

Illegal immigration and trafficking in human beings: residence permit issued to victims

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The committee adopted the report by Patsy SÖRENSEN (Greens/EFA, B) amending the proposal under the consultation procedure (renewed consultation). The committee retabled some, but not all, of the amendments it had adopted in 2002, which were aimed at improving the legal situation of the victims. The main amendments were as follows: - the reflection period (the duration of which the Council was proposing should be decided by the Member States) should be 30 days and, in exceptional cases, such as physical or psychological distress or for reasons relating to the safety of third parties, this period should be extended; - victims should be able to benefit from free legal aid (the Council wanted to leave it up to the Member States to decide whether to provide this); - to protect witnesses against intimidation and/or reprisals, Member States should protect the privacy and identity of those who take part in court proceedings and guarantee that such proceedings are not held in public; - when issuing a residence permit, Member States should consider issuing family members accompanying the victim a residence permit for the same limited period; - the absence of papers or possession of false papers should not constitute obstacles to the issuing and renewal of a residence permit; - if, after the expiry of the residence permit, the victim submits an application for another type of residence permit, then the Member States should take into account the victim's cooperation when considering this application; - should the authorities decide not to renew or to withdraw a third-country national's residence permit, they should assess the risks to that person's safety regardless of whether he or she intends voluntarily to return; - a decision not to renew or to redraw the residence permit may be the subject of an appeal to a court.