



2019/2208(INI)

10.7.2020

AMENDMENTS

1 - 240

Draft report
Tineke Strik
(PE653.716v01-00)

Implementation report on the Return Directive
(2019/2208(INI))

Amendment 1
Charlie Weimers

Motion for a resolution
Citation 6

Motion for a resolution

Amendment

— *having regard to the Global Compact for Safe, Orderly and Regular Migration, adopted by the UN General Assembly on 19 December 2018,*

deleted

Or. en

Amendment 2
Paulo Rangel, Jeroen Lenaers, Kris Peeters, Nadine Morano, Brice Hortefeux

Motion for a resolution
Citation 8 a (new)

Motion for a resolution

Amendment

- *having regard to regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November on the use of the Schengen Information System for the return of illegally staying third country nationals ('SIS return'),*

Or. en

Amendment 3
Paulo Rangel, Kris Peeters, Jeroen Lenaers, Nadine Morano, Brice Hortefeux

Motion for a resolution
Citation 8 b (new)

Motion for a resolution

Amendment

- *having regard to regulation (EU) 2020/851 of the European Parliament and of the Council of 18 June 2020 amending Regulation (EC) No 862/2007,*

Amendment 4

Paulo Rangel, Jeroen Lenaers, Kris Peeters, Nadine Morano, Brice Hortefeux

Motion for a resolution

Citation 12 a (new)

Motion for a resolution

Amendment

- ***- Having regard to the Commission proposal on the Regulation of the European Parliament and of the Council on the recast of Eurodac (COM(2016) 272 final),***

Amendment 5

Paulo Rangel, Jeroen Lenaers, Kris Peeters, Nadine Morano, Brice Hortefeux

Motion for a resolution

Citation 12 b (new)

Motion for a resolution

Amendment

- ***- Having Regard to the Conclusions of the European Council of October 2016 and June 2018,***

Amendment 6

Paulo Rangel, Jeroen Lenaers, Nadine Morano, Brice Hortefeux

Motion for a resolution

Citation 18

Motion for a resolution

Amendment

- ***having regard to the Commission communication of 14 March 2018 on adapting the common visa policy to new*** ***deleted***

challenges (COM(2018)0251),

Or. en

Amendment 7
Anne-Sophie Pelletier

Motion for a resolution
Citation 21 a (new)

Motion for a resolution

Amendment

- *having regard to the Council of Europe's 2019 Handbook on alternatives to immigration detention;*

Or. en

Amendment 8
Paulo Rangel, Jeroen Lenaers, Nadine Morano, Brice Hortefeux

Motion for a resolution
Citation 21 a (new)

Motion for a resolution

Amendment

- *having regard to the Frontex evaluation report 15 of June 2020 on return operations 2nd semester 2019,*

Or. en

Amendment 9
Anne-Sophie Pelletier

Motion for a resolution
Citation 21 b (new)

Motion for a resolution

Amendment

- *having regard to the analysis of 7 December 2017 of the Steering Committee for Human Rights (CDDH) of the*

Council of Europe on Legal and practical aspects of effective alternatives to detention in the context of migration;

Or. en

Amendment 10

Paulo Rangel, Jeroen Lenaers, Nadine Morano, Brice Hortefeux

Motion for a resolution

Citation 21 b (new)

Motion for a resolution

Amendment

- *having regard to the Europol European Migrant Smuggling 4th Annual Report, 2019, of 15 of May 2020,*

Or. en

Amendment 11

Charlie Weimers

Motion for a resolution

Citation 22

Motion for a resolution

Amendment

— *having regard to its resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration¹²,* *deleted*

¹² *OJ C 58, 15.2.2018, p. 9.*

Or. en

Amendment 12

Paulo Rangel, Jeroen Lenaers, Nadine Morano, Brice Hortefeux

Motion for a resolution

Citation 25 a (new)

Motion for a resolution

Amendment

- ***having regard to the reports on the application of the Schengen acquis in the field of return produced in accordance with Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen,***

Or. en

Amendment 13
Charlie Weimers

Motion for a resolution
Citation 31 a (new)

Motion for a resolution

Amendment

- ***having regard to the Australian migration model;***

Or. en

Amendment 14
Laura Ferrara, Sabrina Pignedoli

Motion for a resolution
Recital A

Motion for a resolution

Amendment

A. whereas the Commission has only assessed the implementation of the Return Directive once (in 2014), despite the legal obligation under Article 19 of the directive to report on its application every three years, starting from 2013;

A. whereas the Commission has only assessed the implementation of the Return Directive once (in 2014), despite the legal obligation under Article 19 of the directive to report on its application every three years, starting from 2013; ***whereas in 2015***

the Commission published a communication setting out an action plan on returns; whereas in 2017 it issued a recommendation on making returns more effective when implementing Directive 2008/115/EC and published a Return Handbook;

Or. it

Amendment 15
Anne-Sophie Pelletier

Motion for a resolution
Recital A

Motion for a resolution

A. whereas the Commission has only assessed the implementation of the Return Directive once (in 2014), despite the legal obligation under Article 19 of the directive to report on its application every three years, starting from 2013;

Amendment

A. whereas the Commission has only assessed the implementation of the Return Directive once (in 2014), despite the legal obligation under Article 19 of the directive to report on its application every three years, starting from 2013; *whereas despite its commitment in its 2014 Communication to table legislative amendments to the Return Directive only after a thorough evaluation of its implementation, the Commission released a proposal for a recast in 2018;*

Or. en

Amendment 16
Tineke Strik

Motion for a resolution
Recital A a (new)

Motion for a resolution

Aa. whereas in September 2018, without carrying out an impact assessment, the Commission presented a proposal to recast the Directive to achieve

Amendment

a more effective and coherent return policy;

Or. en

Amendment 17

Beata Kempa, Jadwiga Wiśniewska, Patryk Jaki, Joachim Stanisław Brudziński

Motion for a resolution

Recital A a (new)

Motion for a resolution

Amendment

Aa. whereas the effectiveness of return policy at EU level is not high, and a fall in the effectiveness of returns has even been noted;

Or. pl

Amendment 18

Charlie Weimers

Motion for a resolution

Recital A a (new)

Motion for a resolution

Amendment

Aa. Whereas migration to the Union has increased since the common European asylum system was launched;

Or. en

Amendment 19

Tineke Strik

Motion for a resolution

Recital A b (new)

Motion for a resolution

Amendment

Ab. whereas the European

Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) mandated the European Parliamentary Research Service (EPRS) to provide a substitute impact assessment on the proposed recast; whereas this assessment points to the lack of evidence that the recast proposal would lead to more effective returns;

Or. en

Amendment 20
Anne-Sophie Pelletier

Motion for a resolution
Recital B

Motion for a resolution

B. whereas the twofold objective of the directive is effective return in line with fundamental rights and the principle of proportionality; whereas in its recommendation on making returns more effective, the Commission focuses on the rate of returns as the primary indicator of the directive's effectiveness;

Amendment

B. whereas the twofold objective of the directive is effective return in line with fundamental rights and the principle of proportionality; whereas in its recommendation on making returns more effective, the Commission focuses on the rate of returns as the primary indicator of the directive's effectiveness ***and recommends to diminish many safeguards of the directive, such as the right to appeal and to make use of longer detention periods;***

Or. en

Amendment 21
Paulo Rangel, Jeroen Lenaers, Kris Peeters, Nadine Morano, Brice Hortefeux

Motion for a resolution
Recital B

Motion for a resolution

B. whereas the ***twofold*** objective of the directive is ***effective*** return in line with

Amendment

B. whereas the objective of the directive is ***namely, to establish common***

fundamental rights and the principle of proportionality; *whereas in its recommendation on making returns more effective, the Commission focuses on the rate of returns as the primary indicator of the directive's effectiveness;*

rules concerning return, removal, use of coercive measures, detention and entry bans in line with fundamental rights and the principle of proportionality;

Or. en

Amendment 22

Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod, Mara Bizzotto, Annalisa Tardino, Philippe Olivier

Motion for a resolution

Recital B

Motion for a resolution

B. whereas the *twofold* objective of the directive is effective return *in line with fundamental rights and the principle of proportionality; whereas in its recommendation on making returns more effective, the Commission focuses* on the rate of returns as the primary indicator of the directive's effectiveness;

Amendment

B. whereas the *primary* objective of the directive is effective return; *welcomes the Commission's focus* on the rate of returns as the primary indicator of the directive's effectiveness;

Or. en

Amendment 23

Sophia in 't Veld, Ramona Strugariu, Anna Júlia Donáth, Abir Al-Sahlani, Jan-Christoph Oetjen, Michal Šimečka, Maite Pagazaurtundúa, Dragoş Tudorache

Motion for a resolution

Recital B a (new)

Motion for a resolution

Ba. whereas sustainable returns and successful reintegration are important indicators in the assessment of the effectiveness of returns; whereas currently post-return monitoring is not sufficiently comprehensive and accurate; whereas evidence has emerged that not all

returns are sustainable, especially in relation to unaccompanied minors, due to a lack of a personal reintegration plan or support upon return;

Or. en

Amendment 24
Anne-Sophie Pelletier

Motion for a resolution
Recital C

Motion for a resolution

C. whereas the Commission has noted that Member States face several barriers to effective returns, of a procedural, technical and operational nature, inter alia the level of cooperation among all stakeholders involved, including with third countries;

Amendment

C. whereas the Commission has noted that Member States face several barriers to effective returns, of a procedural, technical and operational nature, inter alia the level of cooperation among all stakeholders involved, including with third countries; *whereas identification of returnees and the need to obtain the necessary documentation from third countries has been identified by the Commission as the main reason for non-return;*

Or. en

Amendment 25
Laura Ferrara, Sabrina Pignedoli

Motion for a resolution
Recital C a (new)

Motion for a resolution

C. whereas the Commission has noted that Member States face several barriers to effective returns, of a procedural, technical and operational nature, inter alia the level of cooperation among all stakeholders involved, including with third countries;

Amendment

Ca. whereas the Commission, in its action plan on return published in 2015, expressed the view that voluntary returns were the preferred option whenever possible; whereas - again, as stated by the Commission in its action plan - 'it is estimated that around 40% of returns were voluntary departures, from just 14%

in 2009';

Or. it

Amendment 26
Anne-Sophie Pelletier

Motion for a resolution
Recital C a (new)

Motion for a resolution

Amendment

Ca. whereas Member States' use of the possibility in Article 2(2)(a) not to apply the Directive in "border cases" has created parallel regimes, where procedures offer less safeguards, including absence of a voluntary return term, of suspensive effect of appeals and less restrictions on detention; whereas there is a high risk of push-back and refoulement at external borders;

Or. en

Amendment 27
Laura Ferrara, Sabrina Pignedoli

Motion for a resolution
Recital C b (new)

Motion for a resolution

Amendment

Cb. whereas the evaluations carried out by the Commission when publishing its recommendation on making returns more effective indicated that 'the margins of discretion left to the Member States by Directive 2008/115/EC led to an inconsistent transposition in national legislations, with a negative impact on the effectiveness of the Union return policy' and that 'a more effective implementation of that Directive would reduce possibilities of misuse of procedures and remove

inefficiencies, while ensuring the protection of fundamental rights as enshrined in the Charter of Fundamental Rights of the European Union';

Or. it

Amendment 28
Anne-Sophie Pelletier

Motion for a resolution
Recital C b (new)

Motion for a resolution

Amendment

Cb. whereas, according to the Commission's estimates, 300 000 people per year can not be returned due to administrative barriers, health issues or risk of non-refoulement; whereas their situation should be addressed, including by granting them a legal status based on humanitarian grounds;

Or. en

Amendment 29
Paulo Rangel, Jeroen Lenaers, Kris Peeters, Nadine Morano, Brice Hortefeux

Motion for a resolution
Recital D

Motion for a resolution

Amendment

D. whereas disaggregated and comparable data relating to the implementation of the directive is *often not collected or* publicly available;

D. whereas disaggregated and comparable data relating to the implementation of the directive is publicly available, *namely through Eurostat; whereas more and better information will be available with the implementation of regulation 2018/1860 on the use of the Schengen Information System for the return of illegally staying third-country nationals ('SIS return') and with Regulation (EU) 2020/851 amending*

***Regulation (EC) No 862/2007 on
Community statistics on migration and
international protection;***

Or. en

**Amendment 30
Emil Radev**

**Motion for a resolution
Recital F**

Motion for a resolution

D. whereas disaggregated and comparable data relating to the implementation of the directive is often not collected or publicly available;

Amendment

D. whereas disaggregated and comparable data relating to the implementation of the directive is often not collected or publicly available ***in the different Member States;***

Or. bg

**Amendment 31
Anne-Sophie Pelletier**

**Motion for a resolution
Recital D**

Motion for a resolution

D. whereas disaggregated and comparable data relating to the implementation of the directive is often not collected or publicly available;

Amendment

D. whereas disaggregated and comparable data ***on detention and entry bans*** relating to the implementation of the directive is often not collected or publicly available;

Or. en

**Amendment 32
Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod,
Mara Bizzotto, Annalisa Tardino, Philippe Olivier**

Motion for a resolution

Recital D a (new)

Motion for a resolution

Amendment

Da. whereas, according to IOM data, around 81,000 African migrants returned to their home nation with the aid of the UN's International Organization for Migration (IOM) and that such Joint initiative which costed the European Union €357 million was to be considered largely a failure^{1a};

1a

<https://www.euronews.com/2020/06/19/paying-for-migrants-to-go-back-home-how-the-eu-s-voluntary-return-scheme-is-failing-the-de>

Or. en

Amendment 33

Paulo Rangel, Jeroen Lenaers, Kris Peeters, Nadine Morano, Brice Hortefeux

Motion for a resolution

Recital D a (new)

Motion for a resolution

Amendment

Da. whereas between 2014 and 2018 five million people were found illegally present in the Union; whereas during the same period less than half were issued a return decision and less than 800.000 left the territory;

Or. en

Amendment 34

Emil Radev

Motion for a resolution

Recital Γ a (new)

Motion for a resolution

Amendment

Aa. whereas efficient returns are a key component of migration management which can have a positive impact both for the asylum system and for secondary movements;

Or. bg

Amendment 35

Sylvie Guillaume, Pietro Bartolo, Tudor Ciuhodaru, Tanja Fajon, Raphaël Glucksmann, Evin Incir, Juan Fernando López Aguilar, Javier Moreno Sánchez, Domènec Ruiz Devesa, Birgit Sippel, Bettina Vollath, Caterina Chinnici, Elena Yoncheva, Miriam Dalli

Motion for a resolution

Recital D a (new)

Motion for a resolution

Amendment

Da. Whereas the lack of harmonization has a deep impact on return practices among Member States;

Or. en

Amendment 36

Paulo Rangel, Jeroen Lenaers, Kris Peeters, Nadine Morano, Brice Hortefeux

Motion for a resolution

Recital D b (new)

Motion for a resolution

Amendment

Db. whereas between 2014 and 2018 over four million peoples requested asylum in Europe and less than half were granted asylum;

Or. en

Amendment 37

Paulo Rangel, Jeroen Lenaers, Kris Peeters, Nadine Morano, Brice Hortefeux

Motion for a resolution

Recital D c (new)

Motion for a resolution

Amendment

Dc. whereas Member States do not systematically share information on return decisions or entry bans issued, making impossible in practice the mutual recognition of return decisions issued by Member States and their enforcement Union-wide;

Or. en

Amendment 38

Paulo Rangel, Jeroen Lenaers, Kris Peeters, Nadine Morano, Brice Hortefeux

Motion for a resolution

Recital D d (new)

Motion for a resolution

Amendment

Dd. Whereas in order to increase the efficiency of readmissions, and in order to ensure the coherence of returns at a European level, it will be necessary to adopt new EU agreements which should take preference over bilateral agreements between Member States and third countries;

Or. en

Amendment 39

Charlie Weimers

Motion for a resolution

Paragraph 1

Motion for a resolution

Amendment

1. ***Deplores the lack of*** a recent

1. ***Notes that*** a recent implementation

implementation assessment *and calls on* the Commission *to carry out such an assessment, which has been overdue since 2017, as a matter of urgency*;

assessment *has not been carried out by* the Commission;

Or. en

Amendment 40

Paulo Rangel, Jeroen Lenaers, Nadine Morano, Brice Hortefeux

Motion for a resolution

Paragraph 1

Motion for a resolution

1. *Deplores* the lack of a recent implementation assessment *and calls on the Commission to carry out such an assessment, which has been overdue since 2017, as a matter of urgency*;

Amendment

1. *Notes* the lack of an implementation assessment *from the European Commission, which was due in 2017*;

Or. en

Amendment 41

Anne-Sophie Pelletier

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Reiterates the importance of an evidence-based approach to guide coherent policy-making and well-informed public discourse and calls on the Commission to urge and support Member States to collect and publish qualitative and quantitative data on the implementation of the directive;

Amendment

2. Reiterates the importance of an evidence-based approach to guide coherent policy-making and well-informed public discourse and calls on the Commission to urge and support Member States to collect and publish qualitative and quantitative data on the implementation of the directive; *welcomes in this regard the Regulation (EU) 2020/851 amending Regulation (EC) No 862/2007 on Community statistics on migration and international protection, invites Member States to collect statistics on this basis as soon as possible and participate in the*

pilot studies;

Or. en

Amendment 42

Tineke Strik

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Reiterates the importance of an evidence-based approach to guide coherent policy-making and well-informed public discourse and calls on the Commission to urge and support Member States to collect and publish qualitative and quantitative data on the implementation of the directive;

Amendment

2. ***Notes with concern the lack of available data, including of data disaggregated by gender and age, concerning the implementation of the Directive;*** reiterates the importance of an evidence-based approach to guide coherent policy-making and well-informed public discourse and calls on the Commission to urge and support Member States to collect and publish qualitative and quantitative data on the implementation of the directive, ***particularly covering data on entry bans and detention, as these are the categories currently not collected by Eurostat;***

Or. en

Amendment 43

Paulo Rangel, Jeroen Lenaers, Kris Peeters, Nadine Morano, Brice Hortefeux

Motion for a resolution

Paragraph 2

Motion for a resolution

2. Reiterates the importance of an evidence-based approach to guide coherent policy-making and well-informed public discourse and calls on the Commission to urge and support Member States to collect and publish ***qualitative and quantitative*** data on the implementation of the directive;

Amendment

2. Reiterates the importance of an evidence-based approach to guide coherent policy-making and well-informed public discourse and calls on the Commission to urge and support Member States to collect and publish data on the implementation of the directive, ***making use in particular of the new instruments available, such as***

***SIS return and Regulation (EU) 2020/851
amending Regulation (EC) No 862/2007
on Community statistics on migration and
international protection;***

Or. en

**Amendment 44
Emil Radev**

**Motion for a resolution
Paragraph 2**

Motion for a resolution

2. Reiterates the importance of an evidence-based approach to guide coherent policy-making and well-informed public discourse and calls on the Commission to urge and support Member States to collect and publish qualitative and quantitative data on the implementation of the directive;

Amendment

2. Reiterates the importance of an evidence-based **common** approach to guide coherent policy-making and well-informed public discourse and calls on the Commission to urge and support Member States to collect and publish **open-code** qualitative and quantitative data on the implementation of the directive;

Or. bg

**Amendment 45
Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod,
Mara Bizzotto, Annalisa Tardino, Philippe Olivier**

**Motion for a resolution
Paragraph 2**

Motion for a resolution

2. Reiterates the importance of an evidence-based approach to guide coherent policy-making and **well-informed public discourse and** calls on the Commission to **urge and support** Member States to collect and publish qualitative and quantitative data on the implementation of the directive;

Amendment

2. Reiterates the importance of an evidence-based approach to guide coherent policy-making and calls on the Commission to **encourage** Member States to collect and publish qualitative and quantitative data on the implementation of the directive;

Or. en

Amendment 46
Emil Radev

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. Stresses the need for a common approach to EU cooperation with third countries and a common approach to cooperation within the EU; the common approach with third countries could include, inter alia, the use of levers focusing on the implementation of incentives that link the application of those incentives to the implementation of commitments in the field of returns and readmission; the common approach within the EU could include, inter alia, support to front-line countries, cooperation between Member States in the field of the identification of illegally-staying persons and the issuance of travel documents, and in the reception of persons;

Or. bg

Amendment 47
Tom Vandendriessche, Nicolas Bay

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. Notes also that, based on figures provided by the EPRS, there were, for example, 511047 illegal border crossings in 2016 and 204734 in 2017; considers that given the nature of illegal border crossings, the real figure is presumably much higher; notes that according to EUROSTAT figures from 2019 only a

fraction of those ordered to leave actually returned; notes further that the potential repeated counting of persons ordered to leave several times, whether by different Member States or not, does nothing to reduce the problem but rather illustrates the problems with the current return policy;

Or. nl

Amendment 48
Anne-Sophie Pelletier

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. Regrets that the latest policy proposals on return made by the Commission are not based on any impact assessment and focus on diminishing the fundamental rights safeguards that have been enshrined in the 2008 Return Directive; points that changes in this direction will lead to a violation of the fundamental rights of the people concerned that have experienced trauma in their home countries, on their journey to the Union or within the Union;

Or. en

Amendment 49
Tom Vandendriessche, Nicolas Bay

Motion for a resolution
Paragraph 2 b (new)

Motion for a resolution

Amendment

2b. Notes that in the period November 2017 to 2019, FRONTEX repatriated only 171 people with charter flights at a total

cost of EUR 1 380 754^{1 a}; notes further that these figures show that a return policy is virtually non-existent at EU level;

^{1 a} figures based on the reply by Frontex of 12 May 2020 to parliamentary question E-1507/2020 by Filip De Man MEP

Or. nl

Amendment 50
Charlie Weimers

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Stresses *that* the Commission's statement that the return rate decreased from 46 % in 2016 to 37 % in 2017 *may not present the full picture, as people who received a return decision were not necessarily returned within the same year, some Member States issue more than one return decision to one person, or to people whose whereabouts are unknown, and return decisions are not withdrawn if the return does not take place owing to difficulties in cooperation with third countries or for humanitarian reasons;*

Amendment

3. Stresses the Commission's statement that the return rate decreased from 46 % in 2016 to 37 % in 2017;

Or. en

Amendment 51
Nicola Procaccini

Motion for a resolution
Paragraph 3

Motion for a resolution

3. *Stresses that* the Commission's

Amendment

3. *Notes that, according to the*

statement *that* the return rate decreased from 46 % in 2016 to 37 % in 2017 *may not present the full picture, as people who received a return decision were not necessarily returned within the same year, some Member States issue more than one return decision to one person, or to people whose whereabouts are unknown, and return decisions are not withdrawn if the return does not take place owing to difficulties in cooperation with third countries or for humanitarian reasons;*

Commission's statement, the return rate decreased from 46 % in 2016 to 37 % in 2017, *especially because of* difficulties in cooperation with third countries;

Or. it

Amendment 52

Paulo Rangel, Jeroen Lenaers, Nadine Morano, Brice Hortefeux

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Stresses that the Commission's statement that the return rate decreased from 46 % in 2016 to 37 % in 2017 may not present the full picture, *as people who received a return decision were not necessarily returned within the same year, some Member States issue more than one return decision to one person, or to people whose whereabouts are unknown, and return decisions are not withdrawn if the return does not take place owing to difficulties in cooperation with third countries or for humanitarian reasons;*

Amendment

3. Stresses that the Commission's statement that the return rate decreased from 46 % in 2016 to 37 % in 2017 may not present the full picture, *given the inherent margin of freedom* Member States *have in the implementation of the rules provided for by* the Return *Directive;*

Or. en

Amendment 53

Sophia in 't Veld, Ramona Strugariu, Anna Júlia Donáth, Abir Al-Sahlani, Hilde Vautmans, Olivier Chastel, Fabienne Keller, Jan-Christoph Oetjen, Michal Šimečka, Maite Pagazaurtundúa, Dragoş Tudorache

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Stresses that the Commission's statement that the return rate decreased from 46 % in 2016 to 37 % in 2017 may not present the full picture, as people who received a return decision were not necessarily returned within the same year, some Member States issue more than one return decision to one person, or to people whose whereabouts are unknown, and return decisions are not withdrawn if the return does not take place owing to difficulties in cooperation with third countries or for humanitarian reasons;

Amendment

3. Stresses that the Commission's statement that the return rate decreased from 46 % in 2016 to 37 % in 2017 may not present the full picture, as people who received a return decision were not necessarily returned within the same year, some Member States issue more than one return decision to one person, or to people whose whereabouts are unknown, and return decisions are not withdrawn if the return does not take place owing to difficulties in cooperation with third countries or for humanitarian reasons, ***or people return voluntarily without their return being registered; stresses that an effective return policy is a key element of a well-functioning EU asylum and migration policy;***

Or. en

Amendment 54

Tom Vandendriessche, Nicolas Bay

Motion for a resolution

Paragraph 3

Motion for a resolution

3. Stresses that the Commission's statement that the return rate decreased from 46 % in 2016 to 37 % in 2017 may not present the full picture, as people who received a return decision were not necessarily returned within the same year, some Member States issue more than one return decision to one person, or to people whose whereabouts are unknown, and return decisions are not withdrawn if the return does not take place owing to difficulties in cooperation with third countries or for humanitarian reasons;

Amendment

3. Stresses that the Commission's statement that the return rate decreased from 46 % in 2016 to 37 % in 2017 may not present the full picture, as people who received a return decision were not necessarily returned within the same year, some Member States issue more than one return decision to one person, or to people whose whereabouts are unknown, and return decisions are not withdrawn if the return does not take place owing to difficulties in cooperation with third countries or for humanitarian reasons; ***recognises, on the other hand, that***

potential double counting in relation to several return decisions does not reduce the problem, but merely illustrates the problems with the return policy;

Or. nl

Amendment 55
Anne-Sophie Pelletier

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Stresses that the Commission's statement that the return rate decreased from 46 % in 2016 to 37 % in 2017 may not present the full picture, as people who received a return decision were not necessarily returned within the same year, some Member States issue more than one return decision to one person, or to people whose whereabouts are unknown, and return decisions are not withdrawn if the return does not take place owing to difficulties in cooperation with third countries or for humanitarian reasons;

Amendment

3. Stresses that the Commission's statement that the return rate decreased from 46 % in 2016 to 37 % in 2017 may not present the full picture, as people who received a return decision were not necessarily returned within the same year, some Member States issue more than one return decision to one person, or to people whose whereabouts are unknown, and return decisions are not withdrawn if the return does not take place owing to difficulties in cooperation with third countries or for humanitarian reasons; ***highlights that this focus on the return rate overlooks also the persons that can not be returned, including because of the risk of refoulement;***

Or. en

Amendment 56
Nadine Morano

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Stresses that the Commission's statement that the return rate decreased

Amendment

3. Stresses that the Commission's statement that the return rate decreased

from 46 % in 2016 to 37 % in 2017 *may not present the full picture, as people who received a return decision were not necessarily returned within the same year, some Member States issue more than one return decision to one person, or to people whose whereabouts are unknown, and return decisions are not withdrawn if the return does not take place owing to difficulties in cooperation with third countries or for humanitarian reasons;*

from 46 % in 2016 to 37 % in 2017 *shows that structurally, a majority of illegal migrants, although refused the right to asylum by a definitive legal decision taken in accordance with the rule of law, are illegally remaining in the territory of the European Union; asserts that this situation, which weakens the authority of the Union's courts and the sovereignty of the peoples of Europe, is no longer tolerable;*

Or. fr

Amendment 57

Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod, Mara Bizzotto, Annalisa Tardino, Philippe Olivier

Motion for a resolution Paragraph 3

Motion for a resolution

3. *Stresses that* the Commission's statement that the return rate decreased from 46 % in 2016 to 37 % in 2017 *may not present the full picture, as people who received a return decision were not necessarily returned within the same year, some Member States issue more than one return decision to one person, or to people whose whereabouts are unknown, and return decisions are not withdrawn if the return does not take place owing to difficulties in cooperation with third countries or for humanitarian reasons;*

Amendment

3. *Expresses concerns about* the Commission's statement that the return rate decreased from 46 % in 2016 to 37 % in 2017 *as the effective return of third-country nationals who do not have a right to stay in the Union is an essential component of an effective asylum policy;*

Or. en

Amendment 58

Paulo Rangel, Jeroen Lenaers, Nadine Morano, Brice Hortefeux

Motion for a resolution Paragraph 3 a (new)

Motion for a resolution

Amendment

3a. *Is concerned that since 2015, despite the increase of illegal entries, neither the issuance of return decisions nor its execution have increased, on the contrary the number of enforced return decisions has been decreasing since 2016;*

Or. en

Amendment 59

Sophia in 't Veld, Anna Júlia Donáth, Ramona Strugariu, Hilde Vautmans, Abir Al-Sahlani, Olivier Chastel, Fabienne Keller, Jan-Christoph Oetjen, Michal Šimečka, Maite Pagazaurtundúa, Dragoş Tudorache

Motion for a resolution

Paragraph 3 a (new)

Motion for a resolution

Amendment

3a. *Calls on the Member States to allocate adequate capacity, including human resources and sufficient training, to authorities responsible for taking return decisions and implementation, so as to invest in the quality of them;*

Or. en

Amendment 60

Sophia in 't Veld, Anna Júlia Donáth, Ramona Strugariu, Abir Al-Sahlani, Hilde Vautmans, Fabienne Keller, Jan-Christoph Oetjen, Michal Šimečka, Dragoş Tudorache

Motion for a resolution

Paragraph 4

Motion for a resolution

Amendment

4. Stresses the importance of improving the effective implementation of the directive; highlights that such effectiveness should not only be measured in quantitative terms by referring to the return rate, but also in qualitative terms,

4. Stresses the importance of improving the effective implementation of the directive; ***calls on the Commission to make better implementation of the directive a priority and to launch infringement procedures where justified;***

such as the sustainability of returns and fundamental rights;

highlights that such effectiveness should not only be measured in quantitative terms by referring to the return rate, but also in qualitative terms, such as the sustainability of returns and fundamental rights; ***stresses that measuring the effective implementation of the directive should be further enhanced and further streamlined among Member States in order to strengthen transparency and comparability of data;***

Or. en

Amendment 61
Anne-Sophie Pelletier

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Stresses the importance of improving the effective implementation of the directive; highlights that ***such*** effectiveness should not only be measured in quantitative terms by referring to the return rate, but also in qualitative terms, such as the sustainability of returns and fundamental rights;

Amendment

4. Stresses the importance of improving the effective implementation of the ***fundamental rights safeguards enshrined in the*** directive; highlights that ***the*** effectiveness ***of the directive*** should not only be measured in quantitative terms by referring to the return rate, but also in qualitative terms, such as the sustainability of returns and fundamental rights, ***the respect of the principle of non-refoulement, the promotion of voluntary return, the respect of procedural guarantees, the effective implementation of alternatives to detention;***

Or. en

Amendment 62
Charlie Weimers

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Stresses the importance of improving the effective implementation of the directive; **highlights that such effectiveness should not only be measured in quantitative terms by referring to the return rate, but also in qualitative terms, such as the sustainability of returns and fundamental rights;**

Amendment

4. Stresses the importance of improving the effective implementation of the directive **and increase cooperation with third countries to ensure effective** returns;

Or. en

Amendment 63

Paulo Rangel, Jeroen Lenaers, Nadine Morano, Brice Hortefeux

Motion for a resolution

Paragraph 4

Motion for a resolution

4. Stresses the importance of improving the effective implementation of the directive; highlights that such effectiveness **should not only** be measured **in quantitative terms by referring to the return rate, but also in qualitative terms, such as the sustainability of returns and fundamental rights;**

Amendment

4. Stresses the importance of improving the effective implementation of the directive **and the effectiveness of return procedures in the Member States;** highlights that such effectiveness be measured;

Or. en

Amendment 64

Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod, Mara Bizzotto, Annalisa Tardino, Philippe Olivier

Motion for a resolution

Paragraph 4

Motion for a resolution

4. Stresses the importance of improving the effective implementation of the directive; highlights that such

Amendment

4. Stresses the importance of improving the effective implementation of the directive; highlights that such

effectiveness should **not** only be measured in quantitative terms by referring to the return rate, **but also in qualitative terms, such as the sustainability of returns and fundamental rights**;

effectiveness should only be measured in quantitative terms by referring to the return rate;

Or. en

Amendment 65

Laura Ferrara, Sabrina Pignedoli

Motion for a resolution

Paragraph 4

Motion for a resolution

4. **Stresses** the importance of improving the effective implementation of the directive; highlights that such effectiveness should not only be measured in quantitative terms by referring to the return rate, but also in qualitative terms, such as the sustainability of returns and fundamental rights;

Amendment

4. **Agrees with the Commission about** the importance of improving the effective implementation of the directive; highlights that such effectiveness should not only be measured in quantitative terms by referring to the return rate, but also in qualitative terms, such as the sustainability of returns and fundamental rights;

Or. it

Amendment 66

Emil Radev

Motion for a resolution

Paragraph 4

Motion for a resolution

4. Stresses the importance of improving the effective implementation of the directive; highlights that such effectiveness should not only be measured in quantitative terms by referring to the return rate, but also in qualitative terms, such as the sustainability of returns and fundamental rights;

Amendment

4. Stresses the importance of **significantly** improving the effective implementation of the directive; highlights that such effectiveness should not only be measured in quantitative terms by referring to the return rate, but also in qualitative terms, such as the sustainability of returns and fundamental rights;

Or. bg

Amendment 67

Jadwiga Wiśniewska, Beata Kempa, Patryk Jaki, Joachim Stanisław Brudziński

Motion for a resolution

Paragraph 4 a (new)

Motion for a resolution

Amendment

4a. Draws attention to the need to increase the transparency and speed of procedures for issuing return decisions, as this will make it more common for such decisions to be issued at the same time as or immediately after decisions to end legal residence, e.g. in the event of a negative asylum decision or the expiry of a visa or residence permit;

Or. pl

Amendment 68

Domènec Ruiz Devesa, Sylvie Guillaume, Javier Moreno Sánchez, Juan Fernando López Aguilar

Motion for a resolution

Paragraph 4 a (new)

Motion for a resolution

Amendment

4a. Notes that the use of the optional clause in Article 2(2)(a), is leading to the creation of parallel regimes, offering diminished safeguards in borders compared to the regular return procedure and enhancing the risks of push backs and refoulement; urges therefore Member States not to apply the optional clause foreseen in article 2(2)(a) to border situations

Or. en

Amendment 69

Sophia in 't Veld, Ramona Strugariu, Anna Júlia Donáth, Abir Al-Sahlani, Hilde Vautmans, Olivier Chastel, Fabienne Keller, Jan-Christoph Oetjen, Michal Šimečka, Maite Pagazaurtundúa, Dragoş Tudorache

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

Amendment

4a. Notes that the Commission has stated that the lack of third country identification and readmission of returnees is one of the main reasons for non-return; stresses the need for improving the relations with third countries in a constructive migration dialogue to ensure a mutually beneficial cooperation for effective and sustainable returns;

Or. en

Amendment 70
Laura Ferrara, Sabrina Pignedoli

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution

Amendment

4a. Calls on the Commission to harmonise the rules on return, including through the adoption of a regulation, in order to eliminate differences between Member States' systems and to increase the implementation of return decisions, with the support also of the European Border and Coast Guard Agency;

Or. it

Amendment 71
Anne-Sophie Pelletier

Motion for a resolution

Paragraph 4 a (new)

Motion for a resolution

Amendment

4a. Calls on Member States to apply the directive to border situations as well, ensuring procedural safeguards and respect for human rights at borders;

Or. en

Amendment 72

Sophia in 't Veld, Ramona Strugariu, Anna Júlia Donáth, Abir Al-Sahlani, Hilde Vautmans, Fabienne Keller, Jan-Christoph Oetjen, Michal Šimečka, Maite Pagazaurtundúa, Dragoş Tudorache

Motion for a resolution

Paragraph 4 b (new)

Motion for a resolution

Amendment

4b. Regrets the informalisation of cooperation with third countries; calls on the Member States to support the Commission to conclude formal EU readmission agreements, thereby coupled with EU parliamentary scrutiny and judicial oversight; stresses that incentives, including financial, should be offered to facilitate cooperation;

Or. en

Amendment 73

Laura Ferrara, Sabrina Pignedoli

Motion for a resolution

Paragraph 4 b (new)

Motion for a resolution

Amendment

4b. Regrets that Member States do not systematically issue a return decision for irregular migrants apprehended on their territory or for persons whose asylum

applications have been rejected; calls on the Commission to introduce this obligation in a proposal to revise Directive 2018/115/EC;

Or. it

Amendment 74

Beata Kempa, Jadwiga Wiśniewska, Patryk Jaki, Joachim Stanisław Brudziński

Motion for a resolution

Paragraph 4 b (new)

Motion for a resolution

Amendment

4b. Recalls that return procedures are hampered by the failure of third-country nationals to cooperate, and that Member States themselves do not have sufficient tools to enable the competent authorities to swiftly exchange the necessary information in relation with return operations;

Or. pl

Amendment 75

Anne-Sophie Pelletier

Motion for a resolution

Paragraph 4 b (new)

Motion for a resolution

Amendment

4b. Expresses concerns regarding the conclusion of informal deals on readmission that bypass parliamentary scrutiny and democratic and judicial oversight; calls on Member States and the Commission to end this practice;

Or. en

Amendment 76
Anne-Sophie Pelletier

Motion for a resolution
Paragraph 4 c (new)

Motion for a resolution

Amendment

4c. Invites the Commission to carry out a follow-up study of those who have been the subject of a removal order; recalls that in order to encourage voluntary returns, member states should provide assistance and counselling to people who are the subject of a return decision; stresses that it would be interesting to study the sustainability of returns with and without specific support;

Or. en

Amendment 77
Paulo Rangel, Jeroen Lenaers, Nadine Morano, Brice Hortefeux

Motion for a resolution
Paragraph 5

Motion for a resolution

Amendment

5. Stresses the importance of ensuring compliance with return decisions and recalls the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns;

5. Stresses the importance of ensuring **migrants'** compliance with return decisions and recalls the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns, **where there are no reasons to believe that this would undermine the purpose of a return procedure;**

Or. en

Amendment 78
Tineke Strik

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Stresses the importance of ensuring compliance with return decisions and recalls the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns;

Amendment

5. Stresses the importance of ensuring compliance with return decisions and recalls the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns, ***as voluntary returns tend to be more sustainable, less costly and cumbersome for states, and more apt to respect the fundamental rights of the person concerned;***

Or. en

Amendment 79
Balázs Hidvéghi

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Stresses the importance of ensuring compliance with return decisions and recalls the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns;

Amendment

5. Stresses the importance of ensuring compliance with return decisions and recalls the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns, ***also highlighting that the voluntary nature of the departure should not endanger the implementation of the return decision;***

Or. en

Amendment 80
Nicola Procaccini

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Stresses the importance of ensuring compliance with return decisions and

Amendment

5. Stresses the importance of ensuring compliance with return decisions and

recalls the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns;

hopes that the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns *is subject to an assessment of its effectiveness, bearing in mind that most return decisions are currently not being finalised*;

Or. it

Amendment 81
Tom Vandendriessche, Nicolas Bay

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Stresses the importance of ensuring compliance with return decisions and recalls the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns;

Amendment

5. Stresses the importance of ensuring compliance with return decisions and recalls the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns; *stresses equally that an effective return policy is essential to keep migration manageable*;

Or. nl

Amendment 82
Maria Walsh

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Stresses the importance of ensuring compliance with return decisions and recalls the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns;

Amendment

5. Stresses the importance of ensuring compliance with return decisions and recalls the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns *as these return decisions are more sustainable in the long-term*;

Or. en

Amendment 83

Sylvie Guillaume, Pietro Bartolo, Caterina Chinnici, Tudor Ciuhodaru, Tanja Fajon, Evin Incir, Juan Fernando López Aguilar, Domènec Ruiz Devesa, Birgit Sippel, Bettina Vollath, Elena Yoncheva, Javier Moreno Sánchez, Raphaël Glucksmann

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Stresses the importance of ensuring compliance with return decisions and recalls the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns;

Amendment

5. Stresses the importance of ensuring compliance with return decisions and recalls the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns, *especially as it is less expensive and more sustainable*;

Or. en

Amendment 84

Anne-Sophie Pelletier

Motion for a resolution

Paragraph 5

Motion for a resolution

5. *Stresses the importance of ensuring compliance with return decisions and* recalls the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns;

Amendment

5. Recalls the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns;

Or. en

Amendment 85

Sophia in 't Veld, Ramona Strugariu, Anna Júlia Donáth, Abir Al-Sahlani, Olivier Chastel, Fabienne Keller, Jan-Christoph Oetjen, Michal Šimečka, Maite Pagazaurtundúa, Hilde Vautmans, Dragoş Tudorache

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Stresses the importance of ensuring compliance with return decisions and recalls the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns;

Amendment

5. Stresses the importance of ensuring compliance with return decisions and recalls the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns; ***as they prove to be more sustainable;***

Or. en

Amendment 86

Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod, Mara Bizzotto, Annalisa Tardino, Philippe Olivier

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Stresses the importance of ensuring compliance with return decisions and recalls ***the key principle enshrined in the directive*** that voluntary returns should be ***prioritised over forced returns;***

Amendment

5. Stresses the importance of ensuring compliance with return decisions and recalls that voluntary returns should be ***proposed as a way to avoid unnecessary retention or detention period;***

Or. en

Amendment 87

Charlie Weimers

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Stresses the importance of ensuring compliance ***with*** return decisions ***and recalls the key principle enshrined in the directive that voluntary returns should be prioritised over forced returns;***

Amendment

5. Stresses the importance of ensuring compliance ***of*** return decisions, ***including the need to ensure swift return procedures and substantially increase the rate of return;***

Or. en

Amendment 88

Paulo Rangel, Jeroen Lenaers, Kris Peeters, Nadine Morano, Brice Hortefeux

Motion for a resolution

Paragraph 5 a (new)

Motion for a resolution

Amendment

5a. Stresses the importance of fair, swift and effective procedures for the return of third-country nationals not entitled to protection, which respects the fundamental rights of the persons concerned. Special attention needs to be paid in particular to the return of rejected asylum seekers, who represent a significant share of the irregular migrants in the EU, where significant procedural gaps between asylum and return procedures exist in the EU;

Or. en

Amendment 89

Laura Ferrara, Sabrina Pignedoli

Motion for a resolution

Paragraph 5 a (new)

Motion for a resolution

Amendment

5a. Calls on the Commission to continue considering voluntary returns as the preferred option over forced returns and to encourage Member States to develop an effective framework in order to give irregular migrants easy access to voluntary return programmes;

Or. it

Amendment 90

Sophia in 't Veld, Ramona Strugariu, Anna Júlia Donáth, Abir Al-Sahlani, Hilde

**Vautmans, Olivier Chastel, Fabienne Keller, Jan-Christoph Oetjen, Michal Šimečka,
Maite Pagazaurtundúa, Dragoş Tudorache**

**Motion for a resolution
Paragraph 5 a (new)**

Motion for a resolution

Amendment

5a. Calls on Member States to share information and best practices on successful and humane voluntary returns, and to provide operational assistance among Member States when requested to strengthen and improve the operational effectiveness of voluntary returns;

Or. en

**Amendment 91
Charlie Weimers**

**Motion for a resolution
Paragraph 5 a (new)**

Motion for a resolution

Amendment

5a. Stresses the need for further measures to be introduced concerning the forced return of persons and suggests that Member States should acquire more freedom to control suspected illegal migration for their status;

Or. en

**Amendment 92
Nadine Morano**

**Motion for a resolution
Paragraph 5 a (new)**

Motion for a resolution

Amendment

5a. Notes that the possibility of voluntary return is a facility granted by

Member States to illegal migrants, but does not constitute an automatic right;

Or. fr

Amendment 93
Laura Ferrara, Sabrina Pignedoli

Motion for a resolution
Paragraph 5 b (new)

Motion for a resolution

Amendment

5b. *Considers it vital that assisted voluntary return programmes are designed in such a way as to avoid encouraging migrants to travel to Europe irregularly in order to benefit from such programmes; calls on the Commission, in this regard, to fulfil its commitments and assess whether differences between Member States' voluntary return and reintegration programmes might not lead to a situation where migrants cherry-pick the Member States offering the best conditions;*

Or. it

Amendment 94
Paulo Rangel, Jeroen Lenaers, Nadine Morano, Brice Hortefeux

Motion for a resolution
Paragraph 5 b (new)

Motion for a resolution

Amendment

5b. *Recalls the need to eliminate loopholes between asylum and return procedures, notably the possibilities to unduly suspend return procedures by lodging subsequent asylum applications for the sole purpose of hampering returns; calls on Member States to put in place the necessary procedures for that*

effect, in compliance with the Asylum Procedure Directive and the Return Directive;

Or. en

Amendment 95
Laura Ferrara, Sabrina Pignedoli

Motion for a resolution
Paragraph 5 c (new)

Motion for a resolution

Amendment

5c. Calls on the Commission to continue to fund and increase the resources available to Member States and governmental and non-governmental partners, in order to encourage assisted voluntary return programmes with the ultimate aim of ensuring sustainable returns and reintegration;

Or. it

Amendment 96
Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod, Mara Bizzotto, Annalisa Tardino, Philippe Olivier

Motion for a resolution
Paragraph 6

Motion for a resolution

Amendment

6. Highlights that under Article 7 of the directive, a return decision shall provide for an appropriate period for voluntary departure, ***which Member States have to extend where necessary, taking into account the specific circumstances of the individual case; stresses that a relatively short period for voluntary departure may hinder or altogether prevent voluntary departure;***

6. Highlights that under Article 7 of the directive, a return decision shall provide for an appropriate period for voluntary departure;

Amendment 97
Anne-Sophie Pelletier

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Highlights that under Article 7 of the directive, a return decision shall provide for an appropriate period for voluntary departure, which Member States have to extend where necessary, taking into account the specific circumstances of the individual case; stresses that a relatively short period for voluntary departure may hinder or altogether prevent voluntary departure;

Amendment

6. Highlights that under Article 7 of the directive, a return decision shall provide for an appropriate period for voluntary departure, which Member States have to extend where necessary, taking into account the specific circumstances of the individual case; stresses that a relatively short period for voluntary departure may hinder or altogether prevent voluntary departure; ***recalls that Member States which provide this period for voluntary departure only following an application, must inform the third-country nationals concerned;***

Amendment 98
Paulo Rangel, Jeroen Lenaers, Nadine Morano, Brice Hortefeux

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Highlights that under Article 7 of the directive, a return decision shall provide for an appropriate period for voluntary departure, which Member States ***have to extend*** where necessary, taking into account the specific circumstances of the individual case; ***stresses that a relatively short period for*** voluntary departure ***may hinder or altogether prevent voluntary departure;***

Amendment

6. Highlights that under Article 7 of the directive, a return decision shall provide for an appropriate period for voluntary departure, which Member States, where necessary, ***shall extend***, taking into account the specific circumstances of the individual case; ***notes that Member States' national programmes to assist the*** voluntary departure ***are sometimes insufficient in scope and means;***

Amendment 99
Nadine Morano

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Highlights that under Article 7 of the directive, a return decision shall provide for an appropriate period for voluntary departure, which Member States have to extend where necessary, taking into account the specific circumstances of the individual case; ***stresses that a relatively short period for voluntary departure may hinder or altogether prevent voluntary departure;***

Amendment

6. Highlights that under Article 7 of the directive, a return decision shall provide for an appropriate period for voluntary departure, which Member States have to extend where necessary, taking into account the specific circumstances of the individual case;

Amendment 100
Charlie Weimers

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Highlights that under Article 7 of the directive, a return decision shall provide for an appropriate period for voluntary departure, which Member States have to extend where necessary, taking into account the specific circumstances of the individual case; ***stresses that a relatively short period for voluntary departure may hinder or altogether prevent voluntary departure;***

Amendment

6. Highlights that under Article 7 of the directive, a return decision shall provide for an appropriate period for voluntary departure, which Member States have to extend where necessary, taking into account the specific circumstances of the individual case;

Amendment 101
Nicola Procaccini

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Highlights that under Article 7 of the directive, ***a return decision shall provide for an appropriate period for voluntary departure, which Member States have to extend where necessary, taking into account the specific circumstances of the individual case; stresses that a relatively short period for voluntary departure may hinder or altogether prevent voluntary departure;***

Amendment

6. Highlights that under Article 7 of the directive, ***where there is a risk of absconding or if an application for legal residence has been rejected as manifestly unfounded or fraudulent, or if the person concerned poses a risk to public policy, public security or national security, Member States may refrain from granting a period for voluntary departure or grant one of less than seven days;***

Or. it

Amendment 102
Tineke Strik

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Highlights that under Article 7 of the directive, a return decision shall provide for an appropriate period for voluntary departure, which Member States have to extend where necessary, taking into account the specific circumstances of the individual case; stresses that a relatively short period for voluntary departure may hinder or altogether prevent voluntary departure;

Amendment

6. Highlights that under Article 7 of the directive, a return decision shall provide for an appropriate period for voluntary departure ***of between 7 and 30 days***, which Member States have to extend where necessary, taking into account the specific circumstances of the individual case; stresses that a relatively short period for voluntary departure may hinder or altogether prevent voluntary departure;

Or. en

Amendment 103
Sylvie Guillaume, Pietro Bartolo, Caterina Chinnici, Tudor Ciuhodaru, Tanja Fajon, Raphaël Glucksmann, Juan Fernando López Aguilar, Javier Moreno Sánchez, Domènec

Ruiz Devesa, Birgit Sippel, Bettina Vollath, Elena Yoncheva

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Highlights that under Article 7 of the directive, a return decision shall provide for an appropriate period for voluntary departure, which Member States have to extend where necessary, taking into account the specific circumstances of the individual case; stresses that a relatively short period for voluntary departure may hinder or altogether prevent voluntary departure;

Amendment

6. Highlights that under Article 7 of the directive, a return decision shall provide for an appropriate period for voluntary departure, ***of at least 30 days***, which Member States have to extend where necessary, taking into account the specific circumstances of the individual case; stresses that a relatively short period for voluntary departure may hinder or altogether prevent voluntary departure;

Or. en

Amendment 104

Balázs Hidvéghi

Motion for a resolution

Paragraph 6 a (new)

Motion for a resolution

Amendment

6a. Stresses, however, that if Member States determine, based on an individual assessment, that the voluntariness of the departure endangers the implementation of the return decision, Member States have the opportunity to grant a shorter period for voluntary departure, or to refrain from its application in line with Article 7 (4) of the directive;

Or. en

Amendment 105

Maria Walsh

Motion for a resolution

Paragraph 6 a (new)

Motion for a resolution

Amendment

6a. *Underlines that not every return decision is followed by swift return and readmission procedures due to practical and legal obstacles and notes with concern that this can cause serious strains, not only on the local facilities, but on the people involved;*

Or. en

Amendment 106
Tineke Strik

Motion for a resolution
Paragraph 6 a (new)

Motion for a resolution

Amendment

6a. *Welcomes the provisions, in several Member States, which allow for the individual circumstances to duly be taken into account to grant the extension of a period for voluntary departure;*

Or. en

Amendment 107
Tineke Strik

Motion for a resolution
Paragraph 6 b (new)

Motion for a resolution

Amendment

6b. *Is concerned about the unintended negative effects of provisions requiring returnees to request a period of voluntary departure, instead of such period being granted by the competent authorities;*

Or. en

Amendment 108
Tineke Strik

Motion for a resolution
Paragraph 6 c (new)

Motion for a resolution

Amendment

6c. Recalls that, in cases where the Directive requires Member States to postpone the removal, such as when it would violate the principle of non-refoulement, Article 14(2) of the Directive requires Member States to provide the persons concerned with written confirmation that the return decision will temporarily not be enforced;

Or. en

Amendment 109
Paulo Rangel, Jeroen Lenaers, Nadine Morano, Brice Hortefeux

Motion for a resolution
Paragraph 7

Motion for a resolution

Amendment

7. Stresses that a broad definition of the risk of absconding may lead to Member States frequently refraining from granting a period for voluntary departure; recalls that lifting the voluntary departure period also leads to the imposition of an entry ban, which may further undermine voluntary departure;

deleted

Or. en

Amendment 110
Charlie Weimers

Motion for a resolution

Paragraph 7

Motion for a resolution

7. Stresses that a ***broad definition of the risk of absconding may lead to Member States frequently refraining from granting a period for voluntary departure; recalls that lifting the voluntary departure period also leads to the imposition of an entry ban, which may further undermine voluntary departure;***

Amendment

7. Stresses that, ***if there is*** a risk of absconding, ***if an application for a legal stay has been dismissed as manifestly unfounded or fraudulent or if the person concerned poses a risk to public policy, public security or national security,*** Member States ***may refrain*** from granting a period for voluntary departure, ***or may grant*** a period ***shorter than seven days;***

Or. en

Amendment 111 Nicola Procaccini

Motion for a resolution Paragraph 7

Motion for a resolution

7. Stresses that ***a broad definition of the risk of absconding may lead to Member States frequently refraining from granting a period for voluntary departure; recalls that lifting the voluntary departure period also leads to the imposition of an entry ban, which may further undermine voluntary departure;***

Amendment

7. Stresses that ***it is the prerogative of the Member States to establish whether there is a risk of absconding, and hence to decide whether to refrain from granting a period for*** voluntary departure;

Or. it

Amendment 112 Sophia in 't Veld, Ramona Strugariu, Anna Júlia Donáth, Abir Al-Sahlani, Hilde Vautmans, Olivier Chastel, Fabienne Keller, Jan-Christoph Oetjen, Michal Šimečka, Maite Pagazaurtundúa, Dragoş Tudorache

Motion for a resolution Paragraph 7

Motion for a resolution

Amendment

7. Stresses that a broad definition of the risk of absconding may lead to Member States *frequently* refraining from granting a period for voluntary departure; recalls that lifting the voluntary departure period also leads to the imposition of an entry ban, which may further undermine voluntary departure;

7. Stresses that a broad definition of the risk of absconding may lead to Member States refraining from granting a period for voluntary departure; recalls that lifting the voluntary departure period also leads to the imposition of an entry ban, which may further undermine voluntary departure; ***stresses the need for enhanced implementation of the current legal framework in order to step up successful voluntary returns;***

Or. en

Amendment 113
Nadine Morano

Motion for a resolution
Paragraph 7

Motion for a resolution

7. Stresses that a broad definition of the risk of absconding may ***lead to Member States frequently refraining from granting a period for voluntary departure; recalls that lifting the voluntary departure period also leads to the imposition of an entry ban, which may further undermine voluntary departure;***

Amendment

7. Stresses that a broad definition of the risk of absconding may ***facilitate the exercise of the obligation of cooperation with the authorities of persons who are the subject of a removal;***

Or. fr

Amendment 114
Sylvie Guillaume, Pietro Bartolo, Caterina Chinnici, Tudor Ciuhodaru, Tanja Fajon, Raphaël Glucksmann, Evin Incir, Juan Fernando López Aguilar, Javier Moreno Sánchez, Domènec Ruiz Devesa, Birgit Sippel, Bettina Vollath, Elena Yoncheva

Motion for a resolution
Paragraph 7

Motion for a resolution

7. Stresses that a broad definition of the risk of absconding may lead to Member

Amendment

7. Stresses that a broad definition of the risk of absconding may lead to Member

States frequently refraining from granting a period for voluntary departure; recalls that lifting the voluntary departure period also leads to the imposition of an entry ban, which may further undermine voluntary departure;

States frequently refraining from granting a period for voluntary departure; recalls ***the need for a closed and exhaustive list of criteria's to define strictly the risk of absconding***; recalls that lifting the voluntary departure period also leads to the imposition of an entry ban, which may further undermine voluntary departure;

Or. en

Amendment 115

Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod, Mara Bizzotto, Annalisa Tardino, Philippe Olivier

Motion for a resolution Paragraph 7

Motion for a resolution

7. Stresses that a broad definition of the risk of absconding may ***lead to*** Member States ***frequently refraining from granting a period for voluntary departure***; recalls that lifting the voluntary departure period also leads to the imposition of an entry ban, ***which may further undermine voluntary departure***;

Amendment

7. Stresses that a broad definition of the risk of absconding may ***help*** Member States ***to manage returns more efficiently***; recalls that lifting the voluntary departure period also leads to the imposition of an entry ban;

Or. en

Amendment 116

Sophia in 't Veld, Ramona Strugariu, Anna Júlia Donáth, Abir Al-Sahlani, Hilde Vautmans, Olivier Chastel, Fabienne Keller, Jan-Christoph Oetjen, Michal Šimečka, Maite Pagazaurtundúa, Dragoş Tudorache

Motion for a resolution Paragraph 7 a (new)

Motion for a resolution

7a. Stresses the need for more cooperation on return between the Member States, including information sharing and the application of

Amendment

Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third country nationals, in line with fundamental rights guarantees; underlines the need for support, including operational, by the relevant Union agencies; stresses the need for increased cooperation between the Member States and Frontex;

Or. en

Amendment 117

Beata Kempa, Jadwiga Wiśniewska, Patryk Jaki, Joachim Stanisław Brudziński

Motion for a resolution

Paragraph 7 a (new)

Motion for a resolution

Amendment

7a. Stresses that the lack of consistent definitions and interpretations concerning the risk of absconding and the use of detention means, inter alia, that irregular migrants abscond or engage in secondary movements;

Or. pl

Amendment 118

Charlie Weimers

Motion for a resolution

Paragraph 7 a (new)

Motion for a resolution

Amendment

7a. Notes that some Member States have regulations that cancel return decisions after a certain period of time and believes that such decisions undermine the objectives of the directive;

Or. en

Amendment 119
Anne-Sophie Pelletier

Motion for a resolution
Paragraph 7 a (new)

Motion for a resolution

Amendment

7a. Stresses that unaccompanied minors should never be returned unless it can be demonstrated that it is in the child's best interest;

Or. en

Amendment 120
Sophia in 't Veld, Ramona Strugariu, Anna Júlia Donáth, Abir Al-Sahlani, Hilde Vautmans, Olivier Chastel, Fabienne Keller, Jan-Christoph Oetjen, Maite Pagazaurtundúa, Dragoş Tudorache

Motion for a resolution
Paragraph 7 b (new)

Motion for a resolution

Amendment

7b. Highlights the importance of providing individual case management and assistance, tailored to the individual circumstances and prospects of the returnee when assisting in assisted voluntary return in all stages of the process, with particular attention for unaccompanied minors;

Or. en

Amendment 121
Anne-Sophie Pelletier

Motion for a resolution
Paragraph 8

Motion for a resolution

Amendment

8. Stresses that return and entry-ban decisions on removal should be individualised, clearly justified with reasons in law and in fact, issued in writing, and complete with information about available remedies;

8. Stresses that return and entry-ban decisions on removal should be individualised, clearly justified with reasons in law and in fact, issued in writing, and complete with information about available remedies, *stresses the importance that this information need to be accessible to the persons concerned, in particular in a language he or she understands; expresses concerns regarding the frequent lack of sufficient detail and motivation in return decisions;*

Or. en

Amendment 122

Caterina Chinnici, Saskia Bricmont, Hilde Vautmans, Sylvie Guillaume

Motion for a resolution

Paragraph 8

Motion for a resolution

8. Stresses that return and entry-ban decisions on removal should be individualised, clearly justified with reasons in law and in fact, issued in writing, and complete with information about available remedies;

Amendment

8. Stresses that return and entry-ban decisions on removal should be individualised, clearly justified with reasons in law and in fact, issued in writing, and complete with information about available remedies; *takes the view that unaccompanied children should not be returned and that children should be informed in a child-friendly manner and in a language that they understand about their rights and remedies;*

Or. en

Amendment 123

Paulo Rangel, Jeroen Lenaers, Nadine Morano, Brice Hortefeux

Motion for a resolution

Paragraph 8

Motion for a resolution

Amendment

8. Stresses that return and entry-ban decisions on removal **should** be individualised, clearly justified with reasons in law and in fact, issued in writing, and complete with information about available remedies;

8. Stresses that **the directive requires** return and entry-ban decisions **and decisions** on removal **to** be individualised, clearly justified with reasons in law and in fact, issued in writing, and complete with information about available remedies;

Or. en

Amendment 124

Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod, Mara Bizzotto, Annalisa Tardino, Philippe Olivier

Motion for a resolution Paragraph 8

Motion for a resolution

8. Stresses that return and entry-ban decisions **on removal** should be **individualised, clearly justified with reasons in law and in fact, issued in writing, and complete with information about available remedies**;

Amendment

8. Stresses that return and entry-ban decisions should be **swift and effective**;

Or. en

Amendment 125 Charlie Weimers

Motion for a resolution Paragraph 8

Motion for a resolution

8. Stresses that return and entry-ban decisions on removal **should be individualised, clearly justified with reasons in law and in fact, issued in writing, and complete with information about available remedies**;

Amendment

8. Stresses that return and entry-ban decisions on removal **may be implemented as provided for in national legislation**;

Or. en

Amendment 126

Sylvie Guillaume, Pietro Bartolo, Caterina Chinnici, Tudor Ciuhodaru, Tanja Fajon, Raphaël Glucksmann, Evin Incir, Juan Fernando López Aguilar, Javier Moreno Sánchez, Domènec Ruiz Devesa, Birgit Sippel, Bettina Vollath, Elena Yoncheva, Miriam Dalli

Motion for a resolution Paragraph 8

Motion for a resolution

8. Stresses that return and entry-ban decisions on removal should be individualised, clearly justified with reasons in law and in fact, issued in writing, and complete with information about available remedies;

Amendment

8. Stresses that return and entry-ban decisions on removal should be individualised, clearly justified with reasons in law and in fact, issued in writing, and complete with information about available remedies, ***in a language the person understands***;

Or. en

Amendment 127 Emil Radev

Motion for a resolution Paragraph 8

Motion for a resolution

8. Stresses that return and entry-ban decisions on removal should be individualised, clearly justified with reasons in law and in fact, issued in writing, and complete with information about available remedies;

Amendment

8. Stresses that return and entry-ban decisions on removal should be individualised, clearly justified with reasons in law and in fact, issued in writing, and complete with information about available remedies ***and the relevant deadlines***;

Or. bg

Amendment 128 Pietro Bartolo, Sylvie Guillaume

Motion for a resolution Paragraph 8 a (new)

Motion for a resolution

Amendment

8a. *Notes that the bilateral readmission agreements used pursuant to Article 6(3) of the Directive do not offer adequate procedural safeguards, including notification to the person concerned of an individual measure and information on available and effective remedies to appeal; regrets the recurrent practice of some Member States to continue to apply to other bilateral readmission agreements with another Member State or with a third Country instead of applying Article 6(1) of the Directive.*

Or. en

Amendment 129

Paulo Rangel, Jeroen Lenaers

Motion for a resolution

Paragraph 8 a (new)

Motion for a resolution

Amendment

8a. *Recalls that the principle of non-refoulement is binding on Member States in all circumstances, including for return procedures not falling within the scope of application of the return directive;*

Or. en

Amendment 130

Pietro Bartolo, Sylvie Guillaume

Motion for a resolution

Paragraph 8 b (new)

Motion for a resolution

Amendment

8b. *Highlights that the possibility offered by Article 2 paragraph 2 (A) not to*

apply the Directive to third-country national who are subject to a refusal of entry is creating parallel regimes which do not offer the same procedural guarantees as those provided for by the Directive and may lead to numerous violations of fundamental rights;

Or. en

Amendment 131
Tom Vandendriessche, Nicolas Bay

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Highlights that the directive allows for the temporary suspension of the enforcement of a removal, pending a decision relating to return; underlines the importance of such suspensive effect in cases where there is a risk of refoulement; notes that in most countries, appeal against return is not automatically suspensive, which may diminish protection and increase administrative burdens;

Amendment

9. Highlights that the directive allows for the temporary suspension of the enforcement of a removal, pending a decision relating to return; underlines the importance of such suspensive effect in cases where there is a risk of refoulement; notes that in most countries, appeal against return is not automatically suspensive, which may diminish protection and increase administrative burdens; ***notes, however, that most countries only attempt to enforce returns in the event of imminent danger to public order; points out that the procedure is often exhausted or repeated endlessly so as to obtain a residence permit after all; notes that children are conceived during on-going procedures and are subsequently used to invoke humanitarian grounds to obtain a residence permit.***

Or. nl

Amendment 132
Charlie Weimers

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Highlights that the directive allows for the temporary suspension of the enforcement of a removal, ***pending a decision relating to return; underlines the importance of such suspensive effect in cases where there is a risk of refoulement; notes that in most countries, appeal against return is not automatically suspensive, which may diminish protection and increase administrative burdens;***

Amendment

9. Highlights that the directive allows for the temporary suspension of the enforcement of a removal ***under certain conditions;***

Or. en

Amendment 133

Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod, Mara Bizzotto, Annalisa Tardino, Philippe Olivier

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Highlights that the directive allows for the temporary suspension of the enforcement of a removal, pending a decision relating to return; ***underlines the importance of such suspensive effect in cases where there is a risk of refoulement; notes that in most countries, appeal against return is not automatically suspensive, which may diminish protection and increase administrative burdens;***

Amendment

9. Highlights that the directive allows for the temporary suspension of the enforcement of a removal, pending a decision relating to return;

Or. en

Amendment 134

Anne-Sophie Pelletier

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Highlights that the directive allows for the temporary suspension of the enforcement of a removal, pending a decision relating to return; underlines the importance of such suspensive effect in cases where there is a risk of refoulement; notes that in most countries, appeal against return is not automatically suspensive, which may diminish protection and increase administrative burdens;

Amendment

9. Highlights that the directive allows for the temporary suspension of the enforcement of a removal, pending a decision relating to return; underlines the importance of such suspensive effect in cases where there is a risk of refoulement, ***other fundamental rights violations or because of health that does not allow the execution of the return decision without posing excessive risks***; notes that in most countries, appeal against return is not automatically suspensive, which may diminish protection and increase administrative burdens; ***calls on Member States to grant automatic suspensive effect***;

Or. en

Amendment 135

Caterina Chinnici, Saskia Bricmont, Hilde Vautmans, Sylvie Guillaume

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Highlights that the directive allows for the temporary suspension of the enforcement of a removal, pending a decision relating to return; underlines the importance of such suspensive effect in cases where there is a risk of refoulement; notes that in most countries, appeal against return is not automatically suspensive, which may diminish protection and increase administrative burdens;

Amendment

9. Highlights that the directive allows for the temporary suspension of the enforcement of a removal, pending a decision relating to return; underlines the importance of such suspensive effect in cases where there is a risk of refoulement; notes that in most countries, appeal against return is not automatically suspensive, which may diminish protection and increase administrative burdens; ***stresses that the best interests of the child should be the primary consideration for all decisions concerning children, including pending decisions relating to return***;

Or. en

Amendment 136

Sylvie Guillaume, Pietro Bartolo, Caterina Chinnici, Tudor Ciuhodaru, Tanja Fajon, Raphaël Glucksmann, Juan Fernando López Aguilar, Javier Moreno Sánchez, Domènec Ruiz Devesa, Birgit Sippel, Bettina Vollath, Elena Yoncheva

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Highlights that the directive allows for the temporary suspension of the enforcement of a removal, pending a decision relating to return; underlines the importance of such suspensive effect in cases where there is a risk of refoulement; notes that in most countries, appeal against return is not automatically suspensive, which may diminish protection and increase administrative burdens;

Amendment

9. Highlights that the directive allows for the temporary suspension of the enforcement of a removal, pending a decision relating to return; underlines the importance of such suspensive effect in cases where there is a risk of refoulement; notes that in most countries, appeal against return is not automatically suspensive, which may diminish protection and increase administrative burdens; ***an automatic suspensive remedy is necessary to harmonize the practices and ensure that people are not returning before the final decision;***

Or. en

Amendment 137

Paulo Rangel, Jeroen Lenaers, Brice Hortefeux

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Highlights that the directive allows for the temporary suspension of the enforcement of a removal, pending a decision relating to return; underlines the ***importance of*** such suspensive effect in cases where there is a risk of refoulement; ***notes that in most countries, appeal against return is not automatically suspensive, which may diminish protection and increase administrative***

Amendment

9. Highlights that the directive allows for the temporary suspension of the enforcement of a removal, pending a ***review of a*** decision relating to return; underlines the ***need of ensuring*** such suspensive effect in cases where there is a risk of refoulement;

burdens;

Or. en

Amendment 138
Balázs Hidvéghi

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Highlights that the directive allows for the temporary suspension of the enforcement of a removal, pending a decision relating to return; underlines the importance of such suspensive effect in cases where there is a risk of refoulement; notes that in most countries, appeal against return is not automatically suspensive, ***which may diminish protection and increase administrative burdens;***

Amendment

9. Highlights that the directive allows for the temporary suspension of the enforcement of a removal, pending a decision relating to return; underlines the importance of such suspensive effect in cases where there is a risk of refoulement; notes that in most countries, appeal against return is not automatically suspensive;

Or. en

Amendment 139
Nadine Morano

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Highlights that the directive allows for the temporary suspension of the enforcement of a removal, pending a decision relating to return; ***underlines the importance of such*** suspensive effect ***in cases where there is a risk of refoulement;*** notes that in most countries, appeal against return is not automatically suspensive, which ***may diminish protection and increase administrative burdens;***

Amendment

9. Highlights that the directive allows for the temporary suspension of the enforcement of a removal, pending a decision relating to return; ***stresses that such a*** suspensive effect ***may undermine the effectiveness of returns;*** notes that in most countries, appeal against return is not automatically suspensive, which ***makes the enforcement of return procedures easier;***

Or. fr

Amendment 140
Nadine Morano

Motion for a resolution
Paragraph 10

Motion for a resolution

Amendment

10. Notes with regret the limited use of Article 6(4) of the directive; is concerned about the failure of Member States to issue a temporary residence permit where return has proven not to be possible; underlines the fact that granting residence permits to individuals who cannot return to their country of origin could help to prevent protracted irregular stays and facilitate individuals' social inclusion and contribution to society; **deleted**

Or. fr

Amendment 141

Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod, Mara Bizzotto, Annalisa Tardino, Philippe Olivier

Motion for a resolution
Paragraph 10

Motion for a resolution

Amendment

10. Notes with regret the limited use of Article 6(4) of the directive; is concerned about the failure of Member States to issue a temporary residence permit where return has proven not to be possible; underlines the fact that granting residence permits to individuals who cannot return to their country of origin could help to prevent protracted irregular stays and facilitate individuals' social inclusion and contribution to society; **deleted**

Or. en

Amendment 142
Balázs Hidvéghi

Motion for a resolution
Paragraph 10

Motion for a resolution

Amendment

10. Notes with regret the limited use of Article 6(4) of the directive; is concerned about the failure of Member States to issue a temporary residence permit where return has proven not to be possible; underlines the fact that granting residence permits to individuals who cannot return to their country of origin could help to prevent protracted irregular stays and facilitate individuals' social inclusion and contribution to society;

deleted

Or. en

Amendment 143
Nicola Procaccini

Motion for a resolution
Paragraph 10

Motion for a resolution

Amendment

10. Notes with regret the limited use of Article 6(4) of the directive; is concerned about the failure of Member States to issue a temporary residence permit where return has proven not to be possible; underlines the fact that granting residence permits to individuals who cannot return to their country of origin could help to prevent protracted irregular stays and facilitate individuals' social inclusion and contribution to society;

10. Hopes that Member States will make limited use of Article 6(4) of the directive, as an extraordinary measure, based on the assessment of individual cases;

Or. it

Amendment 144
Charlie Weimers

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Notes ***with regret*** the limited use of Article 6(4) of the directive; ***is concerned about the failure of*** Member States ***to issue a temporary residence permit where return has proven not to be possible; underlines the fact that granting residence permits to individuals who cannot return to their country of origin could help to prevent protracted irregular stays and facilitate individuals' social inclusion and contribution to society;***

Amendment

10. Notes the limited use of Article 6(4) of the directive ***by*** Member States; ***believes it does not contribute to a long-term solution to illegal migration;***

Or. en

Amendment 145
Tineke Strik

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Notes with regret the limited use of Article 6(4) of the directive; is concerned about the failure of Member States to issue a temporary residence permit where return has proven not to be possible; underlines the fact that granting residence permits to individuals who cannot return to their country of origin could help to prevent protracted irregular stays and facilitate individuals' social inclusion and contribution to society;

Amendment

10. Notes with regret the limited use of Article 6(4) of the directive; is concerned about the failure of Member States to issue a temporary residence permit where return has proven not to be possible, ***which is leaving unreturnable migrants often unable to access their fundamental rights, including access to healthcare, housing, education and justice;*** underlines the fact that granting residence permits to individuals who cannot return to their country of origin could help to prevent protracted irregular stays and facilitate individuals' social inclusion and contribution to society;

Or. en

Amendment 146

Sylvie Guillaume, Pietro Bartolo, Caterina Chinnici, Tudor Ciuhodaru, Tanja Fajon, Raphaël Glucksmann, Evin Incir, Juan Fernando López Aguilar, Javier Moreno Sánchez, Domènec Ruiz Devesa, Birgit Sippel, Bettina Vollath, Elena Yoncheva

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Notes with regret the limited use of Article 6(4) of the directive; is concerned about the failure of Member States to issue a temporary residence permit where return has proven not to be possible; underlines the fact that granting residence permits to individuals who cannot return to their country of origin could help to prevent protracted irregular stays and facilitate individuals' social inclusion and contribution to society;

Amendment

10. Notes with regret the limited use of Article 6(4) of the directive; is concerned about the failure of Member States to issue a temporary residence permit where return has proven not to be possible; underlines the fact that granting residence permits to individuals who cannot return to their country of origin could help to prevent protracted irregular stays and facilitate individuals' social inclusion and contribution to society; ***notes that this would also help to get people out of administrative limbos where they are left;***

Or. en

Amendment 147

Maria Walsh

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Notes with regret the limited use of Article 6(4) of the directive; is concerned about the failure of Member States to issue a temporary residence permit where return has proven not to be possible; underlines the fact that granting residence permits to individuals who cannot return to their country of origin could help to prevent protracted irregular stays and facilitate individuals' social inclusion and contribution to society;

Amendment

10. Notes with regret the limited use of Article 6(4) of the directive; is concerned about the failure of Member States to issue a temporary residence permit where return has proven not to be possible, ***particularly in cases of non-refoulement involving vulnerable persons and groups;*** ***underlines the fact that granting residence permits to individuals who cannot return to their country of origin could help to prevent protracted irregular***

stays and facilitate individuals' social inclusion and contribution to society;

Or. en

Amendment 148
Anne-Sophie Pelletier

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Notes with regret the limited use of Article 6(4) of the directive; is concerned about the failure of Member States to issue a temporary residence permit where return has proven not to be possible; underlines the fact that granting residence permits to individuals who cannot return to their country of origin could help to prevent protracted irregular stays and facilitate individuals' social inclusion and contribution to society;

Amendment

10. Notes with regret the limited use of Article 6(4) of the directive; is concerned about the failure of Member States to issue a temporary residence permit where return has proven not to be possible; underlines the fact that granting residence permits to individuals who cannot return to their country of origin could help to prevent protracted irregular stays, ***reduce labour exploitation*** and facilitate individuals' social inclusion and contribution to society; ***calls on Member States to expand their use of Article 6(4) of the directive;***

Or. en

Amendment 149
Sophia in 't Veld, Ramona Strugariu, Anna Júlia Donáth, Hilde Vautmans, Olivier Chastel, Fabienne Keller, Maite Pagazaurtundúa, Dragoş Tudorache

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Notes with regret the limited use of Article 6(4) of the directive; ***is concerned about the failure of Member States to issue a temporary residence permit*** where return has proven not to be possible; ***underlines the fact that granting residence permits to individuals who***

Amendment

10. ***Recalls that Article 6(4) of the directive provides Member States with the possibility to grant an autonomous residence permit to a third-country national staying irregularly on their territory; stresses the importance of successfully exhausting the options***

cannot return to their country of origin could help to prevent protracted irregular stays and facilitate individuals' social inclusion and contribution to society;

provided in the directive to enforce return decisions, highlighting voluntary return; notes *however* with regret the limited use of Article 6(4) of the directive where return has proven not to be possible;

Or. en

Amendment 150

Paulo Rangel, Jeroen Lenaers, Brice Hortefeux

Motion for a resolution

Paragraph 10

Motion for a resolution

10. *Notes with regret the limited use of Article 6(4) of the directive; is concerned about the failure of Member States to issue a temporary residence permit where return has proven not to be possible;* underlines the fact that granting residence permits to individuals who cannot return to their country of origin *could help to prevent protracted irregular stays and facilitate individuals' social inclusion and contribution to society;*

Amendment

10. Underlines the fact that granting residence permits to individuals who cannot return to their country of origin, *as permitted by article 6(4) of the directive, may facilitate individuals' social inclusion and contribution to society; at the same time, coordination within the Union is necessary in order to avoid pull factors and unauthorised secondary movements;*

Or. en

Amendment 151

Emil Radev

Motion for a resolution

Paragraph 10

Motion for a resolution

10. Notes with regret the limited use of Article 6(4) of the directive; is concerned about the failure of Member States to issue a temporary residence permit where return has proven not to be possible; underlines the fact that granting residence permits to individuals who cannot return to their

Amendment

10. Notes with regret the limited use of Article 6(4) of the directive; is concerned about the failure of Member States to issue a temporary residence permit where return has proven not to be possible; underlines the fact that *facilitating the granting of* residence permits to individuals who

country of origin could help to prevent protracted irregular stays and facilitate individuals' social inclusion and contribution to society;

cannot return to their country of origin could help to prevent protracted irregular stays and facilitate individuals' social inclusion and contribution to society;

Or. bg

Amendment 152

Domènec Ruiz Devesa, Sylvie Guillaume, Javier Moreno Sánchez, Juan Fernando López Aguilar

Motion for a resolution Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. Notes that the effective implementation of the Directive is hampered by the lack of access to legal aid and interpreters due to limited capacity and funding; considers that more funds should be made available for the provision of legal assistance, especially funding for civil society professionals offering legal assistance;

Or. en

Amendment 153

Tom Vandendriessche, Nicolas Bay

Motion for a resolution Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. Regrets, however, that once a safe return becomes possible, most Member States often do not replace provisional residence permits with mandatory orders to return; regrets further that, as a result, a temporary residence permit is, de facto, often assimilated to a permanent residence permit;

Amendment 154
Anne-Sophie Pelletier

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. *Notes the significant differences between Member States in the right to appeal, especially the type of appeal body and the appeal time-limits; stresses the need to guarantee the right to an effective remedy, including by providing proper and accessible information and legal aid;*

Or. en

Amendment 155
Charlie Weimers

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. *Notes with regret that the use of Article 6(4) by some Member States leads to the granting of permanent residence permits, even in cases where the obstacle to a return is temporary;*

Or. en

Amendment 156
Tom Vandendriessche, Nicolas Bay

Motion for a resolution
Paragraph 11

Motion for a resolution

Amendment

11. Notes with concern the widespread automatic imposition of entry bans, which in some Member States are enforced alongside voluntary departure; stresses that this approach risks reducing incentives to comply with a return decision; *deleted*

Or. nl

Amendment 157

Paulo Rangel, Jeroen Lenaers, Nadine Morano, Brice Hortefeux

Motion for a resolution

Paragraph 11

Motion for a resolution

Amendment

11. Notes with concern the widespread automatic imposition of entry bans, which in some Member States are enforced alongside voluntary departure; stresses that this approach risks reducing incentives to comply with a return decision; *deleted*

Or. en

Amendment 158

Tineke Strik

Motion for a resolution

Paragraph 11

Motion for a resolution

Amendment

11. Notes with concern the widespread automatic imposition of entry bans, which in some Member States are enforced alongside voluntary departure; stresses that this approach risks reducing incentives to comply with a return decision;

11. Notes with concern the widespread automatic imposition of entry bans, which in some Member States are enforced alongside voluntary departure; stresses that this approach risks reducing incentives to comply with a return decision; ***calls on Member States to comply with the obligation of the Directive to consider withdrawing or suspending the ban in***

cases where a third-country national can demonstrate that he or she has left the territory of a Member State;

Or. en

Amendment 159
Charlie Weimers

Motion for a resolution
Paragraph 11

Motion for a resolution

11. *Notes with concern* the widespread automatic imposition of entry bans, which in some Member States are enforced alongside voluntary departure; *stresses that this approach risks reducing incentives to comply with a return decision;*

Amendment

11. *Welcomes* the widespread automatic imposition of entry bans, which in some Member States are enforced alongside voluntary departure;

Or. en

Amendment 160
Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod, Mara Bizzotto, Annalisa Tardino, Philippe Olivier

Motion for a resolution
Paragraph 11

Motion for a resolution

11. *Notes with concern* the widespread automatic imposition of entry bans, which in some Member States are enforced alongside voluntary departure; *stresses that this approach risks reducing incentives to comply with a return decision;*

Amendment

11. *Welcomes* the widespread automatic imposition of entry bans, which in some Member States are enforced alongside voluntary departure;

Or. en

Amendment 161
Maria Walsh

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Notes with concern the widespread automatic imposition of entry bans, which in some Member States are enforced alongside voluntary departure; stresses that this approach risks reducing incentives to comply with a return decision;

Amendment

11. Notes with concern the widespread automatic imposition of entry bans, which in some Member States are enforced alongside voluntary departure; stresses that this approach risks reducing incentives to comply with a return decision **and urges Member States to consider reviewing this practise;**

Or. en

Amendment 162
Nicola Procaccini

Motion for a resolution
Paragraph 11

Motion for a resolution

11. **Notes with concern the widespread automatic imposition of** entry bans, which in some Member States are enforced alongside voluntary departure; **stresses that this approach risks** reducing incentives to comply with a return decision;

Amendment

11. **Is of the view that** entry bans, which in some Member States are **often** enforced alongside voluntary departure, **should, rather, be enforced alongside forced return decisions, with a view to** reducing incentives **to fail** to comply with a return decision;

Or. it

Amendment 163
Nadine Morano

Motion for a resolution
Paragraph 11

Motion for a resolution

11. **Notes with concern** the widespread automatic imposition of entry bans, which

Amendment

11. **Welcomes** the widespread automatic imposition of entry bans, which

in some Member States are enforced alongside voluntary departure; stresses that this approach *risks reducing incentives to comply with a return decision*;

in some Member States are enforced alongside voluntary departure; stresses that this approach *makes it possible to better combat illegal migration and protect the borders of the European Union*;

Or. fr

Amendment 164
Tom Vandendriessche, Nicolas Bay

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11a. *Is aware that imposing entry bans is necessary in order to stop a carousel of applications, refusals and orders to leave the territory in the different Member States; notes that this results in an enormous administrative burden for the Member States concerned and perpetuates the legal uncertainty of those concerned; considers that the persons concerned are thus not encouraged to build a future in their country of origin*;

Or. nl

Amendment 165
Anne-Sophie Pelletier

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11a. *Notes that the situation of a person may vary during the period imposed by the entry ban and that a person may find himself or herself at risk of persecution in the country he or she has been returned while being unable to enter the Union because of an existing entry ban; calls on*

Member States to lift the entry ban based on humanitarian considerations in such cases;

Or. en

Amendment 166
Tineke Strik

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11a. Reiterates that, in view of the formally non-punitive nature of return measures, an entry ban should not be used as a generic punitive measure but should instead be based on an individual assessment;

Or. en

Amendment 167
Tineke Strik

Motion for a resolution
Paragraph 11 b (new)

Motion for a resolution

Amendment

11b. Considers that imposing lengthy entry bans consists of an undeniably punitive measure and contributes to a logic of criminalisation of migration; calls upon the Member State to have accessible procedures in place for requesting the lifting of an entry ban, in which an individual assessment is guaranteed, with due account to the best interests of the child, the right to family life and the principle of proportionality;

Or. en

Amendment 168

Sophia in 't Veld, Ramona Strugariu, Anna Júlia Donáth, Hilde Vautmans, Fabienne Keller, Jan-Christoph Oetjen, Michal Šimečka, Dragoş Tudorache

Motion for a resolution

Paragraph 12

Motion for a resolution

12. **Stresses** that although the threat of imposition of an entry ban may serve as an incentive to leave a country within the time period of voluntary departure, once imposed, entry bans **actually** reduce the incentive to comply with a return decision and may increase the risk of absconding;

Amendment

12. **Notes** that although the threat of imposition of an entry ban may serve as an incentive to leave a country within the time period of voluntary departure, once imposed, entry bans **may** reduce the incentive to comply with a return decision and may increase the risk of absconding; **calls on Member States to consider timing imposition of the entry ban in order to successfully effectuate a return decision;**

Or. en

Amendment 169

Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod, Mara Bizzotto, Annalisa Tardino, Philippe Olivier

Motion for a resolution

Paragraph 12

Motion for a resolution

12. Stresses that **although** the threat of imposition of an entry ban **may serve as** an incentive to leave a country within the time period of voluntary departure, **once imposed, entry bans actually reduce the incentive to comply with a return decision and may increase the risk of absconding;**

Amendment

12. Stresses that the threat of imposition of an entry ban **is** an incentive to leave a country within the time period of voluntary departure;

Or. en

Amendment 170

Paulo Rangel, Jeroen Lenaers, Nadine Morano, Brice Hortefeux

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Stresses that ***although the threat of imposition of an entry ban may serve as an incentive to leave a country within the time period of voluntary departure, once imposed, entry bans actually reduce the incentive to comply with a return decision and may increase the risk of absconding;***

Amendment

12. Stresses that ***the directive has rules allowing for entry bans to be lifted and calls on Member States to make use of these when necessary;***

Or. en

Amendment 171
Charlie Weimers

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Stresses that ***although*** the threat of imposition of an entry ban ***may serve*** as an incentive to leave a country within the time period of voluntary departure, ***once imposed, entry bans actually reduce the incentive to comply with a return decision and may increase the risk of absconding;***

Amendment

12. Stresses that the threat of imposition of an entry ban ***serves*** as an ***effective*** incentive to leave a country within the time period of voluntary departure;

Or. en

Amendment 172
Nadine Morano

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Stresses that ***although*** the threat of imposition of an entry ban ***may serve as an incentive to leave a country within the***

Amendment

12. Stresses that the threat of imposition of an entry ban ***is a factor in the fight against illegal migration and***

time period of voluntary departure, once imposed, entry bans actually reduce the incentive to comply with a return decision and may increase the risk of absconding;

makes it possible to uphold the integrity of EU borders and EU laws regarding migration;

Or. fr

Amendment 173
Nicola Procaccini

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Stresses that ***although*** the threat of imposition of an entry ban may serve as an incentive to leave a country within the time period ***of voluntary departure***, once imposed, entry bans ***actually reduce the incentive to comply*** with a return decision ***and may increase*** the risk of absconding;

Amendment

12. Stresses that the threat of imposition of an entry ban may serve as an incentive to leave a country within the ***established*** time period ***and that***, once imposed, entry bans ***should be associated*** with a ***forced*** return decision, ***with a view to reducing*** the risk of absconding;

Or. it

Amendment 174
Tom Vandendriessche, Nicolas Bay

Motion for a resolution
Paragraph 12 a (new)

Motion for a resolution

12a. Recognises that the imposition of entry bans together with orders to leave the territory constitute a necessary two-pronged approach; recognises further that that where this would discourage the person concerned from returning voluntarily, their forced return would be in accordance with Article 16 of Directive 2008/115/EC of 16 December 2008;

Or. nl

Amendment 175

Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod, Philippe Olivier, Mara Bizzotto

Motion for a resolution

Paragraph 13

Motion for a resolution

Amendment

13. Stresses that entry bans have particularly disproportionate consequences for families and children; welcomes the option introduced by some Member States to exempt children from the imposition of an entry ban, but stresses that children's interests should also be a primary consideration when deciding on the entry ban of their parents; **deleted**

Or. en

Amendment 176

Charlie Weimers

Motion for a resolution

Paragraph 13

Motion for a resolution

Amendment

13. Stresses that entry bans have particularly disproportionate consequences for families and children; welcomes the option introduced by some Member States to exempt children from the imposition of an entry ban, but stresses that children's interests should also be a primary consideration when deciding on the entry ban of their parents; **deleted**

Or. en

Amendment 177

Anne-Sophie Pelletier

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Stresses that entry bans have **particularly** disproportionate consequences for families and children; welcomes the option introduced by some Member States to exempt children from the imposition of an entry ban, but stresses that children's interests should also be a primary consideration when deciding on the entry ban of their parents;

Amendment

13. Stresses that entry bans have disproportionate consequences **in particular** for families and children; welcomes the option introduced by some Member States to exempt children from the imposition of an entry ban, but stresses that children's interests should also be a primary consideration when deciding on the entry ban of their parents; ***calls on Member States to respect the right to family life and not to issue entry bans in cases where a member of the family is legally residing in the Union but rather facilitate the reunification of this family under the Family Reunification Directive in cases where returns could not have been prevented;***

Or. en

Amendment 178
Nadine Morano

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Stresses that entry bans have **particularly disproportionate consequences for families and children; welcomes the option introduced by some Member States to exempt children from the imposition of an entry ban, but stresses that children's interests should also be a primary consideration when deciding on the entry ban of their parents;**

Amendment

13. Stresses that entry bans have ***been particularly useful, regardless of the profile of the persons or groups of persons to whom they apply;***

Or. fr

Amendment 179
Nicola Procaccini

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Stresses that *entry bans have particularly disproportionate consequences for families and children; welcomes the option introduced by some Member States to exempt children from the imposition of an entry ban, but stresses that children's interests should also be a primary consideration* when deciding on the entry ban of their parents;

Amendment

13. Stresses that *children's interests should be taken into consideration, based on a careful assessment of specific cases*, when deciding on the entry ban of their parents;

Or. it

Amendment 180
Maria Walsh

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Stresses that entry bans have particularly disproportionate consequences for families and children; welcomes the option introduced by some Member States to exempt children from the imposition of an entry ban, but stresses that children's interests should also be a primary consideration when deciding on the entry ban of their parents;

Amendment

13. Stresses that entry bans have particularly disproportionate consequences for families and children; welcomes the option introduced by some Member States to exempt children from the imposition of an entry ban *and encourages others to adopt similar policies*, but stresses that children's interests should also be a primary consideration when deciding on the entry ban of their parents;

Or. en

Amendment 181
Paulo Rangel, Jeroen Lenaers, Brice Hortefeux

Motion for a resolution

Paragraph 13

Motion for a resolution

13. Stresses that entry bans have particularly disproportionate consequences for families and children; welcomes the option introduced by some Member States to exempt children from the imposition of an entry ban, but stresses that children's interests should also be a primary consideration when deciding on the entry ban of their parents;

Amendment

13. Stresses that entry bans **may** have particularly disproportionate consequences for families and children; welcomes the option introduced by some Member States to exempt children from the imposition of an entry ban, but stresses that children's interests should also be a primary consideration when deciding on the entry ban of their parents;

Or. en

Amendment 182

Beata Kempa, Jadwiga Wiśniewska, Patryk Jaki, Joachim Stanisław Brudziński

Motion for a resolution

Paragraph 13 a (new)

Motion for a resolution

Amendment

13a. Stresses the importance of an accelerated border procedure that would apply to persons whose asylum applications have been rejected in the course of asylum procedures at the border and would help to speed up the adoption and enforcement of return decisions at external borders;

Or. pl

Amendment 183

Anne-Sophie Pelletier

Motion for a resolution

Paragraph 13 a (new)

Motion for a resolution

Amendment

13a. Stresses the fact that a return decision may be accompanied by an entry

ban; notes however that there is no evidence that an entry ban contributes to a better implementation of return decisions; insists that entry bans should be imposed in specific cases and to individuals who represent a real threat to public or national security; if some criminals could be subject to an entry ban decision this should not be the case for offenders.

Or. en

Amendment 184
Laura Ferrara, Sabrina Pignedoli

Motion for a resolution
Paragraph 13 a (new)

Motion for a resolution

Amendment

13a. Stresses that the detention of irregular migrants to be returned should always be considered a measure of last resort and should always be subject to time limits and safeguards for those being deprived of their personal freedom; calls on the Member States to implement alternative measures to detention that are less coercive and radical;

Or. it

Amendment 185
Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod, Mara Bizzotto, Annalisa Tardino, Philippe Olivier

Motion for a resolution
Paragraph 14

Motion for a resolution

Amendment

14. Notes differences in the transposition into national legislations of the definition of the ‘risk of absconding’

deleted

and reiterates that Article 3(7) of the directive provides that the existence of such a risk should always be assessed on the basis of objective criteria defined by law;

Or. en

Amendment 186
Nicola Procaccini

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Notes differences in the transposition into national legislations of the definition of the ‘risk of absconding’ *and reiterates that Article 3(7) of the directive provides that the existence of such a risk should always be assessed on the basis of* objective criteria defined by law;

Amendment

14. Notes differences in the transposition into national legislations of the definition of the ‘risk of absconding’, *but reiterates that Article 3(7) of the directive defines it as being the existence of reasons in an individual case which are based on* objective criteria defined by law *to believe that a third-country national who is the subject of return procedures may abscond, thus giving Member States some leeway;*

Or. it

Amendment 187
Sophia in 't Veld, Ramona Strugariu, Anna Júlia Donáth, Abir Al-Sahlani, Hilde Vautmans, Olivier Chastel, Fabienne Keller, Jan-Christoph Oetjen, Michal Šimečka, Maite Pagazaurtundúa, Dragoş Tudorache

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Notes differences in the transposition into national legislations of the definition of the ‘risk of absconding’ *and reiterates that Article 3(7) of the directive provides that the existence of*

Amendment

14. *Recalls that Article 3(7) of the directive states that the 'risk of absconding' means the existence of reasons in an individual case which are based on objective criteria defined by law*

such a risk should always be assessed on the basis of objective criteria defined by law;

to believe that a third-country national who is the subject of return procedures may abscond; notes differences in the transposition into national legislations of the definition of the ‘risk of absconding’;

Or. en

Amendment 188
Charlie Weimers

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Notes differences in the transposition into national legislations of the definition of the ‘risk of absconding’ *and reiterates that Article 3(7) of the directive provides that the existence of such a risk should always be assessed on the basis of objective criteria defined by law;*

Amendment

14. Notes differences in the transposition into national legislations of the definition of the ‘risk of absconding’;

Or. en

Amendment 189
Maria Walsh

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Notes differences in the transposition into national legislations of the definition of the ‘risk of absconding’ and reiterates that Article 3(7) of the directive provides that the existence of such a risk should always be assessed on the basis of objective criteria defined by law;

Amendment

14. Notes differences in the transposition into national legislations of the definition of the ‘risk of absconding’ and *that clarification on this is needed to ensure grounds for detention are clearly defined;* reiterates that Article 3(7) of the directive provides that the existence of such a risk should always be assessed on the basis of objective criteria defined by law;

Amendment 190
Tineke Strik

Motion for a resolution
Paragraph 14 a (new)

Motion for a resolution

Amendment

14a. Highlights that to comply with Article 3(7) of the Directive, due consideration needs to be given to the individual circumstances of the person involved when identifying a risk of absconding to justify detention;

Amendment 191
Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod, Mara Bizzotto, Annalisa Tardino, Philippe Olivier

Motion for a resolution
Paragraph 15

Motion for a resolution

Amendment

15. Is concerned that the legislation of several Member States includes extensive lists of ‘objective criteria’ for defining the risk of absconding, which are often applied in a more or less automatic way, while individual circumstances are of marginal consideration; **deleted**

Amendment 192
Charlie Weimers

Motion for a resolution
Paragraph 15

Motion for a resolution

Amendment

15. *Is concerned that the legislation of several Member States includes extensive lists of ‘objective criteria’ for defining the risk of absconding, which are often applied in a more or less automatic way, while individual circumstances are of marginal consideration;*

deleted

Or. en

Amendment 193
Tineke Strik

Motion for a resolution
Paragraph 15

Motion for a resolution

Amendment

15. Is concerned that the legislation of several Member States includes extensive lists of ‘objective criteria’ for defining the risk of absconding, which are often applied in a more or less automatic way, while individual circumstances are of marginal consideration;

15. Is concerned that the legislation of several Member States includes extensive lists of ‘objective criteria’ for defining the risk of absconding, ***amongst which general criteria such as the mere lack of identity documents, which establishes a de facto presumption of risk of absconding towards all undocumented migrants issued with a return decision, or the inability to provide a formal address or the lack of money; regrets that these criteria*** which are often applied in a more or less automatic way, while individual circumstances are of marginal consideration;

Or. en

Amendment 194

Sophia in 't Veld, Ramona Strugariu, Anna Júlia Donáth, Abir Al-Sahlani, Hilde Vautmans, Olivier Chastel, Fabienne Keller, Jan-Christoph Oetjen, Michal Šimečka, Maite Pagazaurtundúa, Dragoş Tudorache

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Is concerned that the legislation of several Member States includes extensive lists of ‘objective criteria’ for defining the risk of absconding, which are often applied in a more or less automatic way, while individual circumstances are of marginal consideration;

Amendment

15. Is concerned that the legislation of several Member States includes extensive ***and sometimes divergent*** lists of ‘objective criteria’ for defining the risk of absconding, which are often applied in a more or less automatic way, while individual circumstances are of marginal consideration; ***underlines the need for a harmonized and exhaustive common Union list of objective criteria to establish the risk of absconding;***

Or. en

Amendment 195
Anne-Sophie Pelletier

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Is concerned that the legislation of several Member States includes extensive lists of ‘objective criteria’ for defining the risk of absconding, which are often applied in a more or less automatic way, while individual circumstances are of marginal consideration;

Amendment

15. Is concerned that the legislation of several Member States includes extensive lists of ‘objective criteria’ for defining the risk of absconding, which are often applied in a more or less automatic way, while individual circumstances are of marginal consideration; ***stresses that this has led to detention being imposed in a systematic manner in many Member States despite the significant costs of detention over alternatives to detention;***

Or. en

Amendment 196
Nicola Procaccini

Motion for a resolution
Paragraph 15

Motion for a resolution

15. ***Is concerned*** that the legislation of several Member States includes extensive lists of ‘objective criteria’ for defining the risk of absconding, ***which are often applied in a more or less automatic way, while individual circumstances are of marginal consideration;***

Amendment

15. ***Notes*** that the legislation of several Member States includes extensive lists of ‘objective criteria’ for defining the risk of absconding;

Or. it

Amendment 197

Paulo Rangel, Jeroen Lenaers, Nadine Morano, Brice Hortefeux

**Motion for a resolution
Paragraph 15**

Motion for a resolution

15. Is concerned that ***the legislation of several Member States includes extensive lists of ‘objective criteria’ for defining*** the risk of absconding, ***which are often applied in a more or less automatic way, while individual circumstances are of marginal consideration;***

Amendment

15. Is concerned that ***varying definitions of*** objective criteria ***for the assessment of*** the risk of absconding ***in national legislation of Member States may result in inconsistent application of detention across the Union;***

Or. en

Amendment 198

Nadine Morano

**Motion for a resolution
Paragraph 15**

Motion for a resolution

15. ***Is concerned*** that the legislation of several Member States includes extensive lists of ‘objective criteria’ for defining the risk of absconding, ***which are often applied in a more or less automatic way, while individual circumstances are of marginal consideration;***

Amendment

15. ***Welcomes the fact*** that the legislation of several Member States includes extensive lists of ‘objective criteria’ for defining the risk of absconding, ***which is in keeping with the letter and spirit of the Directive;***

Amendment 199
Tineke Strik

Motion for a resolution
Paragraph 15 a (new)

Motion for a resolution

Amendment

15a. Stresses that, in line with international human rights law, detention must be prescribed by law and be necessary, reasonable and proportional to the objectives to be achieved and it should last for the shortest time possible, and that a decision to impose a detention measure always has to be based on an individual assessment of the individual circumstances, in which the individual interests have been taken into account;

Or. en

Amendment 200
Anne-Sophie Pelletier

Motion for a resolution
Paragraph 15 a (new)

Motion for a resolution

Amendment

15a. Recalls that detention must remain a measure of last resort, is the exception and not the rule, because detention, regardless of the length of the detention, has deleterious psychological effects on the people subject to it;

Or. en

Amendment 201
Tom Vandendriessche, Nicolas Bay

Motion for a resolution
Paragraph 15 a (new)

Motion for a resolution

Amendment

15a. Considers that the failure to comply with an order to leave the territory voluntarily in and of itself constitutes an objective criterion to decide that there is a risk of absconding;

Or. nl

Amendment 202
Tineke Strik

Motion for a resolution
Paragraph 15 b (new)

Motion for a resolution

Amendment

15b. Reiterates that longer detention does not increase the chance of return, is more costly than the alternatives to detention, and that states should not automatically rely on the maximum period permissible under the directive, and should ensure that all conditions for lawful detention are fulfilled throughout the detention period;

Or. en

Amendment 203
Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod, Mara Bizzotto, Annalisa Tardino, Philippe Olivier

Motion for a resolution
Paragraph 16

Motion for a resolution

Amendment

16. **Notes** that the directive establishes that returnees may lawfully be detained

16. **Recalls** that the directive establishes that returnees may lawfully be

where other less coercive measures cannot be applied; expresses regret that despite the obligation to apply detention as a measure of last resort, in practice, very few viable alternatives to detention are developed and applied by Member States; calls on Member States, as a matter of urgency, to offer viable community-based alternatives to detention;

detained;

Or. en

Amendment 204
Charlie Weimers

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Notes that the directive establishes that returnees may lawfully be detained where other less coercive measures cannot be applied; *expresses regret that despite the obligation to apply detention as a measure of last resort, in practice, very few viable alternatives to detention are developed and applied by Member States; calls on Member States, as a matter of urgency, to offer viable community-based alternatives to detention;*

Amendment

16. Notes that the directive establishes that returnees may lawfully be detained where other less coercive measures cannot be applied;

Or. en

Amendment 205
Tom Vandendriessche, Nicolas Bay

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Notes that the directive establishes that returnees may lawfully be detained

Amendment

16. Notes that the directive establishes that returnees may lawfully be detained

where other less coercive measures cannot be applied; *expresses regret that despite the obligation to apply detention as a measure of last resort, in practice, very few viable alternatives to detention are developed and applied by Member States; calls on Member States, as a matter of urgency, to offer viable community-based alternatives to detention;*

where other less coercive measures cannot be applied; *criticises the fact that, even after repeated failures to comply with an order to leave the territory, only in extremely exceptional circumstances are such orders enforced; notes that, given that those concerned have no prospect of a permanent residence permit, reception in the community is no alternative to detention; notes that this last option is only chosen by returnees in order to demonstrate by means of sheer obduracy that they are integrated into the community, for example because they have children in school, and so ultimately obtain a permanent residence permit;*

Or. nl

Amendment 206

Sylvie Guillaume, Pietro Bartolo, Caterina Chinnici, Tudor Ciuhodaru, Tanja Fajon, Raphaël Glucksmann, Evin Incir, Juan Fernando López Aguilar, Javier Moreno Sánchez, Domènec Ruiz Devesa, Birgit Sippel, Bettina Vollath, Elena Yoncheva

Motion for a resolution Paragraph 16

Motion for a resolution

16. Notes that the directive establishes that returnees may lawfully be detained where other less coercive measures cannot be applied; expresses regret that despite the obligation to apply detention as a measure of last resort, in practice, very few viable alternatives to detention are developed and applied by Member States; calls on Member States, as a matter of urgency, to offer viable community-based alternatives to detention;

Amendment

16. Notes that the directive establishes that returnees may lawfully be detained where other less coercive measures cannot be applied; expresses regret that despite the obligation to apply detention as a measure of last resort, in practice, very few viable alternatives to detention are developed and applied by Member States; calls on Member States, as a matter of urgency, to offer viable community-based alternatives to detention, *which are proven to be better for migrants and Member States, since they cost less and have a less negative impact on migrants, especially children and vulnerable people;*

Or. en

Amendment 207
Nadine Morano

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Notes that the directive establishes that returnees may lawfully be detained where other less coercive measures cannot be applied; ***expresses regret that despite the obligation to apply detention as a measure of last resort, in practice, very few viable alternatives to detention are developed and applied by Member States; calls on Member States, as a matter of urgency, to offer viable community-based alternatives*** to detention;

Amendment

16. Notes that the directive establishes that returnees may lawfully be detained where other less coercive measures cannot be applied; ***calls on the Member States to report on the measures they take as an alternative*** to detention;

Or. fr

Amendment 208
Anne-Sophie Pelletier

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Notes that the directive establishes that returnees may lawfully be detained where other less coercive measures cannot be applied; expresses regret that despite the obligation to apply detention as a measure of last resort, in practice, very few viable alternatives to detention are developed and applied by Member States; calls on Member States, as a matter of urgency, to offer viable community-based alternatives to detention;

Amendment

16. Notes that the directive establishes that returnees may lawfully be detained ***only*** where other less coercive measures cannot be applied ***and for the shortest period possible***; expresses regret that despite the obligation to apply detention as a measure of last resort, in practice, very few viable alternatives to detention are developed and applied by Member States; calls on Member States, as a matter of urgency, to offer viable community-based alternatives to detention; ***draws attention to the fact that several studies indicate that longer periods of detention are not conducive to higher rate of returns***;

Amendment 209
Maria Walsh

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Notes that the directive establishes that returnees may lawfully be detained where other less coercive measures cannot be applied; expresses regret that despite the obligation to apply detention as a measure of last resort, in practice, very few viable alternatives to detention are developed and applied by Member States; calls on Member States, as a matter of urgency, to offer viable community-based alternatives to detention;

Amendment

16. Notes that the directive establishes that returnees may lawfully be detained where other less coercive measures cannot be applied; expresses regret that despite the obligation to apply detention as a measure of last resort, in practice, very few viable alternatives to detention are developed and applied by Member States; calls on Member States, as a matter of urgency, to offer viable community-based alternatives to detention; ***applauds Member States who have introduced legislation clearly stating that detention is not justified if there is no reasonable prospect of removal;***

Amendment 210
Caterina Chinnici, Saskia Bricmont, Hilde Vautmans, Sylvie Guillaume

Motion for a resolution
Paragraph 16

Motion for a resolution

16. Notes that the directive establishes that returnees may lawfully be detained where other less coercive measures cannot be applied; expresses regret that despite the obligation to apply detention as a measure of last resort, in practice, very few viable alternatives to detention are developed and applied by Member States; calls on Member States, as a matter of urgency, to offer viable community-based alternatives

Amendment

16. Notes that the directive establishes that returnees may lawfully be detained where other less coercive measures cannot be applied; expresses regret that despite the obligation to apply detention as a measure of last resort, in practice, very few viable alternatives to detention are developed and applied by Member States; calls on Member States, as a matter of urgency, to offer viable community-based alternatives

to detention;

to detention, *especially for children both when unaccompanied and with their families*;

Or. en

Amendment 211

Paulo Rangel, Jeroen Lenaers, Brice Hortefeux

Motion for a resolution

Paragraph 16

Motion for a resolution

16. Notes that the directive establishes *that* returnees may lawfully be detained *where* other less coercive measures cannot be applied; expresses regret that *despite the obligation to apply detention as a measure of last resort, in practice*, very few viable alternatives to detention are developed and applied by Member States; *calls on Member States, as a matter of urgency, to offer viable community-based alternatives to detention*;

Amendment

16. Notes that the directive establishes *under which circumstances* returnees may lawfully be detained; *notes also that detention is only possible if* other *sufficient but* less coercive measures cannot be applied *effectively in a specific case*; expresses regret that very few viable alternatives to detention are developed and applied by Member States;

Or. en

Amendment 212

Anne-Sophie Pelletier

Motion for a resolution

Paragraph 16 a (new)

Motion for a resolution

16a. Calls on Member States to respect the mandates of relevant and competent national and international bodies, such as National Human Rights Institutions, Ombuds institutions and National Preventive Mechanisms, conducting independent oversight of the conditions of detention;

Amendment 213
Anne-Sophie Pelletier

Motion for a resolution
Paragraph 16 b (new)

Motion for a resolution

Amendment

16b. Emphasises that the directive establishes that detention is unlawful if there is no reasonable prospect of removal; deplors that several Member States allow detention based on national security considerations independent on whether there is a reasonable prospect of removal;

Amendment 214
Balázs Hidvéghi

Motion for a resolution
Paragraph 17

Motion for a resolution

Amendment

17. Notes that a significant number of children are still detained in the European Union as part of return procedures, which constitutes a direct violation of the UN Convention on the Rights of the Child, as the UN Committee on the Rights of the Child has clarified that children should never be detained for immigration purposes, and detention can never be justified as in a child's best interests; **deleted**

Amendment 215
Tom Vandendriessche, Nicolas Bay

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Notes that a significant number of children are still detained in the European Union as part of return procedures, which constitutes a direct violation of the UN Convention on the Rights of the Child, as the UN Committee on the Rights of the Child has clarified that children should never be detained for immigration purposes, and detention can never be justified as in a child's best interests;

Amendment

17. Notes that a significant number of children are still detained in the European Union as part of return procedures, which constitutes a direct violation of the UN Convention on the Rights of the Child, as the UN Committee on the Rights of the Child has clarified that children should never be detained for immigration purposes, and detention can never be justified as in a child's best interests; *is aware that these rights have a perverse effect in that parents are encouraged to send their children in advance to the desired country of migration; considers that as a result minors are exposed to greater danger during their journey to and stay in the country of arrival; maintains that it is in the interest of all children to discourage this form of child abuse by parents as much as possible; is also aware that adults often pretend to be minors in order to invoke children's rights;*

Or. nl

Amendment 216
Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod, Mara Bizzotto, Annalisa Tardino, Philippe Olivier

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Notes that a significant number of children are still detained in the European Union as part of return procedures, which constitutes a direct violation of the UN

Amendment

17. Notes that a significant number of *alleged* children are still detained in the European Union as part of return procedures, which constitutes a direct

Convention on the Rights of the Child, as the UN Committee on the Rights of the Child has clarified that children should never be detained for immigration purposes, and detention can never be justified as in a child's best interests;

violation of the UN Convention on the Rights of the Child, as the UN Committee on the Rights of the Child has clarified that children should never be detained for immigration purposes, and detention can never be justified as in a child's best interests; ***stresses that there should be mandatory procedures to detect adults pretending to be children, such as bone age assessments or dental age assessments, in order to be able to put more focus on real children's best interest;***

Or. en

Amendment 217

Caterina Chinnici, Saskia Bricmont, Hilde Vautmans, Sylvie Guillaume

Motion for a resolution

Paragraph 17

Motion for a resolution

17. Notes that a significant number of children are still detained in the European Union as part of return procedures, which constitutes a direct violation of the UN Convention on the Rights of the Child, as the UN Committee on the Rights of the Child has clarified that children should never be detained for immigration purposes, and detention can never be justified as in a child's best interests;

Amendment

17. Notes that a significant number of children are still detained in the European Union as part of return procedures, which constitutes a direct violation of the UN Convention on the Rights of the Child, as the UN Committee on the Rights of the Child has clarified that children should never be detained for immigration purposes, and detention can never be justified as in a child's best interests ***also in line with the New York Declaration for Refugees and Migrants of 19 September 2016; Stresses the importance for Member States to work out alternatives to detention, such as community-based placements for children;***

Or. en

Amendment 218

Sophia in 't Veld, Ramona Strugariu, Anna Júlia Donáth, Abir Al-Sahlani, Hilde

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Notes that a significant number of children are still detained in the European Union as part of return procedures, which constitutes a direct violation of the UN Convention on the Rights of the Child, as the UN Committee on the Rights of the Child has clarified that children should never be detained for immigration purposes, and detention can never be justified as in a child's best interests;

Amendment

17. Notes that a significant number of children are still detained in the European Union as part of return procedures, which constitutes a direct violation of the UN Convention on the Rights of the Child, as the UN Committee on the Rights of the Child has clarified that children should never be detained for immigration purposes, and detention can never be justified as in a child's best interests; ***calls on Member States to provide adequate, humane and non-custodial alternatives to detention when in the best interest the child and where necessary to guarantee their safety;***

Or. en

Amendment 219
Nadine Morano

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Notes that a significant number of children are still detained in the European Union as part of return procedures, which ***constitutes a direct violation of the UN Convention on the Rights of the Child, as the UN Committee on the Rights of the Child has clarified that children should never be detained for immigration purposes, and detention can never be justified as in a child's best interests;***

Amendment

17. Notes that a significant number of children are still detained in the European Union as part of return procedures, which ***is in line with EU law; stresses that, in order not to encourage trafficking, exchanges and abductions of children, the presence of children cannot by itself prevent detention or removal;***

Or. fr

Amendment 220
Maria Walsh

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Notes that a significant number of children are still detained in the European Union as part of return procedures, which constitutes a direct violation of the UN Convention on the Rights of the Child, as the UN Committee on the Rights of the Child has clarified that children should never be detained for immigration purposes, and detention can never be justified as in a child's best interests;

Amendment

17. Notes that a significant number of children are still detained in the European Union as part of return procedures, which constitutes a direct violation of the UN Convention on the Rights of the Child, as the UN Committee on the Rights of the Child has clarified that children should never be detained for immigration purposes, and detention can never be justified as in a child's best interests, ***particularly as it can have incredibly damaging effects on their mental health;***

Or. en

Amendment 221
Anne-Sophie Pelletier

Motion for a resolution
Paragraph 17

Motion for a resolution

17. Notes that a significant number of children are still detained in the European Union as part of return procedures, which constitutes a direct violation of the UN Convention on the Rights of the Child, as the UN Committee on the Rights of the Child has clarified that children should never be detained for immigration purposes, and detention can never be justified as in a child's best interests;

Amendment

17. Notes that a significant number of children are still detained in the European Union as part of return procedures, which constitutes a direct violation of the UN Convention on the Rights of the Child, as the UN Committee on the Rights of the Child has clarified that children should never be detained for immigration purposes, and detention can never be justified as in a child's best interests; ***calls for an end to the detention of children;***

Or. en

Amendment 222

Paulo Rangel, Jeroen Lenaers, Brice Hortefeux

Motion for a resolution

Paragraph 17

Motion for a resolution

17. *Notes that a significant number of children are still detained in the European Union as part of return procedures, which constitutes a direct violation of the UN Convention on the Rights of the Child, as the UN Committee on the Rights of the Child has clarified that children should never be detained for immigration purposes, and detention can never be justified as in a child's best interests;*

Amendment

17. *Underlines that there is a need for appropriate and effective alternatives to the detention of minors in return procedures; recalls that the UN Committee on the Rights of the Child considers that children should never be detained for immigration purposes, and detention can never be justified as in a child's best interests;*

Or. en

Amendment 223

Charlie Weimers

Motion for a resolution

Paragraph 17 a (new)

Motion for a resolution

17a. *Condemns the fact that thousands of migrants have posed as children even though they were adults, thereby unfairly invoking rights granted under the UN Convention on the rights of the Child;*

Amendment

Or. en

Amendment 224

Charlie Weimers

Motion for a resolution

Paragraph 18

Motion for a resolution

18. Calls on Member States to ensure the proper implementation of the directive ***in all its aspects***; calls on the Commission to continue monitoring this implementation and take action in the event of non-compliance;

Amendment

18. Calls on Member States to ensure the proper implementation of the directive ***while fully respecting the transposition of the directive in each Member State***; calls on the Commission to continue monitoring this implementation and take action in the event of non-compliance;

Or. en

Amendment 225
Charlie Weimers

Motion for a resolution
Paragraph 18

Motion for a resolution

18. Calls on Member States to ensure the proper implementation of the directive in all its aspects; calls on the Commission to continue monitoring this implementation ***and take action in the event of non-compliance***;

Amendment

18. Calls on Member States to ensure the proper implementation of the directive in all its aspects; calls on the Commission to continue monitoring this implementation;

Or. en

Amendment 226
Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod, Mara Bizzotto, Annalisa Tardino, Philippe Olivier

Motion for a resolution
Paragraph 18

Motion for a resolution

18. Calls on Member States to ensure the proper implementation of the directive in all its aspects; calls on the Commission to continue monitoring this implementation ***and take action in the event of non-compliance***;

Amendment

18. Calls on Member States to ensure the proper implementation of the directive in all its aspects; calls on the Commission to continue monitoring this implementation;

Amendment 227
Anne-Sophie Pelletier

Motion for a resolution
Paragraph 18 a (new)

Motion for a resolution

Amendment

18a. Welcomes the release, in different countries, of persons detained only on the grounds of their immigration status whose return within a reasonable time frame was no longer possible because of the COVID-19 pandemic; regrets that the Commission recommendations related to detention in its Communication of 16 April 2020 on COVID-19 did not take into account the measures recommended by the WHO and the Council of Europe's Committee for the Prevention of Torture;

Or. en

Amendment 228
Nicolas Bay, Jean-Paul Garraud, Tom Vandendriessche, Nicolaus Fest, Peter Kofod, Mara Bizzotto, Annalisa Tardino, Philippe Olivier

Motion for a resolution
Paragraph 19

Motion for a resolution

Amendment

19. Calls on the Commission to ensure that Member States and Frontex have monitoring bodies in place that are supported by a proper mandate, capacity and competence, a high level of independence and expertise, and transparent procedures; urges the Commission to ensure the establishment of a post-return monitoring mechanism to understand the fate of returned persons, with particular attention for **deleted**

unaccompanied minors;

Or. en

Amendment 229

Charlie Weimers

Motion for a resolution

Paragraph 19

Motion for a resolution

Amendment

19. Calls on the Commission to ensure that Member States and Frontex have monitoring bodies in place that are supported by a proper mandate, capacity and competence, a high level of independence and expertise, and transparent procedures; urges the Commission to ensure the establishment of a post-return monitoring mechanism to understand the fate of returned persons, with particular attention for unaccompanied minors; *deleted*

Or. en

Amendment 230

Anne-Sophie Pelletier

Motion for a resolution

Paragraph 19

Motion for a resolution

Amendment

19. Calls on the Commission *to ensure that* Member States *and Frontex have* monitoring bodies in place *that* are supported by a proper mandate, capacity and competence, a high level of independence and expertise, and transparent procedures; urges the Commission to ensure the establishment of a post-return monitoring mechanism to understand the fate of returned persons,

19. Calls on the Commission *and* Member States *to ensure that return* monitoring bodies *are* in place *and that they* are supported by a proper mandate, *monitoring*, capacity and competence, a high level of independence and expertise, and transparent procedures; *stresses that return monitoring should encompass all phases of return operations, with adequate resources; calls on the*

with particular attention for unaccompanied minors;

Commission and Member States to rely on existing independent monitoring bodies, such as national and international organisations and National Human Rights Institutions, by cooperating with or designating them as forced return monitoring systems; urges the Commission to ensure the establishment of a post-return monitoring mechanism to understand the fate of returned persons, with particular attention for persons from vulnerable groups, including unaccompanied minors and families if they have been returned;

Or. en

Amendment 231

Sophia in 't Veld, Ramona Strugariu, Anna Júlia Donáth, Abir Al-Sahlani, Olivier Chastel, Jan-Christoph Oetjen, Michal Šimečka, Dragoş Tudorache

Motion for a resolution Paragraph 19

Motion for a resolution

19. Calls on the Commission to ensure that Member States and Frontex have monitoring bodies in place that are supported by a proper mandate, capacity and competence, a high level of independence and expertise, and transparent procedures; urges the Commission to ensure the establishment of a post-return monitoring mechanism to understand the fate of returned persons, with particular attention for unaccompanied minors;

Amendment

19. Calls on the Commission to ensure that Member States and Frontex have monitoring bodies in place that are supported by a proper mandate, capacity and competence, a high level of independence and expertise, and transparent procedures; urges the Commission to ensure the establishment of a post-return monitoring mechanism to understand the fate of returned persons, ***where legally and practically possible, with particular attention for vulnerable groups such as*** unaccompanied minors; ***highlights the need to follow up on reintegration plans of returnees to ensure the effective implementation; calls on the Commission to facilitate the exchange of good practices between the Member States regarding post-return monitoring and to allocate sufficient funding for this purpose;***

Amendment 232

Tom Vandendriessche, Nicolas Bay

Motion for a resolution

Paragraph 19

Motion for a resolution

19. ***Calls on the Commission to ensure that Member States and Frontex have monitoring bodies in place that are supported by a proper mandate, capacity and competence, a high level of independence and expertise, and transparent procedures; urges the Commission to ensure the establishment of a post-return monitoring mechanism to understand the fate of returned persons, with particular attention for unaccompanied minors;***

Amendment

19. ***Considers that is the responsibility of the Member States and Frontex to enforce the legislation and to ensure the actual return of persons who have been ordered to leave the territory;***

Amendment 233

Caterina Chinnici, Saskia Bricmont, Hilde Vautmans, Sylvie Guillaume

Motion for a resolution

Paragraph 19

Motion for a resolution

19. Calls on the Commission to ensure that Member States and Frontex have monitoring bodies in place that are supported by a proper mandate, capacity and competence, a high level of independence and expertise, and transparent procedures; urges the Commission to ensure the establishment of a post-return monitoring mechanism to understand the fate of returned persons, with particular attention for unaccompanied ***minors***;

Amendment

19. Calls on the Commission to ensure that Member States and Frontex have monitoring bodies in place that are supported by a proper mandate, capacity and competence, a high level of independence and expertise, and transparent procedures; urges the Commission to ensure the establishment of a post-return monitoring mechanism to understand the fate of returned persons, with particular attention for unaccompanied ***children if returned***,

which should be avoided; calls on Member States to carry out a proper handover of child protection services among national authorities to ensure that returned children are taken care of and have access to national child protection services;

Or. en

Amendment 234

Paulo Rangel, Jeroen Lenaers, Nadine Morano, Brice Hortefeux

Motion for a resolution

Paragraph 19

Motion for a resolution

19. Calls on the Commission to ensure that Member States and Frontex have monitoring bodies in place that are supported by a proper mandate, capacity and competence, a high level of independence and expertise, and transparent procedures; ***urges the Commission to ensure the establishment of a post-return monitoring mechanism to understand the fate of returned persons, with particular attention for unaccompanied minors;***

Amendment

19. Calls on the Commission to ensure that Member States and Frontex have monitoring bodies in place that are supported by a proper mandate, capacity and competence, a high level of independence and expertise, and transparent procedures;

Or. en

Amendment 235

Emil Radev

Motion for a resolution

Paragraph 19

Motion for a resolution

19. Calls on the Commission to ensure that Member States and Frontex have monitoring bodies in place that are supported by a proper mandate, capacity

Amendment

19. Calls on the Commission to ensure that Member States and Frontex have monitoring bodies in place that are supported by a proper mandate, ***financing,***

and competence, a high level of independence and expertise, and transparent procedures; urges the Commission to ensure the establishment of a post-return monitoring mechanism to understand the fate of returned persons, with particular attention for unaccompanied minors;

capacity and competence, a high level of independence and expertise, and transparent procedures; urges the Commission to ensure the establishment of a post-return monitoring mechanism to understand the fate of returned persons, with particular attention for unaccompanied minors;

Or. bg

Amendment 236

Paulo Rangel, Jeroen Lenaers, Kris Peeters, Nadine Morano, Brice Hortefeux

Motion for a resolution Paragraph 19 a (new)

Motion for a resolution

Amendment

19a. Notes with concern that Member States face challenges to regularly ensure the full occupancy of all seats available for returnees in return operations by charter flights coordinated by Frontex, mainly due notably to last minute asylum requests or absconding of returnees;

Or. en

Amendment 237

Tom Vandendriessche, Nicolas Bay

Motion for a resolution Paragraph 19 a (new)

Motion for a resolution

Amendment

19a. Maintains that after arrival in their home countries, returnees are no longer the responsibility of the EU and the Member States but of their countries of origin; maintains further that development aid should be withheld from countries which refuse to take responsibility for their subjects;

Amendment 238

Domènec Ruiz Devesa, Sylvie Guillaume, Javier Moreno Sánchez, Juan Fernando López Aguilar

Motion for a resolution

Paragraph 19 a (new)

Motion for a resolution

Amendment

19a. Regrets that informal agreements with third countries are completed in absence of duly parliamentary scrutiny and democratic and judicial oversight that formal readmission agreements require;

Or. en

Amendment 239

Paulo Rangel, Jeroen Lenaers, Kris Peeters, Nadine Morano, Brice Hortefeux

Motion for a resolution

Paragraph 19 b (new)

Motion for a resolution

Amendment

19b. Notes with concern that in some cases the option to have joint return Frontex operations is excluded by bilateral agreements between organizing or participating Member States and non-EU countries of destination;

Or. en

Amendment 240

Sylvie Guillaume, Pietro Bartolo, Caterina Chinnici, Tudor Ciuhodaru, Tanja Fajon, Raphaël Glucksmann, Evin Incir, Juan Fernando López Aguilar, Javier Moreno Sánchez, Domènec Ruiz Devesa, Birgit Sippel, Bettina Vollath, Elena Yoncheva, Miriam Dalli

Motion for a resolution

Paragraph 20 a (new)

Motion for a resolution

Amendment

20a. Calls on the Commission and Member States to ensure the sustainability of returns by monitoring them and by funding reintegration programs in cooperation with third countries of origin.

Or. en