Basic information

2017/2270(INL) INL - Legislative initiative procedure	Procedure rejected
Humanitarian visas **Subject** 7.10.04 External borders crossing and controls, visas 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	LÓPEZ AGUILAR Juan Fernando (S&D)	20/11/2017
	Shadow rapporteur BECKER Heinz K. (PPE) HALLA-AHO Jussi (ECR) WIKSTRÖM Cecilia (ALDE) VERGIAT Marie-Christine (GUE/NGL) VALERO Bodil (Verts/ALE) VILIMSKY Harald (ENF)	

Committee for opinion	Rapporteur for opinion	Appointed
FEMM Women's Rights and Gender Equality	BJÖRK Malin (GUE/NGL)	01/06/2018

European Commission

Commission DG	Commissioner
Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary
18/01/2018	Committee referral announced in Parliament		
10/10/2018	Vote in committee		
16/10/2018	Committee report tabled for plenary	A8-0328/2018	Summary

13/11/2018	Debate in Parliament		
14/11/2018	Results of vote in Parliament		
14/11/2018	Decision by Parliament		
14/11/2018	End of procedure in Parliament		

Technical information	
Procedure reference	2017/2270(INL)
Procedure type	INL - Legislative initiative procedure
Procedure subtype	Request for legislative proposal
Legal basis	Rules of Procedure EP 47
Stage reached in procedure	Procedure rejected
Committee dossier	LIBE/8/11746

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE623.853	22/06/2018	
Amendments tabled in committee		PE627.032	03/09/2018	
Committee opinion	FEMM	PE622.295	10/09/2018	
Committee report tabled for plenary, single reading		A8-0328/2018	16/10/2018	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Humanitarian visas

2017/2270(INL) - 16/10/2018 - Committee report tabled for plenary, single reading

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.