

Amendment 4

Nicolaus Fest, Nicolas Bay, Harald Vilimsky, Jaak Madison, Peter Kofod
on behalf of the ID Group

Report**A9-0005/2021****Erik Marquardt**

Implementation of Article 43 of the Asylum Procedures Directive
(2020/2047(INI))

Motion for a resolution**Recital B***Motion for a resolution*

B. whereas disaggregated and comparable data relating to the implementation of Article 43 of the APD is often not collected or publicly available; whereas the financial costs of border procedures are not available; whereas ***significant human costs for individuals can arise from the deprivation of liberty, particularly if border detention facilities are inadequate or if procedural safeguards are not applied or inadequately applied;***

Amendment

B. whereas disaggregated and comparable data relating to the implementation of Article 43 of the APD is often not collected or publicly available; whereas the financial costs of border procedures are not available; whereas ***the primary consideration of this procedure should be ensuring the security of the external borders;***

Or. en

3.2.2021

A9-0005/5

Amendment 5

Nicolaus Fest, Nicolas Bay, Harald Vilimsky, Jaak Madison, Peter Kofod
on behalf of the ID Group

Report

A9-0005/2021

Erik Marquardt

Implementation of Article 43 of the Asylum Procedures Directive
(2020/2047(INI))

Motion for a resolution

Recital G

Motion for a resolution

Amendment

G. whereas ***despite the significant increase of alleged fundamental rights violations at the EU's external borders,*** there is no obligation for Member States to establish an independent monitoring mechanism ensuring the protection of fundamental rights at external borders;

G. whereas there is no obligation for Member States to establish an independent monitoring mechanism ensuring the protection of fundamental rights at external borders;

Or. en

3.2.2021

A9-0005/6

Amendment 6

Nicolaus Fest, Nicolas Bay, Jaak Madison, Harald Vilimsky, Peter Kofod
on behalf of the ID Group

Report

A9-0005/2021

Erik Marquardt

Implementation of Article 43 of the Asylum Procedures Directive
(2020/2047(INI))

Motion for a resolution

Paragraph 5

Motion for a resolution

5. Notes that all persons seeking international protection have an interest in their requests being dealt with as quickly and efficiently as possible, ***provided that all applications are subject to an individual assessment and that the procedural safeguards and rights granted to applicants under Union law apply and can be exercised effectively;***

Amendment

5. Notes that all persons seeking international protection have an interest in their requests being dealt with as quickly and efficiently as possible, ***and that this can only occur when applicants cooperate with border control authorities, by providing documentation and giving true information;***

Or. en

3.2.2021

A9-0005/7

Amendment 7

Nicolaus Fest, Nicolas Bay, Jaak Madison, Harald Vilimsky, Peter Kofod
on behalf of the ID Group

Report

A9-0005/2021

Erik Marquardt

Implementation of Article 43 of the Asylum Procedures Directive
(2020/2047(INI))

Motion for a resolution

Paragraph 6

Motion for a resolution

6. Recalls that border procedures entail the examination of an asylum application at the border or in a transit zone before a decision on entry to the territory of a Member State; reiterates that the refusal of entry under the Schengen Borders Code must be without prejudice to the application of special provisions concerning the right of asylum and to international protection; notes that, therefore, Member States have an obligation to assess whether an asylum applicant is in need of protection;

Amendment

6. Recalls that border procedures entail the examination of an asylum application at the border or in a transit zone before a decision on entry to the territory of a Member State, ***which seeks to ascertain whether the applicant has wilfully failed to cooperate with the determining authorities or has misled them, or poses a genuine, active and sufficiently serious threat to public order or national security***; reiterates that the refusal of entry under the Schengen Borders Code must be without prejudice to the application of special provisions concerning the right of asylum and to international protection; notes that, therefore, Member States have an obligation to assess whether an asylum applicant is in need of protection; ***adds that migrants must not be considered de facto asylum applicants***;

Or. en

3.2.2021

A9-0005/8

Amendment 8

Nicolaus Fest, Nicolas Bay, Jaak Madison, Harald Vilimsky, Peter Kofod
on behalf of the ID Group

Report

A9-0005/2021

Erik Marquardt

Implementation of Article 43 of the Asylum Procedures Directive
(2020/2047(INI))

Motion for a resolution

Paragraph 9

Motion for a resolution

9. Highlights that applicants subject to border procedures are likely to be placed in detention during the examination of their asylum application; points out, further, that all Member States examined in the European Implementation Assessment by the EPRS detain asylum applicants in the framework of border procedures;

Amendment

9. Highlights that applicants subject to border procedures are likely to be placed in detention during the examination of their asylum application; points out, further, that all Member States examined in the European Implementation Assessment by the EPRS detain asylum applicants in the framework of border procedures, ***as permitted by national and EU law;***

Or. en

3.2.2021

A9-0005/9

Amendment 9

Nicolaus Fest, Nicolas Bay, Jaak Madison, Harald Vilimsky, Peter Kofod
on behalf of the ID Group

Report

A9-0005/2021

Erik Marquardt

Implementation of Article 43 of the Asylum Procedures Directive
(2020/2047(INI))

Motion for a resolution

Paragraph 10

Motion for a resolution

Amendment

10. ***Reiterates that as stipulated in the RCD Member States must not hold a person in detention for the sole reason that he or she is an applicant, and that applicants may be detained only under very clearly defined exceptional circumstances; recalls its joint provisional agreement with the Council on the recast RCD that specifies that Member States shall not detain an applicant on the basis of her or his nationality; stresses that the RCD stipulates that detention must remain a measure of last resort, last only for as short a period as possible, and only for as long as the grounds set out in Article 8(3) of the RCD are applicable, and that persons detained must be given an opportunity to appeal against their deprivation of liberty; reiterates that the right to liberty as laid down in Article 6 of the EU Charter of Fundamental Rights and Article 5 of the ECHR also applies at the EU's borders; regrets that hardly any alternatives to detention have been developed and applied in border procedures, and encourages Member States to take the necessary measures to ensure that alternatives to detention are available;***

10. ***Acknowledges that Member States may, as a precautionary safety measure, have to hold a person in detention for the sole reason that he or she is an applicant;***

Or. en

3.2.2021

A9-0005/10

Amendment 10

Nicolaus Fest, Nicolas Bay, Jaak Madison, Harald Vilimsky, Peter Kofod
on behalf of the ID Group
Rob Rooken

Report

A9-0005/2021

Erik Marquardt

Implementation of Article 43 of the Asylum Procedures Directive
(2020/2047(INI))

Motion for a resolution

Paragraph 19 a (new)

Motion for a resolution

Amendment

19a. Is deeply concerned about the fact that Member States do not have adequate age assessment procedures in place; recommends that Member States set up adequate measures to effectively assess the status of minors;

Or. en