

## Humanitarian visas

Humanitarian visas are one of the tools that countries can use to enable people in need to access international protection legally and safely. EU law does not currently provide any clear procedures for the admission to the EU of people seeking international protection. This has negative impacts in terms of cost, mutual trust, uniform application of the rules and fundamental rights, to name but a few, and leads to fragmentation in Member States' practices and policies. Parliament is expected to vote in November 2018 on a legislative own-initiative report calling on the Commission to present a separate legislative act establishing a humanitarian visa.

### Background

Humanitarian visas are [protected entry procedures](#) intended to meet individual or collective protection needs in third countries. Until now, Member States have used various [resettlement](#) programmes, community or private [sponsorship schemes](#), and [humanitarian corridors](#). According to a 2014 Parliament [study](#), 16 Member States either have or previously had a national procedure for some form of humanitarian visa. However, the number of people admitted under all these schemes is [low](#) compared to demand. An estimated 90 % of those granted international protection in the EU come via 'irregular channels'. According to a 2018 EPRS [study](#), the existing situation has social, economic and financial impacts at personal, Member State and EU level. A 'formalised humanitarian visa system' at EU level would therefore 'have added value'.

### Current EU legislative framework

The EU does not have a specific legal framework for humanitarian visas and therefore lacks formal channels to enable people in need of international protection to reach the EU. The [Community Code on Visas](#) provides for the possibility to issue humanitarian visas with limited territorial validity, but there is no separate procedure for lodging and processing applications for humanitarian visas. The [Schengen Borders Code](#) includes only generic reference to international protection and international obligations, while there are practically no provisions in the [common European asylum system](#) governing the entry of asylum seekers into the Schengen area. Furthermore, following a European Court of Justice [ruling](#), EU law does not require Member States to grant humanitarian visas to people who wish to enter their territory with a view to applying for asylum, but they remain free to do so on the basis of their national law.

### European Parliament's legislative initiative

In its 2016 [resolution](#), Parliament already called on Member States to 'make use of any existing possibilities to provide for humanitarian visas', while the Civil Liberties, Justice and Home Affairs (LIBE) Committee tried unsuccessfully to address the issue as part of the [review of the Visa Code](#). Consequently, on 16 October 2018, the LIBE committee adopted a legislative own-initiative [report](#) on humanitarian visas. It called on the Commission to submit by March 2019 a proposal for a regulation establishing a European humanitarian visa giving access to European territory for the sole purpose of submitting an application for international protection in the Member State issuing the visa. According to the report, third-country nationals should prove well-founded exposure to or risk of persecution or serious harm and not be in a resettlement process already. The visa applications would be lodged directly at any consulate or embassy of a Member State and assessed on a *prima facie* basis, without full status determination. Each applicant would be subject to a security screening via the relevant national and European databases, 'to ensure that they do not pose a security risk'.

Legislative-initiative report: [2017/2270\(INL\)](#), Committee responsible: LIBE; Rapporteur: Juan Fernando López Aguilar (S&D, Spain).

