Humanitarian visas

2018/2271(INL) - 04/12/2018 - Committee report tabled for plenary, single reading

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

Members recalled that 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.

The number of persons admitted on the basis of national entry procedures for humanitarian protection or through resettlement remains low in comparison to global needs, with significant disparities between Member States. It is estimated that 90% of those granted international protection have reached the Union through irregular means, which leads to them being stigmatised before they even arrive at the external borders of the Member States.

Single women travelling alone or with children, adolescent girls and elderly women are among those who are particularly vulnerable along migration routes to Europe. The human cost of those policies has been put at least 30 000 deaths at the Union's borders since 2000.

Members stressed that a **Union legal framework** is urgently needed as one means to address the intolerable death toll in the Mediterranean and on the migration routes to the Union, to truly combat human smuggling, exposure to trafficking in human beings, to manage the orderly arrival, dignified reception and fair processing of asylum claims.

Consequently, Members called on the Commission to submit, before 31 March 2019, on the basis of point (a) of Article 77(2) of the Treaty on the Functioning of the European Union (TFEU), a **proposal for a regulation establishing a European humanitarian visa** following the recommendations set out in the annex to the motion for a resolution.

Objectives of the proposal: under the requested proposal, Member States shall have the possibility to issue a humanitarian visa to persons seeking international protection, to allow those persons to enter the territory of the Member State issuing the visa for the sole purpose of submitting an application for international protection.

The new instrument shall cover third-country nationals who are subject to the visa requirement who are in need of protection against a real risk of being exposed to persecution or serious harm and who are not covered by any other instrument such as resettlement.

Procedures for issuing humanitarian visas: 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. The proposal covers procedural steps, processing deadlines, the need to submit an application form and send biometric data, the participation of external service providers, security checks and the right to appeal.

The applicant shall be invited to an **interview**, which could also be conducted remotely, by audio and video means of communication ensuring an appropriate level of security, safety and confidentiality, and, if necessary, with the assistance of an interpreter.

Administrative management: visa applications shall be assessed by properly trained staff. The proposal shall provide for measures to ensure **data protection and security** and for Member States to cooperate with each other, with Union agencies, international organisations, governmental and non-governmental organisations and other stakeholders in order to ensure its harmonised application.

The proposal shall provide for **significant financial support** from the Integrated Border Management Fund to be made available to Member States for its implementation. Lastly, it shall require amending a series of acts relating to the visa acquis, in particular the Visa Code and the Visa Information System (VIS), in order to adapt them to the existence of this new instrument.