



16/02/2016

**AMENDMENTS 1 - 168**

**Roberta Metsola, Kshetu Kyenge**

The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

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16/02/2016

The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 1**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Citation 1 a (new)**

*Motion for a resolution*

*Amendment*

**- having regard to the Fundamental  
Right's Agency (FRA) 2015 study  
"Guardianship systems for children  
deprived of parental care in the European  
Union",**

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 2**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Citation 1 b (new)**

*Motion for a resolution*

*Amendment*

***- having regard to the Fundamental  
Right's Agency (FRA) 2014 report  
"Criminalisation of migrants in an  
irregular situation and of persons  
engaging with them",***

Or. en

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**Amendment 3**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Citation 1 c (new)**

*Motion for a resolution*

*Amendment*

*- having regard to the Commissioner for  
Human Rights at the Council of Europe's  
issue paper "the right to leave a country",*

Or. en

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**Amendment 4**

**Barbara Spinelli, Dennis de Jong, Marina Albiol Guzmán, Cornelia Ernst, Kostas Chrysogonos, Malin Björk**

**Motion for a resolution**

**Citation 1 d (new)**

*Motion for a resolution*

*Amendment*

*- having regard to the Convention on the Rights of the Child of 1989,*

Or. en

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**Amendment 5**

**Barbara Spinelli, Marina Albiol Guzmán, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Citation 1 e (new)**

*Motion for a resolution*

*Amendment*

***- having regard to the OHCHR  
Recommended Principles and Guidelines  
on Human Rights at International  
Borders,***

Or. en

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**Amendment 6**

**Barbara Spinelli, Marina Albiol Guzmán, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Citation 1 f (new)**

*Motion for a resolution*

*Amendment*

***- having regard to the Convention on the  
Elimination of All Forms of  
Discrimination against Women,***

Or. en

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**Amendment 7**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Citation 1 g (new)**

*Motion for a resolution*

*Amendment*

***- having regard to the Council of Europe  
Convention on preventing and combating  
violence against women and domestic  
violence,***

Or. en



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**Amendment 8**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst**

**Motion for a resolution**

**Citation 1 h (new)**

*Motion for a resolution*

*Amendment*

**- Having regard to the IOM Missing  
Migrants Project,**

Or. en

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**Amendment 9**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Citation 1 i (new)**

*Motion for a resolution*

*Amendment*

**- Having regard to the EU Global  
Approach to Resilience (2012),**

Or. en

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**Amendment 10**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Citation 1 j (new)**

*Motion for a resolution*

*Amendment*

**- Having regard to the Action Plan for  
Resilience in Crisis Prone Countries  
2013-2020,**

Or. en

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**Amendment 11**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Citation 1 k (new)**

*Motion for a resolution*

*Amendment*

***- Having regard to the Commission  
Communication on Maximising the  
Development Impact of Migration in  
Development Cooperation (2013),***

Or. en

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**Amendment 12**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Citation 1 l (new)**

*Motion for a resolution*

*Amendment*

**- Having regard to the DEVCO-ECHO  
Issues Paper: 'Development, Refugees  
and IDPs' (2014),**

Or. en

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**Amendment 13**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Citation 1 m (new)**

*Motion for a resolution*

*Amendment*

**- Having regard to the Joint  
Communication 'Addressing the Refugee  
Crisis in Europe: The Role of EU  
External Action' JOIN(2015) 40 final,**

Or. en

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## **Amendment 14**

**Barbara Spinelli, Marina Albiol Guzmán, Malin Björk, Cornelia Ernst, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Recital C**

#### *Motion for a resolution*

C. whereas according to EASO data<sup>7</sup>, in the first ten months of 2015 over 1 million applications for international protection were lodged in the EU, with numbers rising steadily since April, while the share of repeated applications has been simultaneously decreasing; and whereas around 9 % of applicants *claim to be* unaccompanied minors;

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<sup>7</sup> EASO Newsletter, November-December 2015, [https://easo.europa.eu/wp-content/uploads/EASO-Newsletter-NOV-DEC\\_-20151.pdf](https://easo.europa.eu/wp-content/uploads/EASO-Newsletter-NOV-DEC_-20151.pdf).

#### *Amendment*

C. whereas according to EASO data<sup>7</sup>, in the first ten months of 2015 over 1 million applications for international protection were lodged in the EU, with numbers rising steadily since April, while the share of repeated applications has been simultaneously decreasing; and whereas around 9 % of applicants *were* unaccompanied minors;

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<sup>7</sup> EASO Newsletter, November-December 2015, [https://easo.europa.eu/wp-content/uploads/EASO-Newsletter-NOV-DEC\\_-20151.pdf](https://easo.europa.eu/wp-content/uploads/EASO-Newsletter-NOV-DEC_-20151.pdf).

Or. en

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**Amendment 15**

**Barbara Spinelli, Marina Albiol Guzmán, Malin Björk, Kostas Chrysogonos, Cornelia Ernst**

**Motion for a resolution**

**Recital D a (new)**

*Motion for a resolution*

*Amendment*

*D a. whereas a lack of gender-disaggregated data prevents clear understanding and analysis of the situation of women and girls who are refugees and asylum-seekers;*

Or. en



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## **Amendment 16**

**Barbara Spinelli, Marina Albiol Guzmán, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Recital D b (new)**

*Motion for a resolution*

*Amendment*

***D b. Whereas, according to the European Commission update (5 January 2016) 17 Member States have made more than 4,200 places available for relocation since the start of the scheme while, according to information from Italy and Greece, the number of places formally indicated as available according to Article 5 of the Council Decisions and open to be filled within the normally foreseen two month period is significantly lower;***

Or. en

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## **Amendment 17**

**Barbara Spinelli, Marina Albiol Guzmán, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Recital D c (new)**

*Motion for a resolution*

*Amendment*

*D c. Whereas, according to Eurostat, the proportion of people of working age in the EU-28 is shrinking while the relative number of those retired is expanding and the share of older persons in the total population will increase significantly in the coming decades, leading to an increased burden on those of working age to provide for the social expenditure required by the ageing population for a range of related services; whereas Commissioner Frattini had predicted in 2005 that "Europe will need more migration, since labour and skills shortages are already noticeable in a number of sectors and they will tend to increase. Demographic projections indicate that a decline in employment in the order of 20 million workers for EU-25 can be expected between 2010 and 2030 as a result of demographic change."*

Or. en



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**Amendment 18**

**Barbara Spinelli, Marina Albiol Guzmán, Cornelia Ernst, Kostas Chrysogonos, Malin Björk**

**Motion for a resolution**

**Recital D d (new)**

*Motion for a resolution*

*Amendment*

*D d. Whereas, for the purposes of the UN Convention on the Rights of the Child, a child means every human being below the age of eighteen years;*

Or. en

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**Amendment 19**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Recital F a (new)**

*Motion for a resolution*

*Amendment*

*F a. Whereas developing the concepts of solidarity and trust from the perspective of the asylum seeker and not primarily of the EU Member States will be key to the evolution of the next stages of the Common European Asylum System;*

Or. en

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## **Amendment 20**

**Barbara Spinelli, Marie-Christine Vergiat, Marina Albiol Guzmán, Cornelia Ernst, Kostas Chrysogonos, Malin Björk**

**Motion for a resolution**

**Recital F b (new)**

*Motion for a resolution*

*Amendment*

***F b. Whereas the European Union has ratified the United Nations Convention on the Law of Sea (UNCLOS) which states in Article 98 that every state shall require the master of a ship flying its flag to render assistance to any person found at sea in danger of being lost and to proceed with all possible speed to the rescue of persons in distress, if informed of their need for assistance. In addition, every coastal state shall promote the establishment, operation and maintenance of an adequate and effective search and rescue service;***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 21**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat, Marina Albiol Guzmán**

**Motion for a resolution**

**Recital F c (new)**

*Motion for a resolution*

*Amendment*

*F c. Whereas the European Union has ratified the 1974 International Convention for the Safeguard of Life at Sea (SOLAS Convention) which provides that the master of a ship at sea, on receiving a signal from any source that persons are in distress at sea, is bound to proceed with all speed to their assistance, if possible informing them or the search and rescue service that the ship is doing so; moreover, the Convention requires each contracting government to ensure that necessary arrangements are made for distress communication and coordination in its area of responsibility and for rescue of persons in distress at sea around its coast. These arrangements shall include the establishment, operation and maintenance of such search and rescue facilities as are deemed practicable and necessary, having regard to the density of*

*the seagoing traffic and the navigational dangers, and shall, so far as possible, provide adequate means of locating and rescuing such persons.*

Or. en



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## **Amendment 22**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst, Marie-Christine Vergiat, Marina Albiol Guzmán, Malin Björk**

**Motion for a resolution**

**Recital F d (new)**

*Motion for a resolution*

*Amendment*

*F d. Whereas the European Union has ratified the 1979 International Convention on Search and Rescue at Sea (the SAR Convention), which obliges Member States to set up search and rescue areas and the related rapid intervention services requiring that parties shall provide assistance to any person in distress at sea, doing it regardless of the nationality or status of such a person or the circumstances in which the person is found, and that an operation to retrieve persons in distress provides for their initial medical treatment or other needs and delivers them to a place of safety.*

Or. en

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**Amendment 23**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst**

**Motion for a resolution**

**Recital F e (new)**

*Motion for a resolution*

*Amendment*

*F e. Affirms the need to improve the partnership principle between all levels of governance, as well as the coordination efforts between the EU, national, regional and local governments together with their national representative associations and civil society;*

Or. en

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## **Amendment 24**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat**

### **Motion for a resolution**

#### **Recital H**

##### *Motion for a resolution*

H. whereas the fight against migrant ***smuggling***, trafficking and labour exploitation necessitates both short, medium and long-term responses, including measures to disrupt criminal networks and to bring criminals to justice, the gathering and analysis of data, ***measures to protect victims and to return irregularly staying migrants***, as well as cooperation with third countries and longer-term strategies to address the demand for trafficked and smuggled persons and the root causes of migration ***which force*** people into the hands of criminal smugglers;

##### *Amendment*

H. whereas the fight against migrant trafficking and labour exploitation necessitates both short, medium and long-term responses, including measures to ***ensure assistance, protection and access to justice and redress for victims***, disrupt criminal networks and to bring criminals to justice, the gathering and analysis of data, as well as ***right-based*** cooperation with third countries and longer-term strategies to address the demand for trafficked and smuggled persons and ***whereas the lack of safe and regular channels are*** the root causes of ***perilous*** migration, ***forcing*** people into the hands of criminal smugglers;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 25**

**Barbara Spinelli, Marina Albiol Guzmán, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Recital H a (new)**

*Motion for a resolution*

*Amendment*

*H a. Whereas the 2016 European Parliament's Policy Department C's study "Fit for purpose? The Facilitation Directive and the criminalisation of humanitarian assistance to irregular migrants" demonstrates that the Facilitation Directive has profound unintended consequences that have an impact not just on irregular migrants and those who assist them, but also on social trust and social cohesion for society as a whole and that some civil society organisations fear sanctions and experience intimidation in their work with irregular migrants, with a deterrent effect on their work.*

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 26**

**Barbara Spinelli, Marie-Christine Vergiat, Kostas Chrysogonos**

**Motion for a resolution**

**Recital H b (new)**

*Motion for a resolution*

*Amendment*

***H b. Whereas EU legislation on the fight against smuggling leaves a high degree of legislative ambiguity and legal uncertainty with regards to search and rescue obligations for States and shipmasters derived from international law***

Or. en

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**Amendment 27**

**Barbara Spinelli, Kostas Chrysogonos, Marie-Christine Vergiat, Dennis de Jong**

**Motion for a resolution**

**Recital H c (new)**

*Motion for a resolution*

*Amendment*

*H c. Whereas, according to Europol, at least 10,000 unaccompanied and separated children (UASC) seeking asylum have disappeared after arriving in Europe and are feared to have fallen into the hands of organised trafficking and criminal organisations.*

Or. en

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**Amendment 28**

**Barbara Spinelli, Dennis de Jong, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat**

**Motion for a resolution**

**Recital H d (new)**

*Motion for a resolution*

*Amendment*

*H d. Whereas guardians are a key element of a protection system for children who are temporarily or permanently deprived of their family environment and cannot have their interests represented by their parents; whereas there are great disparities between the types of guardianship provided to children in and within EU Member States.*

Or. en

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## **Amendment 29**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Recital J**

#### *Motion for a resolution*

J. whereas the abolishment of internal border controls ***must go hand-in-hand with the effective*** management of external borders, ***with*** high common standards, effective exchange of information between Member States, and ***full*** respect for everyone's fundamental rights;

#### *Amendment*

J. whereas the abolishment of internal border controls ***and the*** management of external borders ***must follow*** high common standards, ***promote the*** effective exchange of information between Member States, and ***fully*** respect for everyone's fundamental rights;

Or. en



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## **Amendment 30**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst, Marie-Christine Vergiat, Malin Björk, Marina Albiol Guzmán**

## **Motion for a resolution**

### **Recital M**

#### *Motion for a resolution*

M. whereas safe and legal routes *for refugees* to access the EU are limited, and many continue to take the risk of embarking on dangerous routes; and whereas the creation of new safe and lawful routes for asylum seekers and refugees to enter the EU, *building on existing legislation and practices, would allow the EU and the Member States to have a better overview of the protection needs and of the inflow into the EU and to undermine the business model of the smugglers;*

#### *Amendment*

M. whereas safe and legal routes to access the EU are limited, and many continue to take the risk of embarking on dangerous routes; and whereas the creation of new safe and lawful routes for *migrants*, asylum seekers and refugees to enter the EU *is the only way to prevent further deaths at sea;*

Or. en

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## **Amendment 31**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat**

### **Motion for a resolution**

#### **Recital P**

#### *Motion for a resolution*

P. Whereas the EU has intensified its external cooperation with third countries in migration and asylum to respond *adequately* to the current *refugee* crisis, and has launched new cooperation initiatives such as the EU-Turkey Joint Action Plan, the commitments taken on the Western Balkans Routes and the Action Plan adopted at the Valetta summit;

#### *Amendment*

P. Whereas the EU has intensified its external cooperation with third countries in migration and asylum to respond to the current crisis and has launched new cooperation initiatives such as the EU-Turkey Joint Action Plan, the commitments taken on the Western Balkans Routes and the action Plan adopted at the Valetta Summit;

Or. en

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**Amendment 32**

**Barbara Spinelli, Marie-Christine Vergiat, Kostas Chrysogonos, Cornelia Ernst**

**Motion for a resolution**

**Recital P a (new)**

*Motion for a resolution*

*Amendment*

***P a. Whereas the European Commission and EEAS's New Action Plan on Human Rights and Democracy (2015-2019) underlines that the task of EU diplomacy is to "enhance human rights safeguards in all migration and mobility dialogues and cooperation frameworks with third countries, as well as migration-related agreements, processes and programs, including through the analysis of human rights impacts."***

Or. en

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**Amendment 33**

**Barbara Spinelli, Marie-Christine Vergiat, Malin Björk, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Recital P b (new)**

*Motion for a resolution*

*Amendment*

***P b. Whereas climate change is one of the root causes for migration and the numbers will continue to increase due to an increasing unstable climate; definitions of "climate refugee" are still not classified as legal categorisations, neither are they protected under Geneva Convention.***

Or. en

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## **Amendment 34**

**Barbara Spinelli, Marie-Christine Vergiat, Kostas Chrysogonos, Cornelia Ernst**

### **Motion for a resolution**

#### **Recital R**

##### *Motion for a resolution*

R. whereas the current EU approach to labour migration is fragmented, ***with numerous*** directives focusing on specific categories of ***workers and of*** third-country nationals who are, under certain conditions, allowed to work; and whereas this approach ***can only serve to meet short-term, specific needs***;

##### *Amendment*

R. whereas the current EU approach to labour migration is fragmented ***and imbalanced, with several different*** directives focusing on specific categories of third-country nationals ***workers*** who are, under certain conditions, allowed to work ***for the most part only in high-skilled positions***; and whereas this approach ***fails to address labour market needs in the EU, tackle the causes of labour exploitation, or reduce the vulnerability of migrant workers***;

Or. en

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**Amendment 35**

**Barbara Spinelli, Marina Albiol Guzmán, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat**

**Motion for a resolution**

**Recital T a (new)**

*Motion for a resolution*

*Amendment*

***T a. Whereas securing operational funding is a key challenge for NGOs, as most funding is project related. Whereas volunteer and NGO initiatives dedicated to providing assistance to migrants should be promoted and, where appropriate, funded by the European Commission and Member States.***

Or. en

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## **Amendment 36**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Malin Björk, Marie-Christine Vergiat**

### **Motion for a resolution**

#### **Recital V**

#### *Motion for a resolution*

V. whereas the current mechanisms of the Dublin system have failed to **be** objective, **to establish** fair criteria for allocating responsibility for applications for international protection and to provide swift access to protection; whereas the system is not being applied in practice, and explicit derogations have been adopted with two Council decisions on temporary relocation; and whereas the Commission has announced a proposal for a proper revision of the Dublin III Regulation by March 2016;

#### *Amendment*

V. whereas the current mechanisms of the Dublin system have failed to **establish** objective **and** fair criteria for allocating responsibility for applications for international protection and to provide swift access to protection; whereas the system is not being applied in practice and explicit derogations have been adopted with two Council decisions on temporary relocation; and whereas the Commission has announced a proposal for a proper revision of the Dublin III Regulation by March 2016;

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 37**

**Barbara Spinelli, Dennis de Jong, Marina Albiol Guzmán, Cornelia Ernst, Kostas Chrysogonos, Malin Björk, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 1 a (new)**

*Motion for a resolution*

*Amendment*

***1 a. Condemns seizing of valuables from asylum seekers in order to finance the cost of their stay during the asylum procedures in a Member State which constitutes an infringement of the human dignity of the persons concerned and violates the right to property enshrined in Article 1 of Protocol 1 to the ECHR.***

Or. en



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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 38**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 1 b (new)**

*Motion for a resolution*

*Amendment*

***1 b. Suggests that the Member States should start to systematically collect and make publicly available data on border deaths and, as far as possible, on missing persons;***

***With a view to increase the chances of identification for deceased migrants, further suggests the establishment of common standards regarding the management of border deaths, and calls for a strengthened cooperation with bodies that are already active in this field, such as the International Committee of the Red Cross***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 39**

**Barbara Spinelli, Dennis de Jong, Cornelia Ernst, Kostas Chrysogonos, Malin Björk, Marie-Christine Vergiat, Marina Albiol Guzmán**

**Motion for a resolution**

**Paragraph 3**

### *Motion for a resolution*

3. Recalls that the saving of lives is an act of solidarity with those at risk, but that it is also a legal obligation under international law, as Article 98 of the United Nations Convention of the Law of the Sea – ratified by all Member States and the Union itself – requires assistance to be given to any person in distress at sea;

### *Amendment*

3. Recalls that the saving of lives is an act of solidarity with those at risk, but that it is also a legal obligation under international law, as Article 98 of the United Nations Convention of the Law of the Sea – ratified by all Member States and the Union itself – requires assistance to be given to any person in distress at sea; ***calls on Member States to align their national legislation accordingly;***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 40**

**Barbara Spinelli, Marie-Christine Vergiat, Marina Albiol Guzmán, Cornelia Ernst, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Paragraph 4**

#### *Motion for a resolution*

4. Takes the view that a permanent, robust and *effective* Union response in search and rescue operations at sea is crucial *to preventing* an escalating death toll of migrants attempting to cross the Mediterranean Sea;

#### *Amendment*

4. Takes the view that a permanent, robust and *proactive* Union response in search and rescue operations at sea is crucial, *parallel with establishing legal access to the EU, to prevent* an escalating death toll of migrants attempting to cross the Mediterranean Sea, *including rapid responses to shifting flows*;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 41**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst, Marina Albiol Guzmán, Marie-Christine Vergiat, Malin Björk**

**Motion for a resolution**

**Paragraph 5 a (new)**

*Motion for a resolution*

*Amendment*

***5 a. Recognising that international law binds Member States to set up search and rescue areas, urges Member States willing to take the lead to form a coalition of fair responsible sharing, search and rescue, relocation and resettlement with the support of reliable NGOs .***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 42**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat, Malin Björk**

### **Motion for a resolution**

#### **Paragraph 6**

##### *Motion for a resolution*

6. Points out that private shipmasters or non-governmental organisations (NGOs) who *genuinely* assist persons in distress at sea should not risk punishment for providing such assistance; believes that merchant shipping should not provide an option in lieu of Member States and the Union fulfilling their obligations in terms of search and rescue;

##### *Amendment*

6. Points out that private shipmasters or non-governmental organisations (NGOs) who assist persons in distress at sea should not risk punishment for providing such assistance; believes that merchant shipping should not provide an option in lieu of Member States and the Union fulfilling their obligations in terms of search and rescue;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 43**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst**

### **Motion for a resolution**

#### **Paragraph 7**

##### *Motion for a resolution*

7. Calls for a clear distinction to be made between those persons who are smuggled into the Union and those who are trafficked into the Union because, while the policy response must be properly integrated, they must also be properly targeted; states that, in general terms, the *criminal* smuggling of migrants involves facilitating the irregular entry of a person to a Member State, whereas human trafficking involves the recruitment, transportation or reception of a person through the use of violent, deceptive or abusive means, for the purpose of exploitation;

##### *Amendment*

7. Calls for a clear distinction to be made between those persons who are smuggled into the Union and those who are trafficked into the Union because, while the policy response must be properly integrated, they must also be properly targeted; states that, in general terms, the smuggling of migrants involves facilitating the irregular entry of a person to a Member State, whereas human trafficking involves the recruitment, transportation or reception of a person through the use of violent, deceptive or abusive means, for the purpose of exploitation;

Or. en

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## **Amendment 44**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán, Marie-Christine Vergiat, Malin Björk**

**Motion for a resolution**

**Paragraph 9**

*Motion for a resolution*

*Amendment*

***9. Welcomes the positive role played by navy vessels in saving lives at sea and in disrupting criminal networks to date; supports the aims of navy operations such as Operation Sophia, and stresses the need to protect life, emphasising that all aspects of the operation should ensure that migrant lives are protected;***

***deleted***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 45**

**Barbara Spinelli, Marie-Christine Vergiat, Cornelia Ernst, Malin Björk**

**Motion for a resolution**

**Paragraph 9 a (new)**

*Motion for a resolution*

*Amendment*

***9 a. Condemns the NATO intervention in the Aegean whose main aim is to "stem the flow" of refugees and migrants arriving in Europe; recalls that European governments support to such operation is a de-facto refoulement in violation of international law.***

Or. en



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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 46**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Paragraph 10**

##### *Motion for a resolution*

10. Underlines that military operations ***should not be the predominate aspect of any*** holistic approach to migration and reiterates that Operation Sophia must not distract assets already deployed in the Mediterranean from saving lives at sea;

##### *Amendment*

10. Underlines that military operations ***can have negative effects on an*** holistic approach to migration and reiterates that Operation Sophia must not distract assets already deployed in the Mediterranean from saving lives at sea;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 47**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 10 a (new)**

*Motion for a resolution*

*Amendment*

*10 a. Deems it necessary to harmonise and strengthen the guardianship system in EU Member States to prevent unaccompanied and separated children from falling into the hands of organised trafficking organisations; calls the Commission to fully implement the action plan on unaccompanied minors for 2010-2014 and to propose specific tools in collaboration with Member States to introduce minimum common standards based on best practices regarding the mandate, functions, quality and skills of the guardians.*

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 48**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 10 b (new)**

*Motion for a resolution*

*Amendment*

***10 b. Calls for the adoption of a uniform procedure for the age assessment of unaccompanied and separated minors (UASC); this procedure shall always begin using non-invasive methods such as analyzing documentation and other evidence that the child may receive from his or her country of origin and providing for interviews to be conducted in a safe and appropriate environment for the child's age and needs, by qualified and independent personnel; more tests through assessments of the psycho-social and/or physical development of the child should be carried out only as a last resort and if reasonable doubt remains after the the non-invasive procedure has taken place;***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 49**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Paragraph 11**

##### *Motion for a resolution*

11. Points out that, since criminals can and do change their modus operandi very quickly, policy responses must adapt to the most recent and accurate data; notes, *as a positive step forward*, that the Commission adopted a Union Action Plan against Migrant Smuggling on 27 May 2015 ('the Action Plan on Smuggling'), under which it provides for the setting up of a Contact Group of Union Agencies on migrant smuggling, to strengthen their operational cooperation and information exchange;

##### *Amendment*

11. Points out that, since criminals can and do change their modus operandi very quickly, policy responses must adapt to the most recent and accurate data; notes that the Commission adopted a Union Action Plan against Migrant Smuggling on 27 May 2015 ('the Action Plan on Smuggling') under which it provides for the setting up of a Contact Group of Union Agencies on migrant smuggling, to strengthen their operational cooperation and information exchange;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 50**

**Barbara Spinelli, Marie-Christine Vergiat, Kostas Chrysogonos, Cornelia Ernst, Marina Albiol Guzmán**

**Motion for a resolution**  
**Paragraph 12**

### *Motion for a resolution*

12. Emphasises that full use should be made of existing instruments, such as the agencies' risk analyses; observes that Union agencies should cooperate fully, **but that they** also need to step up cooperation with Member States; **notes that** better coordination of efforts should allow for the collection of data at national level and its onward communication to the Agencies;

### *Amendment*

12. Emphasises that full use should be made of existing instruments, such as the Agencies' risk analyses; observes that Union Agencies should cooperate fully **but** also need to step up cooperation with Member States; better coordination of efforts should allow for the collection of data at national level and its onward communication to the Agencies; **recalls that the agencies should be accountable to the European Parliament and their work must be transparent.**

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 51**

**Barbara Spinelli, Marie-Christine Vergiat, Kostas Chrysogonos, Cornelia Ernst, Marina Albiol Guzmán**

**Motion for a resolution**

**Paragraph 12 a (new)**

*Motion for a resolution*

*Amendment*

***12 a. Recalls that humanitarian assistance, funding or actions/programmes by civil society should not be linked to their cooperation in the fight against smuggling; points out that NGOs, social workers, volunteers should never be asked to be agents of surveillance.***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 52**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Malin Björk**

**Motion for a resolution**

**Paragraph 14 a (new)**

*Motion for a resolution*

*Amendment*

***14 a. Recalls nevertheless that the rights enshrined in Articles 4, 5 and 27 of the Dublin Regulation remain applicable and provide essential procedural guarantees to applicants for international protection such as the right to information, the right to a personal interview and the right to an effective remedy. The right to an effective remedy applies also when the procedural rights enshrined in the Regulation, including the right to information and to a personal interview, have not been respected during the relocation procedure.***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 53**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst, Marie-Christine Vergiat, Malin Björk**

## **Motion for a resolution**

### **Paragraph 15**

#### *Motion for a resolution*

15. Takes the view that the establishment of urgent relocation measures is a move in the right direction, **and** calls on Member States to fulfil their obligations with regard to those measures as soon as possible;

#### *Amendment*

15. Takes the view that the establishment of urgent relocation measures is a move in the right direction; **however, taking into account the very moderate results achieved so far**, calls on Member States to fulfil their obligations with regard to those measures as soon as possible; **believes that the swift registration and processing of eligible applicants is key to the effectiveness of the relocation mechanism; underlines therefore the need for additional registration and processing capacity as well as better coordination between all actors involved in the process; notes that preferences expressed by Member States and delays in acceptance can limit the effectiveness of the relocation plan and calls on Member States to remove these obstacles;**

Or. en



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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 54**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat, Malin Björk**

**Motion for a resolution**

**Paragraph 15 a (new)**

*Motion for a resolution*

*Amendment*

***15 a. Calls on Member States to further increase relocation pledges and step up processing capacities, including through EASO support, to ensure that a significantly higher number of applicants for relocation can be processed and transferred without delay; points out the need to provide applicants for relocation with petty cash as well, social worker assistance and regular information about relocation process during their waiting period in addition to food and housing;***

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 55**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Paragraph 15 b (new)**

*Motion for a resolution*

*Amendment*

***15 b. Believes information and communication, including through the involvement of refugee communities, on relocation should be strengthened by developing standardized content and consistent messages, including through the use of audio visual tools and social media that can also facilitate 'Refugee-to-Refugee' contacts.***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 56**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Paragraph 17**

##### *Motion for a resolution*

17. Notes, in addition, that Member States of first arrival ***will therefore*** have to handle the more complicated asylum claims (and appeals), ***will have to*** organise longer periods of reception, and will have to organise and coordinate returns for those ultimately not entitled to international protection;

##### *Amendment*

17. Notes, in addition, that Member States of first arrival ***currently*** have to handle the more complicated asylum claims (and appeals), organise longer periods of reception, and will have to organise and coordinate returns for those ultimately not entitled to international protection, ***which represents a disproportionate burden for these States***;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 57**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Paragraph 18**

##### *Motion for a resolution*

18. Is of the opinion that, in addition to the criteria contained in the Relocation Decisions, namely the GDP of the Member State, the population of the Member State, the unemployment rate in the Member State, and the past numbers of asylum seekers in the Member State, consideration should be given to two other criteria, namely, the size of the territory of the Member State and the population density of the Member State;

##### *Amendment*

18. Is of the opinion that, in addition to the criteria contained in the Relocation Decisions, namely the GDP of the Member State, the population of the Member State, the unemployment rate in the Member State, and the past numbers of asylum seekers in the Member State, consideration should be given to two other criteria, namely, the size of the territory of the Member State, *its social and economic conditions* and the population density of the Member State;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 58**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Malin Björk, Marie-Christine Vergiat**

### **Motion for a resolution**

#### **Paragraph 19**

##### *Motion for a resolution*

19. Believes that the preferences of the applicant ***should, as much as practically possible***, be taken into account when carrying out relocation; recognises that this is one way of discouraging secondary movements and encouraging applicants themselves to ***accept relocation decisions, but that it should not stop the relocation process***;

##### *Amendment*

19. Believes that the preferences of the applicant ***as well as other genuine links with a Member State should*** be taken into account when carrying out relocation; recognises that this is one way of discouraging secondary movements and encouraging applicants themselves to ***cooperate with*** relocation ***decisions***;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 59**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat, Marina Albiol Guzmán**

**Motion for a resolution**

**Paragraph 19 a (new)**

*Motion for a resolution*

*Amendment*

***19 a. Genuine links include family ties beyond the definition of family members in Regulation (EU) No 604/2013, social relations, cultural ties, previous stay in a Member State, previous study and previous work experience with a company or an organisation of a specific Member State as well as specific qualifications, including language skills, that could be relevant for the integration of applicants into the labour market of the Member State of relocation.***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 60**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 19 b (new)**

*Motion for a resolution*

*Amendment*

***19 b. Applicants for international protection should have the right to play an active role in the procedure for their relocation to a Member State, in compliance with Articles 4 and 5 of the Dublin Regulation. They should therefore be informed as soon as possible on their rights and on the procedure for international protection as well as on the possibility to be relocated in another Member State. Applicants should then have the possibility to list, during their personal interview, their preferences for the State of relocation and the reasons for these preferences (due to genuine links to that Member State). These elements should be duly taken into account when deciding the State of relocation of the applicant.***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 61**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 19 c (new)**

*Motion for a resolution*

*Amendment*

***19 c. Believes any applicant appealing against a relocation procedure should have the possibility to explain why they would rather remain in the Member State of first entry or why they should be relocated to another Member State because of their specific qualifications and characteristics such as their language skills and other individual indications based on demonstrated family, cultural or social ties which could facilitate their integration into the Member State of relocation.***

Or. en



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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 62**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Paragraph 20**

##### *Motion for a resolution*

20. Takes the view that resettlement is one of the preferred options for granting safe and lawful access to the Union for refugees and those in need of international protection, where the refugees can neither return to their home countries nor receive effective protection or be integrated into the host country;

##### *Amendment*

20. Takes the view that resettlement is one of the preferred options for granting safe and lawful access to the Union for refugees and those in need of international protection, where the refugees can neither return to their home countries nor receive effective protection or be integrated into the host *third* country;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 63**

**Barbara Spinelli, Malin Björk, Marie-Christine Vergiat, Cornelia Ernst, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Paragraph 21**

##### *Motion for a resolution*

21. Observes, *furthermore, that* resettlement through the auspices of UNHCR is a *well-established* humanitarian programme, and is *a useful tool for managing* orderly arrivals of persons in need of international protection onto Member State territories;

##### *Amendment*

21. *Further* observes *that*, resettlement through the auspices of UNHCR is a *crucial* humanitarian programme, and is *the main tool to manage* orderly arrivals of persons in need of international protection onto Member State territories;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 64**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 23 a (new)**

*Motion for a resolution*

*Amendment*

***23 a. Stresses the need to introduce a mechanism for the rapid adjustment of the EU resettlement program in order to respond swiftly in humanitarian crisis situations, as to resettle quickly people in dire need of protection in third countries outside the European Union;***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 65**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst, Marie-Christine Vergiat, Marina Albiol Guzmán**

**Motion for a resolution**

**Paragraph 23 b (new)**

*Motion for a resolution*

*Amendment*

***23 b. Notes that applicants for resettlement shall have the right to an effective remedy, in the form of an appeal or a review, in fact and in law, against a negative or transfer decision, before a court or tribunal.***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 66**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán**

### **Motion for a resolution**

#### **Paragraph 25**

*Motion for a resolution*

25. Underlines that, *in so far as resettlement remains unavailable for third-country nationals*, all Member States should be encouraged to establish and implement humanitarian admission programmes;

*Amendment*

25. Underlines that all Member States should be encouraged to establish and implement humanitarian admission programmes;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 67**

**Barbara Spinelli, Marie-Christine Vergiat, Marina Albiol Guzmán, Cornelia Ernst, Kostas Chrysogonos, Malin Björk**

**Motion for a resolution**

**Paragraph 26**

### *Motion for a resolution*

26. Points out that humanitarian visas provide persons in need of international protection with means of accessing a third country in order to apply for asylum; calls on *the* Member States to make use of any existing possibilities to provide for humanitarian visas at Union embassies and consular offices in countries of origin or transit countries;

### *Amendment*

26. Points out that humanitarian visas provide persons in need of international protection with means of accessing a third country in order to apply for asylum; calls on Member States to make use of any existing possibilities to provide for humanitarian visas at Union embassies and consular offices in countries of origin or transit countries, *and to create such programs where they do not currently exist*;

Or. en

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16/02/2016

The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 68**

**Barbara Spinelli, Marina Albiol Guzmán, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Paragraph 26 a (new)**

*Motion for a resolution*

*Amendment*

***26 a. Calls on the Commission to propose a non-exhaustive list of "humanitarian grounds" for the release of humanitarian visas to offer Member States a standardized solution to providing humanitarian visas;***

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 69**

**Barbara Spinelli, Marina Albiol Guzmán, Kostas Chrysogonos, Cornelia Ernst**

**Motion for a resolution**

**Paragraph 27**

*Motion for a resolution*

27. Points out that further steps are necessary to ensure that the CEAS *becomes* a truly uniform system;

*Amendment*

27. *In light of the high divergences in recognition rates, reception standards and procedural length among Member States,* points out that further steps are necessary to ensure that the CEAS *could become* a truly uniform system;

Or. en



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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 70**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 29**

*Motion for a resolution*

*Amendment*

*29. Notes, for example, that inadmissible applications, subsequent applications, accelerated procedures and border procedures are all specific cases in which the recast of the Asylum Procedures Directive tried to strike a delicate balance between the efficiency of the system and the rights of the applicants; underlines that such a balance can only be achieved if the legislation is fully and properly implemented;* *deleted*

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 71**

**Barbara Spinelli, Malin Björk, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 29 a (new)**

*Motion for a resolution*

*Amendment*

***29 a. Calls on the Member States and the Commission to take the necessary measures to provide information and ensure transparency concerning the detention of migrants and asylum-seekers in numerous Member States, and urges the Commission to propose a revision of Regulation 862/2007 so that it will include gender-differentiated statistical data on the operation of detention facilities; this revision should also require collection of gender-disaggregated data at registration sites and in first-line and long-term reception facilities, as well as data on vulnerable groups such as but not limited to LGBTI persons or with disabilities, in order to improve understanding of and response to the specific needs of refugees and asylum-seekers***

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 72**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 29 b (new)**

*Motion for a resolution*

*Amendment*

***29 b. Stresses the importance of democratic control of all forms of deprivation of liberty pursuant to the laws on immigration and asylum; calls on Members of the European Parliament and of national parliaments to pay regular visits to reception and detention centres for migrants and asylum-seekers and calls on the Member States and the Commission to facilitate access to these centres for NGOs and journalists;***

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 73**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán**

**Motion for a resolution**

**Paragraph 29 c (new)**

*Motion for a resolution*

*Amendment*

***29 c. Notes that reception conditions in some Member States do not comply with minimum EU standards and do not provide appropriate safeguards for women, children and other vulnerable groups;***

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 74**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Malin Björk, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 29 d (new)**

*Motion for a resolution*

*Amendment*

***29 d. Following the consolidated jurisprudence of the ECtHR, considers that the detention of vulnerable groups as defined in Article 21 of Directive 2013/33/EU should be forbidden and these individuals placed in open facilities tailored to handle their needs***

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 75**

**Barbara Spinelli, Malin Björk, Kostas Chrysogonos, Cornelia Ernst**

**Motion for a resolution**

**Paragraph 29 e (new)**

*Motion for a resolution*

*Amendment*

***29 e. Notes that personnel at registration and reception facilities should be trained to screen for and respond appropriately to reasons for asylum-seeking linked to sexual and gender-based violence***

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 76**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat, Marina Albiol Guzmán**

**Motion for a resolution**  
**Paragraph 29 f (new)**

*Motion for a resolution*

*Amendment*

***29 f. Recalls that both international law and the EU Charter of Fundamental Rights require Member States to examine alternatives to detention, as an application of the principles of necessity and proportionality in order to avoid arbitrary deprivation of liberty;***

***Alternatives to detention include but are not limited to such as regular reporting to the authorities, the deposit of a financial guarantee, or an obligation to stay at an assigned place;***

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 77**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Paragraph 29 g (new)**

*Motion for a resolution*

*Amendment*

***29 g. Believes EASO, together with the European Commission, should more systematically monitor the implementation of the CEAS to provide better support to MS facing particular pressure. This could include better use of EASO joint processing capacities and support in providing reception capacities in emergency situations.***

Or. en



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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 78**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 29 h (new)**

*Motion for a resolution*

*Amendment*

***29 h. Deems it necessary to allow beneficiaries of international protection benefit from reception conditions and support in entering the labour market for a reasonable duration after the recognition of their status***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 79**

**Barbara Spinelli, Cornelia Ernst, Malin Björk, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 29 i (new)**

*Motion for a resolution*

*Amendment*

***29 i. Condemns any attempt to send back asylum-seekers to "safe third countries" as proposed by the Dutch presidency and the European Commission in its Communication of 10.02.2016; recalls such measures would be in violation of the right to international protection enshrined in the Geneva Convention;***

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 80**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Malin Björk, Marina Albiol Guzmán**

**Motion for a resolution**

**Paragraph 30 a (new)**

*Motion for a resolution*

*Amendment*

***30 a. Points out that the current Dublin Regulation has been deemed unlawful; takes the view that a new asylum and migration framework should focus on the best interest of the unaccompanied minors, in order not to not to prolong unnecessarily the procedure for determining the Member State responsible, and to ensure that unaccompanied minors have swift access to the procedure for determining the international protection status.***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 81**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat**

### **Motion for a resolution**

#### **Paragraph 33**

*Motion for a resolution*

**33. Recommends that the criteria on which the Relocation Decisions are based should be built directly into the Union's standard rules for allocating responsibility;** emphasises that, in reviewing the Dublin Regulation, it is important **to reflect on the value of describing certain asylum seekers as** 'applicants in clear need of international protection', since those migrants and refugees who do not fall into that category would still – at least under the current system – have to be dealt with by the Member State of first arrival;

*Amendment*

33. Emphasises that, in reviewing the Dublin Regulation, it is important **not to limit its scope to** 'applicants in clear need of international protection', since those migrants and refugees who do not fall into that category would still – at least under the current system – have to be dealt with by the Member State of first arrival;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 82**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán**

**Motion for a resolution**

**Paragraph 33 a (new)**

*Motion for a resolution*

*Amendment*

*33 a. Notes that a considerable number of potential asylum seekers are excluded from the relocation system because they do not belong to a nationality for which the proportion of decisions granting international protection among decisions taken at first instance is 75 % or higher.*

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 83**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Paragraph 33 b (new)**

*Motion for a resolution*

*Amendment*

***33 b. Believes Article 21 of the "Reception Directive" on vulnerable persons could be used as the basis for a new preferential criteria on which the Relocations Decisions shall be taken replacing the current nationality-based criteria. The Directive defines vulnerable persons as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation;***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 84**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán**

**Motion for a resolution**

**Paragraph 33 c (new)**

*Motion for a resolution*

*Amendment*

***33 c. The reception and procedural needs of applicants for relocation belonging to a vulnerable group should be assessed as soon as an application for international protection is made; these needs should be handled and closely monitored during every step of the relocation process***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 85**

**Barbara Spinelli, Marie-Christine Vergiat, Cornelia Ernst, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Paragraph 35**

##### *Motion for a resolution*

35. Points out that one option for a fundamental overhaul of the Dublin system would be to establish a central collection of applications at Union level – viewing each asylum seeker as someone seeking asylum in the Union as a whole and not in an individual Member State – and to establish a central system for the allocation of responsibility for any persons seeking asylum in the Union; suggests that such a system could provide for certain relative thresholds per Member State, above which no further allocation of responsibility could be made until all other Member States have met their own thresholds, ***which could conceivably help in deterring secondary movements***, as all Member States would be fully involved in the centralised system and no longer have individual responsibility for allocation of applicants to other Member States; believes that such a system could function on the basis of ***a number of***

##### *Amendment*

35. Points out that one option for a fundamental overhaul of the Dublin system would be to establish a central collection of applications at Union level – viewing each asylum seeker as someone seeking asylum in the Union as a whole and not in an individual Member State – and to establish a central system for the allocation of responsibility for any persons seeking asylum in the Union; suggests that such a system could provide for certain relative thresholds per Member State, above which no further allocation of responsibility could be made until all other Member States have met their own thresholds, as all Member States would be fully involved in the centralised system and no longer have individual responsibility for allocation of applicants to other Member States; believes that such a system could function on the basis of ***the Member State's individual reception facilities*** from where Union



*Union 'hotspots'* from where Union distribution should take place; underlines that any new system for allocation of responsibility must incorporate the key concepts of family unity and the best interests of the child;

distribution should take place; underlines that any new system for allocation of responsibility must incorporate *and render effective* the key concepts of *extended* family unity and the best interests of the child;

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 86**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Paragraph 35 a (new)**

*Motion for a resolution*

*Amendment*

***35 a. This approach should be combined with a "genuine link" approach, thus trying to find a proper balance between the States' interests and the point of view of asylum seekers.***

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 87**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst, Marina Albiol Guzmán, Marie-Christine Vergiat**

**Motion for a resolution**  
**Paragraph 35 b (new)**

*Motion for a resolution*

*Amendment*

***35 b. A safeguard clause with respect to the family ties (at least the one concerning parents, children, spouses or registered partners, siblings) should be inserted: therefore the country connected to the asylum seeker for the presence of one or more of these family members will always be obliged to accept the transfer, and should receive an extra financial contribution from the AMIF, following a proper interpretation or modification of the Regulation No. 516/2014. The following reference period for the calculation of quotas would take into account these "extra" transfers.***

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 88**

**Barbara Spinelli, Marie-Christine Vergiat, Malin Björk, Marina Albiol Guzmán, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Paragraph 35 c (new)**

*Motion for a resolution*

*Amendment*

***35 c. In accordance with the 1989 United Nations Convention on the Rights of the Child and with the Charter of Fundamental Rights of the European Union, the best interests of the child should be a primary consideration of Member States.***

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 89**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat, Marina Albiol Guzmán**

**Motion for a resolution**  
**Paragraph 35 d (new)**

*Motion for a resolution*

*Amendment*

***35 d. The reception and procedural needs of applicants for international protection belonging to a vulnerable group should be assessed as soon as an application for international protection is made; these needs should be handled and closely monitored during every step of the process***

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 90**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán**

**Motion for a resolution**

**Paragraph 35 e (new)**

*Motion for a resolution*

*Amendment*

***35 e. Believes that full and verifiable compliance with legal standards in treating asylum seekers and their claims must be ensured, as well as access to justice. Recommends the competent authorities of the Member State where the application is lodged to be assisted by an asylum support team including liaison officers and specialized staff of other Member States, EASO, UNHCR and other actors including specialized NGOs.***

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 91**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 35 f (new)**

*Motion for a resolution*

*Amendment*

*35 f. Notes that as long as asylum seekers will not be able to influence the decision concerning the Member State in which they can submit their application, the only thing that could deter secondary movement is to offer them the prospect of mobility throughout the EU.*

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 92**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán**

### **Motion for a resolution**

#### **Paragraph 36**

##### *Motion for a resolution*

36. Notes that, at present, Member States recognise asylum decisions from other Member States only when they are negative; reiterates that mutual recognition by Member States of positive *asylum* decisions is a logical step *towards proper implementation of* Article 78(2)(a) TFEU, which calls for ‘a uniform status of asylum valid throughout the Union’;

##### *Amendment*

36. Notes that, at present, Member States recognise asylum decisions from other Member States only when they are negative; reiterates that mutual recognition by Member States of positive *international protection* decisions is a logical step *to implement properly* Article 78(2)(a) TFEU, which calls for "a uniform status of asylum valid throughout the Union";

Or. en



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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 93**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat, Marina Albiol Guzmán**

**Motion for a resolution**

**Paragraph 36 a (new)**

*Motion for a resolution*

*Amendment*

***36 a. Suggests therefore that refugees should be entitled, immediately upon recognition, to rights and equality which should extend throughout the European Union and not only in the Member States granting the status.***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 94**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 36 b (new)**

*Motion for a resolution*

*Amendment*

***36 b. Calls therefore for the recognition of positive international protection decisions and the definition of the conditions under which a beneficiary of international protection can obtain the right to reside in another EU state than the one in which he obtained recognition of protection.***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 95**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Paragraph 40**

##### *Motion for a resolution*

40. Emphasises that hosting Member States must offer refugees support and opportunities to integrate and build a life in their new society and – as provided for in the Qualifications Directive<sup>12</sup> – this should also include effective access to democratic structures in society; emphasises that integration is a two-way process and that respect for the values upon which the EU is built must be an integral part of the integration process;

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<sup>12</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L

##### *Amendment*

40. Emphasises that hosting Member States must offer refugees **and migrants** support and opportunities to integrate and build a life in their new society and – as provided for in the Qualifications Directive<sup>12</sup> – this should also include effective access to democratic structures in society **for refugees**; emphasises that integration is a two-way process and that respect for the values upon which the EU is built must be an integral part of the integration process;

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<sup>12</sup> Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L

337, 20.12.2011, p. 9).

337, 20.12.2011, p. 9).

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 96**

**Barbara Spinelli, Cornelia Ernst, Marina Albiol Guzmán, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Paragraph 41**

##### *Motion for a resolution*

41. Recalls that, under Article 15 of the Reception Conditions Directive, Member States are to determine the conditions for granting access to their labour markets for applicants for international protection, provided that such access is effective and is in accordance with the timeframe laid down in Paragraph 1 of that Article; understands that, per Article 15(2) for reasons of labour market policies, Member States may give priority to Union citizens and nationals of states parties to the Agreement on the European Economic Area, and to legally resident third-country nationals;

##### *Amendment*

41. Recalls that under Article 15 of the Reception Conditions Directive, Member States are to determine the conditions for granting access to their labour markets for applicants for international protection, provided that such access is effective and is in accordance with the timeframe laid down in Paragraph 1 of that Article;  
***Reminds Member States that they may provide for higher standards with respect to access to the labour market;***  
Understands that, per Article 15(2) for reasons of labour market policies, Member States may give priority to Union citizens and nationals of States parties to the Agreement on the European Economic Area, and to legally resident third-country nationals;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 97**

**Barbara Spinelli, Marie-Christine Vergiat, Kostas Chrysogonos, Cornelia Ernst, Marina Albiol Guzmán**

**Motion for a resolution**

**Paragraph 42**

*Motion for a resolution*

42. Takes the view that, where those persons granted international protection in the Union have an offer of employment in a Member State other than the one in which they have been granted international protection, they should be able to avail themselves of such an offer;

*Amendment*

42. Takes the view that, where those persons granted international protection in the Union have an offer of employment ***or scholarship or research grant*** in a Member State other than the one in which they have been granted international protection, they should be able to avail themselves of such an offer;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 98**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Paragraph 42 a (new)**

*Motion for a resolution*

*Amendment*

***42 a. Beneficiaries of international protection should be allowed to extend their right to travel up to three months in other EU Member States to find employment if a local sponsor (individuals, companies, other entities) expresses his or her willingness to take care of the asylum seeker (i.e. through accommodation, facilitation of integration process and search for job) and give a financial guarantee and other evidence of credibility;***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 99**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán**

**Motion for a resolution**

**Paragraph 42 b (new)**

*Motion for a resolution*

*Amendment*

***42 b. Likewise, persons who have not been granted international protection in the Union but have received an offer of scholarship, employment or have regularly worked in a Member State while their protection claim was being processed should be able to avail themselves of a resident permit for third country nationals instead; urges the Commission to address this issue by providing innovative proposals in this direction;***

Or. en



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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 100**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Paragraph 42 c (new)**

*Motion for a resolution*

*Amendment*

***42 c. Calls for a revision of the Long Term Residents Directive, lowering access to Long Term Resident status after 2.5 years for refugees, coupled with exemptions to the conditions of regular income and housing, as this would improve the possibility for refugees to accept employment in a country other than the one which granted him/her protection;***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 101**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Malin Björk, Marina Albiol Guzmán, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 44 a (new)**

*Motion for a resolution*

*Amendment*

***44 a. Calls on Member States to ensure that integration measures should include specific measures for women asylum seekers and refugees.***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 102**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Paragraph 45 a (new)**

*Motion for a resolution*

*Amendment*

***45 a. Points out to the urgent need of facilitating family reunification; condemns in this respect all changes in national legislations that have led to restricting the right to family life of persons fleeing persecutions and its dramatic consequences for families being separated and at risk of death or starvation in countries of origin and transit.***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 103**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán, Malin Björk, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 46**

### *Motion for a resolution*

46. Underlines that Member States should overcome any legal and practical obstacles to arrive at swifter decisions on family reunification;

### *Amendment*

46. Underlines that Member States should overcome any legal and practical obstacles to arrive at swifter decisions on family reunification ***by removing discriminatory requirements and limitations on family reunification (e.g. age or time limitations, minimum income requirements above minimum wage)***;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 104**

**Barbara Spinelli, Marie-Christine Vergiat, Kostas Chrysogonos, Cornelia Ernst, Malin Björk, Marina Albiol Guzmán**

**Motion for a resolution**

**Paragraph 48**

*Motion for a resolution*

*Amendment*

*48. Understands that the safe return of those people who, following an individual assessment of their asylum application, are determined not to be eligible for protection in the Union is something that must be carried out as part of the proper implementation of the CEAS;*

*deleted*

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 105**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat, Marina Albiol Guzmán**

**Motion for a resolution**

**Paragraph 49**

*Motion for a resolution*

*Amendment*

*49. Acknowledges that, in the light of the fact that, in 2014, 36 % of third country nationals who were ordered to leave the Union were effectively returned, there is a need to improve the effectiveness of the Union's return system;*

*deleted*

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 106**

**Barbara Spinelli, Kostas Chrysogonos, Marie-Christine Vergiat, Marina Albiol Guzmán**

### **Motion for a resolution**

#### **Paragraph 50**

##### *Motion for a resolution*

50. Believes that the return of migrants should only be carried out safely, in full compliance with the fundamental and procedural rights of the migrants in question, and where the country to which they are being returned is safe for them; reiterates, in that regard, that voluntary return should be prioritised ***over forced returns***;

##### *Amendment*

50. Believes that the return of migrants should only be carried out safely, in full compliance with the fundamental and procedural rights of the migrants in question and where the country to which they are being returned is safe for them ***in respect with the non-refoulement principle and the right to an effective remedy against a return decision***, reiterates, in that regard, that voluntary return should be prioritised;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 107**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Paragraph 52**

##### *Motion for a resolution*

52. Acknowledges the recent Commission proposal for a Union list of safe countries of origin, amending the Asylum Procedures Directive<sup>13</sup>; ***observes that if such a Union list would become obligatory for Member States it could, in principle, be an important tool for facilitating the asylum process, including return;***

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<sup>13</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L180, 29.6.2013, p. 60).

##### *Amendment*

52. Acknowledges the recent Commission proposal for a Union list of safe countries of origin, amending the Asylum Procedures Directive<sup>13</sup>; ***notes that accelerated procedures can lead to incomplete examination, particularly of complex asylum claims, and that such accelerated procedures are not appropriate for claims based on torture, gender-based violence, or discrimination, including discrimination based on sexual orientation and gender identity;***

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<sup>13</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L180, 29.6.2013, p. 60).

Or. en



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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 108**

**Barbara Spinelli, Marie-Christine Vergiat, Kostas Chrysogonos, Cornelia Ernst, Marina Albiol Guzmán**

**Motion for a resolution**  
**Paragraph 52 a (new)**

*Motion for a resolution*

*Amendment*

*52 a. Notes that the use of safe country lists, whether nationally designated or at EU level, further contributes to a practice of stereotyping certain applications on the basis of their nationality and increases the risk of such applications not being subject to a thorough examination of a person's fear for persecution or risk of serious harm on an individual basis, which is at the core of the refugee definition and crucial to ensuring full respect of the principle of non-refoulement*

Or. en

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**Amendment 109**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat, Marina Albiol Guzmán**

**Motion for a resolution**

**Paragraph 52 b (new)**

*Motion for a resolution*

*Amendment*

***52 b. Underlines that, according to Article 3 of the Geneva Convention of 1951, Member States shall not discriminate refugees on the basis of their race, religion or country of origin.***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 110**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 53**

*Motion for a resolution*

*Amendment*

**53. *Regrets the current situation in which Member States apply different lists, containing different safe countries, hampering uniform application and incentivising secondary movements;***      *deleted*

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 111**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst, Marina Albiol Guzmán, Marie-Christine Vergiat**

**Motion for a resolution**  
**Paragraph 54**

### *Motion for a resolution*

54. Underlines, in any event, that any list of safe countries of origin should not detract from the principle that every person must be allowed an appropriate individual examination of his or her application for international protection;

### *Amendment*

54. Underlines, in any event, that any list of safe countries of origin should not detract from the principle that every person must be allowed an appropriate individual examination of his or her application for international protection, ***from the right to an effective remedy and to a fair trial and from the respect of the principle of non-refoulement; it must also be ensured that specific reasons for persecution, particularly gender, sexual orientation and gender identity, as well as belonging to a particular social or ethnic group, are addressed appropriately throughout an individual assessment of each application, even from countries that are on such a list.***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 112**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán**

### **Motion for a resolution**

#### **Paragraph 58**

##### *Motion for a resolution*

58. Recommends that EASO be developed, in the long term, into a principal coordinator of the CEAS *with a view to* guaranteeing common application of the rules of that system; reiterates that, as the CEAS becomes genuinely European, EASO needs to develop from a collection of experts from Member States into a fully-fledged Union agency *providing operational support to Member States and at the external borders*; emphasises, in that regard, that it *must be* provided with the necessary funding and human resources in the short, medium and *long term*;

##### *Amendment*

58. Recommends that EASO *could be* developed, in the long term, into a principal coordinator of the CEAS guaranteeing common application of the rules of that system; reiterates that, as the CEAS becomes genuinely European, EASO needs to develop from a collection of experts from Member States into a fully-fledged Union Agency; *believes that the mandate of EASO should be properly reviewed in order to avoid overlaps or contradictions with the work of other EU agencies and to improve its coordination with UNHCR and other non-governmental organizations*; emphasises in that regard, that it *is* provided with the necessary funding and human resources in the short, medium and *long-term*;

Or. en

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**Amendment 113**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst, Marie-Christine Vergiat, Marina Albiol Guzmán**

**Motion for a resolution**

**Paragraph 58 a (new)**

*Motion for a resolution*

*Amendment*

***58 a. Any development of the Agency should include substantial involvement of civil society organisations in its work following Article 51 of the Regulation establishing EASO as well as accountability mechanisms before the EU institutions***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 114**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Malin Björk**

### **Motion for a resolution**

#### **Paragraph 60**

*Motion for a resolution*

60. Notes ***the recent role of Frontex*** in rendering assistance to any vessel ***or*** person in distress at sea, ***and acknowledges its contribution, through the Triton and Poseidon joint operations, to the rescuing and saving of many lives in the Mediterranean;***

*Amendment*

60. Notes ***that Frontex has substantially failed*** in rendering ***proactive*** assistance to any vessel ***of*** person in distress at sea; ***Believes other agencies and actors should take the lead with regards to search and rescue operations;***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 115**

**Barbara Spinelli, Marie-Christine Vergiat, Kostas Chrysogonos, Cornelia Ernst**

### **Motion for a resolution**

#### **Paragraph 61**

##### *Motion for a resolution*

61. *Understands that* the recently proposed European Border and Coast Guard *is intended to replace Frontex and is meant to ensure a European integrated border management at the external borders with a view to managing migration effectively and ensuring a high level of internal security within the Union, while safeguarding the free movement of persons therein;*

##### *Amendment*

61. *Notes* the recently proposed European Border and Coast Guard; **Warns against the short-term vision of a closed EU Community as sole guarantee of internal free movement of persons. Reminds that the demographic decline of the EU as a whole will require very soon, or at least in the medium term, an open policy of external borders;**

Or. en



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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 116**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat, Malin Björk**

**Motion for a resolution**

**Paragraph 62 a (new)**

*Motion for a resolution*

*Amendment*

***62 a. Recalls that the European Ombudsman and various NGOs have highlighted the problematic aspect of the respect of human rights of migrants in relation with the operations carried out by Frontex; insists, therefore, that the management of the external borders of the Union has to comply with the relevant and binding international and European provisions in terms of respect of fundamental rights, non refoulement and the provisions of the asylum acquis;***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 117**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat, Marina Albiol Guzmán**

**Motion for a resolution**  
**Paragraph 62 b (new)**

*Motion for a resolution*

*Amendment*

*62 b. Notes, in this regard, that the proposed individual complaint mechanism against human rights violations raises several questions in terms of its effectiveness; according to the Commission's proposal, the complaint would be processed only internally, that is to say, by the agency itself, resulting in an assessment that is not sufficiently independent and impartial. Moreover, in the proposal, no remedy is foreseen in case the complaint is rejected as inadmissible or not well-founded. Stresses the need to put in place an effective independent complaint mechanism.*

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 118**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst, Marie-Christine Vergiat**

### **Motion for a resolution**

#### **Paragraph 63**

##### *Motion for a resolution*

63. Recalls that, since the establishment of the Schengen Area, the Union is an area without internal borders, that the Schengen Member States have developed a *step-by-step* common policy towards the Schengen external borders, ***and that the inherent logic of such a system has always been that the abolishment of internal border controls has to go hand in hand with compensatory measures strengthening the external borders of the Schengen Area and the sharing of information through the Schengen Information System ('SIS');***

##### *Amendment*

63. Recalls that since the establishment of the Schengen Area the Union is an area without internal borders, that the Schengen Member States have developed a *step by step* common policy towards the Schengen external borders;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 119**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat, Marina Albiol Guzmán, Malin Björk**

**Motion for a resolution**

**Paragraph 64**

*Motion for a resolution*

*Amendment*

**64. Acknowledges that the integrity of the Schengen area and the abolishment of internal border controls are dependent on having effective management of external borders, with high common standards applied by all Member States at the external borders and an effective exchange of information between them;** *deleted*

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 120**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Paragraph 65**

##### *Motion for a resolution*

65. Accepts that the Union needs to ***strengthen its external border protection and*** further develop the CEAS, and that measures are necessary to enhance the capacity of the Schengen Area to address the new challenges facing Europe ***and*** preserve the fundamental principles of security and free movement of persons;

##### *Amendment*

65. Accepts that the Union needs to further develop the CEAS and that measures are necessary to enhance the capacity of the Schengen Area to address the new challenges facing Europe, ***including the demographic ones, in order to*** preserve the fundamental principles of security and free movement of persons;

Or. en

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**Amendment 121**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 65 a (new)**

*Motion for a resolution*

*Amendment*

*65 a. Since substantial refugee flows to the EU are bound to continue in the future, believes that only legal and safe routes to the EU and taking account of the asylum seeker's preferences for host EU countries will deter external and secondary movements within the EU*

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 122**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat**

### **Motion for a resolution**

#### **Paragraph 67 a (new)**

*Motion for a resolution*

*Amendment*

***67 a. Recognises that all people are entitled to enjoy their human rights, without discrimination, including on the basis of residence status, nationality and religion; and in this context recalls the OHCHR Recommended Principles and Guidelines on Human Rights at International Borders and Frontex Fundamental Rights Strategy, both of which outline measures to comply with fundamental rights for all migrants and reiterate that respect and promotion of fundamental rights are unconditional and integral components of effective integrated border management;***

Or. en

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## **Amendment 123**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán, Marie-Christine Vergiat**

**Motion for a resolution**  
**Paragraph 68**

*Motion for a resolution*

*Amendment*

**68. Emphasises again that, as for legislation specifically in the area of asylum and migration, in order for legislation on internal and external borders to be effective, it is essential that measures agreed at Union level are implemented properly by the Member States; underlines that better implementation of measures by Member States at the external borders are essential and will go some way into allaying the security fears caused by an influx of migrants;**

*deleted*

Or. en



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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 124**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat, Marina Albiol Guzmán**

**Motion for a resolution**

**Paragraph 69**

*Motion for a resolution*

*Amendment*

***69. Takes note that on 15 December 2015 the Commission came forward with a proposal for a targeted revision of the Schengen Borders Code, proposing to introduce systematic controls of all Union nationals (not only on third-country nationals) against the relevant databases at the external borders of the Schengen Area;***

***deleted***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 125**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 70 a (new)**

*Motion for a resolution*

*Amendment*

***70 a. Expresses concern over various reports on the violation of EU procedural rights and reception conditions within the recently opened hotspots in Italy and Greece and underlines the need to draw lessons from the current practice, in order to ameliorate their functioning and sustain them financially;***

Or. en

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**Amendment 126**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat, Marina Albiol Guzmán**

**Motion for a resolution**  
**Paragraph 71 a (new)**

*Motion for a resolution*

*Amendment*

***71 a. Points out, in that regard, that the Union Agencies require the resources necessary to allow them to fulfil their assigned tasks; stresses that all the operations carried out at the hotspots must be characterized by transparency and insists, therefore, that the Union Agencies and the Member States keep the Parliament fully informed of work undertaken at the hotspots, including by allowing regularly independent experts, such as human rights organisations, lawyers and elected representatives, to visit the centres;***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 127**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst**

**Motion for a resolution**

**Paragraph 71 b (new)**

*Motion for a resolution*

*Amendment*

***71 b. Residents should have permanent onsite access to NGOs and lawyers in order to report any abuses or failures to comply with reception conditions, procedural guarantees and other fundamental rights violations.***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 128**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Paragraph 72**

##### *Motion for a resolution*

72. Notes that both of the Relocation Decisions provide for operational support at the hotspots to be provided to Italy and Greece for the screening of migrants when they first arrive, registration of their application for international protection, provision of information to applicants on relocation, ***organisation of return operations for those who did not apply for international protection and are not otherwise entitled to remain or those who applied unsuccessfully***, and the facilitation of all steps involved in the relocation procedure itself;

##### *Amendment*

72. Notes that both of the Relocation Decisions provide for ***temporary*** operational support at the hotspots to be provided to Italy and Greece for the screening of migrants when they first arrive, registration of their application for international protection, provision of information to applicants on relocation, ***individual assessment of their vulnerability or other protection needs*** and the facilitation of all steps involved in the relocation procedure itself;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 129**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Paragraph 73**

##### *Motion for a resolution*

73. Calls for *the* hotspots to be set up as soon as possible in order to give concrete operational assistance to those Member States;

##### *Amendment*

73. Calls for *adequate and dignified reception conditions in "hotspots" to be set* to be set up as soon as possible in order to give concrete operational assistance to those Member States;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 130**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Paragraph 74**

#### *Motion for a resolution*

74. Recognises that ***one of*** the main ***purposes*** of hotspots is to allow the Union to grant protection and humanitarian assistance in a swift manner to those ***in need; emphasises that great care needs to be taken to ensure that the categorising of migrants at hotspots is carried out in full respect for the rights of all migrants; acknowledges, however, that proper identification of applicants for international protection at the point of first arrival in the Union should help facilitate the overall functioning of any reformed CEAS;***

#### *Amendment*

74. Recognises that the main ***purpose*** of hotspots is to allow the Union to grant protection and humanitarian assistance in a swift manner to those ***qualifying for relocation under Council Decisions 2015/1523 and 2015/1601;***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 131**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Paragraph 75**

##### *Motion for a resolution*

75. Notes that, in its Action Plan on Smuggling, the Commission states that it is considering a revision of Council Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate *illegal* immigration, *and* who cooperate with the competent authorities;

##### *Amendment*

75. Notes that, in its Action Plan on Smuggling, the Commission states that it is considering a revision of Council Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate *irregular* immigration, who cooperate with the competent authorities;

Or. en



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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 132**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán**

### **Motion for a resolution**

#### **Paragraph 76**

##### *Motion for a resolution*

76. Believes that such a revision is necessary and should consider introducing a system allowing for victims of trafficking and criminal smuggling to ***come forward*** and aid in the effective prosecution of a trafficker or criminal smuggler without fear of being prosecuted themselves;

##### *Amendment*

76. Believes that such a revision is necessary and should consider introducing a system allowing for victims of trafficking and criminal smuggling to ***declare their condition*** and aid in the effective prosecution of a trafficker or criminal smuggler without fear of being prosecuted themselves; ***victims should be given protection in the EU without any conditionality in cooperation in prosecution of the trafficker or smuggler;***

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 133**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán, Malin Björk, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 77 a (new)**

*Motion for a resolution*

*Amendment*

*77 a. Calls therefore for the revision of Article 1.2 of the Council Directive 2002/90/EC to provide for a mandatory exemption from criminalisation for 'humanitarian assistance' in cases of entry, transit and residence of third country nationals;*

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 134**

**Barbara Spinelli, Marina Albiol Guzmán, Marie-Christine Vergiat, Kostas Chrysogonos, Cornelia Ernst**

**Motion for a resolution**

**Paragraph 79 a (new)**

*Motion for a resolution*

*Amendment*

***79 a. Emphasises the urgent need to address the severe labour exploitation of migrant workers in the Union; recognises that the lack of regular migration channels and barriers to access justice are among the root causes of trafficking; and notes that the Employers' Sanctions Directive includes important provisions to address labour exploitation of irregularly residing third country nationals but that such provisions are reliant on the existence of fair, effective, and accessible complaint mechanisms at national level and implementation remains minimal; reiterates the recommendations of the EU Fundamental Rights Agency regarding the need to strengthen the current legal framework to protect workers from exploitation, and for an EU-level consensus which states that severe labour exploitation is unacceptable and that all***

*workers are entitled to effective protection.*

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 135**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 79 b (new)**

*Motion for a resolution*

*Amendment*

***79 b. Invites all Member States to ratify the Council of Europe Convention on Action against Trafficking in Human Beings***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 136**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

### **Motion for a resolution**

#### **Paragraph 80**

##### *Motion for a resolution*

80. Points out that the Global Approach to Migration and Mobility (GAMM) pillar on asylum and international protection should be developed **further**, with greater involvement of third countries; notes that current actions in this field, under Regional Protection Programmes (RPPs) or Regional Development and Protection Programmes (RDPPs), **focus on capacity building to tackle criminal smuggling and human trafficking networks within third countries of origin and transit**; notes, at the same time, that the resettlement component of these programmes continues to be weak; believes that **capacity-building** efforts and resettlement activities should be stepped up and carried out together with **third** countries hosting large refugee populations;

##### *Amendment*

80. Points out that the Global Approach to Migration and Mobility (GAMM) pillar on asylum and international protection should be **further** developed with greater involvement of third countries; notes that current actions in this field, under Regional Protection Programmes (RPPs) or Regional Development and Protection Programmes (RDPPs); notes at the same time that the resettlement component of these programmes continues to be weak; believes that **capacity building** efforts and resettlement activities should be stepped up and carried out together with **thirds** countries hosting large refugee populations;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 137**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Paragraph 80 a (new)**

*Motion for a resolution*

*Amendment*

***80 a. Recalls that the initiatives the EU has undertaken with third countries approach the humanitarian crisis only from a containment angle***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 138**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán**

**Motion for a resolution**

**Paragraph 80 b (new)**

*Motion for a resolution*

*Amendment*

***80 b. Welcomes the recommendations by the Commissioner for Human Rights at the Council of Europe in the issue paper "the right to leave a country"; Calls in particular for EU Member States to review their border and immigration control laws, policies and practices to ensure that they do not constitute or establish incentives for other States to interfere with the right of all people to leave the country they are in;***

Or. en



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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 139**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 80 c (new)**

*Motion for a resolution*

*Amendment*

*80 c. Shares the assessment of the Commissioner for Human Rights at the Council of Europe as expressed in the issue paper "the right to leave a country" that the right to leave a State belongs not only to citizens but also to foreigners. States are not entitled to place obstacles in the way of foreigners leaving their countries irrespective of where the foreigners seek to go.*

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 140**

**Barbara Spinelli, Kostas Chrysogonos, Cornelia Ernst**

**Motion for a resolution**

**Paragraph 80 d (new)**

*Motion for a resolution*

*Amendment*

***80 d. Believes common standards and rules for the adoption of bilateral agreements between Member States and third countries should be agreed following EU or higher fundamental rights standards***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 141**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Malin Björk, Marina Albiol Guzmán, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 82**

*Motion for a resolution*

**82. Understands that the external dimension should focus on cooperation with third countries *in tackling the root causes of, and addressing, irregular flows to Europe; understands that partnerships and cooperation with key countries of origin, transit and destination should continue to be a focus, for example through the Khartoum and Rabat processes, the Africa-EU migration and mobility dialogue, the Budapest Process and the Prague Process;***

*Amendment*

**82. *Calls for negotiations to be stopped on all types of agreements with third countries which do not guarantee the protection of refugees and respect for fundamental rights, i.e. with countries such as Eritrea, Sudan, Somalia, Ethiopia and Egypt, from where refugees are fleeing; calls, further, for the suspension of all financial aid to the Egyptian and Eritrean regimes, in the light of the reports by the UN and NGOs on severe and growing human rights abuses in those countries;***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 142**

**Barbara Spinelli, Marie-Christine Vergiat, Kostas Chrysogonos, Cornelia Ernst**

### **Motion for a resolution**

#### **Paragraph 84**

##### *Motion for a resolution*

84. *Recommends that* cooperation with third countries *involves assessing those countries' asylum systems, their support for refugees, and their ability and willingness to tackle human trafficking and criminal smuggling into and through those countries;*

##### *Amendment*

84. *Recalls that the promotion of a pluralistic democracy and the consolidation of the rule of law are among the objectives of the European Union in all forms of cooperation with third countries, including development cooperation, without resorting to military interventions; believes therefore that the Union and its Member States must be selective as to avoid the granting of European funds for the control and management of migration flows to countries that have a non-democratic legal system and in which there are well documented and extended cases of violation of fundamental rights both to citizens and migrants in their territory reported by international sources;*

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 143**

**Barbara Spinelli, Marina Albiol Guzmán, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Paragraph 85**

*Motion for a resolution*

*Amendment*

***85. Calls on the Union to help third countries build up their asylum systems and integration strategies in order to allow third country nationals in need of international protection to seek protection there; believes that the Union must adopt a win-win approach to cooperation with third countries, that is, an approach that is beneficial to the Union, to the third country in question and to the refugees and migrants in that third country;***

***deleted***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

## **Amendment 144**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marie-Christine Vergiat**

### **Motion for a resolution**

#### **Paragraph 86**

##### *Motion for a resolution*

86. Recalls that the Union has intensified its external cooperation with third countries in migration and asylum *in order* to respond *adequately* to the current refugee crisis, and has launched new cooperation initiatives, such as the EU-Turkey Joint Action Plan; emphasises, in that respect, the need for *all parties to fulfil their commitments deriving from the Joint Action Plan, including addressing the root causes leading to the massive influx of Syrians, stepping up cooperation for the support of Syrians under temporary protection and their host communities in Turkey, and for Turkey to fulfil its commitments to prevent irregular migration flows from its territory to the Union;*

##### *Amendment*

86. Recalls that the Union has intensified its external cooperation with third countries in migration and asylum to respond to the current refugee crisis and has launched new cooperation initiatives such as the EU-Turkey Joint Action Plan; emphasises, in that respect, the need for *Turkey to fully respect the human rights of refugees and its own citizens, and calls for a suspension of the action plan and any financial assistance until this is not complied with;*

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 145**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos, Marina Albiol Guzmán, Marie-Christine Vergiat**

**Motion for a resolution**

**Paragraph 86 a (new)**

*Motion for a resolution*

*Amendment*

***86 a. Expresses its concern over the recent report from Amnesty International, highlighting the alarming consequences of the EU-Turkey Joint Action Plan on the unlawful detention and deportation of refugees from Turkey.***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 146**

**Barbara Spinelli, Cornelia Ernst, Kostas Chrysogonos**

**Motion for a resolution**

**Paragraph 86 b (new)**

*Motion for a resolution*

*Amendment*

***86 b. Condemns Turkey's assault against the Kurdish population –inside and outside Turkey - and the widespread reports of violation of migrant and asylum rights, including of the non-refoulement principle, within its territory***

Or. en



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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 147**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 86 c (new)**

*Motion for a resolution*

*Amendment*

***86 c. Highlights the need to incorporate effective monitoring mechanisms and accountability measures in all migration management cooperation agreements with third countries. These should ensure that the human rights principles referred to in EU political and legal instruments will be duly complied with at all times of the migratory process and guarantee that the human rights of migrants and refugees, are respected and protected in third countries.***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 148**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 88**

*Motion for a resolution*

*Amendment*

**88. Welcomes the fact that the Action Plan on Smuggling links the launching of new awareness-raising campaigns to the assessment of existing ones; recommends that any such campaigns should contain information on the criteria to be used to determine protection status in the Union, since such information may convince some migrants – who risk embarking on a perilous journey only to be returned if they are not granted protection – not to make the journey;**

***deleted***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 149**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 88 a (new)**

*Motion for a resolution*

*Amendment*

***88 a. Urges the Commission to support civil society campaigns targeting businesses, service users, and consumers to raise awareness about the prevalence of labour exploitation in key sectors of Europe's economy.***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 150**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 89**

*Motion for a resolution*

89. Reaffirms that the Union must adopt a long-term strategy to help counteract the 'push factors' in third countries (persecution, conflict, generalised violence or extreme poverty), which force people into the hands of criminal smuggling networks, which they see as their only chance to reach the Union;

*Amendment*

89. Reaffirms that the Union must adopt a long-term strategy to help counteract the 'push factors' in third countries (persecution, conflict, generalised violence, ***climate change and natural disasters*** or extreme poverty), which force people into the hands of criminal smuggling networks, which they see as their only chance to reach the Union

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 151**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 92**

*Motion for a resolution*

92. Understands that, in the *long term*, greater impetus is needed in solving the geo-political issues that affect the root causes of migration, *as* war, poverty, corruption, hunger and a lack of opportunities means *that* people will still feel forced to flee to Europe unless Europe looks at how to help re-build those countries; points out that *this* means that the Commission and *the* Member States must put up the money to help build capacity in third countries, such as *by* facilitating investment and education, strengthening and enforcing asylum systems, *helping to manage borders better, and reinforcing legal and judicial systems there*;

*Amendment*

92. Understands that in the *long-term much* greater impetus is needed in solving the geo-political issues that affect the root causes of migration – war, poverty, corruption, *dictatorial regimes, climate change and natural disasters, ethnic cleansing*, hunger and a lack of opportunities means people will still feel forced to flee to Europe unless Europe looks at how to help re-build those countries *and avoid military interventions which have already demonstrated their capacity to create chaos in foreign States and Regions*; Points out that means that the Commission and Member States must put up the money to help build capacity in third countries; such as facilitating investment and education; strengthening and enforcing asylum systems;

Or. en

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The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 152**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 92 a (new)**

*Motion for a resolution*

*Amendment*

***92 a. Expresses its concerns at the rising number of climate refugees; calls for serious recognition of the issue of climate refugees and the scope thereof, resulting from climate disasters caused by global warming;***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 153**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 92 b (new)**

*Motion for a resolution*

*Amendment*

***92 b. Reiterates the need of a definition of climate refugees and a multilateral legal instrument to address the needs of climate refugees in order to protect people fleeing events triggered by climate change, deplores the fact that the status of 'climate refugee' is not yet recognised and leaves a legal loophole affecting victims that cannot benefit from refugee status;***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 154**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 93 a (new)**

*Motion for a resolution*

*Amendment*

***93 a. Recommends that, whenever possible, funding instruments should allow for small grants or sub-granting schemes, as these are better suited than larger grants to the needs and capacities of non-state actors such as local governments and civil society organisations;***

Or. en



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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 155**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 94**

*Motion for a resolution*

*94. Welcomes the recently established Emergency Trust Fund for Africa and the EUR 1.8 billion pledged to the fund, which has added an additional element to third-country funding; calls on the Member States to continue contributing to the fund;*

*Amendment*

*94. Calls the European Commission to provide the European Parliament with regular and detailed information about the spending and allocation of projects in the framework of the Emergency Trust Fund for Africa.*

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 156**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 96**

*Motion for a resolution*

96. Notes that the Union's migration policy is implemented through different policy instruments, each having its own objectives, which are not necessarily interlinked, and that there is insufficient coordination of funding between the multiple actors involved; points out that the fragmentation of budget lines and responsibilities creates a management structure that could make it difficult to provide a comprehensive overview on how the different funds available are allocated and ultimately used; ***points out***, furthermore, that such fragmentation makes it harder to quantify how much the Union spends ***overall*** on migration policy;

*Amendment*

96. Notes that the Union's migration policy is implemented through different policy instruments, each having its own objectives, which are not necessarily interlinked, and that there is insufficient coordination of funding between the multiple actors involved; points out that the fragmentation of budget lines and responsibilities creates a management structure that could make it difficult to provide a comprehensive overview on how the different funds available are allocated and ultimately used; ***calls to ensure funds are used to promote a comprehensive and rights-based approach to migration and accountability if funds are used inappropriately or violate migrants' rights***; furthermore, ***points out*** that such fragmentation makes it harder to quantify how much ***overall*** the Union spends on migration policy;

Or. en



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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 157**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 96 a (new)**

*Motion for a resolution*

*Amendment*

***96 a. Underlines therefore the need to establish a coordination mechanism between the different funding sources both at EU and national level;***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 158**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 96 b (new)**

*Motion for a resolution*

*Amendment*

***96 b. Believes that funding provided for the new 'hotspot' approach, and coordination of returns of those migrants not entitled to international protection, must be monitored. Civil society organisations should not be hindered in reporting on any breaches of fundamental or procedural rights of migrants.***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 159**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 97**

*Motion for a resolution*

97. Is of the opinion that such a comprehensive overview of Union funding related to migration, both within and outside the Union must be provided, as the absence of such an overview is a clear obstacle to transparency and sound policymaking; notes, in that regard, that one possible option could be a website comprising a database of all Union funded projects related to migration **policy**; underlines that the need for transparency also extends to budget lines in order to ensure adequate funding for all objectives of Union migration policy;

*Amendment*

97. Is of the opinion that such a comprehensive overview of Union funding related to migration, both within and outside the Union must be provided, as the absence of such an overview is a clear obstacle to transparency and sound policymaking; notes, in that regard, that one possible option could be a website comprising a database of all Union funded projects related to **internal and external migration policies, including those concerning the management of borders**; underlines that the need for transparency also extends to budget lines in order to ensure adequate funding for all objectives of Union migration policy;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 160**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 97 a (new)**

*Motion for a resolution*

*Amendment*

***97 a. Recalls that the positive impact of the EU migration funds rely on processes at national and EU level to ensure transparency, effective monitoring and accountability. Consideration should be given as to how to make monitoring and evaluation ongoing processes and not only ex-post processes. The role of the Court of Auditors should be strengthened in that regard. Qualitative and quantitative indicators should be established and be comparable in order to measure the impact of EU funds and help to assess whether those funds achieved their objectives. Quantified data should be systematically collected. The establishment of a strong and independent European Public Prosecutor's Office should help tackle fraud against the EU budget, including in the area of migration. Such reports could also be***

*made publicly available.*

Or. en



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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 161**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 101 a (new)**

*Motion for a resolution*

*Amendment*

***101 a. Funds used for migration and  
asylum policies should be exempt from  
EU deficit rules as provided for in the EU  
Stability and Growth Pact***

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 162**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 103**

*Motion for a resolution*

103. Reiterates that civil society involvement in the development of Union actions and national programmes must be ensured, in line with the partnership principle as laid down in AMIF; proposes that, at Union level, thought be given to regular consultation between the Commission and relevant civil society organisations working on migration, asylum and integration issues;

*Amendment*

103. ***Stressing the crucial role played by NGOs and volunteers in the protection of migrant and asylum seeker's rights,*** reiterates that civil society involvement in the development of Union actions and national programmes must be ensured, in line with the partnership principle as laid down in AMIF; proposes that, at Union level, thought ***could*** be given to regular consultation between the Commission and relevant civil society organisations working on migration, asylum and integration issues;

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 163**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 111**

*Motion for a resolution*

111. Takes the view that, in the long run, the Union will need to establish more general rules governing the entry and residence for those third-country nationals seeking employment in the Union to fill the gaps identified in the Union labour market;

*Amendment*

111. Takes the view that in the *medium and* long run, the Union will need to establish more general rules governing the entry and residence for those third-country nationals seeking employment in the Union to fill the gaps identified in the Union labour market, *ensure equality in working conditions and social protection, and address restrictions in current labour migration and work permit schemes that tie workers to unscrupulous employers and result in exploitation and loss of status;*

Or. en

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**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 164**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 115**

*Motion for a resolution*

115. Deplores the fact that the low risk of being detected and/or prosecuted as an employer exploiting the labour of irregular migrants has been identified as an important factor in labour exploitation, in particular in sectors most at risk (agriculture, construction, hotels and restaurants, domestic workers and care services); recommends that ***in order*** to tackle this impunity it is necessary, ***firstly***, to ensure that all cases of severe labour exploitation are criminalised and adequately punished under national law ***and, secondly***, to increase labour inspections in at-risk sectors;

*Amendment*

115. Deplores the fact that the low risk of being detected and/or prosecuted as an employer exploiting the labour of irregular migrants has been identified as an important factor in labour exploitation, in particular in sectors most at risk (agriculture, construction, hotels and restaurants, domestic workers and care services); recommends that to tackle this impunity it is necessary, ***first***, to ensure that all cases of severe labour exploitation are criminalised and adequately punished under national law, ***including appropriate protection, redress and compensation for victims, and, second***, to increase labour inspections in at-risk sectors, ***ensuring effective and accessible complaints mechanisms for workers***;

Or. en

# EUROPEAN PARLIAMENT

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*Committee on Civil Liberties, Justice and Home Affairs*

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16/02/2016

The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 165**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 115 a (new)**

*Motion for a resolution*

*Amendment*

***115 a. Recalls that the difficulties that irregular migrants may face in having access to justice and enforcing their rights may be counterproductive to the fight against illegal employment.***

Or. en

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16/02/2016

The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 166**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 115 b (new)**

*Motion for a resolution*

*Amendment*

***115 b. Recalls that the difficulties that irregular migrants may face in having access to justice and enforcing their rights may be counterproductive to the fight against illegal employment***

Or. en

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Committee on Civil Liberties, Justice and Home Affairs

16/02/2016

The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 167**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 117**

*Motion for a resolution*

117. Reiterates that special procedures to ensure facilitation of complaints foreseen by Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (the 'Employers' Sanctions Directive') should be fully implemented and correctly applied in practice; believes that increased protection for those victims of trafficking, **and for those smuggled into the Union**, who cooperate and facilitate prosecution of traffickers and/or **criminal smugglers**, is necessary; suggests that, in addition, support should be given for the setting up of a European Business Coalition against Trafficking in Human Beings (as mooted in the 2014 Strategy against Trafficking in Human Beings) with the purpose of developing supply chains that do not involve trafficking in human beings;

*Amendment*

117. Reiterates that special procedures to ensure facilitation of complaints foreseen by Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (the "Employers' Sanctions Directive") should be fully implemented and correctly applied in practice; believes that increased protection for those victims of trafficking **or labour exploitation**, who cooperate and facilitate prosecution of traffickers and/or **and/or employers that exploit workers**, is necessary; suggests that, in addition, support should be given for the setting up of a European Business Coalition against Trafficking in Human Beings (as mooted in the 2014 Strategy against Trafficking in Human Beings) with the purpose of developing supply chains that do not involve trafficking in human beings;

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16/02/2016

The situation in the Mediterranean and the need for a holistic EU approach to migration

**Motion for a resolution** PE575.215 - 2015/2095(INI)

**Amendment 168**  
**Barbara Spinelli**

**Motion for a resolution**  
**Paragraph 121**

*Motion for a resolution*

121. Believes, moreover, that it is clear that the directive should focus not just on the highly-qualified, **but also** on targeted **high-qualification** occupations where there are proven labour shortages; believes, in addition, that the revision of the Blue Card should be both ambitious and targeted, and should seek to remove the inconsistencies of the existing directive, particularly as regards parallel national schemes; recommends that thought be given to revising the scope to include those third-country nationals who could help tackle the gaps identified in EU labour markets;

*Amendment*

121. Believes, moreover, that it is clear that the Directive should focus not just on the highly-qualified **but** on targeted occupations where there are proven labour shortages, **and where future investments will be necessary for a new economic growth of the EU**; believes, in addition, that the revision of the Blue Card should be both ambitious and targeted, and should seek to remove the inconsistencies of the existing Directive, particularly as regards parallel national schemes; recommends that thought be given to revising the scope to include those third-country nationals who could help tackle the gaps identified in EU labour markets;

Or. en