Wednesday, 18 November 1992

2. Immigration and asylum

(a) RESOLUTION A3-0280/92

Resolution on European immigration policy

The European Parliament,

— having regard to its resolutions of 9 May 1985 on guidelines for a Community policy on migration (1) and 14 June 1990 on immigrant workers from third countries (2),

— having regard to its resolution of 12 June 1986 on obstacles to the free movement of persons within the European Community — visa requirements for citizens of third countries (3),

— having regard to its resolution of 14 October 1987 on discrimination against immigrant women in the laws and legal provisions of the Communities (4),

— having regard to the 1951 Geneva Convention relating to the Status of Refugees and the 1967 New York Protocol,

— having regard to the conclusions by its Committees of Inquiry on racism and xenophobia in Europe,

— having regard to the outcome of the conference on workers from third countries organized by the European Parliament and the Economic and Social Committee on 3 and 4 June 1991 (5),

— having regard to Articles 8a, 100c and K9 of the Treaty on European Union,

— having regard to the report of the ministers responsible for immigration at the Maastricht European Council,

— having regard to the Commission communications to the Council and Parliament on immigration (SEC(91)1855) and on the abolition of internal border controls (SEC(92)0877),

— having regard to its resolution of 8 July 1992 on the European labour market after 1992 (6),

— having regard to Rule 121 of its Rules of Procedure,

— having regard to the report of the Committee on Civil Liberties and Internal Affairs and the opinions of the Committee on Social Affairs, Employment and the Working Environment and the Committee on Culture, Youth, Education and the Media (A3-0280/92),

A. whereas immigration, although a phenomenon of long standing within Europe, does not have the same historical background and structure in all Member States,

B. whereas the decision to emigrate has a huge impact on the life of any individual,

C. whereas, despite the official ban on immigration, the EC Member States have *de facto* remained countries of immigration,

D. whereas the problem of an ageing population means that new workers must be attracted from outside the Community in order to maintain the same level of economic activity and standards of living,

(1) OJ No C 141, 10.6.1985, p. 149.
(2) OJ No C 175, 16.7.1990, p. 180.
(3) OJ No C 176, 14.7.1986, p. 127.
(4) OJ No C 305, 16.11.1987, p. 70.
(5) PE 155.404.
(6) OJ No C 241, 21.9.1992 p. 51

E. whereas immigration may also have undesirable consequences in the countries of origin ('brain drain'),

F. whereas the completion of the internal market makes a Community-wide approach to immigration policy a necessity,

G. whereas, however, according to the Commission, this principle 'must not be confused with the rights which flow directly from Articles 48 to 66 of the Treaty' (aforementioned communication SEC(92)0877, Annex I),

H. whereas the proportion of women and children in migration is increasing on a structural basis, and specific measures are needed,

I. whereas illegal immigration is an economic and human reality with social and political consequences and calls for Community-wide measures,

J. regretting the lack of coherence of the Treaty on European Union, particularly Articles 100c and K9 and the Social Protocol, and the fact that immigration policy remains an intergovernmental concern,

1. Stresses the need for Community-level harmonization of immigration policy, to ensure that nationals of third countries are protected by Community law;

2. Points out the importance of channelling migration in a rational manner and calls on the Commission to set up a European monitoring centre to supervise migratory movements;

3. Asks, in accordance with its above-mentioned resolution of 8 July 1992, that 'foreseeable labour demand and supply be the subject of agreements between the Community Member States and the immigrants' countries of origin';

4. Takes the view that immigratory pressures may be stemmed by providing the countries of origin with support for economic development, and points out that this will require financial and technical aid, agreements on cooperation and trade, technology transfer and a position consonant with the above in the GATT negotiations; notes in this context that the extent of respect for human rights and democratization in the countries of origin are for many people, including skilled workers, a determining factor in their decision to emigrate or remain at home;

5. Considers that asylum policy should be distinguished from other forms of migration in legal and policy terms;

6. Calls on the Commission to draw up a statute before the end of 1993 for those who flee on grounds of poverty or hunger, from war or disasters, and who are not covered by the Geneva Convention or the New York Protocol and to submit this draft for approval to the European Parliament, and calls on the Council to adopt the proposed statute;

7. Calls on the Commission to draw up plans for a European Fund for Refugees and an emergency plan for the reception of refugees, evenly distributed throughout the Community;

8. Points out that the right to family reunification derives directly from the right of residence and insists on the right of any man or woman legally resident in any EC country to have their spouse and children aged 18 or under join them if they so wish; calls for all third country citizens who have taken up residence in an EC country after marriage to an EC citizen to be guaranteed continued right of residence if that marriage breaks down, leading to separation or divorce;

9. Stresses the need to grant freedom of movement throughout the EFTA countries to all those with right of residence in an EC Member State;

10. Calls for Directive 90/366/EEC to be extended to non-EC students;

11. Points out that gypsies in Central and Eastern Europe are subject to severe discrimination and require particular attention;

12. Points out that the re-emigration of migrants with right of residence can only take place on a voluntary basis;

13. Considers that measures must be taken to combat all forms of illegal migration and asks that residence permits be granted only to those illegal immigrants who can give humanitarian reasons for their presence;

14. Calls for Community Regulations to control illegal employment and severe penalties for employers employing illegal immigrants;

15. Considers that illegal immigrants should be deported unless their health and physical integrity are at risk;

16. Considers that illegal employment could be discouraged both by means of penalties and by introducing employment contracts which take into account the specific needs of the economic sectors concerned, without prejudice to the fundamental social rights of the workers involved, and by abolishing all provisions which help turn legal immigrants into illegal immigrants;

17. Calls on the Commission to submit to Parliament before the end of 1993 a new proposal for combating illegal employment;

18. Calls for campaigns to inform people in immigrants' countries of origin about the risks and problems associated with illegal immigration;

19. Calls for information campaigns in the EC to improve understanding of immigrants' motives and the difficult situation in which they live, firm action to combat xenophobic violence in the Member States, more twinning of towns and more school and cultural exchanges between the EC and the countries of Eastern Europe and the Third World;

20. Calls on the Community to conclude agreements with the principal countries of origin of illegal immigrants on taking them back;

21. Calls for the issue of provisional work permits to satisfy the demand side and enable migrants in search of work to earn their living on our labour market for a temporary period and with a view to this, supports the Commission proposal to create a common framework for temporary employment contracts based on the prinicples of ILO Recommendation No 86 (1949);

22. Calls for proposals to be drawn up concerning special employment contracts and associated social measures to be adopted in consultation with the country of emigration, in particular the transfer of social security entitlements;

23. Considers that it is the duty of the national and local authorities in agreement with the two sides of industry to manage demand for labour and organize the intake of temporary workers;

24. Deplores the reluctance shown by some Member States to implement the social provisions of certain association agreements, despite the fact that the Court of Justice has upheld their direct applicability;

25. Points out that migrants in search of temporary employment should be protected by Community law;

26. Calls for the early creation of the instruments for a Community visa policy provided for in Article 100c(1) and (3) of the Treaty on European Union; therefore calls on the Commission to submit the required proposals as soon as possible;

27. Takes the view that Community visa policy must scrupulously respect the international conventions on human rights;

28. Considers that all non-EC citizens applying for an EC visa should be able to acquire the visa within a reasonable period;

29. Stresses the need for coordination between migration policy, policy on international development aid, trade policy and economic and social cooperation with third countries on the part of the Community and its Member States; notes the need to coordinate this policy with the EFTA countries;

30. Takes the view that in 1993 citizens of third countries who are legally resident in the EC should enjoy the same social rights as migrant Community citizens and therefore calls on the Commission to draw up the necessary proposals for extending the freedom of movement, freedom of establishment and access to the labour market enjoyed by EC citizens to all citizens of third countries legally resident in the EC; calls on the Council to adopt this proposal;

31. Calls on the Commission, Council, EPC and Member States to take measures in line with the recommendations set out in the report of its Committee of Inquiry into Racism and Xenophobia, and calls for an objective and serious information policy, coordinated by the Commission, with a view to reducing the problems concerned with migration to their true dimensions;

32. Calls for policy on the integration of the second and third generations to be stepped up in the areas of education and training;

33. Calls for family members to be granted a legal status independent of that of the breadwinner after a two-year period;

34. Calls on the Commission to draft a framework Directive on immigration, followed by Directives specifically on family reunification, access to the labour market, vocational training, re-emigration, and temporary employment status;

35. Calls on its appropriate committee to draft a European Charter on Immigration in collaboration with the Economic and Social Committee;

36. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States of the EC and of EFTA.

(b) **RESOLUTION A3-0337/92**

Resolution on the harmonization within the European Community of asylum law and policies

The European Parliament,

— having regard to the Universal Declaration of Human Rights of 10 December 1948, in particular Article 14, 'Everyone has a right to seek and to enjoy in other countries asylum from persecution',

— having regard to the Geneva Convention relating to the Status of Refugees of 1951 and the additional protocol of 1967, which have been ratified by all the Member States,

— having regard to Standard 3.36 of Annex 9 of the Chicago Treaty of 1944 on international aviation, under which no sanctions may be imposed on airlines except in cases of serious negligence which could constitute assisting illegal immigration,

— having regard to Article 13 of the European Convention on Human Rights, Council of Europe Recommendation 1/16 and paragraph 7 of the conclusions of the Executive Council of the UNHCR (EXCOMCONC No 8/1977), which provide for suspension during the appeal procedure,

— having regard to the statement on Human Rights by the representatives of the Member States governments in the Council of 21 July 1986,