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MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 103(2) of the Rules of Procedure

by Stefano Zappalà, Simon Busuttil David Casa and Patrick Gaubert

on behalf of the PPE-DE Group

on the management of extraordinary migration flows in Malta

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European Parliament resolution on the management of extraordinary migration flows in Malta

The European Parliament,

- having regard to the Universal Declaration on Human Rights, in particular Article 14 thereof,
 - having regard to the 1951 Geneva Convention on the Status of Refugees, in particular Article 31 thereof,
 - having regard to the European Convention on Human Rights, in particular Article 5 thereof,
 - having regard to the Charter of Fundamental Rights of the European Union¹, in particular Articles 1 and 18 thereof,
 - having regard to Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers in the Member States and to Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted,
 - having regard to Council Regulation (EC) 343/2003 of 18 February 2003 ('Dublin II') establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national,
 - having regard to Article 6 of the Treaty on European Union and Article 63 of the EC Treaty,
 - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas a delegation of the Committee on Civil Liberties, Justice and Home Affairs visited Malta on 24 March 2006 in order to inspect the administrative detention centres, notably those at Hal Safi, Hal Far and Lyster Barracks, and to meet the Maltese authorities and NGOs on the question of immigration,
- B. having regard to the facts noted in situ by the members of the delegation,
- C. whereas Malta is located on the EU's southern borders and is a small island (316 km²) with a population of 400 000 and a density of over 1200/km², with, on all evidence, a highly limited ability to welcome and accommodate the large numbers of migrants and asylum seekers who regularly land on its shores,

¹ OJ C 364, 18.12.2000, p. 1

- D. whereas the annual average of arrivals in Malta is equivalent to 45% of the island's birth-rate and, relative to population, one arrival in Malta is the equivalent of 140 in Italy, 150 in France or 205 in Germany; whereas in 2005 1800 people arrived in Malta, or the equivalent of 252 000 in Italy, 270 000 in France or 369 000 in Germany,
- E. whereas Malta spends 1% of its national budget on handling the present situation, which can only get worse in the coming months and years, and devotes a substantial proportion (over 10%) of its army and police forces to handling humanitarian emergencies and administering the detention and reception centres,
- F. whereas Malta is not the final destination of those who arrive on the island, whose stated intention is to enter other EU Member States,
- G. whereas the Maltese authorities do not have the staff to handle asylum applications within a reasonable time,
- H. whereas some of those arriving in Malta are from countries ravaged by war, notably those from the Horn of Africa and Darfur, and can scarcely be sent back to their countries of origin,
- I. whereas in terms of placement 'open centres' are always preferable to fully-fledged detention centres, as the experience of Ceuta and Melilla proves,
- J. whereas the maximum detention period must not exceed a reasonable limit,
- K. whereas the Maltese population looks to the EU for an expression of solidarity and support which to date has not been forthcoming,
- L. whereas the EU needs to intervene urgently and with all possible means to support Malta in its effort to manage migration movements, in line with the intentions of the Maltese authorities,
- M. whereas EU membership has, for Malta as for other small Member States, led to problems in applying Regulation 343/2003 of 18 February 2003 ('Dublin II'),
1. Recognises Malta's difficulties in managing the migration emergencies of recent years;
 2. Expresses its solidarity with the Maltese population and authorities and the forces of order, who are faced with a considerable problem given Malta's size and population and the fact that it is not the final destination of the migrants and asylum seekers;
 3. Welcomes the Maltese authorities' effort of transparency, with free access to the detention centres being given to the delegation of the Committee on Civil Liberties and the press;
 4. Deplores, nonetheless, the unacceptable living conditions of the migrants and asylum seekers in Malta's administrative detention centres;
 5. Calls on the Maltese authorities to sharply reduce the detention periods for migrants;

6. Calls on the EU to take on a greater role in managing humanitarian emergencies linked to movements of migrants and asylum seekers;
7. Believes that EU Member States need to show greater solidarity towards those fellow Member States which are more affected by migration to the Union; calls on Member States to welcome on their territory asylum seekers arriving in Malta and other small Member States, e.g. by making use of the funds provided for in the ARGO programme and the European Refugee Fund, the European External Borders Fund, the European Integration Fund and the Return Fund for the period 2007-2013;
8. Calls on the Commission to propose, as swiftly as possible, the creation of an emergency fund to deal with humanitarian crises in the Member States, and to incorporate in the new funds for 2007-2013 an emergency mechanism for financial assistance in urgent circumstances;
9. Urges the Commission to take, as soon as possible, an initiative for a review of Regulation 343/2003 ('Dublin II') which would modify its basic principle, i.e. that the Member State responsible for handling an asylum application is the country of first entry, given that this places an unsustainable burden on the EU's southern and eastern Member States, and would introduce an equitable mechanism for sharing the burden among Member States,
10. Calls on the Council to move rapidly, together with Parliament, towards the adoption of the 'return' directive, which establishes, among other provisions, minimum standards for the detention of irregular immigrants in the EU,
11. Recalls the need for a Community immigration and asylum policy based on the opening of legal immigration channels and the definition of common standards for the protection of the fundamental rights of immigrants and asylum seekers throughout the Union, on the lines set out by the 1999 Tampere European Council and confirmed by the Hague programme;
12. Instructs its President to forward this resolution to the Council, the Commission, the Governments and Parliaments of the Member States and the UN High Commission for Refugees.