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Committee on Civil Liberties, Justice and Home Affairs

2008/2305(INI)

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AMENDMENTS
1 - 39

Draft report
Giusto Catania
(PE415.022v01-00)

on the policy plan on asylum – an integrated approach to protection across the EU
(2008/2305(INI))

AM_Com_NonLegReport

Amendment 1
Marian-Jean Marinescu

Motion for a resolution
Recital C

Motion for a resolution	*Amendment*
C. whereas the Dublin ***system*** can result in a disproportionate burden being imposed on some Member States, simply as a result of their exposed location,	C. whereas the Dublin ***system's first country of entry criteria*** can result in a disproportionate burden being imposed on some Member States, ***in particular on those representing the external EU border,*** simply as a result of their exposed location,

Or. en

Amendment 2
Martine Roure

Motion for a resolution
Recital C

Motion for a resolution	*Amendment*
C. whereas the Dublin system can result in a disproportionate burden being imposed on some Member States, simply as a result of their exposed location,	C. whereas the Dublin system can result in a disproportionate burden being imposed on some Member States, simply as a result of their exposed location***, and whereas this has harmful consequences for both Member States and asylum seekers***,

Or. fr

Amendment 3
Marian-Jean Marinescu

Motion for a resolution
Recital C a (new)

Motion for a resolution	*Amendment*
	Ca. whereas the Commission evaluation reveals that, in 2005, the 13 border Member States had to deal with increasing challenges raised by the Dublin system,

Or. en

Amendment 4
Jean-Marie Cavada

Motion for a resolution
Paragraphe 1

Motion for a resolution	*Amendment*
1. Regrets that there are plans to put back to 2012 the deadline for completion of the second phase of the common European asylum system, which is due to put an end to the unhealthy disparities between the asylum systems of Member States;	1. Regrets that***, owing to the change of legal basis which will result from the entry into force of the Lisbon Treaty,*** there are plans to put back to 2012 the deadline for completion of the second phase of the common European asylum system, which is due to put an end to the unhealthy disparities between the asylum systems of Member States;

Or. fr

Amendment 5
Marian-Jean Marinescu

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution	*Amendment*
	1a. Draws attention to the fact that recognition rates of candidates to refugee status for certain third country nationals vary from approximately 0% up to 90% within Member States;

Or. en

Amendment 6
Giusto Catania

Motion for a resolution
Paragraph 3 a (new)

Motion for a resolution	*Amendment*
	3a. Welcomes the fact that the Commission has identified access for those in need of protection to be one of the overarching objectives of the CEAS;

Or. en

Amendment 7
Martine Roure

Motion for a resolution
Paragraph 4

Motion for a resolution	*Amendment*
4. Calls for the Frontex Agency to provide detailed data relating to the number of asylum seekers identified as such during its operations and the plight of persons ***turned back*** during such operations;	4. Calls for the Frontex Agency to provide detailed data relating to the number of asylum seekers identified as such during its operations and the plight of persons ***intercepted and sent back to a country of transit or origin*** during such operations;

Or. fr

Amendment 8
Giusto Catania

Motion for a resolution
Paragraph 4

Motion for a resolution	*Amendment*
4. Calls for the Frontex Agency to provide	4. Calls for the Frontex Agency to provide

detailed data relating to the number of asylum seekers identified as such during its operations and the plight of persons turned back during such operations;	detailed data relating to the number of asylum seekers identified as such during its operations and the plight of persons turned back during such operations; ***calls on the Commission to table a proposal for a revision of Frontex' mandate in order to explicitly state that protection and human rights concerns are an integral part of the management of the EU external borders;***

Or. en

Amendment 9
Giusto Catania

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution	*Amendment*
	5a. Welcomes the provisions mentioned in the latest Commission's proposals that Member States shall not hold a person in detention for the sole reason that he/she is an applicant for international protection;

Or. en

Amendment 10
Nicolae Vlad Popa

Motion for a resolution
Paragraph 8

Motion for a resolution	*Amendment*
8. Regrets the fact that, in several Member States, asylum seekers are still detained following their irregular entry into the country, and therefore welcomes the Commission's intention of inserting into the Reception Conditions Directive procedural guarantees relating to detention;	8. Regrets the fact that, in several Member States, asylum seekers are still detained following their irregular entry into the country, and therefore welcomes the Commission's intention of inserting into the Reception Conditions Directive procedural guarantees relating to detention***. In this regard, detention may be***

considered only as a measure of last resort, only if necessary and only if it is clearly prescribed by national law in conformity with Member States' obligations under international refugee and human rights law;

Or. en

Amendment 11
Giusto Catania

Motion for a resolution
Paragraph 8

Motion for a resolution	*Amendment*
8. Regrets the fact that, in several Member States, asylum seekers are still detained following their irregular entry into the country, and therefore welcomes ***the Commission's intention of inserting*** into the Reception Conditions Directive procedural guarantees relating to detention;	8. Regrets the fact that, in several Member States, asylum seekers are still detained following their irregular entry into the country, and therefore welcomes ***the insertion*** into the Reception Conditions Directive ***of*** procedural guarantees relating to detention;

Or. en

Amendment 12
Martine Roure

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution	*Amendment*
	8a. Considers that asylum seekers should, as a matter of principle, not be placed in detention, in view of their particularly vulnerable position; notes the Commission's proposals to lay down rules governing the placing in detention in order to guarantee the principle that no one may be placed in detention on the sole grounds that he or she has applied for

	international protection and that any detention must be necessary, proportional and subject to consideration of each individual case;

Or. fr

Amendment 13
Giusto Catania

Motion for a resolution
Paragraphe 9

Motion for a resolution	*Amendment*
9. Considers that the scope of the new Reception Conditions Directive must be clarified in order to cover holding centres, transit areas ***and*** border procedures;	9. Considers that the scope of the new Reception Conditions Directive must be clarified in order to cover holding centres, transit areas**,** border procedures ***and Dublin transferees***;

Or. en

Amendment 14
Nicolae Vlad Popa

Motion for a resolution
Paragraph 10

Motion for a resolution	*Amendment*
10. Recommends the establishment, in the Reception Conditions Directive, of a formal system to identify vulnerable persons, in particular unaccompanied minors, dependent elderly persons, disabled persons, pregnant women, single parents with children and persons who have suffered traumatic experiences (torture, rape, and psychological, physical and sexual violence);	10. Recommends the establishment, in the Reception Conditions Directive, of a formal system to ***immediately*** identify vulnerable persons, in particular unaccompanied minors, dependent elderly persons, disabled persons, pregnant women, single parents with children and persons who have suffered traumatic experiences (torture, rape, and psychological, physical and sexual violence);

Or. en

Amendment 15
Giusto Catania

Motion for a resolution
Paragraph 10

Motion for a resolution	*Amendment*
10. ***Recommends*** the establishment, in the Reception Conditions Directive, of a formal system to identify vulnerable persons, in particular unaccompanied minors, dependent elderly persons, disabled persons, pregnant women, single parents with children and persons who have suffered traumatic experiences (torture, rape, and psychological, physical and sexual violence);	10. ***Welcomes*** the establishment, in the Reception Conditions Directive, of a formal system to identify vulnerable persons, in particular unaccompanied minors, dependent elderly persons, disabled persons, pregnant women, single parents with children and persons who have suffered traumatic experiences (torture, rape, and psychological, physical and sexual violence);

Or. en

Amendment 16
Nicolae Vlad Popa

Motion for a resolution
Paragraph 11

Motion for a resolution	*Amendment*
11. Considers that a single asylum application procedure should be established, covering all requests for 'international protection' (refugee status, subsidiary protection and temporary protection);	11. Considers that a single asylum application procedure ***and single standards for qualification as refugees or persons needing international protection*** should be established, covering all requests for 'international protection' (refugee status, subsidiary protection and temporary protection);

Or. en

Amendment 17
Nicolae Vlad Popa

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution	*Amendment*
	11a. Considers that the Asylum Procedure Directive must be revised in order for all asylum seekers to be granted the right to remain in the asylum country (i.e. appeals must have suspensive effect), until a secure legal status has been granted or return has taken place;

Or. en

Amendment 18
Jean Lambert

Motion for a resolution
Paragraph 12

Motion for a resolution	*Amendment*
12. Welcomes the fact that the Commission plans to clarify the conditions for granting subsidiary protection, and above all that it is suggesting that the level of entitlements and benefits to be granted to beneficiaries of this type of protection is reviewed;	12. Welcomes the fact that the Commission plans to clarify the conditions for granting subsidiary protection, and above all that it is suggesting that the level of entitlements and benefits to be granted to beneficiaries of this type of protection is reviewed; ***this should ensure greater parity of treatment at an enhanced level;***

Or. en

Amendment 19
Giusto Catania

Motion for a resolution
Paragraph 13

Motion for a resolution	*Amendment*
13. Considers it desirable to pool the information on countries of origin available to the various Member States and encourages the Commission to step up its efforts to set up a common databank;	13. Considers it desirable to pool the information on countries of origin available to the various Member States and encourages the Commission to step up its efforts to set up a common databank; ***underlines that the collection and presentation of Country of Origin Information and the management of a portal should ensure that the country reports of different established experts are included, that the information is publicly accessible and kept distinct from its application by decision-makers (so that it remains impartial and free from political influence) and that a fair balance between governmental, non-governmental and international sources should be adhered to when collecting Country of Origin Information;***

Or. en

Amendment 20
Nicolae Vlad Popa

Motion for a resolution
Paragraph 14

Motion for a resolution	*Amendment*
14. Considers that, when the Dublin regulation is revised, provision should be made for a mechanism to ***freeze*** transfers and to Member States that cannot are not in a position to deal adequately with requests owing to their limited reception capacities;	14. Considers that, when the Dublin regulation is revised, provision should be made for a mechanism to ***suspend*** transfers and***/or returns*** to Member States that cannot ***guarantee a full and fair hearing of asylum claims or*** are not in a position to deal adequately with requests owing to their limited reception capacities;

Or. en

Amendment 21
Simon Busuttil

Motion for a resolution
Paragraph 14

Motion for a resolution	*Amendment*
14. Considers that, when the Dublin regulation is revised, provision should be made for a mechanism to freeze transfers to Member States that are not in a position to deal adequately with requests owing to their limited reception capacities;	14. Considers that, when the Dublin regulation is revised, provision should be made for a mechanism to freeze transfers to Member States that are not in a position to deal adequately with requests owing to their limited reception capacities ***or which are facing disproportionate pressures particularly due to their geographical and demographic circumstances***;

Or. en

Amendment 22
Giusto Catania

Motion for a resolution
Paragraph 14

Motion for a resolution	*Amendment*
14. Considers that, when the Dublin regulation is revised, provision should be made for a mechanism to freeze transfers to Member States that are not in a position to deal adequately with requests owing to their limited reception capacities;	14. Considers that, when the Dublin regulation is revised, provision should be made for a mechanism to freeze transfers to Member States that are not in a position to deal adequately with requests owing to their limited reception capacities ***and when access to an asylum procedure cannot be guaranteed***;

Or. en

Amendment 23
Nicolae Vlad Popa

Motion for a resolution
Paragraph 14 a (new)

Motion for a resolution	*Amendment*
	14a. Considers that under the revised Dublin regulation asylum seekers should be granted the right to appeal against a transfer decision; such an appeal imposing the obligation for the courts or tribunals to examine ex-officio the necessity of temporarily suspending the enforcement of a transfer decision;

Or. en

Amendment 24
Nicolae Vlad Popa

Motion for a resolution
Paragraph 16 a (new)

Motion for a resolution	*Amendment*
	16a. Considers that the activities of the Support Office should include developing common guidelines in order to facilitate accurate and uniform assessment of asylum claims, promoting exchange of good practice, monitoring the implementation and application of relevant EU legislation (supporting the Commission's role as guardian of the Treaties);

Or. en

Amendment 25
Jean Lambert

Motion for a resolution
Paragraph 16 a (new)

Motion for a resolution	*Amendment*
	16a. Considers that practical

consideration should be given to follow-up of the treatment of those returned to their country of origin or departure as a result of protection claims being refused in order to test the effectiveness of decision making;

Or. en

Amendment 26
Nicolae Vlad Popa

Motion for a resolution
Paragraph 17 a (new)

Motion for a resolution	*Amendment*
	17a. Considers that all decision-makers must have equal access to professionally and objectively researched country of origin information, which is a core tool for asylum authorities and appeal instances as well as for asylum seekers, which rely on it to help verify their claim for international protection;

Or. en

Amendment 27
Marian-Jean Marinescu

Motion for a resolution
Paragraph 17 a (new) (after title)

Motion for a resolution	*Amendment*
	17a. Acknowledges the importance of the integration of the third country nationals related to the security and economic aims;

Or. en

Amendment 28
Jean Lambert

Motion for a resolution
Paragraph 21

Motion for a resolution	*Amendment*
21. Welcomes the Commission's intention of proposing an amendment to the Reception Conditions Directive in order to provide applicants with simplified access to the labour market, given that their integration into working life constitutes an essential prerequisite for their integration;	21. Welcomes the Commission's intention of proposing an amendment to the Reception Conditions Directive in order to provide applicants with simplified access to the labour market, given that their integration into working life constitutes an essential prerequisite for their integration; ***and also assists in the development of skills which could also be of benefit in the event of return;***

Or. en

Amendment 29
Giusto Catania

Motion for a resolution
Paragraph 21

Motion for a resolution	*Amendment*
21. Welcomes the Commission's ***intention of proposing an amendment to*** the Reception Conditions Directive in order to provide applicants with simplified access to the labour market, given that their integration into working life constitutes an essential prerequisite for their integration;	21. Welcomes the Commission's ***proposal in*** the Reception Conditions Directive in order to provide applicants with simplified access to the labour market, given that their integration into working life constitutes an essential prerequisite for their integration;

Or. en

Amendment 30
Marian-Jean Marinescu

Motion for a resolution
Paragraph 21 a (new)

Motion for a resolution	*Amendment*
	21a. Considers that, when determining the responsible Member State, the asylum system should facilitate integration by taking into account the recognition of educational achievements, professional qualification and skills of the asylum seeker that match economic needs in the host Member State;

Or. en

Amendment 31
Simon Busuttil

Motion for a resolution
Paragraph 22

Motion for a resolution	*Amendment*
22. Stresses the need to improve access for beneficiaries of subsidiary protection to social and economic rights, given that this is essential to their integration;	***deleted***

Or. en

Amendment 32
Giusto Catania

Motion for a resolution
Paragraph 22

Motion for a resolution	*Amendment*
22. ***Stresses*** the need to improve access for beneficiaries of subsidiary protection to social and economic rights, given that this is essential to their integration;	22. ***Recommends that no difference is made between rights granted to refugees and beneficiaries of subsidiary protection; stresses in particular*** the need to improve access for beneficiaries of subsidiary protection to social and economic rights, given that this is essential to their

integration;

Or. en

Amendment 33
Simon Busuttil

Motion for a resolution
Paragraph 24

Motion for a resolution	*Amendment*
24. Takes the view that solidarity cannot be confined to the granting of financial resources and ***that provision should be made for*** internal resettlement mechanisms ***which***, on a voluntary basis***,*** would enable beneficiaries of international protection to be received by a Member State other than the country which has granted them the benefit of that protection;	24. Takes the view that solidarity cannot be confined to the granting of financial resources and ***calls for the effective implementation of*** internal resettlement ***and relocation*** mechanisms on a voluntary basis ***as envisaged by the European Pact on Immigration and Asylum. This*** would enable beneficiaries of international protection to be received by a Member State other than the country which has granted them the benefit of that protection;

Or. en

Amendment 34
Giusto Catania

Motion for a resolution
Paragraph 24

Motion for a resolution	*Amendment*
24. Takes the view that solidarity cannot be confined to the granting of financial resources and that provision should be made for internal ***resettlement*** mechanisms which, on a voluntary basis, would enable beneficiaries of international protection to be received by a Member State other than the country which has granted them the benefit of that protection;	24. Takes the view that solidarity cannot be confined to the granting of financial resources and that provision should be made for internal ***reallocation*** mechanisms which, on a voluntary basis, would enable beneficiaries of international protection to be received by a Member State other than the country which has granted them the benefit of that protection;

Or. en

Amendment 35
Giusto Catania

Motion for a resolution
Paragraph 26

Motion for a resolution	*Amendment*
26. Encourages the creation, under the aegis of the future Support Office, of teams of asylum experts who can assist Member States experiencing sudden and mass influxes of asylum seekers with which they cannot cope;	26. Encourages the creation, under the aegis of the future Support Office, of teams of asylum experts ***who shall include representatives of UNHCR and NGOs,*** who can assist Member States experiencing sudden and mass influxes of asylum seekers with which they cannot cope;

Or. en

Amendment 36
Martine Roure

Motion for a resolution
Paragraph 26 a (new)

Motion for a resolution	*Amendment*
	26a. Calls on the Commission to consider the possibility of setting up a European mechanism for transferring international protection, under the supervision of the future support office, to allow the movement of refugees in Europe and thus ease the burden borne by some Member States;

Or. fr

Amendment 37
Giusto Catania

Motion for a resolution
Paragraph 27 a (new)

Motion for a resolution	*Amendment*
	27a. Supports border monitoring agreements between national authorities, UNHCR and NGOs in the EU and the allocation of resources to this end under the EU External borders Fund;

Or. en

Amendment 38
Giusto Catania

Motion for a resolution
Paragraph 29

Motion for a resolution	*Amendment*
29. Recognises the importance of strengthening the reception capacities of first-asylum countries and of setting up, at European level and in close cooperation with the Office of the United Nations' High-Commissioner for Refugees, a resettlement programme laying down common criteria and coordination mechanisms;	29. Recognises the importance of strengthening the reception capacities of first-asylum countries and of setting up, at European level and in close cooperation with the Office of the United Nations' High-Commissioner for Refugees ***and NGOs***, a resettlement programme laying down common criteria and coordination mechanisms;

Or. en

Amendment 39
Jean Lambert

Motion for a resolution
Paragraph 29 a (new)

Motion for a resolution	*Amendment*
	29a. Also requests that an evaluation should be given of the adequacy of the funds available for measure relating to third countries, for example – protection within the region - especially in light of Parliament's stated view that these measures require additional funding and not a reallocation of development funds;

Or. en