

# EUROPEAN PARLIAMENT

1999



2004

*Session document*

13 January 2003

B5-0029/2003 }  
B5-0030/2003 }  
B5-0031/2003 }

RC1

## JOINT MOTION FOR A RESOLUTION

pursuant to Rule 37(4) of the Rules of Procedure by

- Hubert Pirker and Jorge Salvador Hernández Mollar on behalf of the PPE-DE Group
- Anna Terrón i Cusí on behalf of the PSE Group
- Baroness Sarah Ludford, Olle Schmidt and Ole Sørensen on behalf of the ELDR Group

replacing the motions by the following groups:

- PPE-DE (B5-0029/2003),
- ELDR/PSE (B5-0030/2003),
- UEN (B5-0031/2003),

on immigration and asylum policy

## European Parliament resolution on immigration and asylum policy

### *The European Parliament,*

- having regard to the conclusions of the Tampere, Laeken and Seville European Councils,
  - having regard to the EU Charter of Fundamental Rights,
  - having regard to the Communication from the Commission to the Council and the European Parliament on the Biannual update of the scoreboard to review progress on the creation of an area of ‘Freedom, Security and Justice’ in the European Union,<sup>1</sup>
  - having regard to its previous resolutions on immigration and asylum,
  - having regard to the Commission’s proposals for the transposal of the decisions of the Tampere European Council and its opinions on these proposals,<sup>2</sup>
  - having regard to the Council’s plan to combat illegal immigration and trafficking in human beings in the European Union,<sup>3</sup>
  - having regard to the Council and Commission statements on immigration and asylum policy of 15 December 2002,
- A. whereas the EC Treaty requires the adoption by the Council of measures on asylum and immigration within a period of five years after the entry into force of the Treaty of Amsterdam,
- B. whereas at Tampere in October 1999 the European Council agreed the main elements of a common EU asylum and migration policy but, with only eighteen months until the end of the five-year period, it is now essential to speed up progress,
- C. whereas the Commission has employed a positive approach which complies fully with all aspects of the Tampere programme,
- D. whereas the measures that have been adopted by the Council have focused primarily on illegal immigration,

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<sup>1</sup> COM(2002) 738 final, 16.12.2002

<sup>2</sup> COM(1999)638 Proposal for a Council Directive on the right to family reunification;

COM(2002)225 Amended proposal for a Council directive on the right to family reunification

COM(2001)510 Proposal for a Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection;

COM(2001)127 Proposal for a Council Directive concerning the status of third-country nationals who are long-term residents;

(COM(2001) 386 Proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities;

(COM(2002) 59 Proposal for a Council Regulation extending the provisions of Regulation (EEC) No 1408/71 to nationals of third countries who are not already covered by these provisions solely on the ground of their nationality;

(COM(2001) 181 Proposal for a Council Directive laying down minimum standards on the reception of applicants for asylum in Member States;

COM(2000) 578 Proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status.

<sup>3</sup> OJ C 142, 14.6.2002, p. 23-36.

- E. whereas a real effort was made under the Danish Presidency in the field of asylum, but limited progress was achieved in the Council,
- F. whereas, however, the same presidency made no progress on the subject of immigration,
- G. whereas there has been little or no progress on establishing a common EU migration policy or improving circumstances for legal migrants, for example through the directives on family reunification and rights of long-term legal residents; whereas such measures also support the aim of combating illegal immigration and trafficking in human beings, since potential migrants should no longer be tempted to resort to illegal channels,
- H. whereas at Seville in June 2002 the European Council made a commitment to speed up the implementation of the programme adopted in Tampere but, despite the declarations of commitment to a common immigration policy by Member State governments, the proposals to implement the Tampere agenda are frequently distorted and the Council constantly obstructs their progress,
- I. whereas the rights in the Charter of Fundamental Rights must be respected and – apart from the Chapter on Citizens' Rights – apply to all persons within the EU, including in particular the right to seek asylum, the right to effective legal protection and respect for the principle of non-refoulement,
- J. whereas the rights of long-term legally resident migrants should be approximated as far as possible to those of EU citizens, in the interests of fairness and integration,
- K. whereas account should be taken of the work done by the Council of Europe in relation to immigration and asylum,
- L. whereas account should be taken of the work done by the European Convention's working Group X on 'Freedom, Security and Justice' and its final report of 2 December 2002,
- M. whereas the Treaty of Nice, which will come into force on 1 February 2003, provides for codecision and qualified majority voting in the Council on measures related to asylum and refugees once the Council has unanimously adopted the Community legislation defining the common rules and essential principles to be applied in those areas,
- N. having regard to the Council's operational programme for 2003 as presented by the Greek and Italian presidencies,

### ***General issues***

1. Welcomes the Commission's proposals in the area of immigration and asylum policy, confirms its opinions on these proposals, and regrets the fact that, despite the initiatives by the Danish Presidency, the Council has so far been unable to state its final position on these proposals;
2. Notes the encouraging efforts made by the Danish presidency to make progress in these two areas of asylum and immigration;

3. Calls for the rapid and efficient implementation of the Seville conclusions;
4. Welcomes the intention of the Council and Commission to publish statistics on immigration and asylum;
5. Welcomes the Council's rapid adoption of a comprehensive plan to combat illegal immigration and of a plan on the management of external borders and on reaching agreement on the Dublin II Convention, but regrets that these have not formed part of a comprehensive legislative and policy programme;

### ***Immigration***

6. Regrets the fact that no active common immigration policy has been set up until now and stresses the need in particular for a strategic long-term perspective on labour immigration;
7. Welcomes the Commission's proposal on permits for victims of trafficking who cooperate in investigations and criminal proceedings against exploiters;
8. Regrets the delay in adopting the directive on the rights of long term residents and on the right of family reunification, which the European Parliament supports, as well as the directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities and the directive on the conditions of entry and residence of third-country nationals for the purposes of studies, vocational training or voluntary service;
9. Requests the EU and its Member States to introduce integration policies which guarantee respect for the rights and freedoms of legally resident immigrants and give full respect to the rule of law and the responsibility of immigrants to integrate into the host society;
10. Welcomes proposals for improving visa security, improving cooperation on the issuing of visas and creating a database on visas;
11. Reiterates its call for the creation of an effective instrument for providing analysis of migration flows and information on matters relating to immigration;
12. Calls on the Council to take measures to enable data to be exchanged among Schengen, Europol and Eurodac files, in full compliance with European data protection rules, in order to fight smuggling effectively;
13. Calls on the Council to address the sensitive issues of social and legal rights for third-country nationals and fighting the illegal market in employment;
14. Stresses that strategies for poverty reduction, improvement of living and working conditions, job creation and promotion of training schemes in the countries of origin will, in the long term, contribute to normalising migratory flows;

### ***Asylum***

15. Welcomes the adoption of the regulation establishing the criteria and mechanisms for

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PE 326.545}

PE 326.546}

PE 326.547} RC1

determining the Member State responsible for examining an asylum application (Dublin II);

16. Welcomes the agreement reached on the proposal for a directive on minimum standards for refugees, but regrets the failure to adopt it thanks to the reservations expressed by certain Member States;
17. Regrets the delay on the part of the Council in adopting the Commission proposals on a common asylum policy; warns of the development whereby Member States adopt unilateral measures in the absence of common rules;
18. Notes the introduction, as of 15 January 2003, of the EURODAC system for collecting and comparing asylum seekers' fingerprints;
19. Notes that the Council is moving towards the adoption of Community legislation defining common rules on matters relating to asylum, and that consequently the EP/Council codecision procedure and qualified majority voting should soon come into force in the field of asylum, as advocated by the Convention's Working Group X;

### ***Return and readmission***

20. Recalls that the fight against illegal immigration, trafficking networks and all related crime must remain a priority for the EU; recalls that, in this context, unilateral EU action will not suffice and that cooperation with the countries of origin and transit of immigration is essential if concrete results are to be obtained;
21. Welcomes the Commission Green Paper and Communication on a Community return policy on illegal residents because it has a global vision, particularly as regards cooperation with third countries, but stresses that Parliament should be consulted on readmission agreements;
22. Points out that the overriding priority must be voluntary returns;

### ***External border control***

23. Calls on the Commission and Council to verify the extent of the implementation and the effectiveness of the measures proposed for the management of the external borders;
24. Calls on the Council to consider the idea of creating a Community-financed European Border Guard Corps, which would, in an emergency and at the request of the Member States, be deployed to assist national authorities temporarily at vulnerable sections of the EU's external borders;

### ***Institutional questions***

25. Reiterates that the Council should take account of the work done by the European Convention's working Group X on 'Freedom, Security and Justice' and its final report of 2 December 2002;
26. Deplores the lack of democratic control over the measures adopted, arising from the fact that the European Parliament is still only consulted, often within a time limit of three months, and is all too rarely informed of substantive changes within the Council's negotiating process;

27. Stresses that the opinion of Parliament must be taken into account and recalls that Parliament has given its opinion on most of the proposals that have been on the Council negotiating table for many months;
28. Calls for the Member States to speedily incorporate into their national legal systems decisions taken by the Union, and believes that the Commission and ECJ should have a comprehensive and consistent power to pursue infringements;
29. Notes that in particular the measures aimed at combating illegal immigration, improving border controls and cooperation with third countries will require adequate financial resources, under both the Community budget and the national budgets of the Member States;

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30. Instructs its President to forward this resolution to the Council, the Commission and the Parliaments and Governments of the Member States.