Humanitarian visas

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The Committee on Civil Liberties, Justice and Home Affairs adopted the own-initiative report by Juan Fernando LÓPEZ AGUILAR (S&D, ES) with recommendations to the Commission on humanitarian visas.

Despite numerous announcements and requests for safe and legal pathways offering access to European territory for persons seeking international protection there is currently **no harmonisation** at Union level of protected entry procedures (PEPs) and no legal framework at Union level for humanitarian visas, i.e. visas issued for the purpose of reaching the territory of the Member States in order to seek international protection.

Member States are not required, under Union law, to grant a humanitarian visa to persons who wish to enter their territory with a view to applying for asylum, but they remain free to do so on the basis of their national law.

An estimated 90% of those granted international protection have reached the Union through irregular means. There are high costs, in human but also in social, economic and budgetary terms, associated with the status quo for the third-country nationals concerned (smuggler fees, risk of death and ill treatment, etc.) and for Member States and the Union (elevated budget for search and rescue, border protection, asylum procedures and possibly return in case of rejected applications for international protection).

Parliament, faced with the Commission’s inaction, has decided to proceed with drawing up this legislative own-initiative report on humanitarian visas.

Members requested the Commission to submit, by 31 March 2019, a proposal for a Regulation on establishing a European Humanitarian Visa, following the recommendations set out below:

Title and legal basis: this legislative instrument should be a new, separate legal act. Point (a) of Article 77 (2)(a) of the Treaty on the Functioning of the European Union (TFEU) should be set as its legal basis.

Procedures and conditions for issuing humanitarian visas: it is recommended that the procedures for such visas should be similar to short-stay visas wherever their nature allows for it. This should concern the procedural steps, processing deadlines, the need for an application form and biometric data, the involvement of external service providers, security checks and the right to appeal. The procedures should be different where the specific situation of the persons so require. Such visa applications should be decided on within 15 calendar days of the date of lodging the application.

There should always be an interview and it should also be possible to apply by electronic means. The visa application shall be assessed on a *prima facie* basis to consider whether applicants have an arguable claim of exposure to a real risk of persecution or serious harm.

Issuing a humanitarian visa: it is recommended that such visas should be issued by means of a **common sticker** and inserted into the Visa Information System.

Administrative management and organisation: the instrument should require administrative efforts for which Member States should be able to receive support. Applications for such a visa should be assessed by properly trained staff. Data protection, data security and confidentiality of communications should be ensured. Information on the procedures and conditions of such a visa as well as about the conditions and

procedures to obtain international protection in the territory of the Member States should be made widely available.

Financial support: it is proposed to provide for significant financial support from the Integrated Border Management Fund to be made available to Member States for its implementation and to foresee that a Member State that issues such a humanitarian visa has access to the same compensation from the Asylum and Migration Fund as when a Member State receives a refugee through the European Resettlement Framework.

Amendment of other legal acts: it would be necessary to amend a series of acts of the visa acquis, in particular the Visa Code and the VIS, to adapt them to the existence of this completely new instrument. The same is necessary for the legislative instruments the holder of such a visa will then be subject when travelling to the EU.