



*Plenary sitting*

**B9-0014/2019 }  
B9-0027/2019 }  
B9-0030/2019 } RC1**

17.7.2019

## **JOINT MOTION FOR A RESOLUTION**

pursuant to Rules 144(5) and 132(4) of the Rules of Procedure

replacing the following motions:

B9-0014/2019 (Verts/ALE)

B9-0027/2019 (S&D)

B9-0030/2019 (Renew)

on the situation at the USA-Mexico border  
(2019/2733(RSP))

**Kati Piri, Nacho Sánchez Amor**

on behalf of the S&D Group

**Sheila Ritchie, Andrus Ansip, Petras Auštrevičius, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Jordi Cañas, Olivier Chastel, Dacian Cioloș, Pascal Durand, Laurence Farreng, Valter Flego, Luis Garicano, Klemen Grošelj, Christophe Grudler, Bernard Guetta, Sophia in 't Veld, Irena Joveva, Pierre Karleskind, Ilhan Kyuchyuk, Javier Nart, Jan-Christoph Oetjen, Maite Pagazaurtundúa, Mauri Pekkarinen, Dragoș Pîslaru, Frédérique Ries, María Soraya Rodríguez Ramos, Stéphane Séjourné, Susana Solís Pérez, Ramona Strugariu, Irène Tolleret, Dragoș Tudorache, Viktor Uspaskich, Hilde Vautmans, Marie-Pierre Vedrenne**  
on behalf of the Renew Group

**Tineke Strik, Damien Carême, Yannick Jadot, Margrete Auken, Monika Vana, Catherine Rowett, Alexandra Geese, Alice Kuhnke, Hannah Neumann, Erik Marquardt, Katrin Langensiepen, Molly Scott Cato, Gina Dowding, Ernest Urtasun, Reinhard Bütikofer**

on behalf of the Verts/ALE Group

## **European Parliament resolution on the situation at the USA-Mexico border (2019/2733(RSP))**

*The European Parliament,*

- having regard to Article 24 of the Charter of Fundamental Rights of the European Union, which stipulates that the best interests of the child must be a primary consideration and that every child has the right to maintain a personal relationship and direct contact with both of his or her parents,
  - having regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
  - having regard to the statements made by members of the US Congress after visiting detention centres in July 2019,
  - having regard to the Convention Relating to the Status of Refugees (1951 Convention) and the Protocol Relating to the Status of Refugees of 1967,
  - having regard to the UN Convention on the Rights of the Child of 1989,
  - having regard to the Universal Declaration of Human Rights of 1948,
  - having regard to the EU Guidelines on Human Rights Defenders of 2008,
  - having regard to the current US administration’s policy initiatives relating to migration and asylum and the Migrant Protection Protocols (MPP),
  - having regard to the statement by the UN High Commissioner for Human Rights, Michelle Bachelet, of 8 July 2019,
  - having regard to the statement by the acting US Secretary of Homeland Security of 9 July 2019,
  - having regard to the memorandum of the US Office of Inspector General (OIG) for the Department of Homeland Security for the acting US Secretary of Homeland Security on the situation in the Rio Grande Valley reception centre, of 2 July 2019,
  - having regard to the Global Compact for Migration, adopted by the UN General Assembly on 19 December 2018,
  - having regard to the United States Declaration of Independence of 1776,
  - having regard to Rule 144(5) and 132(4) of its Rules of Procedure,
- A. whereas both the USA and the EU consider human rights to be an inalienable and fundamental right inherent to all human beings;
- B. whereas in recent years, a complex crisis of violence and entrenched poverty has driven families, including young persons and children, to flee Mexico and the Northern Triangle of Central America – El Salvador, Guatemala and Honduras – and seek safety,

protection and economic stability in the USA;

- C. whereas the USA is historically a country of immigration encompassing diverse communities;
- D. whereas any sovereign state has the prerogative to decide on the conditions of entry and stay of foreign nationals, but must at the same time comply with all relevant international human rights obligations;
- E. whereas in 2018, the USA was by far the largest donor to the UN Refugee Agency, the UNHCR, contributing a total of USD 1 589 776 543;
- F. whereas the USA has adopted strict measures affecting migrants and asylum seekers crossing the border into the country in search of their inalienable right to life, liberty and the pursuit of happiness;
- G. whereas there is a humanitarian emergency at the USA-Mexico border, where migrants and asylum seekers are detained on the US side after making the crossing; whereas the situation faced by children is particularly alarming and condemnable, as hundreds are languishing in tent cities on the border or are locked behind bars in detention facilities that do not meet minimum human rights standards, as they are overcrowded and lack adequate healthcare facilities, decent food and proper sanitation;
- H. whereas in a memorandum on the situation at the Rio Grande Valley reception centre, the US Office of Inspector General (OIG) for the Department of Homeland Security highlighted ‘urgent issues that require immediate attention and action’ owing to ‘serious overcrowding and prolonged detention of unaccompanied alien children, families, and single adults that require immediate attention’, and therefore called for ‘immediate steps to alleviate dangerous overcrowding and prolonged detention of children and adults in the Rio Grande Valley’;
- I. whereas depriving children of their liberty on the basis of their or their parents’ migration status is never in the best interests of the child, exceeds the requirement of necessity, becomes grossly disproportionate and may constitute cruel, inhuman or degrading treatment of migrant children; whereas any deprivation of liberty affecting adult migrants and asylum seekers should be a measure of last resort and, if it must occur, should be for the shortest possible period of time, with the safeguards of due process and in conditions that comply in full with all relevant international human rights standards;
- J. whereas according to data disclosed to Amnesty International by the US Customs and Border Protection agency, between 2017 and August 2018 approximately 8 000 family units were separated after crossing the border; whereas these estimates exclude many other cases of separation, such as those between children and their older siblings, aunts and uncles, grandparents and other non-immediate family members;
- K. whereas a federal judge in San Diego ordered the US administration to halt separation in June 2018; whereas, nevertheless, separations have continued to be enforced by US Customs and Border Protection, according to data provided to the federal judge, with at least 245 children having been removed from their families since June 2018, in many cases with no clear documentation to help track the children’s whereabouts;

- L. whereas by December 2018, the US Department of Health and Human Services had identified 2 737 separated children, while recognising that thousands more might have been separated since 2017 without the administration being able to identify them owing to the lack of an efficient tracking system;
- M. whereas the act of family separation and indefinite detention constitutes ill-treatment; whereas children living in institutions away from their families are highly vulnerable to emotional, physical and psychological abuse, which can lead to lasting developmental problems, injuries and deep trauma, as well as having severe negative social consequences;
- N. whereas according to reports by the American Civil Liberties Union and different statements by spokespersons of the US Departments of Health and Human Services and of Homeland Security, at least six children are known to have died in immigration custody since last year, after almost a decade in which, it is reported, no child had died while in the custody of US Customs and Border Protection;
- O. whereas according to data from the International Organisation for Migration (IOM), 197 people have died so far in 2019 trying to cross into the USA from Mexico, including at least 13 children; whereas the number of deaths has been constantly on the rise in the last 5 years, with a total of over 1 900 deaths occurring between 2014 and 2018;
- P. whereas in recent weeks the Mexican authorities have significantly increased the enforcement efforts in migration policies, leading to an increase in the number of migrants detained and deported;
- Q. whereas faced with dire circumstances, migrants, mainly from Central America, are impelled to travel to and cross the border with the USA; whereas pressure on the southern and northern borders is leading thousands of migrants, most of them women and children, to put their lives at serious risk;
- R. whereas according to its government, Mexico is currently facing a violent public security crisis; whereas under the US Migrant Protection Protocols (MPP), asylum seekers are being returned to Mexico, including to two northern states that are among the most violent in the country – Baja California and Chihuahua – and live in extremely precarious conditions, where they risk becoming victims of serious crime, including kidnapping, sexual assault and violence;
- S. whereas large-scale pushbacks of asylum seekers, illegal family separations and the arbitrary and indefinite detention of asylum seekers without parole constitute cruel policies and flagrant violations of both US asylum law and international law;
- T. whereas on 27 June 2019, the US House of Representatives passed a USD 4.6 billion package to address the situation on the USA-Mexico border;
- U. whereas branches of the UN Human Rights Offices in Mexico and Central America have documented numerous human rights violations and abuses against migrants and asylum seekers in transit, including the excessive use of force, the arbitrary deprivation of liberty, family separation, denial of access to services, refoulement and arbitrary expulsions;

- V. whereas 195 parties have signed and ratified the UN Convention on the Rights of the Child; whereas the United States is the only UN member state that has not ratified that convention;
- W. whereas the EU-US partnership is historically based on strong political, cultural, economic and historic links and on shared values such as freedom, democracy, the promotion of peace and stability, human rights and the rule of law; whereas strong EU-US relations are crucial to building a more democratic, secure and prosperous world;
1. Is deeply concerned about the situation of migrants and asylum seekers at the USA-Mexico border, especially that of migrant children;
  2. Regrets the many deaths that have occurred of people travelling on the routes towards the US-Mexico border; expresses its utmost solidarity with all the victims and their families;
  3. Is concerned about the appalling conditions in which migrants and asylum seekers, particularly children, are held in US immigration detention facilities, which lack adequate healthcare, decent food and proper sanitation; deeply regrets the deaths in recent months of seven migrant minors who were in the custody of the US Department of Homeland Security, and supports all efforts by the US Congress and Administration to provide oversight, investigation, transparency and accountability concerning the circumstances of these deaths;
  4. Stresses that border management measures must comply with the US's international human rights obligations and should not be based on narrow policies aimed at detecting, detaining and expeditiously deporting irregular migrants;
  5. Calls for human rights, safety and access to human rights-compliant asylum processes to be guaranteed, including by adhering to the principle of non-refoulement and providing dignified reception conditions;
  6. Deplores the use of family separation, which can cause the systematic traumatising of children and their immediate families, and is a method that appears, under the current US administration, to be a tool of immigration policy aimed at deterring people seeking safety;
  7. Emphasises that family separation and immigration detention are never in the best interests of the child;
  8. Notes the memorandum by the OIG and similar reports, and calls on the US to revise all current migration policies and practices that violate international human rights law, including the core right to seek asylum, the principle of non-refoulement and the right to human dignity;
  9. Calls on the US Government to end the separation of families and, as a matter of urgency, to reunify with their families all children who are still separated from their parents or guardians in order to ensure their rehabilitation, devoting specific attention to the needs of the children concerned;
  10. Calls on the relevant authorities in the US to immediately ensure that all detainees have

access to basic rights, such as the rights to water, food, health and shelter;

11. Calls on the authorities in the US, as a matter of urgency, to find non-custodial alternatives for migrants and asylum seekers, both children and adults; demands that the children concerned be returned to their families;
12. Urges the US Government to ratify the UN Convention on the Rights of the Child, which was signed by the US in 1995 but never subsequently adopted, making the US the only non-adopting country in the world; urges the US Government to ratify the third optional protocol to the Convention, on a communications procedure for complaints;
13. Expresses serious concern at the latest raids by the US Immigration and Customs Enforcement (ICE) agency, which are affecting undocumented migrants, primarily those from Central America, their parents and their children, and are resulting in their criminalisation;
14. Believes that responding to migratory flows with repression or criminalisation favours xenophobia, hatred and violence;
15. Is concerned about the recent changes in the migration policies adopted by the Mexican authorities, and calls on the Mexican Government to comply with international standards and human rights law when addressing migration;
16. Considers that the army is not the right instrument for dealing with migration issues; points out that the situation at the border should be handled by specialised police who have been duly trained and instructed to respect human rights and the dignity of migrants;
17. Acknowledges that migration is a global challenge and calls on the countries of origin, transit and destination to work together to address the root causes of migration flows through a comprehensive approach; reiterates, in this regard, its full support for the development and implementation of the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration, which provide a significant opportunity to improve the governance of migration and address the challenges associated with it;
18. Reiterates its belief in open and fair trade and expresses its firm conviction that economic coercion and the threat of punitive tariffs are counter-productive and are not liable to help sovereign countries find constructive and sustainable solutions to political challenges such as migration;
19. Pays tribute to the individuals and civil society organisations that have been ensuring that migrants enjoy the most basic of rights, such as the rights to water, food, health, adequate shelter and other such assistance, on both sides of the border and throughout the region; reiterates its call for the non-criminalisation of humanitarian assistance, and urges the Commission, once again, to adopt guidelines on the matter, in line with its resolution of 5 July 2018;
20. Welcomes the statement of the UN High Commissioner for Human Rights; would welcome a fact-finding mission by the Office of the UN High Commissioner for Human Rights (OHCHR) or the relevant UN experts in order to investigate the human rights

situation at the USA-Mexico border;

21. Undertakes to closely monitor EU development aid to the region in order to ensure efficient standards of development, since this can help tackle the root causes of forced migration;
22. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the EU Special Representative for Human Rights, US President Donald Trump and his administration, the US Congress, and the Government and Parliament of Mexico.