



2018/2271(INL)

30.11.2018

AMENDMENTS

1 - 36

Draft report
Juan Fernando López Aguilar
(PE630.712v01-00)

with recommendations to the Commission on Humanitarian Visas

(2018/2271(INL))

Amendment 1

Jussi Halla-aho, Branislav Škripek, Anders Primdahl Vistisen, Kristina Winberg, Marek Jurek

Motion for a resolution

Citation 4 a (new)

Motion for a resolution

Amendment

- *having regard to Article 5 TEU, and Protocol No 2 on the application of the principles of subsidiarity and proportionality,*

Or. en

Amendment 2

Harald Vilimsky, Gilles Lebreton, Nicolas Bay

Motion for a resolution

Citation 8 a (new)

Motion for a resolution

Amendment

- *Stresses that a report on the same subject was rejected by the Parliament on 14 November 2018, therefore proceeding with a new vote in such a short time without any further analysis and substantial modification of the text shows a worrying contempt for the basic principles of democracy;*

Or. en

Amendment 3

Anders Primdahl Vistisen, Kristina Winberg, Branislav Škripek, Marek Jurek, Jussi Halla-aho

Motion for a resolution

Recital A

Motion for a resolution

A. whereas *despite numerous announcements and requests for safe and legal pathways offering access to European territory for persons seeking international protection there is currently no harmonisation at Union level of protected entry procedures (PEPs) and no legal framework at Union level for humanitarian visas, i.e. visas issued for the purpose of reaching the territory of the* Member States in order to *seek* international protection;

Amendment

A. whereas humanitarian visas *are one of the existing tools that sovereign* Member States *may decide to use* in order to *ensure that people in need can legally access* international protection *in Europe*.

Or. en

Amendment 4
Heinz K. Becker

Motion for a resolution
Recital B

Motion for a resolution

B. whereas according to the judgment of the Court of Justice of 7 march 2017 in Case C-638/16² Member States are not required, under Union law, to grant a humanitarian visa to persons 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; whereas this ruling *interprets existing Union law which may be modified*;

² Judgment of the Court of Justice of 7 March 2018, X and X v État belge, C-638/16, ECLI:EU:C2017:173).

Amendment

B. whereas according to the judgment of the Court of Justice of 7 march 2017 in Case C-638/16² Member States are not required, under Union law, to grant a humanitarian visa to persons 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; whereas *based on this ruling a framework for Humanitarian Visas on European level cannot be binding for EU Member States*;

² Judgment of the Court of Justice of 7 March 2018, X and X v État belge, C-638/16, ECLI:EU:C2017:173).

Or. en

Amendment 5

Jussi Halla-aho, Branislav Škripek, Anders Primdahl Vistisen, Kristina Winberg, Marek Jurek

Motion for a resolution

Recital D

Motion for a resolution

D. whereas *the number of persons admitted on the basis of national entry procedures for humanitarian protection or through resettlement remain low in comparison to the global needs, with significant disparities between Member States; whereas the scope of national entry procedures for humanitarian protection and resettlement is narrowly defined and, in case of resettlement, it is strictly connected to the criteria of vulnerability and registration as a refugee with Office of the United Nations High Commissioner for Refugees;*

Amendment

D. whereas *several Member States currently have or have previously had national schemes for issuing humanitarian visas to guarantee national protected entry of people in need; whereas the scope of resettlement only includes persons who have already been recognised as refugees and who fulfil further vulnerability or geographical criteria;*

Or. en

Amendment 6

Jussi Halla-aho, Branislav Škripek, Anders Primdahl Vistisen, Kristina Winberg, Marek Jurek

Motion for a resolution

Recital E

Motion for a resolution

E. whereas - *as a result - an estimated 90% of those granted international protection have reached the Union through irregular means, which leads to them being stigmatised before they even arrive at the external borders of the Member States;*

Amendment

E. whereas *according the UN Migration Agency (IOM), 58,158 migrants and refugees entered Europe by sea through 1 August 2018; whereas that total compares to 113,283 at this time last year, and over 261,228 at this time in 2016;*

Or. en

Amendment 7

Jussi Halla-aho, Branislav Škripek, Anders Primdahl Vistisen, Kristina Winberg, Marek Jurek

Motion for a resolution

Recital G

Motion for a resolution

G. whereas *the human cost of these policies has been put at 30 000 deaths at least at the Union's borders since 2000; whereas a Union legal framework is urgently needed as one means* to address the intolerable death toll in the Mediterranean and *on the migration routes to the Union*, to truly combat human smuggling, *exposure to trafficking in human beings*, to labour exploitation and violence, *to manage the orderly arrival, dignified reception and fair processing of asylum claims and to optimise Member States' and Union budget for asylum, procedures, border control and search and rescue activities as well as to achieve coherent practices in the Union asylum acquis*;

Amendment

G. whereas *in order* to address the intolerable death toll in the Mediterranean, and to truly combat human trafficking, to labour exploitation and violence, *the EU should act responsibly and to deter asylum seekers from arriving in its territory, risking their lives at sea. Such measures may include off-shore processing, mandatory detention, and the use of turn backs*;

Or. en

Amendment 8

Jussi Halla-aho, Branislav Škripek, Anders Primdahl Vistisen, Kristina Winberg, Marek Jurek

Motion for a resolution

Recital H

Motion for a resolution

H. whereas Parliament has *tried* to include provisions in this vein in Regulation (EC) No 810/2009;

Amendment

H. whereas Parliament has *failed* to include provisions in this vein in Regulation (EC) No 810/2009; *and the second attempt to have it adopted also*

*failed on 15th November 2018
(2017/2270(INL));*

Or. en

Amendment 9

Jussi Halla-aho, Branislav Škripek, Anders Primdahl Vistisen, Kristina Winberg, Marek Jurek

Motion for a resolution

Recital I

Motion for a resolution

I. whereas *both Council and the Commission have rejected these amendments, on the ground, among others, that such provisions* should not be included in the Regulation (EC) No 810/2009, given its scope covering short-stay visas only;

Amendment

I. whereas *a Union legal framework establish Humanitarian Visas* should not be included in the Regulation (EC) No 810/2009, given its scope covering short-stay visas only;

Or. en

Amendment 10

Jussi Halla-aho, Branislav Škripek, Anders Primdahl Vistisen, Kristina Winberg, Marek Jurek

Motion for a resolution

Recital J

Motion for a resolution

J. whereas *Parliament, faced with the Commission's inaction, has therefore decided to proceed with drawing up this legislative own-initiative report on humanitarian visas;*

Amendment

deleted

Or. en

Amendment 11

Branislav Škripek, Anders Primdahl Vistisen, Kristina Winberg, Marek Jurek

Motion for a resolution

Recital K

Motion for a resolution

K. *whereas intensive work was undertaken, including with the help of experts, to draw up the recommendations which are annexed to this motion;*

Amendment

deleted

Or. en

Amendment 12

Jussi Halla-aho

Motion for a resolution

Recital K

Motion for a resolution

K. *whereas intensive work was undertaken, including with the help of experts, to draw up the recommendations which are annexed to this motion;*

Amendment

K. *whereas intensive work was undertaken, including with the help of experts, to draw up the recommendations which are annexed to this motion, **the result is a proposal which encourages the smugglers' business model, with a fast-track route to the EU territory provided at the expense of EU taxpayers;***

Or. en

Amendment 13

Gerard Batten, Jörg Meuthen

Motion for a resolution

Recital K a (new)

Motion for a resolution

Amendment

Ka. whereas on the 14th November 2018 the European Parliament rejected a proposal to establish Humanitarian Visas; considers, therefore, that the legislative process has lawfully concluded;

Or. en

Amendment 14

Jussi Halla-aho, Branislav Škripek, Anders Primdahl Vistisen, Kristina Winberg, Marek Jurek

Motion for a resolution

Recital K a (new)

Motion for a resolution

Amendment

Ka. whereas the update of the EU visa policy, still under negotiation, should allow for improved security and increase the available means to respond to migration challenges, including new tools to return those who do not have a right to stay in the EU territory and to efficiently respond to those countries who are not willing to take their own nationals back;

Or. en

Amendment 15

Jussi Halla-aho, Branislav Škripek, Anders Primdahl Vistisen, Kristina Winberg, Marek Jurek

Motion for a resolution

Recital K b (new)

Motion for a resolution

Amendment

Kb. whereas an estimated 10% of those applying for international protection are

granted it; and with poor return rates in most Member States this equates to high rates of absconding from those refused;

Or. en

Amendment 16
Brice Hortefeux

Motion for a resolution
Paragraph 1

Motion for a resolution

1. ***Requests*** the Commission to submit, ***by 31 March 2019, on the basis of point (a) of Article 77(2) of the Treaty on the Functioning of the European Union (TFEU)***, a proposal for a Regulation on establishing a European Humanitarian Visa, ***following the recommendations set out in the Annex hereto;***

Amendment

1. ***Rejects that*** the Commission submit a proposal for a Regulation on establishing a European Humanitarian Visa.

Or. en

Amendment 17
Jussi Halla-aho, Branislav Škripek, Anders Primdahl Vistisen, Kristina Winberg, Marek Jurek

Motion for a resolution
Paragraph 1

Motion for a resolution

1. ***Requests*** the Commission to submit, by 31 March 2019, on the basis of point (a) of Article 77(2) of the Treaty on the Functioning of the European Union (TFEU), a proposal for a Regulation on establishing a European Humanitarian Visa, following the recommendations set out in the Annex hereto;

Amendment

1. ***Rejects that*** the Commission submit, by 31 March 2019, on the basis of point (a) of Article 77(2) of the Treaty on the Functioning of the European Union (TFEU), a proposal for a Regulation on establishing a European Humanitarian Visa, following the recommendations set out in the Annex hereto;

Amendment 18

Harald Vilimsky, Gilles Lebreton, Nicolas Bay

Motion for a resolution

Paragraph 1

Motion for a resolution

1. *Requests the Commission to submit, by 31 March 2019, on the basis of point (a) of Article 77(2) of the Treaty on the Functioning of the European Union (TFEU), a proposal for a Regulation on establishing a European Humanitarian Visa, following the recommendations set out in the Annex hereto;*

Amendment

1. *Realizes that the introduction of a Humanitarian Visa will not only create an unmanageable administrative burden for consulates and embassies but also preserve fundamental problems regarding secondary movements within the EU, serious deficits in the EU return policies and the security problems resulting from it;*

Or. en

Amendment 19

Heinz K. Becker

Motion for a resolution

Paragraph 1

Motion for a resolution

1. *Requests the Commission to submit, by 31 March 2019, on the basis of point (a) of Article 77(2) of the Treaty on the Functioning of the European Union (TFEU), a proposal for a Regulation on establishing a European Humanitarian Visa, following the recommendations set out in the Annex hereto;*

Amendment

1. *States that with regards to European Court of Justices ruling from March 2017 (Judgment in Case C-638/16 PPU) there is no legal basis for European legislation on long term residence permits under the title Humanitarian Visa but refers to the current legislation which allows member states to issue short time residence permits with limited territorial validity on humanitarian grounds and therefor does not see a reason to create further means of residence permits;*

Amendment 20
Branislav Škripek

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment

1a. Considers this procedure dishonouring to parliamentary democracy, as this very report has already been rejected once in a rightfully conducted vote in Chamber on Wednesday 14 November 2018;

Or. en

Amendment 21
Heinz K. Becker

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution

Amendment

1a. States that this new and misleading interpretation of Humanitarian Visas can create more problems than it solves: pull factor for third country nationals, mass influx at embassies and consulates that would possibly lead to their closure, increasing number of illegally staying third country nationals in EU member states as there will continue to be negative asylum decisions;

Or. en

Amendment 22
Heinz K. Becker

Motion for a resolution
Paragraph 1 b (new)

Motion for a resolution

Amendment

1b. Expresses its serious doubts that this instrument will be able to stop the problems of smugglers, illegal immigration or the attempts to cross the Mediterranean;

Or. en

Amendment 23
Heinz K. Becker

Motion for a resolution
Paragraph 1 c (new)

Motion for a resolution

Amendment

1c. Aims to stop migration as close to its origin as possible by tackling root causes of migration on the one hand and by establishing reception centres in third countries for those who are already on their way on the other hand;

Or. en

Amendment 24
Heinz K. Becker

Motion for a resolution
Paragraph 1 d (new)

Motion for a resolution

Amendment

1d. Expresses its objective that asylum

applications should be dealt with already outside the EU in third countries, especially in EU led reception centres in order to prevent people from the dangerous immigration routes such as the Mediterranean;

Or. en

Amendment 25

Harald Vilimsky, Gilles Lebreton, Nicolas Bay

Motion for a resolution

Paragraph 2

Motion for a resolution

2. *Considers that Member States should be able to issue a European humanitarian visa to persons seeking international protection, to allow those persons to enter the territory of the Member State issuing the visa for the sole purpose of making an application for international protection in that Member State;*

Amendment

2. *Urges the Commission to examine the feasibility of refugee centres outside of the EU in order to offer the necessary protection in an efficient and controlled manner;*

Or. en

Amendment 26

Heinz K. Becker

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Considers that Member States should be able to issue a European humanitarian visa to persons seeking international protection, to allow those persons to enter the territory of the Member State issuing the visa for the sole purpose of making an application for international protection in that Member

Amendment

2. Considers that Member States should be able to issue a European humanitarian visa to persons seeking international protection, to allow those persons to enter the territory of the Member State issuing the visa for the sole purpose of making an application for international protection in that Member

State;

State; *reiterates that, in accordance with the ruling of the European Court of Justice of 7 march 2017 in Case C-638/16, a regime on European level on humanitarian visas cannot be binding to Member States but rather a framework for those Member State willing to grant humanitarian visas;*

Or. en

Amendment 27
Jeroen Lenaers

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Considers that Member States should *be able* to issue a European humanitarian visa to persons seeking international protection, to allow those persons to enter the territory of the Member State issuing the visa for the sole purpose of making an application for international protection in that Member State;

Amendment

2. Considers that Member States should *have the possibility* to issue a European humanitarian visa to persons seeking international protection, to allow those persons to enter the territory of the Member State issuing the visa for the sole purpose of making an application for international protection in that Member State;

Or. en

Amendment 28
Jeroen Lenaers

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Considers that European humanitarian visas should be complementary to and not substitute the already existing national entry procedures

Amendment

3. Considers that European humanitarian visas should be complementary to and not substitute the already existing national entry procedures

for humanitarian protection, resettlement procedures and spontaneous applications under international refugee law;

for humanitarian protection, resettlement procedures and spontaneous applications under international refugee law, *and that the decision to issue European humanitarian visas should remain the sole competence of the Member States*;

Or. en

Amendment 29

Jussi Halla-aho, Branislav Škripek, Anders Primdahl Vistisen, Kristina Winberg, Marek Jurek

Motion for a resolution Paragraph 6

Motion for a resolution

6. *Considers that part of the financial implications of the requested proposal should be covered by the general budget of the Union as a practical expression of the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States, in accordance with Article 80 TFEU;*

Amendment

deleted

Or. en

Amendment 30

Gerard Batten, Jörg Meuthen

Motion for a resolution Paragraph 6

Motion for a resolution

6. Considers that *part* of the financial implications *of the requested proposal should be covered by the general budget of the Union as a practical expression of the principle of solidarity and fair sharing of responsibility, including its financial*

Amendment

6. Considers that *the Member States that wish to issue humanitarian visas shall be responsible for all* of the financial implications *that arise from allowing persons to enter the territory of the Member State; insists that* Member States

implications, between the Member States, in accordance with Article 80 TFEU;

shall continue to be responsible for such persons when they leave the Member State that issued the humanitarian visa for another Member State;

Or. en

Amendment 31

Harald Vilimsky, Gilles Lebreton, Nicolas Bay

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Instructs its President to forward this resolution and the accompanying recommendations to the Commission and the Council, and to the national parliaments, the Court of Justice, the European External Action Service, the European Asylum Support Office, the European Border and Coast Guard Agency, the European Union Agency for Law Enforcement Cooperation and the European Union Agency for Fundamental Rights.

Amendment

7. Urges the Commission to assess the relations with third countries on the basis of the cooperation in EU return policies and to propose efficient approaches to eliminate deficits.

Or. en

Amendment 32

Jussi Halla-aho, Branislav Škripek, Anders Primdahl Vistisen, Kristina Winberg, Marek Jurek

Motion for a resolution

Annex I

Motion for a resolution

[...]

Amendment

deleted

Or. en

Amendment 33
Jeroen Lenaers

Motion for a resolution
Annex I – paragraph 1 – indent 10

Motion for a resolution

– provide for such visa applications to be lodged directly, by electronic means or in writing, at *any consulate or embassy of* the Member States,

Amendment

– provide for such visa applications to be lodged directly, by electronic means or in writing, at *consulates or embassies designated by* the Member States *for that purpose*,

Or. en

Amendment 34
Jeroen Lenaers

Motion for a resolution
Annex I – paragraph 1 – indent 16

Motion for a resolution

– provide that such visa applications be decided on within **15** calendar days of the date of lodging the application,

Amendment

– provide that such visa applications be decided on within **30** calendar days of the date of lodging the application,

Or. en

Amendment 35
Gerard Batten, Jörg Meuthen

Motion for a resolution
Annex I – paragraph 1 – indent 27

Motion for a resolution

– *provide for significant financial support from the Integrated Border Management Fund to be made available to Member States for its implementation,*

Amendment

deleted

Amendment 36
Gerard Batten, Jörg Meuthen

Motion for a resolution
Annex I – paragraph 1 – indent 28

Motion for a resolution

Amendment

– *foresee that a Member State that issues such a humanitarian visa has access to the same compensation from the Asylum and Migration Fund as when a Member State receives a refugee through the European Resettlement Framework,* *deleted*