

Thursday 15 January 2004

P5_TA(2004)0029

Illegal immigration, smuggling and trafficking of human beings

European Parliament resolution on the communication from the Commission to the European Parliament and the Council in view of the European Council of Thessaloniki on the development of a common policy on illegal immigration, smuggling and trafficking of human beings, external borders and the return of illegal residents (COM(2003) 323 — 2003/2156(INI))

The European Parliament,

- having regard to the Commission communication (COM(2003) 323),
 - having regard to the plan for the management of the external borders of the Member States of the European Union, adopted by the Justice and Home Affairs Council on 13 June 2002,
 - having regard to the conclusions of the Seville European Council of 21 and 22 June 2002 on the gradual introduction of coordinated, integrated management of external borders,
 - having regard to the conclusions of the Thessaloniki European Council of 19 and 20 June 2003 on the development of a common policy on illegal immigration, external borders, the return of illegal migrants and cooperation with third countries,
 - having regard to the conclusions of the Brussels European Council of 16 and 17 October 2003,
 - having regard to the proposal for a European Parliament and Council regulation establishing a programme for financial and technical assistance to third countries in the area of migration and asylum (COM(2003) 355) and to Parliament's position of 4 December 2003 thereon⁽¹⁾,
 - having regard to the proposal for a Council regulation amending Regulation (EC) No 1683/95 laying down a uniform format for visas and the proposal for a Council regulation amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals (COM(2003) 558),
 - having regard to Rules 47(2) and 163 of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs (A5-0419/2003),
- A. whereas combating terrorism, organised crime, trafficking in human beings and drug trafficking makes internal security a key area of EU policy,
- B. whereas the outcome of proceedings in the European Convention clearly emphasises the Union's role in guaranteeing security internally and externally, in particular through the gradual introduction of the integrated management of external borders; whereas its role is clearly strengthened in this context,
- C. whereas the effective combating of trafficking in human beings, e.g. bringing to book the profiteers who earn huge sums of money from such trade, is a first step in the fight against illegal immigration into the EU,

⁽¹⁾ P5_TA(2003)0543.

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- D. whereas illegal immigration and illegal employment pose a social problem not only for individual Member States, but for the EU as a whole, so that progress in the sphere of asylum and immigration policy must therefore be made at EU level to avoid the human tragedies which are a daily occurrence in the European Union,
- E. whereas people who leave their country to migrate to the European Union are people who, in their own eyes, have good, often vital reasons for doing so; whereas each of us, in the same economic, social, psychological and emotional conditions, would do likewise;
- F. whereas a legal immigration policy, particularly in agriculture, forestry, the restaurant business and the building industry, accompanied by systematic combating of illegal employment in those sectors, may reduce the 'pull factor' in those sectors of the economy based on illegal immigration,
- G. whereas it is of the utmost importance that the victims of trafficking in human beings are not regarded as criminals but as victims of crime,
- H. whereas, in the continued development of the area of freedom, security and justice, coherent EU measures in the sphere of illegal immigration and border protection are necessary,
- I. whereas more stringent checks at the EU's external borders may curb the activities of smugglers of human beings and thus help to prevent trafficking,
- J. whereas a Community return policy, preventive measures taken in cooperation with third states and an integrated plan for measures to combat traffickers can only be effective if accompanied by an active policy of legal immigration and a common coherent asylum policy,
- K. whereas targeted stabilisation programmes in countries of origin and of transit can help to improve the economic, political or social circumstances which potential migrants perceive as push factors,
- L. whereas the more widespread provision in countries of origin and of transit of information regarding the consequences of illegal immigration into the EU and the scope for legal immigration can offer a counterargument to the promises made by traffickers and thus help to prevent illegal immigration,
1. Endorses the conclusions reached at the Tampere, Brussels and Thessaloniki European Councils, and the legislative package presented by the Commission;

Securing the EU's external borders

2. Takes the view that the vital need for uniform security standards at all the external borders of the enlarged EU calls for both responsibility sharing in connection with the task of securing sections of those borders which are particularly at risk and improvements in the effectiveness of measures by means of joint action or coordination;
3. Reiterates its position set out in its resolution of 15 January 2003⁽¹⁾ on integrated management of the external borders in regard to the implementation of a joint basic and further training plan for the common management of borders, inter alia through further training programmes under ARGO and the establishment of a European Staff College;

⁽¹⁾ P5_TA(2003)0013.

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4. Reiterates its support for the development of a European Corps of Border Guards, made up of special units, which would be financed by the Community and, if necessary and at the request of the Member States, would be temporarily detached to help the national authorities monitor at-risk sections of the EU's external borders, without, however, usurping Member States' competences;
5. Notes the Commission proposal to set up under its aegis a Community operational structure to improve cooperation in connection with the protection of external borders; opposes the establishment of a separate agency to carry out border checks;
6. Notes that the establishment of a European Corps of Border Guards would necessitate a new legal basis;
7. Looks to the new Member States to use the EU funding made available to them under the Schengen facility in such a way that the Schengen standards can be met at the EU's new external borders as quickly as possible;
8. Emphasises the need for a revision of the Schengen Manual and calls on the Commission to put forward proposals to that effect as quickly as possible;
9. Firmly believes that the borders must remain open to people who are fleeing repression and applying for asylum in the Member States of the Union; insists that asylum policies should fully respect the Geneva Convention relating to the status of refugees;

Operational cooperation and exchange of information

10. Welcomes the Commission's communication to the Council and Parliament concerning an action plan for the collection and analysis of Community statistics in the field of migration (COM (2003) 179); calls for the speedy and full implementation of the action plan for statistics so that the Union is in a better position to collect, exchange and process information on illegal immigration and, in particular, the trafficking of women and children, taking account of Parliament's opinion on the communication;
11. Calls for cooperation among the Member States and between the Member States and the Commission to be improved through the use of a standardised system for the provision and analysis of data concerning illegal and legal immigration;
12. Regards it as essential, further, that cooperation and arrangements for the exchange of information with countries of origin and of transit should be consolidated and developed;
13. Supports the Commission's initiatives on asylum and immigration policy and calls on the Council to adopt these proposals and to take account of its resolutions and positions thereon;

Asylum, immigration and return policy

14. Affirms that the Member States have an exclusive right to lay down provisions governing the nature and scale of legal immigration; believes, however, that a common social integration policy is essential in an area of common policy in the social, economic and legal fields;
15. Stresses the need to maintain an overall, coherent approach to a common European policy on asylum and migration, which must include:
 - legal means for third-country nationals to enter the Union, taking into account reception capacity and enhanced cooperation with the countries of origin;
 - an EU integration policy that strikes a balance between rights and corresponding obligations of legally resident third-country nationals and the host societies, ensuring equality of treatment and non-discrimination;

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- highlighting best practice in respect of immigration and integration policies as practised by the Member States;
16. Stresses that the Member States must take the necessary measures quickly to put in place a legal and effective immigration policy;
17. Endorses the Council decision that the Member States should announce legal immigration quotas which could be used to establish at EU level a joint position in negotiations on readmission agreements;
18. Believes that the overriding priority must be a voluntary return policy, while stressing that any policy development should fully respect the principle of non-refoulement and the right to seek asylum;
19. Regards it as essential that existing readmission agreements with countries of origin and of transit should be continued and that current negotiations on new agreements should be concluded swiftly;
20. Takes the view that bilateral readmission agreements between Member States and countries of origin and of transit should be replaced, where possible, by Community agreements;
21. Takes the view that the ILO network should play a role, in view of its unique knowledge and connections, in successfully returning illegal immigrants to their countries of origin and reintegrating them;
22. Takes the view that readmission agreements concluded between the EU and third states impose requirements on both sides which must be met by both sides;
23. Takes the view that the return of illegal immigrants must take place in a manner consistent with fundamental rights and the highest possible security standards, as laid down in relevant international agreements;
24. Calls on the Member States to ensure that people who have entered their territory legally do not fall outside the law as a result of poor practice on the part of their own national administrations;
25. Reiterates that, in accordance with Article 19 of the Charter of Fundamental Rights of the European Union and the European Convention on Human Rights, collective expulsions are prohibited and that no one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment;

Introduction of unforgeable documents

26. Takes note of the Commission proposals on the introduction of biometric identifiers and biometric data in the visas and residence permits of third-country nationals and as a second step in the passports for EU citizens, though this must be done while taking the utmost account of data protection requirements;
27. Calls on the Commission, in this connection, to make available as quickly as possible information on the long-term objectives, the legal and technical conditions and the financial implications of the development of the visa information system (VIS);
28. Calls on the Council, in this connection, to ensure that there is control over personal data and to improve the development and adjustment of arrangements facilitating such control over the ever-increasing amount of data which is processed;

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Information campaigns by countries of origin and of transit

29. Regards it as essential that the ideas concerning illegal immigration prevailing in countries of origin and of transit should be combated by means of intensified information campaigns, particularly in audio-visual media, designed to raise awareness of the consequences of illegal immigration or the refusal of a residence permit or an asylum application;

30. Calls for support for all measures designed to raise awareness in countries of origin and of transit of the implications of illegal immigration and the activities of traffickers, in particular measures which can reach a wide audience through television broadcasts;

31. Takes the view, in that connection, that information campaigns on the scope and prospects for legal immigration as a genuine alternative to illegal immigration should also be stepped up;

32. Welcomes, in this connection, the abovementioned Commission proposal to establish a programme for financial and technical assistance to third countries in the area of migration and asylum, particularly in regard to the setting-up of information campaigns on the consequences of illegal immigration and of clandestine employment in the European Union, the establishment in the third countries concerned of an effective and preventive policy in the fight against illegal migration, including in particular the fight against trafficking in human beings and smuggling of migrants, and the dissemination of information on the possibilities of working legally in the European Union and on the procedures to be followed to this end; hopes that the Regulation can be adopted at first reading;

Financial aspects

33. Endorses the Commission's proposal to make available, over the period 2004—2006, further appropriations to cover the development of the VIS, the implementation of an integrated return programme and the establishment, under the aegis of the Commission, of an instrument of Community solidarity to protect external borders; agrees, in principle, to make the sum concerned available annually but expects to be informed in detail and involved on an annual basis, principally through the submission to Parliament of a corresponding transparent summary, as a condition of its agreement;

34. Welcomes the fact that the increasing significance of the political objective of creating an area of freedom, security and justice will also be reflected in the European Union's budget; stresses that this step was overdue; considers it absolutely essential to make further efforts in the coming years, particularly in regard to the adoption of a new financial perspective in 2007;

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35. Instructs its President to forward this resolution to the Council and Commission and the parliaments of the Member States.

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Implementation of Directive 96/71/EC

European Parliament resolution on the implementation of Directive 96/71/EC in the Member States (COM(2003) 458 — 2003/2168(INI))

The European Parliament,

— having regard to the Commission communication (COM(2003) 458),