

Fight against illegal immigration of third-country nationals. Policy priorities

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The European Parliament adopted an own-initiative report drawn up by Javier **MORENO SÁNCHEZ** (PES, ES) by 418 in favour, 81 against and 8 abstentions. It began by welcoming the institutional implications of the draft Reform Treaty, in particular the extension of co-decision and qualified majority voting to all immigration policies. It called on the Member States and the Commission, together with Eurostat, to take steps to correct the existing lack of coherent and reliable data.

Members believed that immigration was a challenge at European level and global level and considered it inappropriate to take hasty action to deal with migration flows, given that there had been a constant flow of immigrants for some years now. A medium and long-term approach was needed. The Union must carry out coherent actions both within and outside its borders (the double dimension, internal and external). The Committee stressed the importance of development cooperation as a means of acting on the root causes of migration, and as an instrument that was not an alternative to but complementary to the Union's policies on integration and migration. In particular, the EU must strengthen its cooperation with all Mediterranean partner countries as regards the management of migration flows.

Members emphasised that irregular migrants must not be treated like criminals. It was the responsibility of politicians to implement an effective policy to fight illegal immigration, whilst taking into account the fundamental rights of the individual, while at the same time reminding the public of the contribution made by legal immigration to economic growth and demographic patterns in Europe. All measures to fight clandestine immigration and step up external border controls must be consistent with the existing guarantees and the fundamental rights of individuals. Temporary reception centres for irregular migrants both within and outside the Union must be run on a basis compatible with the protection of fundamental rights. Parliament stated that it was shocked by the inhumane conditions prevailing in various detention centres for migrants and asylum seekers which members of its competent committee had visited. It reiterated its firm opposition to the idea of setting up reception or holding centres for illegal immigrants or asylum seekers outside the Union's borders and in immigrants' regions of origin. Parliament took note of the Commission's review of Regulation (EC) No 343/2003 ('Dublin II'). This Regulation needed to be revised and the review should also address the Regulation's basic principle, that is, that the Member State responsible for handling an asylum application is the country of first entry, given that this places a disproportionate and unsustainable burden on some Member States.

The report makes a number of comments on the priorities set out in the Commission communication:

Cooperation with third countries: the multidimensional character of immigration called for close cooperation with all the third countries concerned. Parliament makes several recommendations. The Rabat and Tripoli ministerial conferences in 2006 and the UN Global Migration Forum in Brussels in July 2007 marked the start of the dialogue between the countries of origin and transit and the European countries receiving immigration. This dialogue must lay the bases of a full-scale partnership grounded in co-development. It must aim to introduce readmission agreements or improve the workings of such agreements. Parliament also discussed the development of the Regional Protection Programmes in cooperation with countries of origin and transit; the launching of an EU Programme on Migration and Development in Africa of an initial amount of EUR 40 million, with the objective of creating new jobs in Africa; the signing of the cooperation agreement with Mali with a view to the opening of the first Migration Information and Management Centre, to be created with funding from that Programme. More generally, Parliament called for questions concerning illegal immigration to have priority in the EU's

relations with third countries, especially the countries of origin and/or transit of illegal immigrants. In particular, the Union should pursue a coherent external policy, especially in terms of the compatibility and convergence of the objectives of the common commercial policy and development policy. An "EU Development Plan for Africa" should be considered, where financial support and trade agreements are linked to democracy, human rights development and migration so as to offer an alternative to people to leaving their country of origin. Members recalled that the countries of origin and transit must assume their responsibilities and fulfil their obligations to control illegal immigration. Parliament took the view that the granting of aid requested from the EU by third countries with a view to combating networks of illegal immigrant smugglers active on their own territory should be made contingent on collaboration by those countries and the efforts they make in this area.

Security and integrated management of the external borders: Members stressed the importance of border control and believed that FRONTEX must have the resources that are necessary for its actions. The report deeply regretted the fact that some Member States had failed to honour their undertakings to provide logistic and human support for its operations. The Centralised Record of Available Technical Equipment (CRATE) or the so-called "toolbox" could only be meaningful if Member States fulfilled their pledges with respect to technical equipment. encourages FRONTEX to conclude working agreements with the countries participating in the ENP. The report welcomed the adoption of the regulation on Rapid Border Intervention Teams on the basis of the principle of solidarity between Member States. It noted that the RABITs legislative initiative had, for the first time, made solidarity in the area of immigration compulsory, rather than merely optional. Parliament called on the Commission to put forward a new legislative proposal to the effect that, likewise, the principle of solidarity becomes compulsory with respect to pledges made by Member States to the CRATE. It recalled that each Member State was to ensure the presence of a reserve of qualified personnel and therefore called on the Member States to allow for the creation of genuine European rapid border intervention teams.

It also called on the Council to take action for the swift establishment of the European patrol network and the implementation of the European monitoring system for the southern sea borders. Parliament reminded all Member States and third countries to respect international law and obligations relating to search and rescue of persons at sea, and it considered that Member States are jointly responsible for saving lives at sea. It took note of the proposal made by Malta in the JHA Council for an agreement among EU Member States by which illegal immigrants saved at sea by EU registered vessels in the search and rescue region of a non-EU state which is refusing to assume its responsibilities would be shared between EU Member States on a strictly proportional basis and according to a pre-accepted system.

In the face of the migratory flow from the African continent towards Europe, Southern Member States on the external frontiers of the Union, notably smaller Member States, such as Malta and Cyprus, are currently shouldered with a disproportionate burden which calls for the strengthening of measures for the joint management of the Union's external borders. The Commission should increase, in the framework of the ENP, concrete measures aimed at providing support to neighbouring countries as concerns both the securing of their borders with the EU and their other borders.

Security of travel and identity documents: the report recalled that the development of biometric tools makes border crossing easier for bona fide travellers and that it must take place on a basis of respect for data protection pursuant to Directive 95/46/EC for activities falling under the first pillar. For those covered by the third pillar, it awaited the adoption of a specific framework decision, and in this context supports the action of the German Presidency.

The fight against trafficking in people: combating trafficking in human beings, particularly trafficking in women and children, was an EU priority, and adequate financial resources must be allocated to that activity. It was high time to establish clear targets, for example that of halving the number of victims of trafficking in people in the next ten-year period. Nonetheless, the overriding goal must of course be to eliminate this form of crime entirely as soon as possible. The report recalled that illegal immigration

involved the transfer of large amounts of money into the hands of the mafias who control the human trafficking rings. It expressed deep shock at the sheer organisation of criminal networks responsible for boat crossings from Africa to Europe and at Europe's inability to stop them.

The regularisation issue: Parliament recalled that numerous Member States had carried out regularisations or said they would do so. These decisions are a matter for Member States but quite often a signal of lack of appropriate measures in place to deal with a phenomenon which forms a part of societies in most Member States. It believed that en masse regularisation of illegal immigrants should be a one-off event since such a measure did not resolve the real underlying problems. It was aware that changes to immigration policy in a Member State could influence migratory movements in others. Member States should operate a mutual information system for national measures on migration and asylum that are liable to affect other Member States or the Community.

Illegal employment: the report welcomed the Commission's submission of a proposal for a directive providing for sanctions against employers of illegally staying third-country nationals, providing essentially for administrative penalties, and, for the worst offences, criminal penalties. However, it felt that the adoption of measures against illegal employment had come late in the day, even though it is one of the main factors of attraction for illegal immigrants. The different Councils competent in the matter must redouble their coordination efforts in the discussion of this directive.

Policy on return: the report called on the Commission to undertake an evaluation of policy on return and wanted the development of European agreements with the third countries concerned.

Improving the exchange of information: all the players concerned must step up their exchanges of information, including, whenever necessary, FRONTEX and Europol. Cooperation between immigration liaison officers should be a priority. Parliament should be kept regularly informed on the development and results of the ICONet network