

# EUROPEAN PARLIAMENT

2004



2009

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*Session document*

25.9.2006

B6-0520/2006

## **MOTION FOR A RESOLUTION**

to wind up the debate on statements by the Council and Commission

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

by Jeanine Hennis-Plasschaert

on behalf of the ALDE Group

on the EU Common Immigration Policy

**European Parliament resolution on the EU Common Immigration Policy**

*The European Parliament,*

- having regard to Article 6 of the EU Treaty and Article 63 of the EC Treaty,
  - having regard to Article 42 of the EU Treaty,
  - having regard to the 1999 Tampere programme and the 2004 Hague programme on the Area of Freedom Security and Justice,
  - having regard to the JHA Council meeting in Tampere on 20-22 September 2006,
  - having regard to the ongoing discussions on the financial perspective, including the European Refugee Fund and the European Return Fund,
  - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas, seven years after the adoption of the Tampere programme, the European Union does not have a coherent immigration policy, notably lacking in a legal migration and return policy,
- B. whereas the Common European Asylum System is based on a set of rules from which no participating Member State should have derogations,
- C. whereas Articles 42 TEU and 67(2) TEC provides for the passerelle procedure on codecision and qualified majority voting in the Council in matters related to the third pillar,
1. Stresses that increased migration is a global phenomenon with numerous causes and effects and needs a balanced, global and coherent approach;
  2. Is aware that, in the absence of channels for legal migration, asylum systems have come under increasing pressure as a means to legal settlement;
  3. Recognises the human drama and difficulties confronted by a number of EU Member States, notably Cyprus, Malta, Italy and Spain, in managing the very large migration flows of the last few years;
  4. Deplores the very substantial humanitarian costs, including the lost lives of immigrants;
  5. Firmly believes that EU Member States must respect their obligations under EU and international law as regards asylum seekers and migrants;

6. Insists that Member States apply the access to the asylum procedure as well as the provisions of the Reception Directive in a coherent and consistent manner, and that asylum claims be processed speedily and efficiently;
7. Stresses that any comprehensive approach to immigration cannot ignore the 'push factors' that lead people to leave their countries in the first place, necessitating real possibilities for legal migration (EU type 'Green Card') towards the European Union as well as clear plans for development and investment in the countries of origin and transit, including trade and agricultural policies that promote economic opportunities;
8. Calls for a partnership approach with the countries of origin and transit to ensure that they play an active part in helping to manage the migration flows, stem illegal immigration and set up effective information campaigns on the conditions in the recipient countries of the EU including the criteria for obtaining asylum;
9. Believes that the sharing of responsibilities and financial burdens between Member States must be an integral part of the EU Immigration Policy as well as the EU Common Asylum System;
10. Calls for a larger role for the European Union in the management of humanitarian emergencies linked to migratory flows and asylum seekers;
11. Believes, therefore, that countries should be given access to the technical assistance and the funding provided under the ARGO programme, the European Refugee Fund, the European External Borders Fund, the European Integration Fund and the European Return Fund for the period 2007-2013;
12. Calls for more funding to be made available to NGOs working on the ground, providing critical emergency assistance;
13. Calls on the Commission to propose, as soon as possible, the creation of an emergency fund to tackle humanitarian crises in the Member States and to incorporate in the new funds for the period 2007-2013 an emergency mechanism allowing financial assistance to be provided in emergency situations;
14. Urges that the Member States establish access to the asylum application procedure, apply the provisions of the Directive on minimum standards for granting and withdrawing refugee status in a consistent and rigorous manner and ensure that asylum applications are processed swiftly and efficiently;
15. Recognises the pressing need to adopt the EU Return Directive, and calls on the Council to increase its efforts to ensure swift adoption;
16. Deplores the failure of the Council, five years on from the Tampere European Council and despite the numerous requests from Parliament, to define a common immigration policy, instead maintaining unanimity and the consultation procedure for all matters regarding legal immigration;

17. Urges that the Council as a matter of urgency activate the provisions contained in the existing Treaties, namely Article 42 TEU and 67(2) TEC passerelle clauses, whereby the use of the codecision procedure and qualified majority voting would facilitate an end to the current legislative impasse;
18. Calls on Member States to make more resources available to Frontex, to allow it to increase the scope and effectiveness of the missions undertaken;
19. Believes, however, that border checks and action to combat illegal immigration can be only one aspect of the EU's policy towards non-EU countries, to which an active country of origin and transit development policy must be applied with a view to minimising the damaging effects of emigration;
20. Reiterates the need for a Community immigration and asylum policy based on the opening-up of legal immigration channels and on the definition of common standards to protect the fundamental rights of immigrants and asylum seekers throughout the Union, as established by the Tampere European Council in 1999 and confirmed by the Hague programme;
21. Realises that, in the absence of an EU Common Immigration Policy, Member States may have different approaches to the problem of hundreds of thousands of illegal immigrants working illegally and without any social protection; believes, however, that the mass regulation of illegal immigrants is not a solution in the long term, since those measures do not resolve the real underlying problems and may act as a 'pull' factor;
22. Stresses that any measures to combat illegal immigration and step up external border controls, even where in cooperation with third countries, must be compatible with the guarantees and the fundamental rights of the individual laid down in the Charter of Fundamental Rights of the European Union and the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), notably the right to asylum and the right of non-refoulement;
23. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.