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DRAFT REPORT

on a Common Immigration Policy for Europe: Principles, actions and tools (2008/2331(INI))

Committee on Civil Liberties, Justice and Home Affairs

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CONTENTS

Page

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION 3

MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on a Common Immigration Policy for Europe: Principles, actions and tools (2008/2331(INI))

The European Parliament,

– having regard to the Communication from the Commission of 17 June 2008 entitled 'A Common Immigration Policy for Europe: Principles, actions and tools' (COM(2008)0359),

– having regard to the Opinion of the Committee of the Regions on A Common Immigration Policy for Europe of 26 November 2008[1],

– having regard to the European Pact on Immigration and Asylum, adopted by the European Council on 15 and 16 October 2008[2],

– having regard to Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals[3],

– having regard to Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams[4],

– having regard to the proposal for a regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (Recast) (COM(2008)0820)

– having regard to the Communication from the Commission of 17 October 2008 entitled 'One year after Lisbon: The Africa-EU partnership at work' (COM(2008)0617),

– having regard to the Commission Working Document entitled "Evaluation and monitoring of the implementation of the EU Plan on best practices, standards and procedures for combating and preventing trafficking in human beings" (COM(2008)0657),

– having regard to the Joint Africa-EU Strategy and its First Action Plan (2008-2010) - the Strategic Partnership - agreed at the Africa-EU Summit on 8/9 December 2007 in Lisbon,[5]

[1] COR/2008/210.
[2] Council document 13440/08.
[3] OJ L 348, 24.12.2008, p. 98.
[4] OJ L 199 , 31.7.2007, p. 30.
[5] Council doc 7204/08 of 3 March 2008.

– having regard to the Communication from the Commission of 30 November 2006 entitled 'The Global Approach to Migration one year on: Towards a comprehensive European migration policy' (COM(2006)0735),

– having regard to the Hague Programme on Strengthening Freedom, Security and Justice in the European Union adopted at the European Council of 4-5 November 2004,

– having regard to the Tampere Programme adopted at the European Council of 15 and 16 October 1999 which established a coherent approach in the field of immigration and asylum,

– having regard to its resolution of 18 December 2008 on the evaluation and future development of the FRONTEX Agency and of the European Border Surveillance System (EUROSUR)[1],

– having regard to its resolution of 20 November 2008 on the proposal for a Council directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment[2],

– having regard to its resolution of 20 November 2008 on the proposal for a Council directive on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State[3],

– having regard to its resolution of 2 September 2008 on the evaluation of the Dublin system[4],

– having regard to its resolution of 23 April 2008 on the proposal for a Council directive amending Directive 2003/109/EC to extend its scope to beneficiaries of international protection[5],

– having regard to its resolution of 26 September 2007 on the policy plan on Legal Migration[6],

– having regard to its resolution of 26 September 2007 on policy priorities in the fight against illegal immigration of third-country nationals[7],

– having regard to its resolution of 6 July 2006 on strategies and means for the integration of immigrants in the European Union[8],

[1] Texts adopted, P6_TA(2008)0633.
[2] Texts adopted, P6_TA(2008)0557.
[3] Texts adopted, P6_TA(2008)0558.
[4] Texts adopted, P6_TA(2008)0385.
[5] Texts adopted, P6_TA(2008)0168
[6] OJ C 219E, 28.8.2008, p.215.
[7] OJ C 219E, 28.8.2008, p.223.
[8] OJ C 303E, 13.12.2006, p.845.

– having regard to the Treaty of Amsterdam pursuant to which powers and responsibilities in the immigration and asylum fields are conferred on the Community and to Article 63 of the EC Treaty,

– having regard to Rule 45 of its Rules of Procedure,

– having regard to the report of Committee on Civil Liberties, Justice and Home Affairs and the opinions the Committee on Employment and Social Affairs, the Committee on Culture and Education and the Committee on Women's Rights and Gender Equality (A6-0000/2009),

A. Whereas a common approach on immigration in the EU has become imperative, more so in a common area without internal border controls where action or inaction by one Member State has a direct impact on others,

B. Whereas legal migration represents an opportunity from which both migrants and Member States may benefit; whereas, however, progress in the area of legal migration must go hand-in-hand with effective action on combating illegal immigration,

C. Whereas Europe's migration policies must comply with the norms of international law, particularly those that concern human rights, human dignity and rights to asylum,

General Considerations

1. Strongly supports the establishment of a common European immigration policy founded on a high level of political and operational solidarity, mutual trust, transparency, shared responsibility and joint efforts;

2. Considers that a common immigration policy also necessarily requires the establishment of a common asylum policy and welcomes the report on the future of the European Common Asylum System (CEAS);

3. Reiterates that the management of migration requires genuine partnership and cooperation with third countries of origin and transit;

4. Considers that immigration into the EU is not the solution to overcome the challenges faced by developing countries and that a common immigration policy must be flanked with an effective development policy;

5. Welcomes the adoption of the European Pact on Immigration and Asylum by the European Council on 16 October 2008 and the actions, tools and proposals put forward by the Commission in its above-mentioned Communication on a Common Immigration Policy for Europe: Principles, Actions and Tools; calls on the Council and the Commissionon to rapidly move to the implementation stage of these commitments;

Prosperity and Immigration

Legal Migration

6. Considers that legal migration is necessary in order to address Europe's demographic, labour market and skills needs; it also contributes to the development of third countries, particularly through migrant remittances; calls for the implementation of secure systems which facilitate these financial transfers to third countries;

7. Considers that legal migration could also constitute an alternative to illegal immigration as it offers a legal, safe and organised entry route to the European Union;

8. Stresses the need for a comprehensive assessment of the EU's skills and market needs; considers, however, that each Member State should retain control on the number of persons required for its labour market needs;

9. Reiterates the need to increase the attractiveness of the EU for highly qualified workers, taking account of the implications that this may have on brain drain in countries of origin, which may be mitigated through temporary or circular migration;

10. Calls on the Commission to make more information available in countries of origin on the possibilities of legal migration as well as on the rights and obligations of migrants once they live in the EU;

Integration

11. Supports integration efforts of legal migrants as well as beneficiaries of international protection, taking into account respect for the identity and values of the EU and its Member States, including the respect for human rights, the rule of law, democracy, tolerance and equality; acknowledges that integration is more difficult to achieve in countries which are facing significant migratory pressures;

12. Stresses that integration should be based on social inclusion, anti-discrimination, equal opportunities, education, intercultural dialogue and diversity management in schools and the workplace;

Security and Immigration

Integrated Border Management

13. Considers that integrated management of external borders is a prerequisite for an effective common immigration policy and that it must be developed in conjunction with other policies, notably on customs controls and on the prevention of safety and security-related threats;

14. Emphasises that integrated management of borders requires more investment in new technologies, such as biometrics, while taking account of data protection and privacy laws;

15. Calls for the replacement of current national Schengen visas with uniform European Schengen visas, allowing for equal treatment of all visa applicants, and calls for a study into the setting up of a system requiring third-country nationals to obtain electronic authorisation to travel before travelling to EU territory;

Illegal Immigration

16. Deeply regrets that, despite repeated calls by Parliament, progress in combating illegal immigration remains slow and insufficient;

17. Expresses its shock at the human tragedy that is caused by illegal migratory sea routes, notably in the Union's southern maritime borders, where boat people leave the African shores on perilous journeys towards Europe; strongly calls for urgent action to stop this human tragedy once and for all;

18. Considers that despite repeated increases in its budgetary means at the insistence of Parliament, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) is still far from providing an effective co-ordination of the Union's external borders;

19. Welcomes the Commission's initiative for a proposal to review the mandate of FRONTEX and considers that its reinforcement is urgently required, in particular by extending its operational capacity and its ability to undertake permanent missions in areas which face high migratory pressures';

20. Considers that FRONTEX requires adequate resources, not just financial ones, if it is to fulfil its mandate in a meaningful manner and calls on Member States to increase the pooling of technical means and on the Commission to bring forward legislative proposals to establish compulsory solidarity for the Central Record of Available Technical Equipment (CRATE) on the same basis as that envisaged for the Rapid Border Intervention Teams (RABITs);

21. Calls on FRONTEX and the Commission to carry out a study, with estimates, on the possibility of FRONTEX acquiring its own equipment and on the possible transformation of FRONTEX into an EU coast guard;

22. Considers that FRONTEX can only be fully effective if efforts are intensified on complementary actions, such as readmission and cooperation with third countries; calls on the Commission to support FRONTEX in this regard;

23. Supports the establishment of specialised offices of the agency to take account of the diversity of situations, particularly for the land borders to the East and the maritime borders to the South;

24. Recalls that illegal immigration is often operated by criminal networks which have, so far, proved to be more effective than common European action; is convinced that this cynical network is responsible for the death of hundreds of people whose lives are lost at

sea every year; calls, therefore, on the Commission and on Council to redouble their efforts in the fight against organised crime and human trafficking;

Returns

25. Considers that migrants who are illegally staying on the territory of the Member States and who are not entitled to international protection have to be required to leave; welcomes in this regard, the adoption of the Return Directive and urges Member States to transpose it as soon as possible; calls on Member States to ensure that returns are conducted with due regard to the law and the dignity of the persons involved, giving due preference to voluntary return;

26. Calls on the Commission to pursue the effective enforcement of the obligation of third countries to readmit their nationals who are staying illegally on EU territory, as envisaged in Article 13 of the Cotonou Agreement of 23 June 2000; calls for the strengthening of these provisions during negotiations on the new ACP (African, Caribbean and Pacific States) Agreement;

27. Stresses the need for a genuine European dimension in return policy through the mutual recognition of return decisions; urges more co-operation among Member States in the implementation of returns and the strengthening of the role of FRONTEX in joint return operations;

28. Calls for the strengthening of co-operation, including through consular co-operation, with countries of origin to facilitate readmission procedures and calls on the Commission to evaluate existing readmission agreements with a view to facilitating their implementation and to draw lessons for the negotiation of future agreements;

Solidarity and Immigration

Coordination between Member States

29. Deeply regrets that Member States have demonstrated insufficient solidiarity in the face of the growing challenge of immigration; calls for an urgent review of the Framework Programme on Solidarity and Management of Migration Flows for the period 2007-2013[1]and its four financial instruments so that they may reflect new realities arising from increasing migratory pressures and be used to address urgent needs, such as in the case of situations of mass migratory influxes;

30. Welcomes the commitments made by Member States in the above-mentioned European Pact on Immigration and Asylum in relation to the need for solidarity; welcomes in particular the inclusion of a voluntary burden-sharing mechanism which enables the intra-EU reallocation of beneficiaries of international protection from Member States which are faced with specific and disproportionate pressures on their national asylum systems, due in particular to their geographical or demographic situation, to other Member States; welcomes also the allocation of EUR 5 million in the EU's 2009 budget for this purpose

[1] (COM(2005)0123).

under the European Refugee Fund; calls on the Commission to implement this mechanism forthwith and to propose immediately a legislative initiative to establish such a mechanism at European level on a permanent basis;

31. Supports the review of Council Regulation (EC) No 343/2003 ("the Dublin Regulation")[1] so as to ensure a more equitable allocation of responsibility in the examination of asylum applications;

Cooperation with third-countries

32. Regrets that cooperation with third countries has not achieved sufficient results, with the notable exception of Spain's co-operation with third countries, such as Senegal; calls for targeted support for third countries of transit and origin to help them build an effective border management capacity, involving FRONTEX in border assistance missions in those countries;

33. Stresses that all agreements with countries of origin and transit should include chapters on co-operation on immigration and calls for an ambitious policy with third countries on police and judicial co-operation to combat international criminal organisations engaged in human trafficking and to bring the persons concerned to justice; calls also on the Commission to intensify its support, including financial and technical assistance, in favour of third countries;

34. Stresses the importance of a development policy in third countries of origin or transit as a means of addressing the challenge of immigration at its roots; calls for an improved co-ordination of the Union's immigration and development policies, taking fully into account strategic objectives such as the Millennium Development Goals;

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35. Instructs its President to forward this resolution to the Council, the Commission, and to the governments and parliaments of the Member States.

[1] OJ L 50, 25, 2.2003, p. 1.