

Procedure file

Basic information		
INL - Legislative initiative procedure	2018/2271(INL)	Procedure completed
Humanitarian visas		
Subject		
6.50 Emergency, food, humanitarian aid, aid to refugees, Emergency Aid Reserve		
7.10.04 External borders crossing and controls, visas		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 LÓPEZ AGUILAR Juan Fernando	26/11/2018
		Shadow rapporteur	
		 BECKER Heinz K.	
		 HALLA-AHO Jussi	
		 WIKSTRÖM Cecilia	
		 VALERO Bodil	
		 FERRARA Laura	
		 VILIMSKY Harald	
European Commission	Commission DG Migration and Home Affairs	Commissioner AVRAMOPOULOS Dimitris	

Key events			
03/12/2018	Vote in committee		
04/12/2018	Committee report tabled for plenary	A8-0423/2018	Summary
11/12/2018	Results of vote in Parliament		
11/12/2018	Decision by Parliament	T8-0494/2018	Summary
11/12/2018	End of procedure in Parliament		

13/12/2018

Committee referral announced in Parliament

Technical information

Procedure reference	2018/2271(INL)
Procedure type	INL - Legislative initiative procedure
Procedure subtype	Request for legislative proposal
Legal basis	Rules of Procedure EP 47
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/15073

Documentation gateway

Committee draft report	PE630.712	26/11/2018	EP	
Amendments tabled in committee	PE630.719	30/11/2018	EP	
Committee report tabled for plenary, single reading	A8-0423/2018	04/12/2018	EP	Summary
Text adopted by Parliament, single reading	T8-0494/2018	11/12/2018	EP	Summary
Commission response to text adopted in plenary	SP(2019)149	01/04/2019	EC	

Humanitarian visas

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Juan Fernando LÓPEZ AGUILAR (S&D, ES) with recommendations to the Commission on humanitarian visas.

Members recalled that despite numerous announcements and requests for safe and legal pathways offering access to European territory for persons seeking international protection, there is currently no harmonisation at Union level of protected entry procedures (PEPs) and no legal framework at Union level for humanitarian visas.

The number of persons admitted on the basis of national entry procedures for humanitarian protection or through resettlement remains low in comparison to global needs, with significant disparities between Member States. It is estimated that 90% of those granted international protection have reached the Union through irregular means, which leads to them being stigmatised before they even arrive at the external borders of the Member States.

Single women travelling alone or with children, adolescent girls and elderly women are among those who are particularly vulnerable along migration routes to Europe. The human cost of those policies has been put at least 30 000 deaths at the Union's borders since 2000.

Members stressed that a Union legal framework is urgently needed as one means to address the intolerable death toll in the Mediterranean and on the migration routes to the Union, to truly combat human smuggling, exposure to trafficking in human beings, to manage the orderly arrival, dignified reception and fair processing of asylum claims.

Consequently, Members called on the Commission to submit, before 31 March 2019, on the basis of point (a) of Article 77(2) of the Treaty on the Functioning of the European Union (TFEU), a proposal for a regulation establishing a European humanitarian visa following the recommendations set out in the annex to the motion for a resolution.

Objectives of the proposal: under the requested proposal, Member States shall have the possibility to issue a humanitarian visa to persons seeking international protection, to allow those persons to enter the territory of the Member State issuing the visa for the sole purpose of submitting an application for international protection.

The new instrument shall cover third-country nationals who are subject to the visa requirement who are in need of protection against a real risk of being exposed to persecution or serious harm and who are not covered by any other instrument such as resettlement.

Procedures for issuing humanitarian visas: the visa application shall be assessed on a prima facie basis to consider whether applicants have an arguable claim of exposure to a real risk of persecution or serious harm. The proposal covers procedural steps, processing deadlines, the need to submit an application form and send biometric data, the participation of external service providers, security checks and the right to appeal.

The applicant shall be invited to an interview, which could also be conducted remotely, by audio and video means of communication ensuring an appropriate level of security, safety and confidentiality, and, if necessary, with the assistance of an interpreter.

Administrative management: visa applications shall be assessed by properly trained staff. The proposal shall provide for measures to ensure data protection and security and for Member States to cooperate with each other, with Union agencies, international organisations, governmental and non-governmental organisations and other stakeholders in order to ensure its harmonised application.

The proposal shall provide for significant financial support from the Integrated Border Management Fund to be made available to Member States for its implementation. Lastly, it shall require amending a series of acts relating to the visa acquis, in particular the Visa Code and the Visa Information System (VIS), in order to adapt them to the existence of this new instrument.

Humanitarian visas

The European Parliament adopted by 429 votes to 194, with 41 abstentions, a resolution with recommendations to the Commission on humanitarian visas.

Background

Members recalled that despite numerous announcements and requests for safe and legal pathways offering access to European territory for persons seeking international protection, there is currently no harmonisation at Union level of protected entry procedures (PEPs) and no legal framework at Union level for humanitarian visas.

Several Member States currently have or have previously had national schemes for issuing humanitarian visas or residence permits to guarantee national PEPs for people in need.

The number of persons admitted on the basis of national entry procedures for humanitarian protection or through resettlement remains low in comparison to global needs, with significant disparities between Member States. It is estimated that 90% of those granted international protection have reached the Union through irregular means, which leads to them being stigmatised before they even arrive at the external borders of the Member States.

Single women travelling alone or with children, adolescent girls and elderly women are among those who are particularly vulnerable along migration routes to Europe. The human cost of those policies has been put at least 30 000 deaths at the Union's borders since 2000.

Need for a Union framework

Members stressed that a Union legal framework is urgently needed as one means to address the intolerable death toll in the Mediterranean and on the migration routes to the Union, to truly combat human smuggling, exposure to trafficking in human beings, to manage the orderly arrival, dignified reception and fair processing of asylum claims.

Parliament tried to include provisions to this effect in its amendments to [Regulation \(EC\) No 810/2009](#), but these amendments were rejected by the Council and the Commission.

Consequently, Members called on the Commission to submit, before 31 March 2019, on the basis of point (a) of Article 77(2) of the Treaty on the Functioning of the European Union (TFEU), a proposal for a regulation establishing a European humanitarian visa following the recommendations set out in the annex to the motion for a resolution.

Objectives of the proposal

Under the requested proposal, Member States shall have the possibility to issue a humanitarian visa to persons seeking international protection, to allow those persons to enter the territory of the Member State issuing the visa for the sole purpose of submitting an application for international protection.

The new instrument shall cover third-country nationals who are subject to the visa requirement who are in need of protection against a real risk of being exposed to persecution or serious harm and who are not covered by any other instrument such as resettlement.

Procedures for issuing humanitarian visas

The visa application shall be assessed on a prima facie basis to consider whether applicants have an arguable claim of exposure to a real risk of persecution or serious harm. The proposal covers procedural steps, processing deadlines, the need to submit an application form and send biometric data, the participation of external service providers, security checks and the right to appeal.

The applicant shall be invited to an interview, which could also be conducted remotely, by audio and video means of communication ensuring an appropriate level of security, safety and confidentiality, and, if necessary, with the assistance of an interpreter.

Visa applications shall be decided within 15 calendar days from the date of their submission. Visas shall be issued using a common sticker and inserted in the Visa Information System.

Administrative management

Visa applications shall be assessed by properly trained staff. The proposal shall provide for measures to ensure data protection and security and for Member States to cooperate with each other, with Union agencies, international organisations, governmental and non-governmental organisations and other stakeholders in order to ensure its harmonised application.

The proposal shall provide for significant financial support from the Integrated Border Management Fund to be made available to Member States for its implementation. Lastly, it shall require amending a series of acts relating to the visa acquis, in particular the Visa Code and the Visa Info.