

Combating illegal immigration: penal framework to prevent the offences. Framework Decision.

Initiative France

2000/0820(CNS) - 15/02/2001 - Text adopted by Parliament, 1st reading/single reading

By 249 votes against 189 with 33 abstentions, Parliament rejected the entire text of the French initiative on strengthening the penal framework to prevent the aiding of unauthorised entry and residence. All the amendments had been approved but the Parliament decided to reject the entire text even as modified by the amendments. To recall, the report by Mr Ozan CEYHUN (Greens/ALE, D) states that the draft decision respects the obligations accepted by the Member States which have signed the 1951 Geneva Convention relating to the status of Refugees. Furthermore, the report states that each Member State shall adopt the measures necessary to ensure that effective, proportionate and dissuasive administrative or criminal penalties are imposed on any employer who employs illegal workers and any person who, for financial gain, facilitates illegal employment or illegal trafficking in labour. The report also states that legal persons and also their agents representatives and employees shall not be held liable for the commission of an offence in cases where aliens who are not nationals of a Member State and who have been transported to a Member States wishing to seek the protection provided under the 1951 Convention on the status of Refugees. The above mentioned persons shall not be liable in cases involving legally recognised non-profit-making-organisations and associations whose aims include defending, protecting and promoting aliens who are not nationals of a Member States and who act out of humanitarian reasons. Lastly, the report requests a budget line for compensatory payments to the countries and regions of the Union which, on account of their geographical situation and other characteristics, are particularly affected by illegal immigration. By 411 votes in favour and 26 against with 30 abstentions Parliament then decided to send the rejection on to Council. The Council is not obliged to follow Parliament's view and is free to adopt both initiatives.