



20.12.2018

OPINION

of the Committee on Development

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council
establishing the Asylum and Migration Fund
(COM(2018)0471 – C8-0271/2018 – 2018/0248(COD))

Rapporteur for opinion: Elly Schlein

PA_Legam

SHORT JUSTIFICATION

The Commission has presented to the European Parliament and the Council a proposal establishing the Asylum and Migration Fund, as part of the Multiannual Financial Framework (MFF) 2021-2027. The Fund will provide support to the efficient management of migration by EU Member States with an envelope of EUR 10, 4 billion.

The migration crisis has shown the need for a common European approach based on solidarity and fair sharing of responsibility. The Rapporteur therefore welcomes the increase of the budget available for migration and asylum as an essential step to build a strong, fair and effective asylum and reception system within the EU.

However, the Rapporteur considers that the proposal as it stands puts excessive emphasis on increasing return rates. In fact, the proposed criteria for the allocation of funding to the national programmes under shared management provide that 40% of this funding will be destined depending on indicators related to countering irregular migration and issuing returns to the detriment to actions in the field of asylum, legal migration and integration. This would create incentives for Member States to issue and enforce return decisions, without taking into account the risks for returnees and possible impact for countries of origin.

The steps taken by the Commission to build a robust EU migration policy have to be welcomed. However, the Rapporteur believes that the European Parliament and the Council should include in the proposal the necessary guarantees for returnees and countries of origin. Return decisions cannot be taken without a comprehensive assessment of the situation in countries of origin and the absorption capacity at the local level. It is essential to verify the possible impact of returnees on the stability of the countries of origin, as returns could contribute to conflict, friction and fragility.

In addition, the Parliament and the Council should ensure that EU relations with third countries are not conditional to the cooperation in the field of return and readmission. Cooperation with third countries should be based on mutual interest and a comprehensive approach rather than on EU interests and priorities in the field of migration. A narrow focus on migration management can jeopardize EU cooperation with third countries.

AMENDMENTS

The Committee on Development calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The Fund should fully respect human rights, comply with Agenda 2030, the principle of policy coherence for development, as set out in Article 208 of the TFEU, and the commitments at the international level in relation to migration and asylum, notably the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration (GCM).

Amendment 2

Proposal for a regulation Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) Managing the Fund from a development perspective should take in account the various root causes of migration such as conflict, poverty, lack of agricultural capacity, education and inequality.

Amendment 3

Proposal for a regulation Recital 4 c (new)

Text proposed by the Commission

Amendment

(4c) Development cooperation with third countries should inter alia be an important part in readmission agreements for stimulating the labour market and job opportunities in countries of return in order to reduce incentives for returned migrants to cross the European borders once more.

Amendment 4

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) The Fund should support the ***efficient management of migration flows, inter alia by promoting*** common measures in the area of asylum, including Member States' efforts in receiving persons ***in need of international protection*** through resettlement and the transfer ***of applicants for or beneficiaries of international protection*** between Member States, ***supporting*** integration strategies and a more effective legal migration policy, ***so as to ensure the Union's long-term competitiveness and the future of its social model and reduce incentives for irregular migration through*** a sustainable return and readmission policy. The Fund should support the strengthening of cooperation with third countries to reinforce management of flows of ***persons applying for asylum or other forms of international protection***, avenues on legal migration ***and*** to counter irregular migration ***and*** ensure sustainability of return and effective readmission to third countries.

Amendment 5

Proposal for a regulation

Recital 8

Text proposed by the Commission

(8) ***The migration crisis highlighted the need to reform the Common European Asylum System to ensure that efficient asylum procedures to prevent secondary movements, to provide uniform and*** appropriate reception conditions ***for*** applicants for international protection,

Amendment

(7) The Fund should support the ***promotion of*** common measures in the area of asylum, including Member States' efforts in receiving persons through resettlement and the transfer between Member States, ***support*** integration, ***reception and inclusion*** strategies and a more effective legal migration policy, ***counter*** irregular migration ***and implement*** a sustainable return and readmission policy. The Fund should support the strengthening of cooperation with third countries to reinforce management of flows, ***the establishment*** of avenues on legal migration, to counter irregular migration, ***fight trafficking of migrants***, ensure sustainability of return and effective readmission to third countries. ***Cooperation with third countries should be genuinely based on mutual interest.***

Amendment

(8) ***It is appropriate to support and improve the efforts made by Member States to fully and properly implement the Union asylum acquis, in particular to grant*** appropriate reception conditions ***to displaced persons and*** applicants for, ***and beneficiaries of***, international protection,

uniform standards for the granting of international protection and appropriate rights and benefits for beneficiaries of international protection. At the same time, the reform was needed to put in place a fairer and more effective system of determining Member States' responsibility for applicants for international protection as well as a Union framework for Member States' resettlement efforts. Therefore, it is appropriate for the Fund to provide increased support to Member States' efforts to fully and properly implement the reformed Common European Asylum System.

to ensure the correct determination of status, to apply fair and effective asylum procedures and to promote good practice in the field of asylum, so as to protect the rights of persons requiring international protection and enable Member States' asylum systems to work efficiently. The Fund should therefore provide increased support to Member States' efforts to fully and properly implement the reformed Common European Asylum System.

Amendment 6

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) The Fund should also complement and reinforce the activities undertaken by the European Union Agency for Asylum (EUAA) established by Regulation (EU)... [EUAA Regulation]¹⁴ with a view to facilitating and improving the functioning of the common European asylum system, by coordinating and strengthening practical cooperation and information exchange between Member States, promoting Union law and operational standards on asylum in order to ensure a high degree of uniformity based on high protection standards as regards procedures for international protection, reception conditions and the assessment of protection needs across the Union, enabling a sustainable and fair distribution of applications for international protection, facilitate convergence in the assessment of applications for international protection across the Union, support the resettlement efforts of the Member States and provide operational and technical assistance to Member States for the management of their

Amendment

(9) The Fund should also complement and reinforce the activities undertaken by the European Union Agency for Asylum (EUAA) established by Regulation (EU)... [EUAA Regulation]¹⁴ with a view to facilitating and improving the functioning of the common European asylum system, by coordinating and strengthening practical cooperation and information exchange between Member States, promoting Union law and operational standards on asylum in order to ensure **respect for human rights and** a high degree of uniformity based on high protection standards as regards procedures for international protection, reception conditions and the assessment of protection needs across the Union, enabling a sustainable and fair distribution of applications for international protection, **in the end always seeking the best interest of the applicant**, facilitate convergence in the assessment of applications for international protection across the Union, support the resettlement efforts of the Member States

asylum and reception systems, in particular those whose systems are subject to disproportionate pressure.

and provide operational and technical assistance to Member States for the management of their asylum and reception systems, in particular those whose systems are subject to disproportionate pressure.

Amendment 7

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) The Fund should support the efforts by the Union and the Member States relating to the enhancement of the Member States' capacity to develop, monitor and evaluate their asylum policies in the light of their obligations under existing Union law.

Amendment

(10) The Fund should support the efforts by the Union and the Member States relating to the enhancement of the Member States' capacity to develop, monitor and evaluate their asylum policies in the light of their obligations under existing Union law ***and international law based on an all-round approach to respect for human rights.***

Amendment 8

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Partnerships and cooperation with third countries are an essential component of Union asylum ***policy*** to ensure the adequate management of flows of persons applying for asylum or other forms of international protection. With the aim of replacing the unsafe and irregular arrivals with legal and safe arrival to the territory of the Member States of third-country nationals or stateless persons in need of international protection, expressing solidarity with countries in regions to which or within which a large number of persons in need of international protection have been displaced by helping to alleviate the pressure on those ***countries, helping achieve the Union's migration policy***

Amendment

(11) Partnerships and cooperation with third countries are an essential component of Union ***migration and asylum policies*** to ensure ***that people are not forced to leave their home countries,*** the adequate management of ***migratory*** flows of persons, ***including those*** applying for asylum or other forms of international protection. With the aim of replacing the unsafe and irregular arrivals with legal and safe arrival to the territory of the Member States of third-country nationals or stateless persons, ***including those*** in need of international protection, expressing solidarity with countries in regions to which or within which a large number of persons in need of international protection

objectives by increasing the Union's leverage vis-à-vis third countries, and of effectively contributing to global resettlement initiatives by speaking with one voice in international fora and with third countries, the Fund should provide financial incentives to the implementation of the Union Resettlement [and Humanitarian Admission] Framework.

have been displaced by helping to alleviate the pressure on those countries, and of effectively contributing to global resettlement initiatives by speaking with one voice in international fora and with third countries, the Fund should provide financial incentives to the implementation of the Union Resettlement [and Humanitarian Admission] Framework **and to other analogous humanitarian initiatives adopted by Member States, individually or jointly.**

Amendment 9

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) Considering the **high levels of migration flows to the Union in the last years and the** importance of ensuring the cohesion of our societies, it is crucial to support Member States' policies for early integration of legally staying third-country nationals, including in the priority areas identified in the Action Plan on Integration of third-country nationals adopted by the Commission in 2016.

Amendment

(12) Considering the importance of ensuring the cohesion of our societies, it is crucial to support Member States' policies for early **reception, integration and inclusion** of legally staying third-country nationals, including in the priority areas identified in the Action Plan on Integration of third-country nationals adopted by the Commission in 2016.

Amendment 10

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) **In order to increase efficiency, achieve the greatest Union added value and to ensure the consistency of the Union's response to foster the integration of third-country nationals, actions financed under the Fund should be specific and complementary to actions financed under the European Social**

Amendment

(13) **To improve and reinforce the integration process in European societies, the Fund should facilitate legal migration to the Union in accordance with the economic and social needs of Member States and anticipate the preparation of the integration process already in the country of origin of the** third-country

Fund Plus (ESF+) and the European Regional Development Fund (ERDF). Measures financed under this Fund should support measures tailor-made to the needs of third-country nationals that are generally implemented in the early stage of integration, and horizontal actions supporting Member States' capacities in the field of integration, whereas interventions for third-country nationals with a longer-term impact should be financed under the ERDF and ESF+.

nationals coming to the Union. Actions in third countries should be fully coherent with the principle of policy coherence for development and the commitments for the achievements of the sustainable development goals.

Amendment 11

Proposal for a regulation Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) The scope of the integration measures should also include beneficiaries of international protection in order to ensure a comprehensive approach to integration, taking into account the specificities of that target group. Where integration measures are combined with reception, actions should, where appropriate, also allow asylum seekers to be included.

Amendment 12

Proposal for a regulation Recital 14

Text proposed by the Commission

Amendment

(14) In this context, the authorities of the Member States responsible for the implementation of the Fund should be required to cooperate and establish coordination mechanisms with the authorities identified by Member States for the purpose of the management of the interventions of the ESF+ and of the

(14) In order to be efficient and achieve the greatest added value, the Fund should pursue a more targeted approach, in support of consistent strategies specifically designed to promote the integration of third-country nationals at national, local and/or regional level, where appropriate. Those strategies

ERDF and wherever necessary with their managing authorities and with the managing authorities of other Union funds contributing to the integration of third-country nationals.

should be implemented mainly by local or regional authorities and non-state actors, while not excluding national authorities, in particular where the specific administrative organisation of a Member State would so require, or where, in a Member State, reception, integration and inclusion actions fall within a competence shared between the State and decentralised administration. The implementing organisations should choose the measures most appropriate to their particular situation from a range of measures available.

Amendment 13

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) An efficient return policy is an integral part of the comprehensive migration approach the Union and its Member States pursue. The Fund should support and encourage efforts by the Member States with a view to the effective implementation and further development of common standards on return, in particular as set out in Directive 2008/115/EC of the European Parliament and of the *Council*¹⁵, and of an integrated and coordinated approach to return management. **For sustainable return policies**, the Fund should equally support related measures in third countries, **such as the reintegration of returnees**.

¹⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals

Amendment

(20) An efficient return policy is an integral part of the comprehensive migration approach the Union and its Member States pursue. The Fund should support and encourage efforts by the Member States with a view to the effective implementation and further development of common standards on return, **with an emphasis on voluntary returns**, in particular as set out in Directive 2008/115/EC of the European Parliament and of the *Council*¹⁵, and of an integrated and coordinated approach to return management. The Fund should equally support related measures in third countries **to facilitate and guarantee safe and dignified return and readmission as well as sustainable reintegration, as enshrined in the GCM**.

¹⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals

Amendment 14

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) Member States should give preference to voluntary return. In order to promote voluntary return, Member States should envisage incentives such as preferential treatment in the form of enhanced return assistance ***should be envisaged for the voluntary return of persons***. This kind of voluntary return is in the interests of both returnees and the authorities in terms of its cost-effectiveness.

Amendment

(21) Member States should give preference to voluntary return. In order to promote voluntary return, Member States should envisage incentives such as preferential treatment in the form of enhanced return assistance, ***through vocational training in Europe which would help returnees re-enter the labour market in their countries of origin***. This kind of voluntary return is in the interests of both returnees and the authorities in terms of its cost-effectiveness.

Amendment 15

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) Specific support measures for returnees in the Member States and in the countries of return can improve conditions of return and enhance their reintegration.

Amendment

(23) Specific support measures for returnees, ***with a particular attention to their humanitarian and protection needs***, in the Member States and in the countries of return can improve conditions of return and enhance their reintegration. ***Particular attention should be paid to vulnerable groups. Return decisions should be based on a comprehensive and careful assessment of the situation in the country of origin, including an evaluation of the absorption capacity at the local level. Specific measures and actions supporting countries of origin, and in particular vulnerable people, contribute to ensure the sustainability, safety and effectiveness of returns. These measures should be implemented with the active participation***

of local authorities, civil society and diasporas.

Amendment 16

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) Readmission agreements and other arrangements are an integral component of the Union return policy and a central tool for the efficient management of migration flows, as they facilitate the swift return of irregular migrants. Those agreements and arrangements are an important element in the framework of *the dialogue and cooperation* with third countries of origin and transit of irregular migrants and their implementation in third countries should be supported in the interests of effective return policies at national and Union level.

Amendment

(24) Readmission agreements and other arrangements are an integral component of the Union return policy and a central tool for the efficient management of migration flows, as they facilitate the swift return of irregular migrants. Those agreements and arrangements are an important element in the framework of *cooperation and political dialogue* with third countries of origin and transit of irregular migrants and their implementation in third countries should be supported in the interests of effective return policies at national and Union level.

Amendment 17

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) In addition to supporting the *return of persons as provided for in this Regulation*, the Fund should also support other measures to counter *irregular migration, address incentives for illegal migration or the circumventing of existing* legal migration rules, thereby safeguarding the integrity of *Member States'* immigration systems.

Amendment

(25) In addition to supporting the *integration of third country nationals or stateless persons within Member States*, the Fund should also support other measures to counter *trafficking of migrants, to encourage and facilitate the establishment of* legal migration rules, thereby safeguarding the integrity of immigration systems *in the countries of origin, in full compliance with the Principle of Coherence for Sustainable Development*.

Amendment 18

Proposal for a regulation
Recital 26

Text proposed by the Commission

(26) ***The employment of irregular migrants creates a pull factor for illegal migration and undermines the development of a labour mobility policy built on legal migration schemes.*** The Fund should ***therefore*** support Member States, either directly or indirectly, in their implementation of Directive 2009/52/EC of the European Parliament and of the Council¹⁶ which prohibits the employment of illegally staying third-country nationals and provides for sanctions against employers who infringe that prohibition.

¹⁶ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, p. 24).

Amendment 19

Proposal for a regulation
Recital 26 a (new)

Text proposed by the Commission

Amendment

(26) The Fund should support Member States, either directly or indirectly, in their implementation of Directive 2009/52/EC of the European Parliament and of the Council¹⁶ which prohibits the employment of illegally staying third-country nationals and provides for sanctions against employers who infringe that prohibition. ***It also includes protective elements such as the right of irregularly employed third country nationals to lodge complaints and claim back their wages. The Fund should support the implementation of the latter, as these protective elements have not been implemented sufficiently, as was pointed out in the communication from the Commission to the European Parliament and the Council of 22 May 2014 on the application of Directive 2009/52/EC of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third country nationals.***

¹⁶ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, p. 24).

Amendment

(26a) The Member States should support the requests of civil society and workers'

associations, such as that concerning the establishment of a European network of reception workers of both genders, in order to connect all workers in Europe operating in the field of migration, to foster a decent welcome and an approach to migration based on human rights and the exchange of good practices in terms of reception and employment opportunities for migrants.

Amendment 20

Proposal for a regulation Recital 30

Text proposed by the Commission

(30) Measures *in and* in relation to third countries *supported through the Fund should complement other actions outside the Union supported through the Union's external financing instruments. In particular, in implementing such actions, full coherence* should be *sought* with the principles and general objectives of the Union's external action *and* foreign policy in respect of the country or region in question and the Union international commitments. *In relation to the external dimension, the Fund should target support to enhance* cooperation with third countries *and to reinforce key aspects of migration management in areas of interest to the Union's migration* policy.

Amendment

(30) Measures *taken under the Fund* in relation to third countries should be *fully coherent* with the principles and general objectives of the Union's external action, foreign *policy and development* policy in respect of the country or region in question and the Union international commitments. Cooperation with third countries *should not be intended to support actions that are directly oriented towards development and should not undermine the principle of policy coherence for development.*

Amendment 21

Proposal for a regulation Recital 35

Text proposed by the Commission

(35) These initial amounts should form a basis for Member States' long-term investments. To take account of changes in

Amendment

(35) These initial amounts should form a basis for Member States' long-term investments. To take account of changes in

migration flows and to address needs in the management of asylum and reception systems and integration of *legally staying* third-country nationals, *and* counter *irregular migration through* efficient and sustainable return policy, an additional amount should be allocated to the Member States at mid-term taking into account the absorption rates. This amount should be based on the latest available statistical data as set out in Annex I to reflect the changes in the baseline situation of Member States.

migration flows and to address needs in the management of asylum and reception systems and integration of third-country nationals, counter *trafficking of migrants*, *implement an* efficient, *rights compliant* and sustainable return policy, an additional amount should be allocated to the Member States at mid-term taking into account the absorption rates. This amount should be based on the latest available statistical data as set out in Annex I to reflect the changes in the baseline situation of Member States.

Amendment 22

Proposal for a regulation

Recital 41

Text proposed by the Commission

(41) To complement the implementation of the policy objective of this Fund at national level through Member States' programmes, the Fund should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of the Fund relating to policy analysis and innovation, transnational mutual learning and partnerships and the testing of new initiatives and actions across the Union.

Amendment

(41) To complement the implementation of the policy objective of this Fund at national level through Member States' programmes, the Fund should also provide support for actions at Union level. Such actions should serve overall strategic purposes within the scope of intervention of the Fund relating to policy analysis and innovation, transnational mutual learning and partnerships, *the work done by diaspora communities and the intermediary role they can play in this regard*, and the testing of new initiatives and actions across the Union.

Amendment 23

Proposal for a regulation

Recital 42

Text proposed by the Commission

(42) In order to strengthen the Union's capacity to immediately address unforeseen or disproportionate heavy migratory pressure in one or more Member States characterised by a large or

Amendment

(42) In order to strengthen the Union's capacity to immediately address unforeseen or disproportionate heavy migratory pressure in one or more Member States characterised by a large or

disproportionate inflow of third-country nationals, which places significant and urgent demands on their reception and detention facilities, asylum and migration management systems and procedures, heavy migratory pressures in third countries due to political developments or conflicts, it should be possible to provide emergency assistance in accordance with the framework set out in this Regulation.

disproportionate inflow of third-country nationals, which places significant and urgent demands on their reception and detention facilities, asylum and migration management systems and procedures, heavy migratory pressures in third countries due to political developments or conflicts, it should be possible to provide emergency assistance ***at all times for actions to ensure respect for the human rights of migrants and Member States' compliance with their international commitments concerning, in particular, asylum and refuge,*** in accordance with the framework set out in this Regulation.

Amendment 24

Proposal for a regulation Recital 53 a (new)

Text proposed by the Commission

Amendment

(53a) Civil society organisations, local and regional authorities and national parliaments in the Member States and in third countries should be consulted during the process of programming, implementing and evaluating the programmes financed through the Fund.

Amendment 25

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. The policy objective of the Fund shall be to contribute to an efficient management of migration flows in line with the relevant Union acquis and in compliance with the Union's commitments on fundamental rights.

1. The policy objective of the Fund shall be to contribute to an efficient management of migration flows in line with the relevant Union acquis and in compliance with the Union's commitments on fundamental rights, ***in particular the right to asylum, enshrined in the Charter of Fundamental Rights of the European Union, and the principle of policy***

coherence for development.

Amendment 26

Proposal for a regulation

Article 3 – paragraph 2 – point b

Text proposed by the Commission

(b) to support legal *migration* to the Member States including to contribute to the integration of third-country nationals;

Amendment

(b) to support *the creation of safe and legal pathways* to the Member States including to contribute to the integration of third-country nationals, *including asylum seekers and beneficiaries of international protection, and the strengthening of the protection of human rights of migrants*;

Amendment 27

Proposal for a regulation

Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) to contribute to countering irregular migration and ensuring effectiveness of return and readmission in third countries.

Amendment

(c) to contribute to countering irregular migration *via the opening of legal pathways of migration, fighting against human trafficking* and ensuring effectiveness *and sustainability* of return and readmission in third countries *for both returnees and countries of origin*.

Amendment 28

Proposal for a regulation

Article 3 – paragraph 2 – point c

Text presented by the Commission

(c) to contribute to countering irregular migration and ensuring effectiveness of return and readmission in third countries

Amendment

(c) to contribute to countering irregular migration and ensuring effectiveness *and sustainability* of return and readmission in third countries *for both returnees and countries of origin*.

Amendment 29

Proposal for a regulation

Article 3 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) to enhance solidarity and responsibility-sharing between the Member States, in particular towards those most affected by migration and asylum flows, including through practical cooperation.

Amendment 30

Proposal for a regulation

Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

The Fund shall be open to third countries in accordance with the conditions laid down in a specific agreement covering the participation of the third country to the Asylum and Migration Fund, provided that the agreement:

The Fund shall be open to third countries ***that do not infringe fundamental rights of migrants for activities in the field of legal migration, return and readmission,*** in accordance with the conditions laid down in a specific agreement covering the participation of the third country to the Asylum and Migration Fund, ***which should be made publicly available,*** provided that the agreement:

Amendment 31

Proposal for a regulation

Article 5 – paragraph 1 – indent 4 a (new)

Text proposed by the Commission

Amendment

- ***provides for a redress mechanism for individuals who consider that their fundamental rights have been violated.***

Amendment 32

Proposal for a regulation

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission and the Member States shall ensure that actions in relation to third countries are taken in compliance with other actions implemented through Union instruments, respect the principle of policy coherence for development, focus on non-development-oriented measures and fully comply with human rights and international law.

Amendment 33

Proposal for a regulation

Article 9 – paragraph 6

Text proposed by the Commission

Amendment

6. The thematic facility shall in particular, support actions falling under the implementation measure 2(b) of Annex II that are implemented by the local and regional authorities or civil society organisations.

6. The thematic facility shall in particular, support actions falling under the implementation measure 2(b) of Annex II that are implemented by the local and regional authorities or civil society organisations, ***in particular diaspora communities***.

Amendment 34

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. Each Member State shall ensure that the priorities addressed in its programme are consistent with, and respond to, the Union priorities and challenges in the area of migration management and are fully in line with the relevant Union acquis and agreed Union priorities. In defining the priorities of their

1. Each Member State shall ensure that the priorities addressed in its programme are consistent with, and respond to, the Union priorities and challenges in the area of migration management, ***asylum and reception*** and are fully in line with the relevant Union acquis and agreed Union priorities. In

programmes Member States shall ensure that the implementation measures set out in Annex II are adequately addressed.

defining the priorities of their programmes Member States shall ensure that the implementation measures set out in Annex II are adequately addressed.

Amendment 35

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

2. The Commission shall ensure that the European Union Agency for Asylum and the European Border and Coast Guard Agency are associated to the process of developing the programmes at an early stage, as regards the areas of their competence. The Commission shall consult the European Border and Coast Guard Agency and the European Union Agency for Asylum on the draft programmes to ensure consistency and complementarity of the actions of the agencies and those of the Member States.

Amendment

2. The Commission shall ensure that the European Union Agency for Asylum, ***the European Union Agency for Fundamental Rights*** and the European Border and Coast Guard Agency are associated to the process of developing the programmes at an early stage, as regards the areas of their competence. The Commission shall consult the European Border and Coast Guard Agency and the European Union Agency for Asylum on the draft programmes to ensure consistency and complementarity of the actions of the agencies and those of the Member States.

Amendment 36

Proposal for a regulation Article 13 – paragraph 2

Text proposed by the Commission

2. The Commission shall ensure that the European Union Agency for Asylum and the European Border and Coast Guard Agency are associated to the process of developing the programmes at an early stage, as regards the areas of their competence. The Commission shall consult the European Border and Coast Guard Agency and the European Union Agency for Asylum on the draft programmes to ensure consistency and complementarity of the actions of the agencies and those of the

Amendment

2. The Commission shall ensure that the European Union Agency for Asylum, ***the European Union Agency for Fundamental Rights*** and the European Border and Coast Guard Agency are associated to the process of developing the programmes at an early stage, as regards the areas of their competence. The Commission shall consult the European Border and Coast Guard Agency and the European Union Agency for Asylum on the draft programmes to ensure consistency and complementarity of the actions of the

Member States.

agencies and those of the Member States.

Amendment 37

Proposal for a regulation Article 13 – paragraph 3

Text proposed by the Commission

3. The Commission may associate the European Union Agency for Asylum and European Border and Coast Guard Agency in monitoring and evaluation tasks as referred to in Section 5 where appropriate in particular in view of ensuring that the actions implemented with the support of the Fund are compliant with the relevant Union acquis and agreed Union priorities.

Amendment

3. The Commission may associate the European Union Agency for Asylum, ***the European Union Agency for Fundamental Rights*** and European Border and Coast Guard Agency in monitoring and evaluation tasks as referred to in Section 5 where appropriate in particular in view of ensuring that the actions implemented with the support of the Fund are compliant with the relevant Union acquis and agreed Union priorities.

Amendment 38

Proposal for a regulation Article 13 – paragraph 4

Text proposed by the Commission

4. Further to a monitoring exercise as carried out in accordance with Regulation (EU) [../..] [EUAA Regulation] or the adoption of recommendations in accordance with Regulation (EU) No 1053/2013 which are within the scope of this Regulation, the Member State concerned shall examine, together with the Commission, and where relevant with the European Union Agency for Asylum and the European Border and Coast Guard Agency, how to address the findings, including any shortcomings or issues of capacity and preparedness, and shall implement the recommendations through its programme.

Amendment

4. Further to a monitoring exercise as carried out in accordance with Regulation (EU) [../..] [EUAA Regulation] or the adoption of recommendations in accordance with Regulation (EU) No 1053/2013 which are within the scope of this Regulation, the Member State concerned shall examine, together with the Commission, and where relevant with the European Union Agency for Asylum, ***the European Union Agency for Fundamental Rights*** and the European Border and Coast Guard Agency, how to address the findings, including any shortcomings or issues of capacity and preparedness, and shall implement the recommendations through its programme.

Amendment 39

Proposal for a regulation

Article 18 – paragraph 3

Text proposed by the Commission

3. The Member States using operating support shall comply with the Union acquis on asylum and return.

Amendment

3. The Member States using operating support shall comply with the Union acquis on asylum and return ***and fundamental rights***.

Amendment 40

Proposal for a regulation

Article 18 – paragraph 4

Text proposed by the Commission

4. Member States shall justify in the programme and in the annual performance report as referred to in Article 30 the use of operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall, with the European Union Agency for Asylum and the European Border and Coast Guard Agency in line with Article 13, assess the baseline situation in the Member States which have indicated their intention to use operating support. The Commission shall take into account the information provided by those Member States and, where relevant, the information available in the light of the monitoring exercises, as carried out in accordance with Regulation (EU) ../. [EUAA Regulation] and Regulation (EU) No 1053/2013, which are within the scope of this Regulation.

Amendment

4. Member States shall justify in the programme and in the annual performance report as referred to in Article 30 the use of operating support to achieve the objectives of this Regulation. Before the approval of the programme, the Commission shall, with the European Union Agency for Asylum, ***the European Union Agency for Fundamental Rights*** and the European Border and Coast Guard Agency in line with Article 13, assess the baseline situation in the Member States which have indicated their intention to use operating support. The Commission shall take into account the information provided by those Member States and, where relevant, the information available in the light of the monitoring exercises, as carried out in accordance with Regulation (EU) ../. [EUAA Regulation] and Regulation (EU) No 1053/2013, which are within the scope of this Regulation.

Amendment 41

Proposal for a regulation

Article 26 – paragraph 1 – point c

Text proposed by the Commission

(c) heavy migratory pressure in third countries, including where persons in need of protection may be stranded due to political developments or conflicts, ***notably where it might have an impact on migration flows towards the EU.***

Amendment

(c) heavy migratory pressure in third countries, including where persons in need of protection may be stranded due to political developments or conflicts.

Amendment 42

**Proposal for a regulation
Article 29 – paragraph 1**

Text proposed by the Commission

1. The Commission shall carry out a mid-term and a retrospective evaluation of this Regulation, including the actions implemented under the Fund.

Amendment

1. The Commission shall carry out a mid-term and a retrospective evaluation of this Regulation, including the actions implemented under the Fund, ***the assessment of the impact of returns on third countries and the respect for fundamental rights of migrants.***

Amendment 43

**Proposal for a regulation
Article 29 – paragraph 2**

Text proposed by the Commission

2. The mid-term and the retrospective evaluation shall be carried out in a timely manner to feed into the decision-making process.

Amendment

2. The mid-term and the retrospective evaluation shall be carried out in a timely manner to feed into the decision-making process ***and the result of the evaluation shall be made public and accessible.***

Amendment 44

**Proposal for a regulation
Article 30 – paragraph 2 – point h a (new)**

Text proposed by the Commission

Amendment

(ha) how the respect of fundamental rights of migrants has been guaranteed in

the fund's implementation.

Amendment 45

Proposal for a regulation Annex I – point 1 – point b – indent 1

Text proposed by the Commission

– 30 % for asylum;

Amendment

– 40 % for asylum;

Amendment 46

Proposal for a regulation Annex I – point 1 – point b – indent 2

Text proposed by the Commission

– 30 % for legal migration *and* integration;

Amendment

– 40% for legal migration, integration *and inclusion*;

Amendment 47

Proposal for a regulation Annex I – point 1 – point b – indent 3

Text proposed by the Commission

– 40% for countering irregular migration including returns.

Amendment

– 20% for countering irregular migration including returns.

Amendment 48

Proposal for a regulation Annex II – point 1 – point d

Text proposed by the Commission

(d) enhancing solidarity *and* cooperation with third countries affected by migratory flows, including through resettlement and other legal avenues to protection in the Union as well as partnership and cooperation with third

Amendment

(d) enhancing solidarity, cooperation *and exchange of best practices* with third countries affected by migratory flows, including through resettlement and other legal avenues to protection in the Union as well as partnership and cooperation with

countries for the purpose of managing migration.

third countries for the purpose of managing migration.

Amendment 49

Proposal for a regulation Annex III – point 3 – point k

Text proposed by the Commission

(k) promoting exchanges and dialogue between third-country nationals, the receiving society and public authorities, including through the consultation of third-country nationals, and intercultural and inter-religious dialogue.

Amendment

(k) promoting exchanges and dialogue, ***in particular with the assistance of diaspora communities***, between third-country nationals, the receiving society and public authorities, including through the consultation of third-country nationals, and intercultural and inter-religious dialogue.

Amendment 50

Proposal for a regulation Annex III – point 4 – point a

Text proposed by the Commission

(a) infrastructure for reception ***or detention***, including the possible joint use of such facilities by more than one Member State;

Amendment

(a) infrastructure for reception, including the possible joint use of such facilities by more than one Member State;

Amendment 51

Proposal for a regulation Annex III – point 4 – point d

Text proposed by the Commission

(d) countering ***incentives for*** irregular migration, including the employment of irregular migrants, through effective and adequate inspections based on risk assessment, the training of staff, the setting-up and implementation of mechanisms through which irregular migrants can claim back payments and

Amendment

(d) countering irregular migration, including the employment of irregular migrants, through effective and adequate inspections based on risk assessment, the training of staff, the setting-up and implementation of mechanisms through which irregular migrants can claim back payments and lodge complaints against

lodge complaints against their employers, or information and awareness-raising campaigns to inform employers and irregular migrants about their rights and obligations pursuant to Directive 2009/52/EC8;

their employers, or information and awareness-raising campaigns to inform employers and irregular migrants about their rights and obligations pursuant to Directive 2009/52/EC8;

Amendment 52

Proposal for a regulation Annex III – point 4 – point d a (new)

Text proposed by the Commission

Amendment

(da) assessment of the situation and stability of the countries of origin, and of the absorption capacity at the local level;

Amendment 53

Proposal for a regulation Annex III – point 4 – point e

Text proposed by the Commission

Amendment

(e) preparation of return, including measures leading to the issuing of return decisions, the identification of third-country nationals, the issuing of travel documents *and* family tracing;

(e) preparation of return, including measures leading to the issuing of return decisions, the identification of third-country nationals, the issuing of travel documents, family tracing, *the option of being given vocational training in Europe to foster reintegration into the country of origin;*

Amendment 54

Proposal for a regulation Annex III – point 4 – point h

Text proposed by the Commission

Amendment

(h) removal operations, including related measures, in accordance with the standards laid down in Union law, with the exception of coercive equipment;

(h) removal operations, including related measures, *in full respect of human rights and* in accordance with the standards laid down in Union law, with the

exception of coercive equipment;

Amendment 55

Proposal for a regulation Annex III – point 4 – point i

Text proposed by the Commission

(i) measures to support the returnee's durable return and reintegration;

Amendment

(i) measures to support, ***with a long term approach***, the returnee's durable return and reintegration, ***including skills development activities***;

Amendment 56

Proposal for a regulation Annex III – point 4 – point j

Text proposed by the Commission

(j) ***facilities and services in*** third countries ensuring appropriate temporary accommodation and reception upon arrival, ***including for unaccompanied minors and other vulnerable groups*** in line with international standards;

Amendment

(j) ***support to*** third countries ***in*** ensuring appropriate temporary accommodation and reception upon arrival in line with international standards;

Amendment 57

Proposal for a regulation Annex III – point 4 – point k

Text proposed by the Commission

(k) ***cooperation with third countries on countering irregular migration and on effective return and readmission, including in the framework of the implementation of readmission agreements and other arrangements***;

Amendment

deleted

Amendment 58

Proposal for a regulation
Annex III – point 4 – point m

Text proposed by the Commission

(m) support for and actions in third countries, ***including on infrastructure, equipment and other measures***, provided these contribute to enhancing effective cooperation between third countries and the Union and its Member States on return and readmission.

Amendment

(m) support for and actions in third countries, provided these contribute to enhancing effective cooperation between third countries and the Union and its Member States on return and readmission.

Amendment 59

Proposal for a regulation
Annex IV – indent 1

Text proposed by the Commission

– Integration measures implemented by local and regional authorities and civil-society organisations;

Amendment

– Integration measures implemented by local and regional authorities and civil-society organisations, ***including diaspora communities***;

Amendment 60

Proposal for a regulation
Annex V – part 2

Text proposed by the Commission

Specific objective 2: To support legal migration to the Member States including to contribute to the integration of third-country nationals:

1. Number of persons who participated in pre-departure measures supported by the Fund.

2. Number of persons who participated in integration measures supported by the Fund reporting that the measures were beneficial for their early integration as compared to the total number of persons who participated in the integration measures supported by the Fund.

Amendment

deleted

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Establishing the Asylum and Migration Fund	
References	COM(2018)0471 – C8-0271/2018 – 2018/0248(COD)	
Committee responsible Date announced in plenary	LIBE 2.7.2018	
Opinion by Date announced in plenary	DEVE 2.7.2018	
Rapporteur Date appointed	Elly Schlein 18.7.2018	
Discussed in committee	29.8.2018	8.10.2018
Date adopted	13.12.2018	
Result of final vote	+: 15 -: 3 0: 0	
Members present for the final vote	Ignazio Corrao, Doru-Claudian Frunzuliță, Enrique Guerrero Salom, Maria Heubuch, Teresa Jiménez-Becerril Barrio, Linda McAvan, Norbert Neuser, Maurice Ponga, Jean-Luc Schaffhauser, Elly Schlein, Bogusław Sonik, Eleni Theodorou, Mirja Vehkaperä, Joachim Zeller	
Substitutes present for the final vote	Frank Engel, Ádám Kósa	

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

15	+
ALDE	Mirja Vehkaperä
ECR	Eleni Theoharous
EFDD	Ignazio Corrao
PPE	Frank Engel, Teresa Jiménez-Becerril Barrio, Maurice Ponga, Bogusław Sonik, Joachim Zeller
S&D	Doru-Claudian Frunzulică, Enrique Guerrero Salom, Linda McAvan, Norbert Neuser, Elly Schlein
VERTS/ALE	Maria Heubuch, Tilly Metz

3	-
ENF	Jean-Luc Schaffhauser
GUE/NGL	Miguel Urbán Crespo
PPE	Ádám Kósa

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention