

**Amendment 6**

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on behalf of the ID Group

**Report****A9-0060/2021****Tineke Strik**

Human rights protection and the EU external migration policy  
(2020/2116(INI))

**Motion for a resolution (Rule 181(3) of the Rules of Procedure) replacing non-legislative motion for a resolution A9-0060/2021**

**European Parliament resolution on human rights protection and the EU external migration policy**

*The European Parliament,*

- having regard to the Universal Declaration of Human Rights of 1948,
- having regard to the International Covenant on Civil and Political Rights of 1966,
- having regard to the International Covenant on Economic, Social and Cultural Rights of 1966,
- having regard to the Convention Relating to the Status of Refugees of 1951 (Geneva Convention),
- having regard to the United Nations Convention on the Law of the Sea of 1982,
- having regard to the UN Convention against Transnational Organized Crime and its supplementary Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and against the Smuggling of Migrants by Land, Air and Sea,
- having regard to the New Pact on Migration and Asylum proposed by the Commission on 23 September 2020,
- having regard to Council Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence<sup>1</sup>,
- having regard to the EU-Turkey statement of 18 March 2016,
- having regard to the Global Compact for Safe, Orderly and Regular Migration of 2018,

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<sup>1</sup> OJ L 328, 5.12.2002, p. 17.

- having regard to the Global Compact on Refugees of 2018,
- having regard to Rule 54 of its Rules of Procedure,
- A. whereas migration is a global phenomenon amplified by policies that create pull factors for migrants; whereas Europe is an attractive destination for migrants, given its political, economic and social stability;
- B. whereas migration is a topic of the utmost importance in European politics;
- C. whereas the argument of an ageing population in Europe should not be used as a false narrative to justify further mass migration; whereas beneficial family policies will address the issue of the ageing population;
- D. whereas uncontrolled mass migration constitutes a threat to peace and security within and between European states; whereas uncontrolled mass migration constitutes a threat to European values, heritage, culture and our very existence;
- E. whereas a refugee ceases to be a refugee once the conditions that led to them fleeing their home country have improved; whereas such a person can then be legally returned to their country of origin;
- F. whereas control of the borders and the decision on whom to allow to enter and reside in a state are essential elements of territorial sovereignty;
- 1. Reiterates that Member States have the sovereign right to control their borders and to determine who has a right to enter and reside on their territory; emphasises that the rights of migrants should in all instances be balanced with the rights of the citizens of the Member States;
- 2. Considers that international instruments such as the Global Compact on Migration and the Global Compact on Refugees exacerbate the migration crisis, as they create further pull factors for migrants to risk their lives in order to travel to Europe;
- 3. Reminds the Commission and the Member States that there is a clear distinction between economic migrants and refugees or asylum seekers; urges both the Commission and the Member States not to blur the legal boundary between categories of migrants and refugees in public statements; emphasises, therefore, the importance of a narrow interpretation of the term ‘refugee’; further urges the Member States not to broaden the definition of refugees to include so-called climate refugees;
- 4. Recalls that refuge should be provided in the region where the threat exists, since this would allow refugees to easily return to their home country once it is safe to do so, which will, in turn, allow them to contribute to the rebuilding of their country once it is safe to do so;
- 5. Urges the EU and its Member States to make aid granted to developing countries conditional upon the effective implementation of agreements on the readmission of migrants illegally residing in the EU; considers that visa policies are important tools for incentivising cooperation on migration and security policies, including by making them

more restrictive for third countries that do not cooperate adequately on readmissions and border management;

6. Encourages EU Member States to support developing countries that are also fighting against illegal migration; calls for the EU not to support non-governmental organisations (NGOs) or local organisations that use human rights as a tool to encourage and facilitate illegal migration between developing countries;
7. Calls on the Commission to extensively revise the New Pact on Migration and Asylum which it proposed on 23 September 2020; emphasises that this revision should be focused on limiting migration to Europe rather than facilitating it, as well as on facilitating returns rather than restricting them;
8. Expresses grave concern about the role of NGOs in the facilitation of human trafficking and smuggling; notes that the Commission's New Pact on Migration and Asylum considers that the criminalisation of NGOs that carry out search and rescue operations at sea amounts to a breach of international law and is not permitted by EU law; emphasises that the broadly framed decriminalisation proposals contained in the New Pact on Migration will further facilitate human trafficking and smuggling, and create additional pull factors for migrants to risk their lives in order to travel to Europe;
9. Stresses that international humanitarian law and the law of the sea should not be interpreted in such a way as to mean that the obligation to save people in peril at sea results in a situation where the actions of NGOs, which perform the role of a shuttle service for migrants, are decriminalised; criticises the Commission's interpretation of international law on the issue of decriminalisation;
10. Recalls that creating additional legal pathways for migration will not reduce illegal migration to Europe, but would merely amount to relabelling 'illegal' migration as 'legal' migration;
11. Considers that when it comes to children, the age of the person should be determined through objective medical analyses, as many migrants travel to Europe under the guise of being 'children', when in fact they are over the age of 18;
12. Stresses that granting residency is the sovereign right of Member States and should not be a competence of the EU; recommends that permanent residency should not be granted after three years, as proposed in the new Commission Pact, and reiterates that asylum is temporary in nature and refugee status should be reviewed periodically so that these persons can continue with their lives in their home country as soon as reasonably possible;
13. Expresses concern about reports that NGOs are coaching migrants at the external borders of the EU on what to say to guarantee that their asylum claim is successful; further points out that NGOs operating in the Mediterranean act as a shuttle service for migrants and therefore exacerbate the problems related to human trafficking and human smuggling, while also infringing Union law;
14. Stresses the importance of terminating funding to civil society groups and NGOs that

- act as a shuttle service smuggling illegal migrants;
15. Notes that the lax migration policies of the EU, together with the actions of NGOs, have created pull factors that entice migrants into making the perilous journey to Europe in the hope of a better life; considers that both the Union's institutions and its law contributed to creating the migration crisis of 2015, and that this crisis was used for the purposes of a power grab to take more competences away from the Member States;
  16. Condemns the threats made by Turkey that it will 'flood' Europe with migrants, in spite of Turkey's undertakings in the 2016 EU-Turkey agreement; further reiterates that all funding to Turkey should be immediately halted, and that accession negotiations with the country should be unconditionally terminated;
  17. Emphasises that illegally staying migrants should be returned to their country of origin as a matter of urgency, regardless of whether this return is voluntary or not; suggests that where refugees are found guilty of serious criminal offences, Member States should return them to their country of origin without delay;
  18. Instructs its President to forward this resolution to the Member States, the Council and the Commission.

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