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*Plenary sitting*

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**B8-1037/2015**

1.10.2015

# **MOTION FOR A RESOLUTION**

pursuant to Rule 133 of the Rules of Procedure

on the compatibility with EU law of prison sentences for migrants returning  
illegally after being expelled

**Gianluca Buonanno**

**Motion for a European Parliament resolution on the compatibility with EU law of prison sentences for migrants returning illegally after being expelled**

*The European Parliament,*

- having regard to Rule 133 of its Rules of Procedure,
- A. whereas, in Case C-290/14, the Court of Justice of the European Union ruled that Directive 2008/115 'must be interpreted as not, in principle, precluding legislation of a Member State which provides for the imposition of a prison sentence on an illegally staying third-country national who, after having been returned to his country of origin in the context of an earlier return procedure, unlawfully re-enters the territory of that State in breach of an entry ban';
- 1. Welcomes this wise and fair decision of Court of Justice, which serves to clarify the situation at a time of serious crisis in which an irrational approach to immigration appears to be prevailing over good sense, the principle of legality and the rule of law.