

CONTENT

The European Commission's April 2014 proposal for a recast of the Visa Code does not contain any changes to the current framework for humanitarian visas

The Council discussed the proposal between April 2014 and April 2016. On 12 April 2016, the Council Presidency invited the Permanent Representatives Committee (Coreper) to mandate the Presidency to start informal trilogues with the EP.

The European Parliament's resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration stressed that humanitarian visas provide persons in need of international protection with a means of accessing a third country in order to apply for asylum. Therefore, it called on Member States to use any existing possibilities to provide humanitarian visas, particularly for vulnerable persons, notably at Union embassies and consular offices in countries of origin or transit countries. The EP considered that persons seeking international protection should be able to apply for a European humanitarian visa directly at any Member State consulate or embassy, and that once granted, following an assessment, such a humanitarian visa would allow its holder to enter the territory of the Member State which had issued the visa, for the sole purpose of lodging an application for international protection in that country. Hence, Parliament believes that it is necessary to amend the Union Visa Code by including more specific provisions on humanitarian visas. As a follow-up to this resolution, the LIBE Committee's report of 25 April 2016 (rapporteur: Juan Fernando López Aguilar, S&D, Spain) amends the Commission proposal for a recast Visa Code by providing for that persons seeking international protection may apply for a European humanitarian visa directly at any Member State consulate or embassy. Once granted following an assessment, such a humanitarian visa shall allow its holder to enter the territory of the Member State issuing the visa for the sole purpose of lodging in that Member State an application for international protection, as defined in the Qualification Directive.

Between June and September 2016 the Council considered the LIBE Committee's amendments relating to humanitarian visas. It then asked the EP for further clarification, arguing, along with the Commission, that the Visa Code's aim was not to deal with migration, and the issue should be examined within the EU Resettlement Framework. The Council discussed the issue further in November 2016 and October 2017.

On 7 March 2017, the Court of Justice of the European Union (CJEU) adopted its judgment in Case C-638/16 PPU X and X v État belge, according to which Member States are not required, under EU law, to grant a humanitarian visa to persons who wish to enter their

territory with a view to applying for asylum, but they remain free to do so on the basis of their national law.

In September 2017, following the deadlock in trilogue negotiations, due to the Commission and Council's opposition to including provisions for a humanitarian visa, Parliament withdrew its amendments.

References:

- EP Legislative Observatory, [Procedure file of Union Code on Visas \(Visa Code\). Recast](#), 2014/0094(COD)
- European Commission, [Proposal for a Regulation of the European Parliament and of the Council on the Union Code on Visas \(Visa Code\) \(recast\)](#), COM(2014)0164
- European Parliament, [Resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration](#), 2015/2095(INI)
- European Parliament, [LIBE Committee report on the proposal for a regulation of the European Parliament and of the Council on the Union Code on Visas \(Visa Code\) \(recast\)](#), 25 April 2016
- Court of Justice of the European Union, [Case C-638/16 PPU X and X v État belge](#)
- [EU Intelligence Report](#), June 2017

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