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TEXTS ADOPTED

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**P8\_TA(2016)0102**

**The situation in the Mediterranean and the need for a holistic EU approach to migration**

**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))**

*The European Parliament,*

- having regard to the Geneva Convention of 1951 and the additional protocol thereto, and in particular the right to non-refoulement,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms,
- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the Convention on the Rights of the Child of 1989 and to the European Parliament resolution of 27 November 2014 on the 25th anniversary of the UN Convention on the Rights of the Child<sup>1</sup>,
- having regard to the United Nations Convention on the Law of the Sea of 1982, the International Convention for the Safety of Life at Sea of 1974 and the International Convention on Maritime Search and Rescue of 1979 as amended,
- having regard to the International Convention on the Protection of the Rights of all migrant workers and members of their families of 1990,
- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the Commission Communication ‘Action Plan on Unaccompanied Minors (2010-2014)’ (COM(2010)0213) and to the European Parliament resolution of 12 September 2013 on the situation of unaccompanied minors in the EU<sup>2</sup>,
- having regard to its resolution of 29 April 2015 on the latest tragedies in the

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<sup>1</sup> Texts adopted, P8\_TA(2014)0070.

<sup>2</sup> OJ C 93, 9.3.2016, p. 165.

Mediterranean and EU migration and asylum policies<sup>1</sup>,

- having regard to its resolution of 10 September 2015 on migration and refugees in Europe<sup>2</sup>,
- having regard to the debates held in the European Parliament’s Committee on Civil Liberties, Justice and Home Affairs in 2015: on 14 April in the presence of Commissioner Avramopoulos; on 6 May on solidarity and fair sharing of responsibility, including search and rescue obligations; on 26 May on the strategy on cooperation with third countries; on 4 June on developing safe and lawful routes for asylum seekers and refugees into the EU and on the implementation of the Common European Asylum System; on 25 June on tackling criminal smuggling, trafficking and labour exploitation of irregular migrants, developing adequate legal economic migration channels, and border management and visa policy; on 2 July on how Home Affairs funds are spent in the migration and development context; on 6 July on the first package of Commission proposals following the Agenda on Migration and on solidarity and fair sharing of responsibility, including search and rescue obligations and developing safe and lawful routes for asylum seekers and refugees into the EU; on 16 July in the presence of experts on EU funds for migration policies, on policies, practices and data on unaccompanied minors in the EU Member States and Norway, on EU cooperation with third countries in the field of migration, and on exploring new avenues for legislation for economic migration; on 22 September on the second package of Commission proposals following the Agenda on Migration; on 23 September with national parliaments on the hotspots approach and on addressing migration at the national and local level; on 19 October on tackling smuggling, trafficking and labour exploitation of irregular migrants; on 10 November on the Commission communication entitled ‘Managing the refugee crisis: State of Play of the Implementation of the Priority Actions under the Agenda on Migration’ (COM(2015)0510); on 19 November on the EU internal and external funding related to its migration and asylum policy; on 10 December on EU cooperation with third countries in the field of migration; on 21 December on border management and visa-policy, on effective implementation of the CEAS and on developing adequate legal economic migration channels,
- having regard to the debates held in the joint meeting of its Committee on Civil Liberties, Justice and Home Affairs and Committee on Development on 1 April 2015 on the nexus between development and migration, and in the joint meeting of the Committee on Civil Liberties, Justice and Home Affairs, Committee on Foreign Affairs and Sub-Committee on Human Rights on 15 September 2015 on respecting human rights in the context of migration flows in the Mediterranean,
- having regard to the reports of its Committee on Civil Liberties, Justice and Home Affairs on the visits by its delegations to Lampedusa on search and rescue operations in September 2015 and to Tunisia on cooperation with third countries in the area of migration, asylum and border control in October 2015, and having regard to the report of its Committee on Budgets and Committee on Civil Liberties, Justice and Home Affairs on the visit by their joint delegation to Sicily on how to address the migratory pressures in the region, including in particular from a budgetary perspective in July 2015,

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<sup>1</sup> Texts adopted, P8\_TA(2015)0176.

<sup>2</sup> Texts adopted, P8\_TA(2015)0317.

- having regard to the Commission Ten Point Action Plan on Migration, presented at the Joint Foreign and Home Affairs Council held in Luxembourg on 20 April 2015,
- having regard to the Commission communication entitled ‘A European Agenda on Migration’ (COM(2015)0240),
- having regard to Council Decision (CFSP) 2015/778 of 18 May 2015 on a European Union military operation in the Southern Central Mediterranean,
- having regard to the decision to start the second phase of operation EUNAVFOR Med, renamed Operation Sophia, taken by EU Ambassadors within the Political and Security Committee<sup>1</sup>, and having regard to the NATO-led operations in the Aegean Sea,
- having regard to UN Security Council Resolution 2240 (2015) of 9 October 2015,
- having regard to the Commission Communication entitled ‘EU Action Plan against migrant smuggling (2015-2020)’ (COM(2015)0285),
- having regard to the Commission Staff Working Document on Implementation of the Eurodac Regulation as regards the obligation to take fingerprints (SWD(2015)0150),
- having regard to the Commission recommendation on a European resettlement scheme (C(2015)3560) and to the Conclusions of the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20 000 persons in need of international protection, presented at the Justice and Home Affairs’ Council meeting of 20 July 2015,
- having regard to the Commission Explanatory note on the ‘Hotspot’ approach, and the state of play reports on Greece and Italy of 10 February 2016, as well as the Progress report on Greece of 4 March 2016,
- having regard to Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece,
- having regard to Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece,
- having regard to the Commission proposal for a regulation of the European Parliament and of the Council establishing a crisis relocation mechanism and amending Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 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 (COM(2015)0450),
- having regard to the Commission proposal for a regulation of the European Parliament and of the Council establishing an EU common list of safe countries of origin for the purposes of Directive 2013/32/EU of the European Parliament and of the Council on common procedures for granting and withdrawing international protection, and

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<sup>1</sup> <http://www.consilium.europa.eu/en/press/press-releases/2015/09/28-eunavfor/>

amending Directive 2013/32/EU (COM(2015)0452),

- having regard to the Commission communication entitled ‘EU Action Plan on Return’ (COM(2015)0453),
- having regard to the Commission recommendation establishing a common ‘Return Handbook’ to be used by Member States’ competent authorities when carrying out return related tasks (C(2015)6250) and its Annex,
- having regard to the Commission communication entitled ‘Public procurement rules in connection with the current asylum crisis’ (COM(2015)0454),
- having regard to the joint communication from the European Commission and the High Representative entitled ‘Addressing the Refugee Crisis in Europe: The Role of EU External Action’ (JOIN(2015)0040),
- having regard to the Commission Decision on the establishment of a European Union Emergency Trust Fund for stability and addressing root causes of irregular migration and displaced persons in Africa (C(2015)7293),
- having regard to the Commission communication entitled ‘Managing the refugee crisis: immediate operational, budgetary and legal measures under the European Agenda on Migration’ (COM(2015)0490) and its Annexes,
- having regard to the Commission communication entitled ‘Managing the refugee crisis: State of Play of the Implementation of the Priority Actions under the European Agenda on Migration’ (COM(2015)0510) and its Annexes,
- having regard to the Commission communication entitled ‘A European Border and Coast Guard and effective management of Europe’s external borders’ (COM(2015)0673) and to the Proposal for a regulation of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulation (EC) No 2007/2004, Regulation (EC) No 863/2007 and Council Decision 2005/267/EC (COM(2015)0671), to the Proposal for a regulation of the European Parliament and of the Council on a European travel document for the return of illegally staying third-country nationals (COM(2015)0668), to the Proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 as regards the reinforcement of checks against relevant databases at external borders (COM(2015)0670), to the Commission Proposal for a Council Decision establishing provisional measures in the area of international protection for the benefit of Sweden in accordance with Article 9 of Council Decision (EU) 2015/1523 and Article 9 of Council Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (COM(2015)0677), and to the Commission Recommendation for a voluntary humanitarian admission scheme with Turkey (C(2015)9490),
- having regard to the Communication from the Commission to the European Parliament and the Council on the state of play of implementation of the priority actions under the European Agenda On Migration (COM(2016)0085),
- having regard to the Commission Recommendation addressed to the Hellenic Republic on the urgent measures to be taken by Greece in view of the resumption of transfers

under Regulation (EU) No 604/2013 (C(2016)0871),

- having regard to the proposal for a Council Implementing Decision on the temporary suspension of the relocation of 30 % of applicants allocated to Austria under Council Decision (EU) 2015/1601 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (COM(2016)0080),
- having regard to the Communication from the Commission to the European Parliament, the European Council and the Council entitled ‘Back to Schengen – A roadmap’ (COM(2016)0120),
- having regard to the Report from the Commission to the European Parliament and the Council entitled ‘Second Report on progress by Turkey in fulfilling the requirements of its visa liberalisation roadmap’ (COM(2016)0140) and the accompanying Commission Staff Working Document (SWD(2016)0097),
- having regard to the proposal for a Council Regulation on the provision of emergency support within the Union (COM(2016)0115) and the upcoming amending budget No 1/2016 to create the budget line for this instrument,
- having regard to the Conclusions adopted by the European Council at its special meeting of 23 April 2015, at its meeting of 25 and 26 June 2015, at the informal meeting of EU Heads of State or Government on migration of 23 September 2015, at its meeting of 15 October 2015, at its meeting of 17 and 18 December 2015, and at its meeting of 18 and 19 February 2016,
- having regard to the Conclusions adopted by the Council on safe countries of origin at its meeting of 20 July 2015, on migration at its meeting of 20 July 2015, on the future of the return policy at its meeting of 8 October 2015, on migration at its meeting of 12 October 2015, on measures to handle the refugee and migration crisis at its meeting on 9 November 2015, and on statelessness at its meeting of 4 December 2015, and on migrant smuggling at its meeting of 10 March 2016,
- having regard to the Presidency conclusions adopted on 14 September 2015,
- having regard to the conclusions adopted by the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20 000 persons in clear need of international protection at their meeting on 20 July 2015,
- having regard to the EU-Turkey Joint Action Plan of 15 October 2015, and its implementation reports of 10 February and 4 March 2016,
- having regard to the Statement by the EU Heads of State or Government of 7 March 2016,
- having regard to the Declaration of the High-Level Conference on the Eastern Mediterranean – Western Balkans Route, adopted on 8 October 2015, and to the leaders’ statement on refugee flows along the Western Balkan route adopted at the meeting on 25 October 2015 and to its progress report of 10 February 2016,
- having regard to the Action Plan and Political Declaration adopted at the European

Union-Africa Summit on Migration, held in Valletta on 11 and 12 November 2015,

- having regard to the work and reports of the European Asylum Support Office (EASO), and in particular to their Annual Report on the Situation of Asylum in the European Union 2014 and to the monthly Asylum Trends,
- having regard to the work and reports of Frontex, and in particular to their Annual Risk Analysis 2015 and their Risk Analysis Network Quarterly Reports,
- having regard to the work and reports of Europol, and in particular to Joint Operational Team MARE, and the establishment of the European Migrant Smuggling Centre (EMSC) by Europol,
- having regard to the work and reports of Eurojust, and in particular to its reports on trafficking in human beings,
- having regard to the work, annual reports and studies of the Fundamental Rights Agency (FRA), and in particular to their studies on severe forms of labour exploitation and on criminalisation of migrants in an irregular situation and of persons engaging with them,
- having regard to the Policy Department C studies on the implementation of Article 80 TFEU, on new approaches, alternative avenues and means of access to asylum procedures for persons seeking international protection, on exploring new avenues for legislation for labour migration to the EU, on enhancing the Common European Asylum System and Alternatives to Dublin, on EU cooperation with third countries in the field of migration, and on the Reception of Female Refugees and Asylum Seekers in the EU, and having regard to the Policy Department D study on EU funds for Migration policies: Analysis of Efficiency and best practice for the future, and to the Policy Department EXPO study on Migrants in the Mediterranean: protecting human rights,
- having regard to the studies by the European Migration Network (EMN), and in particular to their study on policies, practices and data on unaccompanied minors,
- having regard to the work and reports of the UN High Commissioner for Refugees,
- having regard to the work and reports of the UN Special Rapporteur on the Human Rights of Migrants,
- having regard to the work, reports and resolutions of the Council of Europe,
- having regard to the work and reports of the International Organization for Migration,
- having regard to the work and reports of the UN Office on Drugs and Crime,
- having regard to the Opinion of the European Committee of the Regions – European Agenda on Migration, adopted at its 115th plenary session of 3-4 December 2015,
- having regard to the Opinions of the European Economic and Social committee on the European Agenda on migration and on the EU action plan against migrant smuggling,

- having regard to its resolution of 17 December 2014 on the situation in the Mediterranean and the need for a holistic EU approach to migration<sup>1</sup>,
  - having regard to the working document on Article 80 – Solidarity and fair sharing of responsibility, including search and rescue obligations,
  - having regard to the working document on tackling criminal smuggling, trafficking and labour exploitation of irregular migrants,
  - having regard to the working document on border management and visa-policy, including the role of Frontex and other relevant agencies,
  - having regard to the working document on developing safe and lawful routes for asylum seekers and refugees into the EU, including the Union resettlement policy and corresponding integration policies,
  - having regard to the working document on developing adequate legal economic migration channels,
  - having regard to the working document on the EU internal and external funding related to its migration and asylum policy,
  - having regard to the working document on effective implementation of the Common European Asylum System (CEAS), including the role of EASO,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Foreign Affairs, the Committee on Development, the Committee on Budget, the Committee on Employment and Social Affairs, the Committee on Transport and Tourism, the Committee on Regional Development, the Committee on Women’s Rights and Gender Equality and the Committee on Petitions (A8-0066/2016),
- A. whereas in its resolution of 17 December 2014, it instructed the Committee of Civil Liberties, Justice and Home Affairs to assess the various policies at stake, develop a set of recommendations and report to Plenary in the form of a strategic initiative report;
- B. whereas according to Frontex data<sup>2</sup>, in 2015 1,83 million persons were detected while attempting to cross irregularly the EU’s external borders, setting an unprecedented record compared to the 282 500 migrants who arrived in the Union in the course of the whole 2014; and whereas, according to IOM/UNICEF data, around 20 % of all migrants arriving by sea are children<sup>3</sup>;

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<sup>1</sup> Texts adopted, P8\_TA(2014)0105.

<sup>2</sup> Frontex news, <http://frontex.europa.eu/news/number-of-migrants-arriving-in-greece-dropped-by-half-in-november-cITv3V>.

<sup>3</sup> IOM and UNICEF, Data Brief: Migration of Children to Europe, [http://www.iom.int/sites/default/files/press\\_release/file/IOM-UNICEF-Data-Brief-Refugee-and-Migrant-Crisis-in-Europe-30.11.15.pdf](http://www.iom.int/sites/default/files/press_release/file/IOM-UNICEF-Data-Brief-Refugee-and-Migrant-Crisis-in-Europe-30.11.15.pdf).

- C. whereas according to EASO data<sup>1</sup>, in 2015 over 1,4 million applications for international protection were lodged in the EU+<sup>2</sup>, with numbers rising steadily since April, while the share of repeated applications has been decreasing; and whereas around 6 % of applicants claimed to be unaccompanied minors; whereas in February 2016, 22 % of the sea arrivals in Greece were women and 40 % children<sup>3</sup>;
- D. whereas, for the purposes of the UN Convention on the Rights of the Child, a child means every human being below the age of eighteen years;
- E. whereas in 2015 over 3 771 persons were reported dead or missing in the Mediterranean Sea, according to the International Organisation for Migration<sup>4</sup>; and whereas up to 8 March 2016, 444 persons had been reported as drowned in the Mediterranean; whereas in the first nine weeks of 2016, 77 children died – an average exceeding one per day; whereas according to recent Europol data at least 10 000 unaccompanied children have disappeared after arriving in Europe;
- F. whereas 3 October should be recognised as a Day of Remembrance for all the men, women and children who perish while attempting to flee their countries as a result of persecution, conflict and war, as well as all the men and women who risk their lives every day in order to save them;
- G. whereas some parts of the world are affected by war and violence and suffer the combined effects of extreme poverty, environmental degradation and a lack of opportunities for young people, which can engender more violence and insecurity and lead to further population movements;

***Article 80 TFEU – Solidarity and fair sharing of responsibility, including search and rescue obligations***

- H. whereas Article 80 TFEU puts the principle of solidarity and fair sharing of responsibility at the heart of the whole of the Union system, providing a legal basis for the implementation of these principles in the Union policies on asylum, migration and border control;
- I. whereas solidarity can take the forms of internal and external solidarity; and whereas relocation, mutual recognition of asylum decisions, operational support measures, a proactive interpretation of the current Dublin Regulation and the Temporary Protection Directive are all tools for internal solidarity, while resettlement, humanitarian admission and search and rescue at sea promote external solidarity, and the civil protection mechanism can target both;
- J. whereas, on 3 March 2016, only 338 of the 39 600 asylum seekers awaiting reassignment from Italian reception facilities to other Member States had actually been relocated, while in the case of Greece 322 out of the 66 400 projected relocations had actually taken place;

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<sup>1</sup> EASO Newsletter, November-December 2015, [https://easo.europa.eu/wp-content/uploads/EASO-Newsletter-NOV-DEC\\_-20151.pdf](https://easo.europa.eu/wp-content/uploads/EASO-Newsletter-NOV-DEC_-20151.pdf).

<sup>2</sup> The EU+ is composed of EU-28 plus Norway and Switzerland.

<sup>3</sup> UNHCR – Greece data snapshot – 7 March 2016.

<sup>4</sup> IOM, Missing Migrants Project, <http://missingmigrants.iom.int/>



### ***Tackling criminal smuggling, trafficking and labour exploitation of irregular migrants***

- K. whereas migrant smuggling, trafficking and labour exploitation are distinct legal phenomena tackled by distinct legal frameworks at Union and international level, requiring properly targeted responses, while often overlapping in practice; and whereas criminal smuggling and trafficking networks can change their modus operandi very quickly, thus requiring rapidly adapted responses based on the most recent and accurate data; whereas efforts to counter the criminal smuggling of migrants should not affect those providing humanitarian assistance to irregular migrants;
- L. whereas the fight against migrant smuggling, trafficking and labour exploitation necessitates both short, medium and long-term responses, including measures to disrupt criminal networks and to bring criminals to justice, the gathering and analysis of data, measures to protect victims and to return irregularly staying migrants, as well as cooperation with third countries and longer-term strategies to address the demand for trafficked and smuggled persons and the root causes of migration which force people into the hands of criminal smugglers;

### ***Border management and visa policy, including the role of the Borders Agency and other relevant Agencies***

- M. whereas the ordinary legislative procedure is ongoing on numerous Commission proposals in the area of borders and visa policy, in particular on the proposal for a Regulation on the Union Code on Visas (recast) (2014/0094(COD), the proposal for a regulation establishing a touring visa (2014/0095(COD) and the proposal for a regulation on Uniform format for visa: security (2015/0134(COD)); and whereas new proposals in this area have recently been launched by the Commission and will be dealt with according to the ordinary legislative procedure;
- N. whereas the abolition of internal border controls must go hand in hand with the effective management of external borders, with high common standards, effective exchange of information between Member States, and full respect for everyone's fundamental rights;
- O. whereas the European Parliament has called for the Union Border Agency to strengthen its capacity to deal with possible violations of fundamental rights, including within the framework of its working arrangements concluded with the competent authorities of third countries, and whereas the Commission proposal for a new Union Border Agency contains a complaint mechanism;
- P. whereas the current Visa Code allows Member States to deviate from the normal admissibility criteria for a visa application 'on humanitarian grounds' (Articles 19 and 25);

### ***Developing safe and lawful routes for asylum seekers and refugees into the EU, including the Union resettlement policy and corresponding integration policies***

- Q. whereas 86 % of the world's refugee population is hosted by non-industrialised countries; and whereas criminal networks and smugglers exploit the desperation of people trying to enter the Union while fleeing persecution or war;
- R. whereas safe and legal routes for refugees to access the Union are limited, and many continue to take the risk of embarking on dangerous routes; and whereas the creation of

new safe and lawful routes for asylum seekers and refugees to enter the Union, building on existing legislation and practices, would allow the Union and the Member States to have a better overview of the protection needs and of the inflow into the Union and to undermine the business model of the smugglers;

***The strategy on cooperation with third countries, in particular on regional protection programmes, resettlement, returns and to address the root causes of migration***

- S. whereas EU-third country cooperation is developed through political instruments such as regional dialogues, bilateral dialogues, common agendas for migration and mobility and mobility partnerships, through legal instruments such as migration clauses in ‘global agreements’, readmission agreements, visa facilitation agreements and visa exemption agreements, and through operational instruments such as Regional Protection Programmes (RPP), Regional Development and Protection Programmes (RDPP), Frontex working arrangements and EASO cooperation with third countries;
- T. whereas individual Member States continue to develop intense external action on migration at the bilateral level;
- U. Whereas the Union has intensified its external cooperation with third countries in migration and asylum to respond adequately to the current refugee crisis, and has launched new cooperation initiatives such as the EU-Turkey Joint Action Plan, the commitments taken on the Western Balkans Routes and the Action Plan adopted at the Valetta summit;

***Developing adequate legal economic migration channels***

- V. whereas the working-age population in the Union is projected to decline by 7,5 million by 2020; whereas projections on the development of labour market needs in the Union points to emerging and future shortages in specific fields; and whereas third-country nationals face many difficulties in obtaining recognition of their foreign qualifications, and therefore tend to be over-qualified for their jobs;
- W. whereas the current Union approach to labour migration is fragmented, with numerous directives focusing on specific categories of workers and of third-country nationals who are, under certain conditions, allowed to work; and whereas this approach can only serve to meet short-term, specific needs;

***Analysis on how Home Affairs funds are spent in migration & development context, including emergency funds***

- X. whereas several Union financial instruments exist to fund Member States’ and third countries’ actions in the area of migration, asylum and border management; whereas in particular funds for Member States are allocated mainly through the Asylum Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF), but whereas numerous other programmes and funds can be used for activities related to migration; and whereas funding to third countries, while allocated mainly through the Development Cooperation Instrument, is administered by numerous Commission Directorates-General and the European External Action Service;
- Y. whereas the existing fragmentation of budget lines and responsibilities can make it difficult to provide a comprehensive overview of how funds are used, and even to

quantify exactly how much the Union spends on migration;

***Effective implementation of the Common European Asylum System, including the role of the European Asylum Support Office***

- Z. whereas the Common European Asylum System (CEAS) includes a set of common rules for a common asylum policy, a uniform asylum status and common asylum procedures valid throughout the Union; whereas, however, many alerts, including the infringement decisions adopted by the Commission, show that the CEAS has not been fully implemented in many Member States; whereas implementation is essential in order to harmonise national laws and promote solidarity among Member States, and whereas Member States can seek supporting assistance from EASO to meet the standards required by the CEAS; whereas harmonisation of reception conditions and asylum procedures can avoid stress on countries offering better conditions and are key to responsibility sharing;
- AA. whereas the current mechanisms of the Dublin system have failed to be objective, to establish fair criteria for allocating responsibility for applications for international protection and to provide swift access to protection; whereas the system is not being applied in practice, and explicit derogations have been adopted with two Council decisions on temporary relocation; and whereas the Commission had announced a proposal for a proper revision of the Dublin III Regulation by March 2016;
- AB. whereas Article 3 of the Geneva Convention of 1951 provides that Member States shall not discriminate against refugees on the basis of their race, religion or country of origin;

***On solidarity***

1. Points out that solidarity must be the principle upon which Union action on migration is based; notes that the principle of solidarity, as set out in Article 80 TFEU, covers asylum, immigration and border control policies; takes the view that Article 80 provides a legal basis ‘jointly’ with Articles 77-79 TFEU to implement the principle of solidarity in those areas;

***On search and rescue***

2. Starts from the premise that saving lives must be a first priority and that proper funding, at Union and Member State level, for search and rescue operations is essential; notes that there has been an increase in the number of irregular arrivals by sea and an alarming increase in the number of deaths at sea, and that a better European response is still required;
3. Recalls that the saving of lives is an act of solidarity with those at risk, but that it is also a legal obligation under international law, as Article 98 of the United Nations Convention of the Law of the Sea – ratified by all Member States and the Union itself – requires assistance to be given to any person in distress at sea;
4. Takes the view that a permanent, robust and effective Union response in search and rescue operations at sea is crucial to preventing an escalating death toll of migrants attempting to cross the Mediterranean Sea;
5. Suggests, in that respect, that search and rescue capacities must be strengthened, and

that Member States' governments must deploy more resources – in terms of financial assistance and assets – in the context of a Union-wide humanitarian operation, dedicated to finding, rescuing and assisting migrants in peril and bringing them to the closest place of safety;

6. Points out that private shipmasters or non-governmental organisations (NGOs) who genuinely assist persons in distress at sea should not risk punishment for providing such assistance; believes that merchant shipping should not provide an option in lieu of Member States and the Union fulfilling their obligations in terms of search and rescue;

#### ***On tackling human trafficking and criminal smuggling***

7. Calls for a clear distinction to be made between those persons who are smuggled into the Union and those who are trafficked into the Union because, while the policy response must be properly integrated, they must also be properly targeted; states that, in general terms, the criminal smuggling of migrants involves facilitating the irregular entry of a person to a Member State, whereas human trafficking involves the recruitment, transportation or reception of a person through the use of violent, deceptive or abusive means, for the purpose of exploitation;
8. Holds that any holistic approach to migration must necessarily contain measures aimed at disrupting the activities of criminal networks involved in the trafficking and smuggling of people;
9. Welcomes the positive role played by navy vessels in saving lives at sea and in disrupting criminal networks to date; supports the aims of navy operations such as Operation Sophia, and stresses the need to protect life, emphasising that all aspects of the operation should ensure that migrant lives are protected;
10. Underlines that military operations should not be the predominate aspect of any holistic approach to migration and reiterates that Operation Sophia must not distract assets already deployed in the Mediterranean from saving lives at sea;

#### ***On the role of Union agencies in the fight against criminal smuggling***

11. Points out that, since criminals can and do change their modus operandi very quickly, policy responses must adapt to the most recent and accurate data; notes, as a positive step forward, that the Commission adopted a Union Action Plan against Migrant Smuggling on 27 May 2015 ('the Action Plan on Smuggling'), under which it provides for the setting up of a Contact Group of Union Agencies on migrant smuggling, to strengthen their operational cooperation and information exchange;
12. Emphasises that full use should be made of existing instruments, such as the agencies' risk analyses; observes that Union agencies should cooperate fully, but that they also need to step up cooperation with Member States; notes that better coordination of efforts should allow for the collection of data at national level and its onward communication to the Agencies;

#### ***On relocation***

13. Recalls that the process of relocation – that is to say, transferring an applicant for international protection, or a beneficiary of international protection, from one Member

State to another – is a practical example of solidarity within the Union; recalls, in addition, that, since 2009, Parliament has been calling for a binding mechanism for the distribution of asylum seekers among all the Member States;

14. Notes that, within the last year, the Council has adopted two decisions on temporary relocation measures in the Union ('Relocation Decisions')<sup>1</sup>, and that they involve the transfer of applicants for international protection from Greece and Italy to other Member States; observes that, although the Relocation Decisions do not end the current Dublin rules on allocation of responsibility, they do constitute a 'temporary derogation' from the Dublin rules;
15. Takes the view that the establishment of urgent relocation measures is a move in the right direction, and calls on Member States to fulfil their obligations with regard to those measures as soon as possible;
16. Recalls that, for the purposes of the Relocation Decisions, relocation will cover only those nationalities for which the proportion of positive decisions granting international protection in the Union has been 75 % or more for the preceding three months, on the basis of Eurostat data; notes that the Relocation Decisions will affect a relatively small number of people, and will leave out the large numbers of applicants originating from other third countries who cannot be relocated under those decisions;
17. Is concerned that, under the current Relocation Decisions, Member States of first arrival still have to handle the more complicated claims for international protection (and appeals), have to organise longer periods of reception, and will have to coordinate returns for those ultimately not entitled to international protection; reiterates that any new system for the management of the Common European Asylum System must be based on solidarity and a fair sharing of responsibility;
18. Is of the opinion that, in addition to the criteria contained in the Relocation Decisions, namely the GDP of the Member State, the population of the Member State, the unemployment rate in the Member State, and the past numbers of asylum seekers in the Member State, consideration should be given to two other criteria, namely, the size of the territory of the Member State and the population density of the Member State;
19. Believes that the preferences of the applicant should, as much as practically possible, be taken into account when carrying out relocation; recognises that this is one way of discouraging secondary movements and encouraging applicants themselves to accept relocation decisions, but that it should not stop the relocation process;

### ***On resettlement***

20. Takes the view that resettlement is one of the preferred options for granting safe and lawful access to the Union for refugees and those in need of international protection, where the refugees can neither return to their home countries nor receive effective protection or be integrated into the host country;
21. Observes, furthermore, that resettlement through the auspices of the United Nations High Commissioner for Refugees (UNHCR) is a well-established humanitarian

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<sup>1</sup> Council Decision (EU) 2015/1523 and Council Decision (EU) 2015/1601.

programme, and is a useful tool for managing orderly arrivals of persons in need of international protection onto Member State territories;

22. Points out that, given the unprecedented flows of migrants that have reached and continue to reach the Union's external borders, and the steady increase in the number of people asking for international protection, the Union needs a binding and mandatory legislative approach to resettlement, as set out in the Commission's agenda for migration; recommends that, to have an impact, such an approach must provide for resettlement of a meaningful number of refugees, with regard to the overall numbers of refugees seeking international protection in the Union, and taking into account the global resettlement needs published annually by the UNHCR;
23. Underlines that there is a need for a permanent Union-wide resettlement programme, with mandatory participation by Member States, providing resettlement for a meaningful number of refugees, having regard to the overall number of refugees seeking protection in the Union;

#### ***On humanitarian admission***

24. Points out that humanitarian admission can be used as a complement to resettlement in order to give urgent protection, often on a temporary basis, to the most vulnerable where needed, e.g. unaccompanied minors or refugees with disabilities or those in need of urgent medical evacuation;
25. Underlines that, in so far as resettlement remains unavailable for third-country nationals, all Member States should be encouraged to establish and implement humanitarian admission programmes;

#### ***On humanitarian visas***

26. Points out that humanitarian visas provide persons in need of international protection with means of accessing a third country in order to apply for asylum; calls on the Member States to make use of any existing possibilities to provide for humanitarian visas, particularly for vulnerable persons, at Union embassies and consular offices in countries of origin or transit countries;
27. Considers that persons seeking international protection should be able to apply for a European humanitarian visa directly at any consulate or embassy of the Member States, and, once granted following an assessment, such a humanitarian visa would allow its holder to enter the territory of the Member State issuing the visa for the sole purpose to lodge therein an application for international protection; believes, therefore, that it is necessary to amend the Union Visa Code by including more specific provisions on humanitarian visas;

#### ***On the Common European Asylum System (CEAS)***

28. Points out that further steps are necessary to ensure that the CEAS becomes a truly uniform system;
29. Recalls that a comprehensive assessment (in the form of the Commission's evaluation reports) of the implementation of this package, followed by a speedy follow-up in case implementation is unsatisfactory in certain Member States, is absolutely necessary in

order to improve harmonisation;

30. Notes, for example, that inadmissible applications, subsequent applications, accelerated procedures and border procedures are all specific cases in which the recast of the Asylum Procedures Directive tried to strike a delicate balance between the efficiency of the system and the rights of the applicants, in particular those of vulnerable persons, underlines that such a balance can only be achieved if the legislation is fully and properly implemented;
31. Stresses the importance of judicial control of all forms of detention pursuant to the laws on immigration and asylum; recalls that both international law and the Union's Charter of Fundamental Rights require Member States to examine alternatives to detention; calls on Member States to correctly apply the Asylum Procedures and the Reception Conditions Directives in relation to access to detention centres;
32. Recalls the importance of reducing the number of stateless persons, and encourages Member States to introduce statelessness determination procedures and share good practices amongst themselves concerning the collection of reliable data on stateless persons as well as on the procedures for determining statelessness;

#### ***On the revision of the Dublin III Regulation***

33. Observes that the operation of the Dublin III Regulation<sup>1</sup> has raised many questions linked to fairness and solidarity in the allocation of the Member State responsible for examining an application for international protection; notes that the current system does not take into sufficient consideration the particular migratory pressure faced by Member States situated at the Union's external borders; believes that the Member States need to accept the on-going difficulties with the Dublin logic, and that the Union should develop options for solidarity both among Member States and the migrants concerned;
34. Points out that the pressure placed on the system – as established by the Dublin Regulation – by the rising number of migrants arriving in the Union has shown that, as implemented, the system has largely failed to achieve its two primary goals of establishing objective and fair criteria for allocation of responsibility and of providing swift access to international protection; reiterates its reservations regarding the criterion whereby currently it is the Member State of first entry that is determined to be responsible for the examination of a claim for international protection, and considers that this criterion should be revised;
35. Further points out that, at the same time, the incidence of secondary movements across the Union remains high; views it as self-evident that, since its creation, the Dublin system was not designed to share responsibility among Member States, but that its main purpose was to assign swiftly responsibility for processing an asylum application to a single Member State;
36. Recommends that the criteria on which the Relocation Decisions are based should be

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<sup>1</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 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 (OJ L 180, 29.6.2013, p. 31).

built directly into the Union's standard rules for allocating responsibility for handling claims for international protection; emphasises that, in reviewing the Dublin Regulation, the concept of 'applicants in clear need of international protection' needs to be reviewed, since those migrants and refugees who do not fall into that category would then still have to be dealt with by the Member State of first arrival;

37. Takes the view that the European Union should support the Member States receiving the most asylum claims with proportionate and adequate financial and technical support; considers that the rationale of using solidarity and responsibility-sharing measures is to enhance the quality and functioning of the CEAS;
38. Points out that one option for a fundamental overhaul of the Dublin system would be to establish a central collection of applications at Union level – viewing each asylum seeker as someone seeking asylum in the Union as a whole and not in an individual Member State – and to establish a central system for the allocation of responsibility for any persons seeking asylum in the Union; suggests that such a system could provide for certain thresholds per Member State relative to the number of arrivals, which could conceivably help in deterring secondary movements, as all Member States would be fully involved in the centralised system and no longer have individual responsibility for allocation of applicants to other Member States; believes that such a system could function on the basis of a number of Union 'hotspots' from where Union distribution should take place; underlines that any new system for allocation of responsibility must incorporate the key concepts of family unity and the best interests of the child;

#### ***On mutual recognition***

39. Notes that, at present, Member States recognise asylum decisions from other Member States only when they are negative; reiterates that mutual recognition by Member States of positive asylum decisions is a logical step towards proper implementation of Article 78(2)(a) TFEU, which calls for 'a uniform status of asylum valid throughout the Union';

#### ***On the Temporary Protection Directive***

40. Points out that, in the event of a mass influx, the Commission, acting on its own initiative or after examination of a request by a Member State, can propose to trigger Council Directive 2001/55/EC on Temporary Protection (the 'Temporary Protection Directive')<sup>1</sup>; observes that the actual triggering requires a Council decision adopted by a qualified majority; notes that the directive should be triggered where there is a risk that the Union asylum system would be unable to cope with the mass influx or imminent mass influx of displaced persons; highlights, however, that, since its adoption in 2001, the Temporary Protection Directive has never been triggered;
41. Notes that the Temporary Protection Directive also provides for the possibility of evacuation of displaced persons from third countries, and that such evacuation would allow for the use of humanitarian corridors, in cooperation with UNHCR, with an

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<sup>1</sup> Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).



obligation on Member States – where necessary – to provide every facility for obtaining visas;

42. Believes that the asylum systems of some frontline Member States are already clearly overburdened and that the Temporary Protection Directive should – under its own logic – have been triggered; calls, in any case, for a clear definition of ‘mass influx’ to be established upon revision of this directive; understands that such a revision of the Temporary Protection Directive can form part of the review of the Dublin system;

### *On integration*

43. Notes that the participation of all actors involved in society is crucial, and therefore suggests that, while respecting the competences of Member States as regards integration measures, the exchange of best practice in this field should be strengthened; underlines that integration measures for all legally residing third-country nationals should promote inclusion, rather than isolation; notes that local and regional authorities, including cities, have a key role in integration processes;
44. Emphasises that hosting Member States must offer refugees support and opportunities to integrate and build a life in their new society; notes that this should necessarily include accommodation, literacy and language courses, inter-cultural dialogue, education and professional training, and also effective access to democratic structures in society – as provided for in the Qualifications Directive<sup>1</sup>; notes that – just like Union citizens – refugees have both rights and obligations in the host Member States; emphasises therefore that integration is a two-way process and that respect for the values upon which the Union is built must be an integral part of the integration process, as must respect for the fundamental rights of the refugees;
45. Recalls that, under Article 15 of the Reception Conditions Directive, Member States are to determine the conditions for granting access to their labour markets for applicants for international protection, provided that such access is effective and is in accordance with the timeframe laid down in Paragraph 1 of that Article; understands that, under Article 15(2) for reasons of labour market policies, Member States may give priority to Union citizens and nationals of states parties to the Agreement on the European Economic Area, and to legally resident third-country nationals;
46. Takes the view that, where those persons granted international protection in the Union have an offer of employment in a Member State other than the one in which they have been granted international protection, they should be able to avail themselves of such an offer;
47. Reaffirms that better recognition of foreign qualifications is one practical way of ensuring that those third-country nationals already present in the Union can integrate better, and calls on the Commission to come forward with appropriate proposals in that regard;

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<sup>1</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L 337, 20.12.2011, p. 9).

48. Encourages private and community integration programmes for those persons accepted for resettlement, in cooperation with, and building on best practices of, Member States and local authorities;

#### ***On family unity***

49. Encourages the Member States to seek to keep families together, which will assist integration prospects in the long-term as the focus can be directed towards the establishment of a new life instead of concerns towards family members that are still in insecure situations;
50. Underlines that Member States should overcome any legal and practical obstacles to arrive at swifter decisions on family reunification;
51. Recommends that, until such time as the Dublin Regulation has been fundamentally overhauled, it is important for Member States to make better use of the discretionary clauses to respect the principle of family unity;

#### ***On children***

52. Emphasises the vulnerable position of children arriving in the Union and reiterates the right of every child to be treated as a child first and foremost; calls on Member States to fully apply the specific provisions of the CEAS concerning unaccompanied minors, including access to legal assistance, guardianship, access to healthcare, accommodation and education, the right to be spoken to in a language they understand and to be interviewed by properly trained officials; reiterates that Member States should not detain children on the grounds that they are migrants;
53. Recalls that support, information and protection should be extended to unaccompanied and separated children, in line with their best interests, and that applications for family reunification filed by unaccompanied and separated children should be expedited;
54. Notes that an effective guardianship and a child-sensitive protection system are key to preventing abuse, neglect and exploitation of children deprived of parental care; stresses the importance of defining Union guidelines for a guardianship system aimed at providing adequate support and protection and ensuring that foreign and national children are treated equally;
55. Believes that age assessment should be carried out in the least invasive manner, should be multi-disciplinary and safe, should respect children's physical integrity and human dignity, with particular attention to girls, and should be performed by independent, qualified practitioners and experts;
56. Calls on Member States to gather disaggregated data on the situation of refugee and migrant children in order to improve the ability of systems to integrate refugee and migrant children;

#### ***On returns***

57. Understands that the safe return of those people who, following an individual assessment of their asylum application, are determined not to be eligible for protection in the Union is something that must be carried out as part of the proper implementation

of the CEAS;

58. Acknowledges that, in the light of the fact that, in 2014, 36 % of third country nationals who were ordered to leave the Union were effectively returned, there is a need to improve the effectiveness of the Union's return system;
59. Considers that 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 readmission agreements which should take preference over bilateral agreements between Member States and third countries;
60. Believes that the return of migrants should only be carried out safely, in full compliance with the fundamental and procedural rights of the migrants in question, and where the country to which they are being returned is safe for them; reiterates, in that regard, that voluntary return should be prioritised over forced returns;
61. Suggests that any attempt by Member States to 'push back' migrants who have not been given the opportunity to present asylum claims runs contrary to Union and international law, and that the Commission should take appropriate action against any Member State that attempts such 'push backs';

#### ***On a list of safe countries of origin***

62. Acknowledges the recent Commission proposal for a Union list of safe countries of origin, amending the Asylum Procedures Directive<sup>1</sup>; observes that if such a Union list would become obligatory for Member States it could, in principle, be an important tool for facilitating the asylum process, including return;
63. Regrets the current situation in which Member States apply different lists, containing different safe countries, hampering uniform application and incentivising secondary movements;
64. Underlines, in any event, that any list of safe countries of origin should not detract from the principle that every person must be allowed an appropriate individual examination of his or her application for international protection;

#### ***On infringement procedures***

65. Notes that, in September 2015, the Commission was obliged to adopt 40 infringement decisions related to the implementation of the CEAS against 19 Member States, which was in addition to 34 cases already pending; reiterates that Parliament should be kept fully informed of proceedings launched by the Commission against Member States that have not implemented, or have not properly implemented, Union legislation in this area;
66. Re-emphasises how essential it is that, once Union legislation has been agreed upon and adopted, the Member States uphold their side of the bargain and implement that legislation;

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<sup>1</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60).

67. Notes further that it is impossible properly to evaluate the advantages and drawbacks of certain elements of the CEAS owing to the fact that many Member States have not yet fully implemented the legislation;

***On the European Asylum Support Office (EASO)***

68. Recommends that EASO be developed, in the long term, into a principal coordinator of the CEAS with a view to guaranteeing common application of the rules of that system; reiterates that, as the CEAS becomes genuinely European, EASO needs to develop from a collection of experts from Member States into a fully-fledged Union agency providing operational support to Member States and at the external borders; emphasises, in that regard, that it must be provided with the necessary funding and human resources in the short, medium and long term;
69. Observes that the EASO budget for 2015 for relocation, resettlement and the external dimension was a mere EUR 30 000; reiterates that this very small budget cannot be taken seriously in the light of current events in the Mediterranean and in the light of the multiple references made to EASO in the Relocation Decisions; recalls that significant increases in the budget of EASO, in its human resources and in the amounts it allocates in respect of relocation and resettlement, will be needed in the short, medium and long term;

***On Frontex and the proposed new European Border and Coast Guard***

70. Notes the recent role of Frontex in rendering assistance to any vessel or person in distress at sea, and acknowledges its contribution, through the Triton and Poseidon joint operations, to the rescuing and saving of many lives in the Mediterranean;
71. Understands that the recently proposed European Border and Coast Guard is intended to replace Frontex and is meant to ensure a European integrated border management at the external borders with a view to managing migration effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons therein; in line with the Treaties and their Protocols, notes that Member States which are party to the Schengen Agreements but not yet part of the Schengen Area without internal border controls can participate in and/or benefit from all the actions under the new proposal;
72. Looks forward to negotiations on the proposal within and between the co-legislators in the context of the ordinary legislative procedure, in accordance with Article 294 TFEU;

***On Schengen and the management and security of the external borders***

73. Recalls that, since the establishment of the Schengen Area, the Union is an area without internal borders, that the Schengen Member States have developed a step-by-step common policy towards the Schengen external borders, and that the inherent logic of such a system has always been that the abolition of internal border controls has to go hand in hand with compensatory measures strengthening the external borders of the Schengen Area and the sharing of information through the Schengen Information System ('SIS');
74. Acknowledges that the integrity of the Schengen Area and the abolition of internal border controls are dependent on having effective management of external borders, with

high common standards applied by all Member States at the external borders and an effective exchange of information between them;

75. Accepts that the Union needs to strengthen its external border protection and further develop the CEAS, and that measures are necessary to enhance the capacity of the Schengen Area to address the new challenges facing Europe and preserve the fundamental principles of security and free movement of persons;
76. Points out that access to the territory of the Schengen Area is generally controlled at the external border under the Schengen Borders Code and that, in addition, citizens of many third countries require a visa to enter the Schengen Area;
77. Reiterates the UNHCR's call that respect for fundamental rights and international obligations can only be ensured if operating procedures and plans reflect those obligations in practical, clear guidance to border personnel, including those at land, sea and air borders; points out to the need to further strengthen the Union Civil Protection Mechanism in order to respond to events with wide-ranging impacts which affect a significant number of Member States;
78. Emphasises again that, as for legislation specifically in the area of asylum and migration, in order for legislation on internal and external borders to be effective, it is essential that measures agreed at Union level are implemented properly by the Member States; underlines that better implementation of measures by Member States at the external borders, following increased pressure, is essential and will go some way towards allaying the security fears of citizens;
79. Takes note that on 15 December 2015 the Commission came forward with a proposal for a targeted revision of the Schengen Borders Code, proposing to introduce systematic controls of all Union nationals (not only on third-country nationals) against the relevant databases at the external borders of the Schengen Area;
80. Considers that the Schengen Area is one of the major achievements of European integration; notes that the conflict in Syria and other conflicts elsewhere in the region have triggered record numbers of refugees and migrants arriving in the Union, which in turn has revealed deficiencies at parts of the Union's external borders; is concerned at the fact that, in response, some Member States have felt the need to close their internal borders or introduce temporary border controls, thus calling into question the proper functioning of the Schengen Area;

### ***On hotspots***

81. Recalls that, in the 'hotspot approach' set out by the Commission in its European Agenda on Migration, the Borders Agency, EASO, Europol and Eurojust are to provide operational assistance to Member States in accordance with their respective mandates;
82. Points out, in that regard, that the Union agencies require the resources necessary to allow them to fulfil their assigned tasks; insists that the Union agencies and the Member States keep the Parliament fully informed of work undertaken at the hotspots;
83. Notes that both of the Relocation Decisions provide for operational support at the hotspots to be provided to Italy and Greece for the screening of migrants when they first arrive, registration of their application for international protection, provision of

information to applicants on relocation, organisation of return operations for those who did not apply for international protection and are not otherwise entitled to remain or those who applied unsuccessfully, and the facilitation of all steps involved in the relocation procedure itself;

84. Calls for the hotspots to be set up as soon as possible in order to give concrete operational assistance to those Member States; calls for the allocation of technical and financial resources and support to Member States of first arrival, such as Italy and Greece, to enable the swift and effective registration and referral to the competent authorities of all migrants arriving in the Union with full respect for their fundamental rights; considers that quick and effective support by the Union to Member States and the acceptance of such support is important for mutual trust;
85. Recognises that one of the main purposes of hotspots is to allow the Union to grant protection and humanitarian assistance in a swift manner to those in need; emphasises that great care needs to be taken to ensure that the categorising of migrants at hotspots is carried out in full respect for the rights of all migrants; acknowledges, however, that proper identification of applicants for international protection at the point of first arrival in the Union should help facilitate the overall functioning of a reformed CEAS;

#### ***On criminal law related to migration***

86. Notes that, in its Action Plan on Smuggling, the Commission states that it is considering a revision of Council Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, and who cooperate with the competent authorities;
87. Believes that such a revision is necessary and should consider introducing a system allowing for victims of trafficking and criminal smuggling to come forward and aid in the effective prosecution of a trafficker or criminal smuggler without fear of being prosecuted themselves;
88. Notes that the Commission is considering a revision of Council Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence; takes the view that anyone who provides different forms of humanitarian assistance to those in need should not be criminalised and that Union law should reflect that principle;
89. Underlines that another crucial step in dismantling criminal smuggling and trafficking networks is to prioritise financial investigations, as tracking and confiscating the profits of those criminal networks is essential if they are to be weakened and eventually dismantled; calls, in this regard, for the Member States to transpose swiftly and effectively the fourth Anti-Money Laundering Directive;
90. Recalls that, to ensure that criminal investigations are conducted effectively, training of practitioners is essential, so that those involved fully understand the phenomenon they are seeking to tackle and know how to recognise them at an early stage;

#### ***On cooperation with third countries***

91. Points out that the Global Approach to Migration and Mobility (GAMM) pillar on asylum and international protection should be developed further, with greater

involvement of third countries; notes that current actions in this field, under Regional Protection Programmes (RPPs) or Regional Development and Protection Programmes (RDPPs), focus on capacity building to tackle criminal smuggling and human trafficking networks within third countries of origin and transit; notes, at the same time, that the resettlement component of these programmes continues to be weak; believes that capacity-building efforts and resettlement activities should be stepped up and carried out together with third countries hosting large refugee populations;

92. Acknowledges that the basic instrument that sets out the objectives of the Union's external policies on migration, asylum and borders is the GAMM; takes note that various instruments exist under that umbrella, including regional dialogues, bilateral dialogues, mobility partnerships, common agendas for migration and mobility, readmission agreements, visa facilitation agreements, visa exemption agreements, RPPs and RDPPs;
93. Understands that the external dimension should focus on cooperation with third countries in tackling the root causes of, and addressing, irregular flows to Europe; understands that partnerships and cooperation with key countries of origin, transit and destination should continue to be a focus, for example through the Khartoum and Rabat processes, the Africa-EU migration and mobility dialogue, the Budapest Process and the Prague Process;
94. Points out that the Union and its Member States must be selective in their support for third-countries' law enforcement agencies taking into account the record of those agencies in breaching the human rights of migrants;
95. Recommends that cooperation with third countries involves assessing those countries' asylum systems, their support for refugees, and their ability and willingness to tackle human trafficking and criminal smuggling into and through those countries;
96. Calls on the Union to help third countries build up their asylum systems and integration strategies in order to allow third country nationals in need of international protection to seek protection there; believes that the Union must adopt a win-win approach to cooperation with third countries, that is, an approach that is beneficial to the Union, to the third country in question and to the refugees and migrants in that third country;
97. Recalls that the Union has intensified its external cooperation with third countries in migration and asylum in order to respond adequately to the current refugee crisis, and has launched new cooperation initiatives, such as the EU-Turkey Joint Action Plan; emphasises, in that respect, the need for all parties to fulfil their commitments deriving from the Joint Action Plan, including addressing the root causes leading to the massive influx of Syrians, stepping up cooperation for the support of Syrians under temporary protection and their host communities in Turkey, and for Turkey to fulfil its commitments to prevent irregular migration flows from its territory to the Union;

#### ***On awareness-raising campaigns***

98. Points out that many smuggled persons have some level of awareness of the risks they will face on a potentially hazardous trip to Europe, but choose to embark on the journey regardless, as they assess those risks to be lower than those they would face if they were not to migrate;

99. Welcomes the fact that the Action Plan on Smuggling links the launching of new awareness-raising campaigns to the assessment of existing ones; recommends that any such campaigns should contain information on the criteria to be used to determine protection status in the Union, since such information may convince some migrants – who risk embarking on a perilous journey only to be returned if they are not granted protection – not to make the journey;

#### *On addressing root causes*

100. Reaffirms that the Union must adopt a long-term strategy to help counteract the ‘push factors’ in third countries (conflict, persecution, ethnic cleansing, generalised violence or other factors such as extreme poverty, climate change or natural disasters), which force people into the hands of criminal smuggling networks, which they see as their only chance to reach the Union;
101. Recalls that the UN Special Rapporteur on the Human Rights of Migrants has also called on the Union to open up regular migration channels so as to allow migrants to use formal entry and exit channels instead of having to resort to criminal smuggling networks;
102. Highlights that the recent increase in arrivals of refugees into the Union has shown that, on their own, preventive measures are not sufficient for managing the current migration phenomena;
103. Understands that, in the long term, greater impetus is needed in solving the geo-political issues that affect the root causes of migration, as war, poverty, corruption, hunger and a lack of opportunities means that people will still feel forced to flee to Europe unless the Union looks at how to help re-build those countries; points out that this means that the Commission and the Member States must put up the money to help build capacity in third countries, such as by facilitating investment and education, strengthening and enforcing asylum systems, helping to manage borders better, and reinforcing legal and judicial systems there;

#### *On funding to third countries*

104. Notes that the main funding instrument for funding to third countries is the Development Cooperation Instrument (DCI), which includes the only Union global thematic funding for migration under the Global Public Goods and Challenges Programme managed by the Directorate General (DG) for International Cooperation and Development (DEVCO); notes further that, as with funds allocated directly to the Member States, other Commission DGs, and other Union bodies, are involved in managing the DCI, so that, Union assistance to neighbourhood countries is provided by DG Neighbourhood and Enlargement Negotiations through the Instrument for Pre-Accession Assistance; humanitarian aid is provided by the DG for Humanitarian Aid and Civil Protection (‘ECHO’); and the European External Action Service (‘EEAS’) manages the Instrument Contributing to Stability and Peace; recalls that, since the two funds managed by the DG for Home Affairs and Migration (HOME) – the AMIF and the ISF – also provide for an external dimension, this provides a new stakeholder on the external funding scene;
105. Welcomes the recently established Emergency Trust Fund for Africa and the



EUR 1,8 billion pledged to the fund, which has added an additional element to third-country funding; calls on the Member States to continue contributing to the fund;

106. Recommends that, in line with the GAMM, the four thematic pillars addressing (i) legal migration and mobility, (ii) irregular migration and trafficking in human beings, (iii) international protection, and (iv) the development impact of migration should be of equal importance in Union external policy and funding;

### ***On transparency in funding***

107. Notes that the Union's migration policy is implemented through different policy instruments, each having its own objectives, which are not necessarily interlinked, and that there is insufficient coordination of funding between the multiple actors involved; points out that the fragmentation of budget lines and responsibilities creates a management structure that could make it difficult to provide a comprehensive overview on how the different funds available are allocated and ultimately used; points out, furthermore, that such fragmentation makes it harder to quantify how much the Union spends overall on migration policy;
108. Is of the opinion that such a comprehensive overview of Union funding related to migration, both within and outside the Union must be provided, as the absence of such an overview is a clear obstacle to transparency and sound policymaking; notes, in that regard, that one possible option could be a website comprising a database of all Union funded projects related to migration policy; underlines that the need for transparency also extends to budget lines in order to ensure adequate funding for all objectives of Union migration policy;
109. Recalls that the positive impact of the EU migration funds relies on processes at national and Union level to ensure transparency, effective monitoring and accountability, believes that consideration should be given as to how to make monitoring and evaluation ongoing processes and not only ex-post processes and that the role of the Court of Auditors should be strengthened in that regard; notes that comparable qualitative and quantitative indicators should be established in order to measure the impact of EU funds and help to assess whether those funds have achieved their objectives;

### ***On additional funding for migration***

110. Welcomes the additional funding made available in the Union's budget for 2016 to start to deal with the current migration phenomena; points out that most of that new funding represents funding under the 2014-2020 Multiannual Financial Framework (MFF), which has been brought forward, with the result that the Union is spending today what was intended to be spent tomorrow;
111. Agrees that, while recent budgetary proposals and the additional funding foreseen in the Union's budget for 2016, including the use of the flexibility instrument, should be welcomed, medium and longer-term funding remain a concern; is concerned that the increase in the amounts proposed for budget lines under AMIF for 2016 have not been accompanied by a proposed revision of the global resources available under that fund for the 2014-2020 funding period; understands that, left as is, the result will be that funding under AMIF will have dried up long before 2020;

112. Encourages the Member States to take full advantage of the possibilities offered by funds which are not directly related to migration policy, but which can be used to fund actions in that area (e.g. integration actions), such as those available under the European Social Fund, the Fund for European Aid to the Most Deprived, Horizon 2020, the European Regional Development Fund and the Rights and Citizenship Programme;
113. Recommends that, under the MFF review scheduled for the end of 2016, substantial additional resources be provided under the Union budget, Heading 3, on Citizenship, Freedom, Security and Justice, so that adequate funding is made available on the basis of migration trends and the attendant financial requirements for the Union's and the Member States' asylum, migration and integration policies;

#### ***On the involvement of civil society***

114. Points out that securing operational funding is a key challenge for NGOs as most funding is project-related; affirms that volunteer and civil-society initiatives dedicated to providing assistance to migrants should be promoted and, where appropriate, funded by the Commission and the Member States; calls on the Member States and the Commission to seek, where appropriate and possible, to fund projects managed by civil society organisations working in the areas of migration, integration and asylum;
115. Reiterates that civil society involvement in the development of Union actions and national programmes must be ensured, in line with the partnership principle as laid down in AMIF; proposes that, at Union level, thought be given to regular consultation between the Commission and relevant civil society organisations working on migration, asylum and integration issues;

#### ***On demographic trends***

116. Notes that, prior to the increased migratory flows into the Union in 2015, according to an OECD and Commission study of 2014, the working-age population (15-64) in the Union will decline by 7,5 million between 2013 and 2020, and that if net migration were to be excluded from their projections, the decline would be even more pronounced, as it would amount to a reduction of the working age population by 11,7 million;
117. Points out, nevertheless, that as of November 2015, the youth unemployment rate across all the Member States stood at 20 %;
118. Further notes that, according to recent Eurostat projections, the ratio of people aged 65 or older, relative to those aged 15 to 64, will increase from 27,5 % at the beginning of 2013 to almost 50 % by 2050; notes that this would mean a change from the present ratio of four working-age persons for every person aged 65 or older to only two working-age persons for everyone aged 65 or older;

#### ***On legal labour migration***

119. States that the legal basis for the management of legal migration at Union level is set out in Article 79 TFEU;
120. Understands that Article 79(5) specifically reserves the right for Member States to determine the volumes of admission of third country nationals coming from third

countries to their territory in order to seek work;

121. Points out that the Europe 2020 strategy has identified the need for a comprehensive labour migration policy, and for better integration of migrants, in order to meet the Union's goals for smart, sustainable and inclusive growth;
122. Notes that the existing Union legislative framework regulating the access of third-country nationals to work in the Union is rather fragmented, as it focuses on specific categories of workers rather than on regulating, generally, all migrant workers;
123. Takes the view that, in the long run, the Union will need to establish more general rules governing the entry and residence for those third-country nationals seeking employment in the Union to fill the gaps identified in the Union labour market;

#### ***On the need for better data***

124. Calls for a comprehensive vision of the labour market in the Union as a necessary pre-condition for the development of labour market policies; points out that it is necessary to develop tools for identifying and forecasting present and future labour market needs in the Union in a better way; suggests, in that regard, that existing tools – such as those developed by the European Centre for the Development of Vocational Training (CEDEFOP) or the OECD – could be improved upon, and even merged, with international statistics on potential labour supply from third countries in order to provide a more accurate picture of the situation;
125. Believes that better data and improved tools for analysing such data can only help policy-makers determine future labour migration policies, and that the Union and the Member States should identify gaps in their labour markets that could help them fill jobs that would otherwise remain vacant;

#### ***On labour exploitation***

126. Notes that labour exploitation can take place as a consequence of trafficking, of smuggling, or even in the absence of both, with the result that there is impunity for those exploiting irregular migrants in those Member States in which it is not criminalised as such;
127. Deplores the fact that the low risk of being detected and/or prosecuted as an employer exploiting the labour of irregular migrants has been identified as an important factor in labour exploitation, in particular in sectors most at risk (agriculture, construction, hotels and restaurants, domestic workers and care services); recommends that in order to tackle this impunity it is necessary, firstly, to ensure that all cases of severe labour exploitation are criminalised and adequately punished under national law and, secondly, to increase labour inspections in at-risk sectors;
128. Takes note of the fact that, at present, many Member States criminalise labour exploitation only when it takes place as a form of trafficking, which leaves a wide gap in all cases where the labour exploiters were not involved in the trafficking, or their involvement cannot be proved;
129. Reiterates that special procedures to ensure facilitation of complaints foreseen by Directive 2009/52/EC providing for minimum standards on sanctions and measures

against employers of illegally staying third-country nationals (the ‘Employers’ Sanctions Directive’) should be fully implemented and correctly applied in practice; believes that increased protection for those victims of trafficking, and for those smuggled into the Union, who cooperate and facilitate prosecution of traffickers and/or criminal smugglers, is necessary; suggests that, in addition, support should be given for the setting up of a European Business Coalition against Trafficking in Human Beings (as mooted in the 2014 Strategy against Trafficking in Human Beings) with the purpose of developing supply chains that do not involve trafficking in human beings;

130. Believes that, in the end, any effort to eradicate labour exploitation must take the dual approach of effectively prosecuting abusive employers while protecting the victims of such exploitation;

***On revision of the Blue Card***

131. Recalls that in the Agenda on Migration, the Commission announced its intention to revise the Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (the ‘Blue Card Directive’), looking particularly at the issues of scope (possibly covering entrepreneurs willing to invest in Europe) and improving the rules on intra-EU mobility;
132. Reiterates that the Commission’s Implementation Report on the current Blue Card Directive underlines its flaws, including the very limited level of harmonisation brought about by the wide discretion in implementation it gives the Member States, in particular the right for Member States to maintain parallel national schemes;
133. Believes, moreover, that it is clear that the directive should focus not just on the highly-qualified, but also on targeted high-qualification occupations where there are proven labour shortages; believes, in addition, that the revision of the Blue Card should be both ambitious and targeted, and should seek to remove the inconsistencies of the existing directive, particularly as regards parallel national schemes; recommends that thought be given to revising the scope to include those third-country nationals who could help tackle the gaps identified in Union labour markets;

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134. Instructs its President to forward this resolution to the Council and the Commission, to the parliaments and governments of the Member States, and to EASO, Frontex, Europol, Eurojust, FRA, eu-LISA, the Council of Europe, the Committee of the Regions and the European Economic and Social Committee.