sup>7</sup>;
6. Calls on the Council, as a matter of urgency, to approve the proposal put forward by the Commission on 9 September 2015 and adopted by Parliament at its sitting of 17 September, aimed at resettling 120 000 people in need of international protection, and constantly to evaluate possible additional needs in relation to protecting refugees;
7. Emphasises that, while primary responsibility lies with the Member States, merchant vessels are on the frontline of search and rescue operations in terms of both volume and activity; points out that merchant vessels are not equipped, or their staff trained, in such a way as to be sufficiently prepared to take part systematically in rescue operations on such a large scale;
8. Recalls that assistance offered by commercial ships and their crews for rescue operations should not replace the assistance to migrants at sea that needs to continue to be provided by the competent EU and Member State authorities, which must allocate the necessary human and financial resources; recognises and applauds the significant and generous contributions made by humanitarian organisations in rescuing boats and deploying vessels in the Mediterranean, especially those belonging to Médecins Sans Frontières and Migrant Offshore Aid Station (MOAS);
9. Notes that the possible economic and judicial consequences for the rescuing ships and their owners discourage some vessels from providing assistance; calls on the Member States not to penalise those who voluntarily help migrants on humanitarian grounds, including carriers and vessel owners; calls on the Commission to propose a revision of Council Directive 2001/51/EC;

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<sup>5</sup> Resolution MSC.167(78) of the International Maritime Organisation and ‘Rescue at Sea: A guide to principles and practice as applied to migrants and refugees’.

<sup>6</sup> According to European Community Shipowners’ Associations (ECSA) statistics.

<sup>7</sup> <http://data.unhcr.org/mediterranean/regional.php>

10. Is concerned that, since vessels and their crew cannot be sufficiently prepared to deal with such search and rescue operations, which are not their normal activities, the situation in the Mediterranean – where we are already witnessing a human tragedy – may result in accidents and loss of human lives for both migrants and ship crews, and also entail risks in terms of maritime safety and the environment;
11. Welcomes the Commission communication entitled ‘A European agenda on migration’ (COM(2015)0240), and strongly calls on all the Member States to accept their responsibilities, to take adequate and immediate measures at both national and EU level to prevent further human misery in the Mediterranean, and to ensure that international and ethical obligations are fulfilled in accordance with the principles of solidarity and shared responsibility; urges the EU and its Member States to find an effective and sustainable solution to the current deficiencies in the EU’s migration system, to address the actual causes of the current immigration crisis and to prevent further departures of trafficked vessels and further loss of life in the Mediterranean; takes the view that measures at EU level should be comprehensive and lead to controlled, manageable, safe and legal migration;
12. Is deeply concerned about the ongoing migration crisis in the Mediterranean, in particular the humanitarian aspects but also the impact on maritime transport, including passenger ships, cruise ships and container ships, the safety of the vessels and of their crew and cargo, and general maritime safety;
13. Believes that the fight against migrant smuggling should not undermine freedom of navigation;
14. Urges the Member States, the Council and the Commission, pending the necessary medium- and longer-term measures, to continue to increase funding for sufficient search and rescue operations in the Mediterranean and to expand the field of action of the current operations, in conjunction with the competent authorities, so that the safety and fundamental rights both of migrants and people entitled to international protection seeking to enter Europe and of maritime crews working in Mediterranean waters can be guaranteed;
15. Calls for strict checks to be conducted on the actual use to which funding for rescue operations and reception centres is put, so as to ensure that it is used correctly for these specific purposes and to prevent it from being illegally siphoned off;
16. Encourages EU authorities and Member States to deploy fully the existing vessel traffic monitoring and information systems in the Mediterranean, to gather up-to-date information on vessels transiting across EU coastlines, and to further develop collaboration between the different maritime authorities, including transport safety, naval and coast guard authorities, if necessary by means of enhanced cooperation under Article 20 of the Treaty on European Union and Article 329(1) of the Treaty on the Functioning of the European Union, in order to better coordinate and put into operation effective maritime safety functions, contribute to the dismantling of smuggler networks and seizure of their boats and maintain a real-time situational overview so as to support rescue operations; emphasises the involvement of the EMSA, in its full capacity as a provider of integrated maritime services to support search and rescue operations in the Mediterranean, a role that should be boosted;

17. Stresses that Member States and the authorities involved need to ensure the smooth disembarkation of rescued refugees and migrants in the appointed sea port from vessels which have been part of a rescue operation;
18. Stresses that the crews of passenger ships, cruise ships and container ships involved in a rescue mission must on no account complicate or hinder the work of the officials responsible for screening migrants in border Member States, as coordinated by Frontex, whatever decision they may take in accordance with Member State and EU law;
19. Stresses that the capacities and competences of Frontex need to be strengthened speedily;
20. Calls on all the parties involved in the situation in the Mediterranean to seek solutions to the refugee crisis, including efforts to improve the safety and fundamental rights of the refugees in their home countries; encourages the EU and its Member States to offer assistance and resources to frontline Member States, to find solutions to the root causes of large-scale migration, to strengthen cooperation with non-EU Mediterranean countries such as Turkey, Libya, Lebanon and Jordan as regards information exchange, the establishment of common search and rescue operations, border control, surveillance and the promotion of migration control agreements, and to tackle human traffickers, ringleaders and criminal networks of smugglers by means of tough criminal penalties;
21. Calls on the Commission to set up a working group with the competent authorities in the Member States, humanitarian organisations on the ground, and EU and UN agencies in order to set up means of transport for refugees as a matter of urgency and to establish safe and legal routes over both sea and land that will make it possible to transport asylum seekers and refugees from the conflict zone to refugee camps and their destination countries in safe and decent conditions; takes the view that legal and regulated immigration channels need to be opened, and responsibility for them shared among the 28 Member States;
22. Points out that the temporary reintroduction of border controls by several Member States is putting at risk the normal Schengen system of open EU internal borders and free movement of people, worsening conditions for refugees at the borders and creating problems for the functioning of the EU transport system, including the carriage of passengers; calls on the Commission to come up with appropriate rapid reaction instruments and solutions in order to maintain the smooth functioning of the transport system and of the right to free movement of persons, including passenger rights;
23. Stresses the importance of creating an infrastructure and a system in order to anticipate which area of the EU's external borders will next be subject to vastly increased migratory flows, and prepare for these.

## RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	13.10.2015
<b>Result of final vote</b>	+: 34 -: 9 0: 0
<b>Members present for the final vote</b>	Daniela Aiuto, Lucy Anderson, Marie-Christine Arnautu, Inés Ayala Sender, Georges Bach, Izaskun Bilbao Barandica, Deirdre Clune, Michael Cramer, Luis de Grandes Pascual, Andor Deli, Karima Delli, Isabella De Monte, Ismail Ertug, Jacqueline Foster, Tania González Peñas, Dieter-Lebrecht Koch, Merja Kyllönen, Miltiadis Kyrkos, Bogusław Liberadzki, Peter Lundgren, Marian-Jean Marinescu, Georg Mayer, Gesine Meissner, Jens Nilsson, Markus Pieper, Salvatore Domenico Pogliese, Tomasz Piotr Poręba, Gabriele Preuß, Christine Revault D'Allonnes Bonnefoy, Massimiliano Salini, David-Maria Sassoli, Claudia Schmidt, Jill Seymour, Claudia Tapardel, Pavel Telička, István Ujhelyi, Wim van de Camp, Elissavet Vozemberg, Janusz Zemke, Roberts Zile, Kosma Złotowski, Elżbieta Katarzyna Łukacijewska
<b>Substitutes present for the final vote</b>	Evžen Tošenovský

17.2.2016

## **OPINION OF THE COMMITTEE ON REGIONAL DEVELOPMENT**

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation in the Mediterranean and the need for a holistic EU approach to migration (2015/2095(INI))

Rapporteur: Andrea Cozzolino

### **SUGGESTIONS**

The Committee on Regional Development calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Believes that the answer to the current migratory challenge should be a common European migration and asylum policy with a holistic and integrated approach that addresses key issues, such as international protection of refugees, combating human trafficking networks and regulating migration; stresses, furthermore, that an appropriate multilevel system for cooperation between the EU, the Member States and regional and local authorities needs to be set up, including coordination with, and the involvement of, all stakeholders and focusing on cross-border cooperation between Member States and third countries, especially those of origin and transit;
2. Is of the opinion that a common European migration and asylum policy should distinguish between refugees and economic migrants; draws attention to the precarious situation of migrants in general and of refugees escaping war and persecution, which requires a dignified and human response that rejects xenophobic tendencies and, where occurring, manipulation of the issue of migratory crisis; highlights that Article 80 of the Treaty on the Functioning of the European Union (TFEU) states that the policies of the Union shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States; underlines the necessity of a European-level response and a joint effort by all Member States; recalls that Member States should take their share of the responsibility, as stipulated in Article 80 TFEU;
3. Emphasises that migration is a pressing, global and deeply human phenomenon which could also be an opportunity for the EU to enhance economic and social development in the context of the economic crisis and the demographic challenges the Union is facing; urges the Commission and the Member States, in collaboration with regional and local

authorities, to be efficient in their administration of matters pertaining to migration, including the involvement of all stakeholders, such as civil society, and to put into practice, and promote, a set of sustainable, effective and targeted measures to facilitate the settlement and integration of migrants, especially with regard to education, training, access to the labour market, social services and housing;

4. Recalls that migrants tend to arrive and often – despite the efforts of the authorities to promote even distribution – tend to settle in urban areas; stresses that the settlement of migrants should not be confined to urban areas only and calls for a fair distribution of migrants within and among Member States; recognises the important role of cities in the short, medium and long term with regard to the reception, accommodation and integration of migrants, and invites the Commission and the Member States to make the fight against urban poverty one of their priorities;
5. Welcomes the Luxemburg EU Council Presidency’s conclusions of 27 November 2015 on the occasion of the Informal Ministerial Meeting on Territorial Cohesion and Urban Policy which ‘consider providing cities and municipalities with adequate support to deal with the refugee situation, in particular by mobilising [...] the European Structural and Investment Funds (ESI Funds) dedicated to sustainable urban development and [by] accommodating the issue of migration and refugees within the EU Urban Agenda’;
6. Recalls that for the 2014-2020 programming period, in addition to the European Social Fund (ESF), the European Regional Development Fund (ERDF) is also contributing to the thematic objective of promoting social inclusion and combating poverty and discrimination, while implementing measures for the integration of migrants – such as investments in social, health, education, housing (including water) and childcare infrastructure –, for deprived urban areas and business start-ups – such as coaching, language learning and training –, and anti-discrimination measures; calls for greater coordination of the use of all EU funds allotted to integration policies;
7. Calls on the Commission and the Member States to be flexible in using existing programmes to address the current additional challenges for cohesion policy; notes the Commission’s flexibility in examining the proposals of each Member State within the current operational programmes and appreciates its willingness to evaluate and rapidly approve amendments to these programmes, thus helping the Member States to adapt to the new circumstances by means of investments necessary to each Member State; urges the Member States accordingly to take advantage of the funding available through the ESI Funds and to include appropriate measures relating to the European Agenda on Migration among the proposals for the MFF mid-term review, which has to take place by the end of 2016, while recalling the primary role of cohesion policy as an investment tool promoting growth and jobs across Europe and reducing regional disparities between the levels of development of various regions;
8. Is of the opinion that the ESI Funds, in synergy with the Asylum, Migration and Integration Fund (AMIF), are useful tools for addressing the scale of the migratory challenges in areas such as accommodation, relocation, linguistic and vocational skills training, the pathway to integration and issues relating to poverty and social exclusion; calls, therefore, on the Member States to increase their efforts to build up the capacities of their administration and institutions; emphasises that – within the overall framework of

the cohesion policy – the precise reallocation of the amounts from ESI Funds to migration issues should be within the remit of the Member States and regions according to their particular needs;

9. Invites the Commission to develop an approach to migration similar to that of the macro-regional strategy; emphasises that such an integrated and comprehensive approach should be based on INTERREG and include specific targets, and should also make use of instruments such as Integrated Territorial Investment (ITI) and Community-Led Local Development (CLLD); recalls that the objective of territorial cooperation in the context of cohesion policy allows the various actors to find common solutions, including with third countries; in this framework, recalls the importance of strengthening the capacities of civil society, including volunteers, and the cooperation between civil society and local actors, as well as supporting and developing entrepreneurship as a vehicle for growth, social inclusion and employment;
10. Invites the Commission, within the rules of the current Stability and Growth Pact, in case of application of Article 23(11) when analysing the social and economic circumstances of the Member States concerned on the basis outlined by Annex III of the Common Provisions Regulation 1303/2013, to take into consideration the additional exceptional public expenditure incurred by Member States, due to an unprecedented influx of refugees;
11. Considers that cross-border cooperation is key to addressing migration flows; recalls the important contribution of European territorial cooperation programmes and the experience gained in their implementation, which also provides a good basis for cooperation between authorities of different Member States and third parties; stresses, furthermore, that the EU and its Member States should also move beyond emergency or crisis responses, and pursue foreign and development policies that address the persistent structural issues which lead to massive flows of migrants;
12. Highlights the need to effectively tackle criminal networks of smugglers and traffickers; believes that efforts have to be made to promote an efficient EU border policy and create safe and legal entry for refugees that allows lives to be saved and guarantees security and safety, and, while recognising it as an element of migration policy, encourages policies and measures for the return of irregular migrants, the whole process of which should be carried out in cooperation with the countries of origin and transit;
13. Highlights the important role that social economy enterprises play in including and welcoming immigrants both socially and economically; calls on the Commission to set up a platform for cooperation and dialogue on migration issues in order to collect examples of good practices of regions and cities on how to respond to the present migratory crisis, and ensure dissemination of these practices.

## RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	16.2.2016
<b>Result of final vote</b>	+: 28 -: 7 0: 3
<b>Members present for the final vote</b>	Pascal Arimont, Franc Bogovič, Victor Boștinaru, Mercedes Bresso, Steeve Briois, Andrea Cozzolino, Rosa D'Amato, Tamás Deutsch, Bill Etheridge, Iratxe García Pérez, Anna Hedh, Krzysztof Hetman, Ivan Jakovčić, Constanze Krehl, Sławomir Kłosowski, Andrew Lewer, Iskra Mihaylova, Andrey Novakov, Younous Omarjee, Konstantinos Papadakis, Mirosław Piotrowski, Stanislav Polčák, Liliana Rodrigues, Fernando Ruas, Monika Smolková, Ruža Tomašić, Ramón Luis Valcárcel Siso, Matthijs van Miltenburg, Lambert van Nistelrooij, Derek Vaughan, Joachim Zeller
<b>Substitutes present for the final vote</b>	Viorica Dăncilă, Ivana Maletić, Bronis Ropė, Davor Škrlec, Hannu Takkula, Damiano Zoffoli, Marco Zullo



22.10.2015

## **OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY**

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation in the Mediterranean and the need for a holistic EU approach to migration  
(2015/2095(INI))

Rapporteur: Mary Honeyball

### **SUGGESTIONS**

The Committee on Women's Rights and Gender Equality calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

- having regard to the Council conclusions on migration of 12 October 2015, and particularly the commitment expressed therein to the human rights of women and girls,
- A. whereas the current crisis is first and foremost a humanitarian crisis and the EU's response must be based on solidarity and fair sharing of responsibility;
- B. whereas a coordinated and EU-wide resettlement mechanism is required to resettle refugees in all Member States;
- C. whereas there is a great degree of gender inequality across Member States in the treatment of women and girls seeking asylum, and a holistic EU approach to asylum and immigration must ensure that consistent and gender-sensitive procedures, guidelines and support services in the asylum process are in place;
- D. whereas migrant women and girls, with or without documents, and women asylum seekers are particularly vulnerable to all forms of violence, including sexual violence, at all stages of their journey;
- E. whereas child asylum seekers travel more often with women than men, and also face unique challenges which make them especially vulnerable in conflict, on their journey to Europe and when they are received by Member States;
- F. whereas women seeking asylum have specific protection concerns and worries that are different from those of men, and introducing a gender perspective into asylum procedures allows these differences to be taken into account;

- G. whereas women as well as LGBTI persons are subject to specific forms of gender-based persecution, still too often not recognised in the asylum procedures;
- H. whereas victims of physical, psychological and sexual violence are already vulnerable and detention may exacerbate their trauma;
- I. whereas assistance arrangements must also include special care services for pregnant women and women with severe health problems; whereas in some countries even where it is available migrant women do not always have access to prenatal care;
- J. whereas organised criminal groups are taking advantage of the current volatile situation in the Mediterranean and Middle East and North Africa (MENA) region and of the vulnerability of women and girls as they seek safety, in order to exploit them through smuggling, sexual violence and trafficking for labour exploitation, prostitution and sexual exploitation;
- K. whereas the integration process and rights of migrant women are undermined when their legal status is dependent upon their spouse;
1. Believes that radical and long-term changes in Europe's approach to migration are required; believes that any long-term and sustainable strategy must cover all aspects of migration and asylum, including diplomatic and foreign policy, the global criminal economy, the provision of humanitarian aid and better assistance to those who are already in Europe; further believes that gender must be mainstreamed into all areas;
  2. Calls on the EU to take greater responsibility for resolving the humanitarian emergency that is also affecting migrant women and girls, through a holistic approach including a binding mechanism for the relocation of refugees among Member States, paying particular attention to the needs of pregnant women, women with disabilities, victims of violence, including FGM, single mothers, older women and girls;
  3. Calls on the Member States to establish an effective coordinated mechanism for the reception, processing, relocation and resettlement of incoming refugees, taking into account gender-sensitive issues; calls on EU agencies and Member States to ensure that staff employed by the public sector and civil society organisations are provided with training on a gender-based approach to working with incoming refugees;
  4. Highlights that a coordinated EU response to the refugee crisis must include specific measures to address the vulnerability and needs of children and specifically young girls, including their right to education;
  5. Emphasises and acknowledges, regardless of legal status, the importance of developing a holistic approach to migration from a gender equality standpoint; considers that decisions on whether to detain should take into account whether women have undergone trauma or forms of gender-based violence, including FGM, and that the needs of pregnant women are more appropriately accommodated in tailored facilities where privacy for individuals is ensured and with qualified staff trained to deal with such situations; stresses that girls and boys should never be detained because of their migrant status;
  6. Calls on the Member States to ensure that asylum procedures (including at borders)

comply with the UNHCR guidelines on gender-related persecution within the context of the 1951 Refugee Convention calling for gender-sensitive interpretation of the Convention and determination of grounds for refugee or asylum claims;

7. Urges that UNHCR and Member State staff involved in dealing with the humanitarian emergency should have proper training in the provision of psychological support to women and girl migrants who have suffered either psychological or physical violence during their journey;
8. Expresses its deep concern at the current levels of people smuggling, which are exacerbating the current crisis and forcing vulnerable people, including women, girls and children, into inhumane and life-threatening travelling conditions; notes that in practice the distinction between smuggling and trafficking can become blurred when people become victims of violence and exploitation; calls, therefore, on the Member States to strengthen their police and judicial cooperation against the criminal organisations behind trafficking and smuggling;
9. Opposes the use of detention of pregnant women, children and breastfeeding mothers; calls for all detention of children in the EU to stop, and for parents to be able to live with their children in appropriate tailored facilities while awaiting their asylum decision; stresses the need to ensure that human rights are not violated;
10. Encourages Member States to use detention sparingly and not systematically, to employ robust monitoring processes, and to permit access for NGOs and other competent bodies enabling them to visit and inspect reception conditions and check for minimum standards, including those relating to women's rights in places of detention;
11. Emphasises the need to organise reception centres in the Member States in such a way that they are family-friendly and meet the special needs of mothers with children and breastfeeding and pregnant women;
12. Stresses that measures should be taken to facilitate the protection of female migrants and asylum seekers, including through provision of separate shelter and sanitation facilities for unrelated men and women;
13. Emphasises that gender-sensitive procedures, guidelines and support services should be incorporated into asylum and refugee processes, including separate interviewing of male and female refugees and asylum-seekers, the option of same-sex interviewers, and referrals to psychosocial and trauma counselling;
14. Highlights the need for women refugees and migrants to have access to female advocates at all times in order to express their concerns in a safe and confidential environment; believes that this should include, but not be limited to, health concerns, reproductive concerns, maternal concerns, and sexual harassment and violence, and should also apply to any other issues or information;
15. Stresses that all EU migration and asylum policies and measures should take into account gender and origin in their design, implementation and evaluation;
16. Stresses the importance of creating safe and legal routes into the EU; believes this will

help ensure women migrants, refugees and asylum seekers do not have to resort to smuggling networks and have full access to their basic fundamental rights;

17. Underlines that search and rescue operations must be stepped up and maintained to minimise the number of deaths at sea;
18. Calls for the strengthening of the right to family reunification across the EU and for its better implementation with swifter and less costly procedures;
19. Calls on Member States to implement specific measures to facilitate the labour market participation of women refugees and migrants, including training, self-employment, language classes, lifelong learning and volunteering; believes that the education, skills and training of women asylum seekers, migrants and refugees should be recognised and valued and that transparent procedures for the recognition of qualifications obtained abroad should be set up;
20. Underlines in particular the importance of ensuring access to education for migrant girls, especially when unaccompanied;
21. Considers that economic independence is key to equality and to integration; calls, therefore, on the Member States to facilitate access to work for migrant women;
22. Recalls that Article 12 of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) requires states parties to guarantee access to appropriate services in connection with women's health, which should include but not be limited to pre-natal and post-natal care and menstrual hygiene;
23. Calls for women, particularly pregnant women, undocumented girls and unaccompanied children to be processed properly and as a matter of priority, and identified immediately so that the authorities can keep track of them;
24. Stresses that full access to the right to free public quality education, to healthcare services, especially those relating to sexual and reproductive health and rights, to employment, and to housing that meets the needs and abilities of refugee women and girls should be guaranteed by the host countries;
25. Welcomes the additional elements introduced in the Reception Conditions Directive in its recast form<sup>1</sup>, especially the inclusion of victims of human trafficking and FGM as separate categories of vulnerable persons; expresses its deep concern that only 12 Member States have applied vulnerable person status to victims of human trafficking; calls on the remaining Member States to implement the provisions of the recast directive, and calls on the Commission to encourage those Member States to implement the relevant measures;
26. Believes that victims of and those at risk of child, early and forced marriage, also in countries of arrival, should receive vulnerable person status;
27. Calls for extra consideration to be given to the needs of migrant and refugee mothers travelling with children, whether their own or orphaned children, by ensuring the

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<sup>1</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, OJ L 180, 29.6.2013, p. 96.

provision of safe access to food, water, shelter, changing facilities, appropriate medicine, sanitation and other needs at all stages of travel and after arrival; calls on the Member States to grant an independent legal status to female asylum seekers and migrants who have entered the EU in the context of family reunification, in order to prevent exploitation, decrease vulnerability, and achieve greater equality;

28. Calls on the Member States to fully implement both Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims and Directive 2012/29/EU on establishing minimum standards on the rights, support and protection of victims of crime;
29. Calls on the Member States to guarantee international protection to women who are victims of persecution, and to follow the Commission's guidelines concerning the application of Directive 2003/86/EC on the right to family reunification;
30. Regrets that the Commission's European Agenda on Migration does not include among its aims the easing of restrictions on family reunification; notes the importance of enabling those already present in the EU to reunite with family members, unaccompanied children included;
31. Stresses that, notwithstanding fluctuations in refugee and migration flows which may put pressure on reception facilities, the needs of vulnerable people, including women and girls and in particular unaccompanied girls, must be prioritised at all times, and expresses its concern at the way in which the European common asylum system is being implemented in practice;
32. Places a particular focus on groups within migration flows that are already vulnerable, emphasising factors including age, gender, disability, gender identity and beliefs; expresses concern that people's specific needs for protection are not being met;
33. Strongly condemns the use of sexual violence against women as a weapon of war; considers that special attention should be given to migrant women and girls abused in conflicts, by ensuring access to medical and psychological support;
34. Recommends that all legitimate and relevant organisations, such as the UNHCR, FRONTEX, the EASO and the IOM, as well as NGOs and the Member States, should ensure the highest possible standards for the recruitment of female staff for all facilities, and that gender-based training should be mandatory for all staff with a view to the gender mainstreaming of all operations and programmes that focus on movements of refugees or on asylum processes;
35. Urges all the Member States to sign and ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention) with a view to ensuring the protection of migrant women and girls from violence, and to apply Article 59 of that convention, which clearly states that the parties shall take the necessary measures to suspend expulsion proceedings and/or to grant an autonomous residence permit in the event of a dissolution of marriage, in the case of women migrants whose residence status is dependent on their spouse;
36. Calls for broader cooperation with migrants' countries of origin and with NGOs working

in those countries in order to improve conditions for women, who are the prime victims in conflicts;

37. Draws attention to the Commission communication of 13 May 2015 entitled ‘A European Agenda on Migration’<sup>1</sup>; notes the Commission’s intention to strengthen the safe country of origin provisions of the Asylum Procedure Directive; strongly believes that any decision to harmonise safe country of origin provisions, including the possible establishment of a common EU list of safe countries of origin, must mainstream gender; notes, however, that no country of origin or third country can be deemed truly safe when gender-based violence occurs in all countries; believes that claims based on fear of gender-based violence or discrimination should never be subjected to accelerated asylum procedures;
38. Recognises that women’s organisations and refugee women must participate in decision-making on their treatment, including priorities in distribution of aid, as well as in peace-building initiatives in their countries of origin;
39. Stresses that childcare arrangements must be provided during asylum appointments and interviews, in order to ensure a fair opportunity to make an asylum claim; notes that lack of childcare provision for asylum seekers and refugees presents major access barriers in terms of mainstreaming service provision, and that this has a disproportionate impact on women since they overwhelmingly bear the responsibility for childcare; underlines that frontline services must consider the childcare needs of families;
40. Believes that undocumented women migrants and their dependants are particularly vulnerable to becoming victims of violence, exploitation and intersectional discrimination based on race and gender; notes that the legal status of undocumented women migrants may limit their access to appropriate services such as women’s shelters;
41. Expresses its deep concern at the prevalence of negative stereotypes about women migrants, refugees and asylum seekers; urges the Member States to redouble their efforts to protect all migrants, refugees and asylum seekers from right-wing extremism and violence.

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<sup>1</sup> COM(2015)0240

## RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	15.10.2015
<b>Result of final vote</b>	+:               20 -:               5 0:               6
<b>Members present for the final vote</b>	Daniela Aiuto, Maria Arena, Catherine Bearder, Malin Björk, Vilija Blinkevičiūtė, Anna Maria Corazza Bildt, Viorica Dăncilă, Iratxe García Pérez, Anna Hedh, Mary Honeyball, Teresa Jiménez-Becerril Barrio, Elisabeth Köstinger, Agnieszka Kozłowska-Rajewicz, Vicky Maeijer, Barbara Matera, Angelika Mlinar, Maria Noichl, Marijana Petir, Jordi Sebastià, Michaela Šojdrová, Ernest Urtezar, Ángela Vallina, Jadwiga Wiśniewska, Jana Žitňanská
<b>Substitutes present for the final vote</b>	Izaskun Bilbao Barandica, Stefan Eck, Arne Gericke, Constance Le Grip, Evelyn Regner, Monika Vana
<b>Substitutes under Rule 200(2) present for the final vote</b>	Jane Collins

26.10.2015

## OPINION OF THE COMMITTEE ON PETITIONS

for the Committee on Civil Liberties, Justice and Home Affairs

on the situation in the Mediterranean and the need for a holistic EU approach to migration (2015/2095(INI))

Rapporteur: **Marlene Mizzi**

### SUGGESTIONS

The Committee on Petitions calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Welcomes the Commission's commitment to take measures in order to respond to the unprecedented crisis in the Mediterranean and to improve management of migration in all its aspects by reinforcing its migration policy and adopting a strategic European Agenda on Migration; also notes, in this connection, the strong public reactions of protest in relation to the shortcomings of migration policies; takes the view that, if adequately resourced and fully and immediately implemented the European Agenda on Migration would be an important first step towards saving human lives, improving access to international protection, moving towards a fair sharing of responsibilities and solidarity and correcting the distortions in the existing system; calls on the Commission to actively involve Parliament and take into account its recommendations and to consult all relevant stakeholders in the decision-making process, including international bodies, such as the UNHCR, and migrant and refugee organisations when developing its future migration policies;
2. Points out that numerous petitions submitted by EU citizens refer to a wide range of issues relating to the crisis in the Mediterranean and the tragic loss of life at sea and ask the European Union to act in a swift and determined manner in order to improve the situation and discard all illegal practices violating human rights and the rule of law; stresses that petitioners' general concerns are related to: the shortcomings in the implementation of the European asylum and migration acquis and the ineffectiveness of the existing Dublin III Regulation; the lack of a comprehensive EU migration policy and the failure to apply the principle of solidarity, resulting in disproportionate burdens on the receiving Member



States ; violations of fundamental rights resulting in ‘push-backs’ at sea, refusal of entry at borders and illegal on-the-spot deportations; and the need for increased efforts at European level to combat xenophobia and intolerance and uphold the rights of migrants, asylum seekers and refugees and support their integration in the EU;

3. Emphasises that, given the scale of the recent tragedies and the alarming increase in irregular arrivals and deaths at sea (with more than 100 000 arrivals in the first six months of 2015, according to UN data) , the EU and the Member States can no longer be mere observers but must take ownership and strong political leadership of the debate, with concrete actions and specific measures to fully endorse the Commission’s Agenda on Migration;
4. Calls for the mutual recognition of asylum decisions between Member States not only in cases where the decision is negative but also in cases where asylum is granted in order to properly implement the provisions of Article 78(2)(a) of the TFEU, which calls for a uniform status for asylum, valid throughout the Union;
5. Stresses that action taken by the EU, including all its different bodies and agencies, needs to be regularly monitored and evaluated in the light of the existing circumstances and, if necessary, adjusted or enhanced to ensure full transposition of the Common European Asylum System by the Member States, improved governance of the asylum system and a move towards a more practical and tangible form of solidarity, an equitable allocation of responsibilities and respect for fundamental rights;
6. Urges the EU to continue reinforcing Operation Triton up to the same level as the Mare Nostrum operation; calls on the Commission to provide continuous financial support and transparent monitoring for FRONTEX and its operational expenditure and activities;
7. Emphasises that monitoring, collecting and analysing information on migration flows and patterns in sea crossings between EU and African states need to be improved and coordinated by a centralised EU migration data management mechanism, which would provide regular assessment reports and strengthen consistency, planning and crisis management, thus helping activate early warning systems at EU level to react promptly to future migration crises;
8. Calls on the EU and the Member States to adopt, as a matter of urgency, a comprehensive European migration and asylum policy, based on respect for human rights and dignity, international standards and values on which the EU is built and the rights enshrined in the Charter of Fundamental rights of the EU; stresses the need to concretely implement Article 80 of the Treaty on the Functioning of the European Union (TFEU), which stipulates that the policies of the Union shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States; highlights the fact that European and national policies on migration need to be in full conformity with the 1951 United Nations Convention Relating to the Status of Refugees and the additional protocol thereto and must uphold the principle of non-refoulement;
9. Warns against the increased tendency to carry out illegal on-the-spot deportations, such as at the fences bordering Morocco in the Spanish enclaves of Ceuta and Melilla, and frontally rejects these practices as contrary to human rights and the rule of law; draws

attention also to the cases of involuntary deportations to non-EU countries other than countries of origin, which leave undocumented people without the possibility to exit these third countries;

10. Expresses its concern at the fact that a large number of children, including unaccompanied minors, who are especially vulnerable, are travelling across the Mediterranean; calls for the EU and the Member States to uphold the principle of the best interests of the child, including the need to ensure proper treatment and access to child-friendly asylum procedures, avoid transfers of unaccompanied minors unless it is in their best interests, and take into consideration family reunification possibilities and the safety and security of the child;
11. Notes the important measures contained in the Commission's agenda, and in particular those aimed at saving human lives, addressing the urgency of the situation, fighting smuggling networks and tackling the root causes of migration, but stresses that, meanwhile, the Commission's agenda will not stop the current migrant flows and that a permanent EU-wide relocation mechanism with mandatory participation by all Member States is therefore needed as a matter of urgency for a sufficient number of people in need of international protection; takes the view that the binding relocation mechanism needs to be triggered quickly and automatically on the basis of criteria that are fair, clear, objective, measurable and identifiable for the Member States whilst also taking into account, as far as possible, the preferences of refugees;
12. Welcomes the Commission's legislative proposal on a permanent crisis relocation mechanism based on Article 78(2) of the TFEU, and the fact that, during the September Justice and Home affairs Council meetings, the ministers of the Member States managed to reach an agreement on the emergency relocation of 40 000 people in clear need of international protection from Italy and Greece, and on the additional relocation of 120 000 people; urges the Commission and the Member States to consider the provisions established in Council Directive 2001/55/EC for giving temporary protection in the event of a mass influx of displaced persons and in particular recital 20 thereof, but recalls that, since that directive has never been triggered, the Commission needs to put forward a revision of its provisions for better implementation of an EU solidarity mechanism and to introduce a tool for an immediate, safe and legal response to urgent refugee crises; also calls, in this context, for a clear definition of what constitutes a 'mass influx' of refugees;
13. Highlights the fact that one of the major imbalances of EU migration policy concerns countries at the EU's external maritime and land borders facing an increased influx of people in need of international protection and countries at the EU's internal borders, such as Germany and Sweden, which in 2014 received 43 % of all asylum applications in the EU; calls, therefore, on the Member States and the Commission to ensure a meaningful revision of the Dublin III Regulation in order to alleviate sudden and disproportionate migration pressure on an increasing number of Member States and in particular on countries at the EU's external borders, which on a daily basis are directly exposed to migrant flows, without undermining the security of the Union's external borders;
14. Takes the view that regular migration is not a socioeconomic burden but rather an opportunity that can contribute positively to society and that developing legal routes to the EU could help tackle criminal networks of smugglers and reduce the number of lives lost

at sea; highlights, therefore, the fact that safe and legal access to the EU should be available for people in need of international protection; stresses the need for a compulsory resettlement programme, providing resettlement for a meaningful number of refugees and calls on the EU and the Member States to make use of the possibilities offered by the existing legislation, to develop other tools, structured mechanisms and transparent, accessible procedures to enter the EU, such as humanitarian visas at EU embassies and consular offices in countries of origin or transit countries;

15. Calls on the EU, the Member States and candidate countries to provide an international framework for dialogue and a comprehensive debate on migration with third countries of origin and transit in order to ensure closer solidarity and cooperation with the EU and address the root causes of migration; welcomes, in this connection, the Valletta Summit due to be held in November 2015, in close cooperation with African partners, which will serve as a basis for adopting future framework agreements to tackle the root causes of migration; calls on the Commission and the Member States to further foster conflict resolution in countries of origin, strengthen the capacity of transit countries and ensure that funds are channelled into the right projects, which will result in ending the exploitation of human and natural resources and improving health, education, industry and infrastructure in order to create jobs and improve the possibility of a dignified future in migrants' countries of origin;
16. Calls on the Commission and the Member States to ensure that implementation of the Returns Directive goes hand in hand with respect for the procedures, standards and fundamental human rights which allow Europe to ensure human and dignified treatment of returnees, in line with the principle of non-refoulement; urges the EU and the Member States to pay particular attention to asylum cases relating to possible political persecution, so as to prevent any return potentially entailing a violation of human rights in the country of origin or a third country;
17. Calls for the EU to further strengthen its already established framework agreements such as the European Neighbourhood Policy, the Khartoum Process and the Rabat Process; stresses the need to give due importance to the protracted refugee situations which, if left unmanaged, could result in continuous and increased flows of irregular and life-threatening crossings through the Mediterranean;
18. Deplores that, in some Member States, a series of serious frauds and administrative irregularities, often perpetrated with the involvement of organised crime, have taken place in the management of certain asylum-seeker reception centres, resulting both in the misuse of European funds and in the further worsening of the living conditions and protection of the human rights of migrants;
19. Calls for the EU and all Member States to halt the construction of walls, to bring down existing walls and to stop all cooperation aimed at enabling the construction of walls in third countries with a view to stopping migrants from reaching the EU or other territories;
20. Calls on the Member States to establish national integration support programmes, allocate adequate resources and support, and improve the application of the Common Basic Principles for Immigrant Integration Policy in the EU; calls on the Commission to strengthen the role of the network of National Contact Points on Integration and of the European Integration Forum as platforms for dialogue to ensure better integration and

exchanges of promising practices among Member States;

21. Calls for the EU and the Member States to implement effective measures to tackle growing xenophobia and hate crimes, based on education and prevention, as well as on penalising all forms of violence and discrimination, including hate speech.

## RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	15.10.2015
<b>Result of final vote</b>	+: 23 -: 0 0: 3
<b>Members present for the final vote</b>	Marina Albiol Guzmán, Margrete Auken, Beatriz Becerra Basterrechea, Soledad Cabezón Ruiz, Pál Csáky, Eleonora Evi, Lidia Joanna Geringer de Oedenberg, Svetoslav Hristov Malinov, Notis Marias, Edouard Martin, Marlene Mizzi, Julia Pitera, Gabriele Preuß, Sofia Sakorafa, Yana Toom, Bodil Valero, Jarosław Wałęsa, Cecilia Wikström
<b>Substitutes present for the final vote</b>	Jérôme Lavrilleux, Michèle Rivasi, Ángela Vallina, Axel Voss
<b>Substitutes under Rule 200(2) present for the final vote</b>	Agustín Díaz de Mera García Consuegra, Emilian Pavel, Vladimir Urutchev, Julie Ward

## RESULT OF FINAL VOTE IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	16.3.2016
<b>Result of final vote</b>	+:                44 -:                11 0:                 1
<b>Members present for the final vote</b>	Jan Philipp Albrecht, Gerard Batten, Heinz K. Becker, Michał Boni, Caterina Chinnici, Ignazio Corrao, Rachida Dati, Agustín Díaz de Mera García Consuegra, Frank Engel, Cornelia Ernst, Tanja Fajon, Laura Ferrara, Lorenzo Fontana, Mariya Gabriel, Ana Gomes, Nathalie Griesbeck, Jussi Halla-aho, Monika Hohlmeier, Sophia in 't Veld, Iliana Iotova, Sylvia-Yvonne Kaufmann, Timothy Kirkhope, Barbara Kudrycka, Kshetu Kyenge, Marju Lauristin, Juan Fernando López Aguilar, Roberta Metsola, Louis Michel, Claude Moraes, Birgit Sippel, Branislav Škripek, Csaba Sógor, Helga Stevens, Bodil Valero, Udo Voigt, Beatrix von Storch, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský
<b>Substitutes present for the final vote</b>	Marina Albiol Guzmán, Kostas Chrysogonos, Carlos Coelho, Anna Maria Corazza Bildt, Gérard Deprez, Anna Hedh, Teresa Jiménez-Becerril Barrio, Miltiadis Kyrkos, Gilles Lebreton, Andrejs Mamikins, Petri Sarvamaa, Elly Schlein, Barbara Spinelli, Geoffrey Van Orden, Axel Voss
<b>Substitutes under Rule 200(2) present for the final vote</b>	Margrete Auken

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

44	+
ALDE	Gérard Deprez, Nathalie Griesbeck, Louis Michel, Cecilia Wikström, Sophia in 't Veld
EFDD	Ignazio Corrao, Laura Ferrara
GUE/NGL	Marina Albiol Guzmán, Kostas Chrysogonos, Cornelia Ernst, Barbara Spinelli
EPP	Heinz K. Becker, Michał Boni, Carlos Coelho, Anna Maria Corazza Bildt, Rachida Dati, Agustín Díaz de Mera García Consuegra, Frank Engel, Mariya Gabriel, Monika Hohlmeier, Teresa Jiménez-Becerril Barrio, Barbara Kudrycka, Roberta Metsola, Petri Sarvamaa, Csaba Sógor, Axel Voss
S&D	Caterina Chinnici, Tanja Fajon, Ana Gomes, Anna Hedh, Iliana Iotova, Sylvia-Yvonne Kaufmann, Kshetu Kyenge, Miltiadis Kyrkos, Marju Lauristin, Juan Fernando López Aguilar, Andrejs Mamikins, Claude Moraes, Elly Schlein, Birgit Sippel, Josef Weidenholzer
GREENS/EFA	Jan Philipp Albrecht, Margrete Auken, Bodil Valero

11	-
ECR	Jussi Halla-aho, Timothy Kirkhope, Geoffrey Van Orden, Beatrix von Storch, Branislav Škripek, Helga Stevens
EFDD	Gerard Batten, Kristina Winberg
EFDD	Lorenzo Fontana, Gilles Lebreton
NI	Udo Voigt

1	0
EPP	Tomáš Zdechovský

**Key to symbols:**

+ : in favour

- : against

0 : abstention