



Plenary sitting

7.9.2015

B8-0835/2015

MOTION FOR A RESOLUTION

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

pursuant to Rule 123(2) of the Rules of Procedure

on migration and the situation of refugees
(2015/2833(RSP))

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on behalf of the GUE/NGL Group

B8-0835/2015

**European Parliament resolution on migration and the situation of refugees
(2015/2833(RSP))**

The European Parliament,

- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the Geneva Convention of 1951 and the additional protocol thereto,
- having regard to its resolution of 30 April 2015 on the latest tragedies in the Mediterranean and EU migration and asylum policies¹,
- having regard to the European Council conclusions of 23 April 2015,
- having regard to its resolution of 17 December 2014 on the situation in the Mediterranean and the need for a holistic EU approach to migration²,
- having regard to the speech by its President during his visit to Lampedusa on 2 and 3 October 2014 to mark the anniversary of the tragedy of 3 October 2013,
- having regard to the reports of its Committee on Civil Liberties, Justice and Home Affairs on the visits by its delegations to Lampedusa in November 2011, to Jordan in February 2013 in relation to refugees from Syria, and to Bulgaria in January 2014 in relation to the situation of asylum seekers and refugees, in particular from Syria,
- having regard to the debates in its plenary sitting of 9 October 2013 on EU migration policies in the Mediterranean, with particular attention to the tragic events off Lampedusa,
- having regard to the debates held since the beginning of the current legislative term in its Committee on Civil Liberties, Justice and Home Affairs: on 22 July 2014 on the implementation of the communication on the work of the Task Force Mediterranean; on 4 September 2014 on Frontex activities in the Mediterranean and on the Task Force Mediterranean; and on 24 September 2014 on the Commission's 5th annual report on immigration and asylum (2013) (COM(2014)0288), and on the annual report by the European Asylum Support Office (EASO) on the situation of asylum in the European Union (2013),
- having regard to the Commission communication of 4 December 2013 on the work of the Task Force Mediterranean (COM(2013)0869),

¹ Texts adopted, P8_TA(2015)0176.

² Texts adopted, P8_TA(2014)0105.

- having regard to the European Council conclusions of 20 December 2013,
 - having regard to the Commission staff working document of 22 May 2014 on the implementation of the communication on the work of the Task Force Mediterranean (SWD(2014)0173),
 - having regard to the conclusions adopted by the European Council at its meeting of 26 and 27 June 2014, in which it defined the strategic guidelines for legislative and operational planning for the coming years within the area of freedom, security and justice,
 - having regard to the political guidelines for the next Commission presented by President Juncker to the plenary of Parliament on 15 July 2014,
 - having regard to the opinion of the European Economic and Social Committee of 11 September 2014 on European immigration policies,
 - having regard to the commitments made by the Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos, at his hearing before the Committee on Civil Liberties, Justice and Home Affairs of 30 September 2014,
 - having regard to the Council conclusions of 10 October 2014 on taking action to better manage migratory flows,
 - having regard to the report of the Parliamentary Assembly of the Council of Europe (PACE) of April 2012, entitled ‘Lives lost in the Mediterranean Sea: who is responsible?’,
 - having regard to the annual reports of the UN Special Rapporteur on the Human Rights of Migrants, in particular those of April 2013 on the management of the EU’s external borders and its impact on the human rights of migrants, and of April 2014 on labour exploitation of migrants,
 - having regard to the work carried out by NGOs and civil society organisations in the Mediterranean, which has set an example of non-militarised, civil rescue operations based on human rights and solidarity,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas regional instability and persistent conflict are generating a humanitarian crisis unprecedented in modern history, with more than 60 million displaced people in 2014; recalls that in 2014 some 42 500 people became refugees, asylum seekers or internally displaced persons every day, and that such movements occur mainly in developing countries, with only 13 % pertaining to developed countries;
- B. whereas most Member States have reduced their participation in food aid programmes, bringing about food shortages in the refugees’ first host countries, particularly Jordan and Lebanon;

- C. whereas the conflicts in Syria and Libya, in which Member States have armed and funded different actors, have led to a dramatic surge in refugee numbers, pointing once more to the need for the Member States to abide by their international obligations to welcome refugees and rescue them at sea;
- D. whereas the EU and its Member States are helping to nurture the criminal and dangerous business of human smuggling by building fences and increasingly sealing off their external borders against migrants and refugees, without providing possibilities for safe and legal access to the EU; whereas the EU and its Member States are therefore failing to deliver an adequate response to the deaths in the Mediterranean and the refugee crisis in our neighbourhood;
- E. whereas according to UNHCR data 2 778 women, men and children have been reported dead or missing in 2015 in their attempts to reach a safe place in Europe; whereas the EU, instead of putting in place a proactive search and rescue operation, has increased the Frontex budget; whereas in a statement of 5 August 2014 Médecins Sans Frontières (MSF) pointed to the severe lack of adequate search and rescue operations;
- F. whereas according to UNHCR data Greece received 229 460 sea and land arrivals between January and August 2015, and Italy received 115 500 sea arrivals between January and July 2015; recognising the efforts made by Greece to improve the situation of refugees despite the absence of European support, including funding;
- G. whereas on 5 September 2015 Germany and Austria granted access to thousands of refugees who had been prevented from boarding trains in Budapest by the Hungarian Government; whereas it is to be deplored that the same governments have announced the re-establishment of random border checks despite the humanitarian situation;
- H. whereas numerous initiatives on the part of citizens and local authorities to support refugees have developed across Europe, with calls for a different policy on migration and asylum;
- I. whereas, according to Frontex data, in 2015 so far the countries of origin accounting for the largest numbers of asylum seekers are Syria, Afghanistan, Eritrea and Iraq;
- J. whereas under the 1951 Geneva Convention people can seek asylum in another country regardless of their country of origin as long as they have a well-founded fear of being persecuted because of their race, religion, nationality, membership of a particular social group or political opinion;
- K. whereas at the most recent European Council of 25 and 26 June in Brussels, leaders failed to agree on sufficient numbers for voluntary relocation or resettlement mechanisms for asylum seekers;
- L. whereas instead of the current ad hoc decision-making, it is necessary to develop a longer-term approach to proactive and non-militarised search and rescue operations independent of border controls;
- M. whereas the current situation in Greece, Italy and Hungary highlights the urgent need to suspend the Dublin Regulation and develop alternatives;

1. Pays tribute to the men, women and children who have died over the years in their attempts to reach a safe place in Europe, and extends its sincere condolences, solidarity and support to the families of the victims; calls for the EU and its Member States to do their utmost to identify the bodies and the missing persons, and to inform the relatives;
2. Condemns the lack of solidarity and responsibility among EU Member States and the inhumane and degrading treatment faced by migrants and refugees across Europe, including violent acts by law enforcement authorities; calls, therefore, for a radical and immediate shift in migration and asylum policies;
3. Expresses its fullest solidarity with the large numbers of refugees and migrants fleeing endless conflict, grave violations of human rights, the fatal consequences of climate change, poverty and harsh repression; recalls that the EU and its Member States have a responsibility for the war, chaos, economic misery, hunger and death from which refugees and immigrants are escaping, not least on account of global neo-liberal economic policies, their colonial past and current neocolonial policies;
4. Pays tribute to the numerous people's initiatives and local authority initiatives across Europe that have been providing support to refugees in the absence of EU and governmental support and leadership; acknowledges that these initiatives show that many citizens wish to live in a Europe of solidarity where refugees and migrants are welcome; welcomes in particular the setting-up of a network of 'refugee cities' in Spain, and encourages local authorities to follow this example;
5. Recognises the need for support from the UN; calls on the UN, therefore, to play a major role in responding to the refugee crisis, including by issuing a Security Council resolution on allowing asylum seekers quick and safe access to European territory;
6. Urges all Member States and all the European institutions to take immediate action in response to the crisis situation in the Mediterranean on the basis of solidarity and the fair sharing of responsibility, pursuant to Article 80 of the Treaty on the Functioning of the European Union, and of a holistic approach that takes into account safe and legal migration and full respect for fundamental rights and values; calls on the Commission and the Council, if a united position along these lines cannot be agreed in the Council, to establish a coalition of Member States in order to advance towards a more progressive and humane EU refugee and migration policy, and calls for significant funding to be allocated in this area as part of such enhanced cooperation;
7. Calls for the EU and its Member States to organise, as a matter of urgency, a new permanent maritime search and rescue civil operation in the Mediterranean, designed in close cooperation with civil society organisations and taking into account valuable search and rescue experiences such as those of the Migrant Offshore Aid Station (MOAS) and Médecins Sans Frontières (MSF);
8. Deplores the fact that the European Council has failed to implement a credible, binding EU-wide mechanism for solidarity which would encompass a compulsory resettlement scheme together with emergency relocations between Member States, while taking into account the right of migrants and refugees to choose where to live; calls on the Commission to propose, for its permanent relocation scheme, a number of relocation places adequate to meet the current needs of the countries of first entry on the basis of

sea and land arrivals so far in 2015;

9. Calls for the immediate suspension of the Dublin Regulation, which is failing to ensure effective access to asylum;
10. Calls on the Commission and the Member States to immediately activate the Temporary Protection Directive (Directive 2001/55/EC) in light of the current influx of refugees;
11. Stresses the need to make greater use of safe and legal avenues and to strengthen the provision of humanitarian visas under the Visa Code, by calling on the Member States to make further use of such humanitarian visas or to suspend the requirement for such visas for those travelling from a conflict zone;
12. Stresses that, in addition to a strong resettlement programme, Member States should agree to provide other legal avenues such as enhanced family reunification, private sponsorship schemes and flexible visa arrangements, including for study, work and health purposes;
13. Condemns the Council's decision to concentrate all effective efforts, including military efforts, on a fight which is not only unsuccessful but also misplaced, as the smugglers take advantage of the lack of legal routes for migrants and refugees; condemns the plan to destroy vessels along the coasts of Libya and other North African countries, and calls for the EU and its Member States to end the EUNAVFOR Med operation;
14. Calls on the Member States to set up, as a matter of urgency, suitable reception infrastructures for migrants and asylum seekers, and to recognise people fleeing ongoing conflicts as *prima facie* refugees;
15. Regrets the fact that many people fleeing human rights deprivation in fragile or failed states will not be granted refugee status and will become undocumented despite their well-founded fear of being persecuted;
16. Condemns the acceleration and enforcement of planned returns from 'hotspots' on the basis of a list of 'safe' countries; expresses concern that this would impede individual asylum applications being made by nationals and residents of those third countries; points out that the approach based on the concept of 'safe countries' undermines the human rights of those belonging to vulnerable groups, such as women who are victims of gender-based persecution, and LGBTI people; condemns in particular the announcement by President Juncker that all EU candidate countries – including Turkey and the Balkan countries – are to be considered safe countries;
17. Condemns the Commission's position that the enforcement of fingerprinting by means of coercion or detention measures is considered a 'best practice' if proportionate; calls on the Commission to provide information on how this practice respects a person's right to human dignity, and condemns the enforcement of this criminalising practice by Member States;
18. Condemns the detention of migrants and calls for the abolition of detention centres; supports the efforts being made in this direction in some Member States;

19. Calls for the suspension of all readmission agreements with countries which do not respect fundamental human rights;
20. Calls on the Member States to comply with the international principle of non-refoulement, not only in words but also in deeds; recalls that collective expulsion is prohibited;
21. Calls on the Commission and the Member States to suspend cooperation immediately with third countries whose policy is to prevent migrants and refugees from reaching a safe place in Europe and to intensify border controls; calls for an end to negotiations on any such agreements with third countries that do not guarantee the protection of refugees and respect for fundamental rights, such as Eritrea, Sudan, Somalia, Ethiopia and Egypt, all countries from which refugees are fleeing, and for the suspension of the Khartoum and Rabat processes; also requests the suspension of all financial assistance to the Egyptian and Eritrean regimes in light of UN and NGO reports on human rights violations in those countries;
22. Rejects the proposals by Member States to set up European asylum or detention centres in third countries and to involve North African countries and Turkey in European search and rescue with the aim of intercepting refugees and returning them to African or Turkish shores; calls on the Commission, in this connection, to provide Parliament with an evaluation of the compliance of these proposals with international law, in particular the Geneva Convention, and of any other practical or legal obstacles to their implementation;
23. Recalls that asylum is a fundamental human right guaranteed by international laws and obligations that are binding on all Member States; stresses, therefore, that the Member States should make increased use of the procedures at their disposal for dealing with urgent protection claims, by making increased use of the existing legal framework, including applications for asylum lodged at their consulates in third countries and processed once the applicant is in Europe; recalls that the acceptance rate for asylum applications varies greatly from one Member State to another; is concerned, in this connection, about the retention and return policy followed by certain Member States with regard to 'rejected asylum seekers';
24. Calls for the EU and its Member States, in light of the dramatic impact of previous military interventions in terms of the surge in refugee numbers, to abstain from participating in conflicts in third countries or arming and supporting their actors, and to promote peace and reject violent intervention as the basis of their foreign policy; calls in particular for the EU and its Member States not to conduct any military intervention in Syria or Libya;
25. Recalls that under the Millennium Development Goals the Member States have committed to financing development aid up to 0.7 % of GDP; regrets the fact that almost all the Member States have given up on this commitment; condemns the fact that some Member States have even decreased their participation; asks, in this context, for the intensification of EU support for civil society organisations and local authorities at all levels;
26. Condemns the xenophobic words and attitudes of the leaders of some Member States,

and the use that far-right forces are making of the current crisis to spread their violent message; also condemns the fact that some Member State leaders keep on maintaining confusing and divisive attitudes towards refugees, asylum seekers and ‘economic’ migrants; condemns in particular all the measures being adopted by the current Hungarian Government that contravene international law on asylum, including changes to national asylum legislation, the building of a new fence and the violent disembarkation of a trainful of refugees, as well as the recent statements by Prime Minister Viktor Orbán;

27. Supports a substantial increase in the Asylum, Migration and Integration Fund for 2016; calls for all available amounts under this fund to be allocated primarily to asylum and integration, especially in the areas of education, employment, healthcare and housing, in order to promote equal participation in social life;
28. Calls on the Council and the Member States to implement the initiatives already announced by the Commission that aim to reinforce solidarity and responsibility-sharing among Member States, including the new proposal for a permanent relocation mechanism, with a substantial further increase in the number of relocation places as a first step in the right direction, bearing in mind that the Committee on Civil Liberties, Justice and Home Affairs – the committee competent for such matters – is currently drafting a report which will reflect Parliament’s medium- and longer-term policy orientations on migration;
29. Calls for the urgent holding of a European summit to examine the radical shift that is needed in respect of migration and asylum policies;
30. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.