

8.9.2016

A8-0236/ 001-023

## **AMENDMENTS 001-023**

by the Committee on Civil Liberties, Justice and Home Affairs

### **Report**

**Ska Keller**

**A8-0236/2016**

Asylum: provisional measures in favour of Italy and Greece

Proposal for a decision (COM(2016)0171 – C8-0133/2016 – 2016/0089(NLE))

---

### **Amendment 1**

#### **Proposal for a decision**

##### **Recital 2**

###### *Text proposed by the Commission*

(2) Under Article 4(2) of Decision (EU) 2015/1601, as of 26 September 2016, 54 000 applicants should be relocated from Italy and Greece to the territory of other Member States unless by that date, pursuant to Article 4(3), the Commission makes a proposal to allocate them to **another** beneficiary Member States confronted with an emergency situation characterised by a sudden inflow of persons.

###### *Amendment*

(2) Under Article 4(2) of Decision (EU) 2015/1601, as of 26 September 2016, 54 000 applicants should be relocated from Italy and Greece ***in the proportions laid down in that Decision (namely 12 764 applicants from Italy and 41 236 from Greece)*** to the territory of other Member States unless by that date, pursuant to Article 4(3), the Commission makes a proposal to allocate them to ***other*** beneficiary Member States confronted with an emergency situation characterised by a sudden inflow of persons.

## Amendment 2

### Proposal for a decision Recital 3

*Text proposed by the Commission*

*Amendment*

**(3) Article 1(2) of Decision (EU) 2015/1601 provides that the Commission is to keep under constant review the situation regarding massive inflows of third country nationals into Member States. The Commission should submit, as appropriate, proposals to amend that Decision in order to take into account the evolution of the situation on the ground and its impact upon the relocation mechanism, as well as the evolving pressure on Member States, in particular frontline Member States.**

*deleted*

## Amendment 3

### Proposal for a decision Recital 3 a (new)

*Text proposed by the Commission*

*Amendment*

**(3a) Article 4(1)(c) of Decision (EU) 2015/1601 provides for 54 000 applicants to be relocated. Relocation is defined in Article 2(e) of that Decision as the transfer of an applicant from the territory of the Member State responsible for examining the application for international protection to the territory of the Member State of relocation. Relocation does not include the resettlement or admission of persons in need of international protection from a third country to the territory of a Member State.**

## Amendment 4

### Proposal for a decision Recital 3 b (new)

*Text proposed by the Commission*

*Amendment*

***(3b) It should be the duty of the European Border and Coast Guard Agency to keep under constant review the situation regarding massive inflows of third-country nationals into Member States.***

## Amendment 5

### Proposal for a decision Recital 4

*Text proposed by the Commission*

(4) The EU Heads of State or Government agreed on 7 March to work on the basis of a series of principles for an agreement with Turkey, including to resettle, for every Syrian readmitted by Turkey from Greek islands, another Syrian from Turkey to the Member States, within the framework of the existing commitments. ***Those principles were further developed in the Commission's Communication on next operational steps in EU-Turkey cooperation in the field of migration which called for taking the necessary steps to transfer some of the commitments under the existing relocation decisions, notably all or part of the currently unallocated 54 000 places, to the so called 1:1 scheme.***

*Amendment*

(4) The EU Heads of State or Government agreed ***through a statement*** on 7 March to work on the basis of a series of principles for an agreement with Turkey, including to resettle, for every Syrian readmitted by Turkey from Greek islands, another Syrian from Turkey to the Member States, within the framework of the existing commitments. ***This 1:1 scheme should be implemented with the aim of protecting Syrians fleeing war and persecution and in full respect for the right to seek asylum and the principle of non-refoulement enshrined in Union law, in the Geneva Convention of 28 July 1951 and in the Protocol thereto of 31 January 1967 relating to the status of refugees.***

## Amendment 6

### Proposal for a decision Recital 5

*Text proposed by the Commission*

(5) Resettlement, humanitarian admission, or other forms of legal admission from Turkey under national and multilateral schemes ***can be expected*** to relieve the migratory pressure on Member States ***which are beneficiaries of relocation under Decision (EU) 2015/1601*** by providing a legal and safe pathway to enter the Union and by

*Amendment*

(5) ***Large-scale*** resettlement, humanitarian admission, or other forms of legal admission from Turkey under national and multilateral schemes ***are needed*** to relieve the migratory pressure on Member States by providing a legal and safe pathway to enter the Union and by ***making*** irregular entries ***unnecessary***. Therefore ***they should be extended. To***

*discouraging* irregular entries. Therefore, *the solidarity efforts of Member States consisting in admitting to their territory Syrian nationals present in Turkey who are in clear need of international protection should be taken into account in relation to the 54 000 applicants for international protection referred to above. The number of persons so admitted from Turkey by a Member State should be deducted from the number of persons to be relocated to that Member State under Decision 2015/1601 in relation to those 54 000 applicants.*

*date, only a minimal number of Syrian refugees have been resettled to the Union. In its resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration, the European Parliament called for the development of a greater number of safer and lawful routes for asylum seekers and refugees into the Union, including a binding and mandatory Union legislative approach to resettlement, the establishment of humanitarian admission programmes by all Member States and more extensive use of humanitarian visas. Those measures should be complementary to the relocation schemes adopted pursuant to Decisions (EU) 2015/1523 and (EU) 2015/1601.*

#### **Amendment 7**

##### **Proposal for a decision Recital 6**

*Text proposed by the Commission*

(6) Mechanisms for admission may include resettlement, humanitarian admission or other legal pathways for admission of persons in clear need of international protection, such as humanitarian visa programmes, humanitarian transfer, family reunification programmes, private sponsorship projects, scholarship programmes, labour mobility schemes, and others.

*Amendment*

(6) Mechanisms for admission may include resettlement, humanitarian admission or other legal pathways for admission of persons in clear need of international protection, such as humanitarian visa programmes, humanitarian transfer, family reunification programmes, private sponsorship projects, scholarship programmes, *access to education*, labour mobility schemes, and others.

#### **Amendment 8**

##### **Proposal for a decision Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

*(6a) Council Directive 2003/86/EC<sup>1a</sup> provides for measures concerning family reunification to be adopted in conformity*

*with the obligation to protect the family and respect family life enshrined in many instruments of international law. Family reunification is therefore not conditional on other Union policies or solidarity or emergency measures. It should be respected and promoted by Member States in all cases.*

---

*<sup>1a</sup> Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003, p. 12).*

## **Amendment 9**

### **Proposal for a decision Recital 7**

*Text proposed by the Commission*

(7) The commitments that Member States undertook as part of the resettlement scheme agreed in the Conclusions of the Representatives of the Governments of the Member States meeting within the Council of 20 July 2015 should not be affected by this Decision and should not count towards meeting the obligations under Decision 2015/1601. ***Therefore, a Member State which chooses to meet its obligations under Decision (EU) 2015/1601 by admitting Syrians present in Turkey through resettlement, cannot count this effort as constituting part of its commitment under the 20 July 2015 resettlement scheme.***

## **Amendment 10**

### **Proposal for a decision Recital 8**

*Text proposed by the Commission*

(8) To ensure a proper monitoring of the situation, Member States should report on a monthly basis to the Commission on

*Amendment*

(7) The commitments that Member States undertook as part of the resettlement scheme agreed in the Conclusions of the Representatives of the Governments of the Member States meeting within the Council of 20 July 2015 should not be affected by this Decision and should not count towards meeting the obligations under Decision 2015/1601.

*Amendment*

(8) To ensure a proper monitoring of the situation, Member States should report on a monthly basis to the Commission on

Syrians present in Turkey admitted to their territory *under the option provided for in this amendment specifying under which scheme, national or multilateral, the person has been admitted and the form of legal admission.*

Syrians present in Turkey admitted to their territory, *the form of admission used and the type of scheme under which it has taken place.*

## **Amendment 11**

### **Proposal for a decision Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

*(8a) Resettlement should not take place at the expense of relocation. Both are important instruments of solidarity. Relocation is a form of internal solidarity among Member States, while resettlement and humanitarian admission or other kinds of admission are a form of external solidarity with third countries hosting the majority of refugees.*

## **Amendment 12**

### **Proposal for a decision Recital 8 b (new)**

*Text proposed by the Commission*

*Amendment*

*(8b) Regarding the current number of asylum seekers in Greece, and the increasing number of asylum seekers arriving Italy, the need for emergency relocation places is expected to remain high.*

## **Amendment 13**

### **Proposal for a decision Recital 8 c (new)**

*Text proposed by the Commission*

*Amendment*

*(8c) According to recent data by the UNHCR, 53 859 persons in search for international protection currently remain in Greece, the vast majority of them are*

*Syrians (45 %), Iraqis (22 %) and Afghans (21 %). Despite a reduction of the number of arrivals, and given the political nature of the statement of 18 March 2016 of the EU Heads of State or Government on cooperation with Turkey, it is highly uncertain if the current drop in arrivals of asylum seekers to Greece will persist. On the other hand, refugees might turn to new routes, such as the central Mediterranean route to Italy, where the UNHCR reports a 42,5 % increase in the number of migrants arriving via Libya compared with the same period in 2015. It is therefore expected that the need for relocation places will remain high.*

#### **Amendment 14**

##### **Proposal for a decision Recital 8 d (new)**

*Text proposed by the Commission*

*Amendment*

*(8d) In its Communication "First report on relocation and resettlement" of 16 March 2016, the Commission indicated that the implementation of Decision (EU) 2015/1601 presents many shortcomings. Member States' response to the general call from EASO for 374 experts is clearly insufficient given the critical situation faced by Italy and Greece. Notwithstanding the rising number of unaccompanied minors among asylum seekers and refugees eligible for relocation, only a very limited number of them have been relocated, despite the Council Decisions on relocation providing for vulnerable applicants to be processed as a priority. Some Member States have not made available any places for relocation to date. Only 18 Member States have pledged to relocate applicants from Greece and 19 Member States have pledged to do so from Italy. Among those Member States, some have only made very limited pledges in light of their total*

*allocation.*

## **Amendment 15**

### **Proposal for a decision Recital 8 e (new)**

*Text proposed by the Commission*

*Amendment*

***(8e) The Commission has opened infringement procedures against Italy and Greece on the implementation of Regulation (EU) No 603/2013 of the European Parliament and of the Council<sup>1a</sup> and against Greece in relation to the Directive 2013/33/EU of the European Parliament and of the Council<sup>1b</sup>. However, no legal action has been undertaken towards Member States not complying with the obligations set out in Decision (EU) 2015/1601.***

---

***<sup>1a</sup> Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice(recast) (OJ L 180, 29.6.2013, p. 1).***

***<sup>1b</sup> Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international***



*protection (OJ L 180, 29.6.2013, p. 96).*

## **Amendment 16**

### **Proposal for a decision Recital 8 f (new)**

*Text proposed by the Commission*

*Amendment*

***(8f) Member States of relocation need to implement fully their obligations under Decisions (EU) 2015/1523 and (EU) 2015/1601 with a view to alleviating the pressure on frontline Member States. Member States of relocation should expeditiously and substantively increase their efforts to reply to the urgent humanitarian situation in Greece and prevent the deterioration of the situation in Italy. To date, Member States have made available just 7 % of the relocation places. Until 5 June 2016 only 793 persons from Italy and 2033 persons from Greece were effectively relocated. The Commission, in its first report on relocation and resettlement of 16 March 2016, pointed out that Member States would have to achieve a monthly relocation rate of at least 5 680 in order to fulfil their relocation obligations within the two-year deadline.***

## **Amendment 17**

### **Proposal for a decision Recital 8 g (new)**

*Text proposed by the Commission*

*Amendment*

***(8g) Afghans should also be eligible for relocation under the Decision (EU) 2015/1601. In 2015 the number of asylum applications filed by Afghans in the Union reached an unprecedented level of around 180 000, making Afghans the second largest group of asylum-seekers to the Union in that year. By far the greatest number of them arrive in Greece. Many of them are unaccompanied minors. They***

*have special protection needs, which Greece, due to the ongoing acute asylum pressure, is unable to meet. The deteriorating security situation in Afghanistan, with a record number of terrorist attacks and civilian casualties in 2015, has resulted in a significant increase in the recognition rate of Afghan asylum seekers in the Union: from 43 % in 2014 to 66 % in 2015, according to Eurostat data.*

## Amendment 18

### Proposal for a decision Recital 14

*Text proposed by the Commission*

(14) *In view of the urgency of the situation*, this Decision should enter into force on the date following that of its publication in the *Official Journal of the European Union*,

*Amendment*

(14) This Decision should enter into force *immediately* on the date following that of its publication in the *Official Journal of the European Union*,

## Amendment 19

### Proposal for a decision Article 1 – paragraph 1 – point -1 (new) Decision (EU) 2015/1601 Article 3 – paragraph 2

*Present text*

2. Relocation pursuant to this Decision shall be applied only in respect of *an applicant* belonging to a nationality for which the proportion of decisions granting international protection among decisions taken at first instance on applications for international protection as referred to in Chapter III of Directive 2013/32/EU of the European Parliament and of the Council (1) is, according to the latest available updated quarterly Union-wide average Eurostat data, 75 % or higher. In the case of stateless persons, the country of former

*Amendment*

*-1. In Article 3, paragraph 2 is replaced by the following:*

“2. Relocation pursuant to this Decision shall be applied only in respect of *applicants with Syrian, Iraqi, Eritrean or Afghan nationality or in respect of those* belonging to a nationality for which the proportion of decisions granting international protection among decisions taken at first instance on applications for international protection as referred to in Chapter III of Directive 2013/32/EU of the European Parliament and of the Council (1) is, according to the latest available updated quarterly Union-wide average

habitual residence shall be taken into account. Quarterly updates shall be taken into account only in respect of applicants who have not already been identified as applicants who could be relocated in accordance with Article 5(3) of this Decision.

Eurostat data, 75 % or higher. In the case of stateless persons, the country of former habitual residence shall be taken into account. Quarterly updates shall be taken into account only in respect of applicants who have not already been identified as applicants who could be relocated in accordance with Article 5(3) of this Decision.”.

## **Amendment 20**

### **Proposal for a decision**

#### **Article 1 – paragraph 1**

Decision (EU) 2015/1601

Article 4 – paragraph 3a

*Text proposed by the Commission*

*Amendment*

*In Article 4 of Decision (EU) 2015/1601 the following paragraph 3a is inserted:*

*deleted*

*."3a. In relation to the relocation of applicants referred to in point (c) of paragraph 1, the admission by Member States to their territory of Syrian nationals present in Turkey under national or multilateral legal admission schemes for persons in clear need of international protection other than the resettlement scheme which was the subject of the Conclusions of the Representatives of the Governments of the Member States meeting within the Council of 20 July 2015 shall lead to a corresponding reduction of the obligation of the respective Member State.*

*Article 10 shall apply mutatis mutandis for every such legal admission leading to a reduction of the relocation obligation.*

*Every month Member States shall report to the Commission on the number of persons legally admitted for the purposes of this paragraph, indicating the type of scheme under which the admission has taken place and the form of legal admission used."*

## Amendment 21

### Proposal for a decision

#### Article 1 – paragraph 1 – point 1 a (new)

Decision (EU) 2015/1601

Article 5 – paragraph 2

#### *Present Text*

2. Member States shall, at regular intervals, and at least every 3 months, indicate the number of applicants who can be relocated swiftly to their territory and any other relevant information.

#### *Amendment*

***1a. In Article 5, paragraph 2 is replaced by the following:***

“2. Member States shall, at regular intervals, and at least every 3 months, indicate the number of applicants who can be relocated swiftly to their territory and any other relevant information. ***Member States shall make available at least one-third of their relocation places by 31 December 2016.***”

## Amendment 22

### Proposal for a decision

#### Article 1 – paragraph 1 – point 1 b (new)

Decision (EU) 2015/1601

Article 5 – paragraph 4

#### *Present text*

4. Following approval of the Member State of relocation, Italy and Greece shall, as soon as possible, take a decision to relocate each of the identified applicants to a specific Member States of relocation, in consultation with EASO, and shall notify the applicant in accordance with Article 6(4). The Member State of relocation may decide not to approve the relocation of an applicant only if there are reasonable grounds as referred to in paragraph 7 of this Article.

#### *Amendment*

***1b. In Article 5, paragraph 4 is replaced by the following:***

“4. Following approval of the Member State of relocation, Italy and Greece shall, as soon as possible, take a decision to relocate each of the identified applicants to a specific Member States of relocation, in consultation with EASO, and shall notify the applicant in accordance with Article 6(4). The Member State of relocation may decide not to approve the relocation of an applicant only if there are reasonable grounds as referred to in paragraph 7 of this Article. ***If the Member State of relocation does not approve the relocation within two weeks, that Member State shall be considered to have given its approval.***”

## Amendment 23

### Proposal for a decision

#### Article 1 – paragraph 1 – point 1 c (new)

Decision (EU) 2015/1601

Article 5 – paragraph 10

#### *Present text*

10. The relocation procedure provided for in this Article shall be completed as swiftly as possible and not later than 2 months from the time of the indication given by the Member State of relocation as referred to in paragraph 2, ***unless the approval by the Member State of relocation referred to in paragraph 4 takes place less than 2 weeks before the expiry of that 2-month period. In such case, the time limit for completing the relocation procedure may be extended for a period not exceeding a further 2 weeks. In addition, the time limit may also be extended, for a further 4-week period, as appropriate, where Italy or Greece show objective practical obstacles that prevent the transfer from taking place.***

#### *Amendment*

***1c. In Article 5, paragraph 10 is replaced by the following:***

“10. The relocation procedure provided for in this Article shall be completed as swiftly as possible and no later than 2 months from the time of the indication given by the Member State of relocation referred to in paragraph 2. The time limit may be extended for a 4-week period, as appropriate, where Italy or Greece show objective practical obstacles that prevent the transfer from taking place.”.