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## Migration and refugees in Europe

### Greens/EFA motion for resolution

*Tabled by **Judith Sargentini, Ska Keller, Jean Lambert, Ulrike Lunacek, Benedek Jávor, Bart Staes, Michel Reimon** on behalf of the Greens/EFA Group*

The European Parliament,

- having regard to the Charter of Fundamental Rights of the European Union,
- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms,
- having regard to the Universal Declaration of Human Rights,
- having regard to the 1951 Convention relating to the Status of Refugees and the additional protocol thereto,
- having regard to its resolution of 9 October 2013 on EU and Member State measures to tackle the flow of refugees as a result of the conflict in Syria<sup>(1)</sup>,
- having regard to its resolution of 17 December 2014 on the situation in the Mediterranean and the need for a holistic EU approach to migration<sup>(2)</sup>,
- having regard to its resolution of 29 April 2015 on the latest tragedies in the Mediterranean and EU migration and asylum policies<sup>(3)</sup>,
- having regard to the Commission's European Agenda on Migration of 13 May 2015 ([COM\(2015\)0240](#)),
- having regard to the ten-point action plan on migration of the Joint Foreign and Home Affairs Council of 20 April 2015,
- having regard to the conclusions of the European Council Special Summit on the Mediterranean refugee crisis of 23 April 2015,

- having regard to the report of the Parliamentary Assembly of the Council of Europe (PACE) of April 2012 entitled ‘Lives lost in the Mediterranean Sea’,
- having regard to the reports of the UN Special Rapporteur on the Human Rights of Migrants, in particular that entitled ‘Banking on mobility over a generation: follow-up to the regional study on the management of the external borders of the European Union and its impact on the human rights of migrants’, published in May 2015,
- having regard to the European Asylum Support Office (EASO) Annual Report on the Situation of Asylum in the European Union 2014,
- having regard to Rule 123(2) of its Rules of Procedure,

A. whereas, as a consequence of the global refugee crisis, an unprecedented number of people are seeking protection in the EU; whereas the surge in refugee numbers looks set to continue as a result of the ever-increasing instability on Europe’s borders due to conflicts, coupled with blatant violations of human rights, a sharp increase in violence and terrorism and the devastating effects of climate change, and whereas this highlights once more the urgent need to do everything possible to save the lives of people who are fleeing their countries and are in danger, and the fact that the Member States should abide by their international obligations, including rescue obligations at sea;

B. whereas 2 800 women, men and children have been reported dead or missing in 2015 in their attempt to reach a safe place in Europe, according to UNHCR data; whereas, in a statement of 5 August 2015, Doctors without Borders highlighted the severe lack of adequate search and rescue operations; whereas refugees and migrants are also losing their lives on their way across Europe; whereas last month 71 women, men and children were found dead in a truck on their way from Hungary to Austria;

C. whereas the EU and its Member States effectively force refugees and migrants towards criminal smugglers by building fences and sealing off their external borders against irregular migration, without providing possibilities for legal entry;

D. whereas Greece has received 229 460 sea and land arrivals from January to August 2015 and Italy 115 500 sea arrivals from January to July 2015, according to UNHCR data; whereas Hungary witnessed 150 000 arrivals from January to July 2015, according to FRONTEX data;

E. whereas the number of applications for international protection in July 2015 in EU countries plus Norway and Switzerland was 123 294, surpassing 100 000 for the first time and a total 28 % higher than in June 2015;

F. whereas the main countries of origin of asylum seekers in 2015 are Syria, Afghanistan, Eritrea and Iraq, according to FRONTEX data; whereas the vast majority of people fleeing these countries to Europe are granted protection;

G. whereas the last European Council meeting, held on 25-26 June 2015, and the subsequent Justice and Home Affairs Council meeting on 20 July 2015 failed to produce an agreement on a binding redistribution mechanism for the relocation and resettlement of people, and instead settled for a voluntary mechanism; whereas Member States failed to reach an agreement on providing 40 000 places for the relocation of refugees from Greece and Italy and instead pledged only 32 256 places;

H. whereas on 3 September 2015 German Chancellor Angela Merkel and French President François Hollande agreed on the need to establish a permanent and mandatory mechanism for allocating refugees among all Member States;

I. whereas on 3 September 2015 European Council President Donald Tusk called for at least 100 000 refugees to be redistributed;

J. whereas a survey by the International Organisation for Migration (IOM) indicates that Europe is the world's most dangerous destination for 'irregular' migrants, highlighting once more the need to do everything possible to save the lives of people in danger and for Member States to abide by their international protection obligations;

K. whereas many citizens are demonstrating an unprecedented level of solidarity with refugees, warmly welcoming them and providing an impressive level of support; whereas European citizens are thereby showing that protecting those in need and compassion remains a truly European value;

L. whereas the current situation has highlighted an embarrassing lack of solidarity on the part of governments towards asylum-seekers, insufficiently coordinated and coherent action; whereas this is leading to a chaotic situation and human rights violations;

M. whereas some Member States and their leaders have taken a proactive approach and demonstrated preparedness and a willingness to receive refugees; whereas other Member States should follow this good example;

N. whereas the different positions taken by individual Member States continue to highlight the fact that the EU has 28 fragmented migration policies; whereas the lack of a unified system of asylum procedures and standards in the Member States means that they are providing different levels of protection, and in some cases even inadequate guarantees for asylum-seekers;

O. whereas the leaders of some Member States and far-right parties are using the current situation to fuel anti-migration sentiments while blaming the EU for the crisis, and whereas this is contributing to growing numbers of violent acts against migrants;

P. whereas under the 1951 Geneva Convention people may seek asylum in a country other than their own, regardless of their country of origin, as long as they have a well-founded fear of being persecuted because of their race, religion, nationality, membership of a particular social group or political opinion;

1. Expresses its deep regret and sorrow at the current refugee situation and the lack of solidarity and responsibility shown by the Member States; believes that the restrictive asylum and migration policies of the EU and its Member States are causing people to die; calls, therefore, for an immediate shift in migration and asylum policies to prevent further loss of life;

2. Praises the civil society groups and individuals all over Europe who are mobilising in large numbers to welcome and provide aid to refugees and migrants; warmly welcomes the remarkable outpouring of public support, including from faith-based organisations, NGOs and individuals, which is increasingly driving governments to change their policies and rhetoric; encourages European citizens to keep up their support and engagement for a humanitarian response to the refugee crisis; believes that such actions demonstrate true adherence to European values and are a sign of hope for the future of Europe;

3. Considers the increasing imbalances between Member States as regards both arrivals of refugees and migrants and their final destination to be unsustainable; deplores the European Council's failure to agree to a binding mechanism for the emergency relocation of 40 000 refugees from Greece and Italy to other Member States and is deeply disappointed that the Member States, despite clear guidelines from the European Council, have so far pledged only 32 256 places in two years, while Greece alone is witnessing 23 000 arrivals in one week; welcomes the decision of Austria and Germany to receive thousands of refugees and migrants stranded under unsustainable conditions in Hungary and calls on all Member States

to follow this example of political leadership based on humanitarian values;

4. Welcomes the Commission's new initiatives to quadruple relocation places in order to ease the situation in Hungary and to further support Greece and Italy; takes the view, nevertheless, that ad hoc solutions for emergency situations can only produce limited effects; endorses, therefore, the Commission's additional proposal for a permanent relocation mechanism to be activated in emergency situations; urges the Council to adopt both measures swiftly and without delay; is prepared to deal with the new emergency relocation scheme under a fast-track procedure and declares its intention to advance all other measures proposed by the Commission in parallel so as to ensure that Member States do not delay the permanent relocation scheme; regrets the lack of cooperation from the Council on the previous emergency relocation measure, as a result of which it ignored Parliament's suggestions in the consultation procedure; reminds the Council that Parliament is strongly in favour of a binding relocation mechanism which, as far as possible, takes into account the preferences of refugees and which in principle requires the refugee's consent to his or her transfer; urges the Council to take into account this suggestion when adopting the new emergency relocation measure; calls on the Commission and the Council to ensure that all initiatives in this field are proposed and adopted through codecision as legally binding acts without the possibility of opt-outs ; calls on the Member States to implement such acts swiftly and in good faith;

5. Stresses that the free movement of people within the Schengen area has been one of the biggest achievements of European integration, that Schengen has a positive impact on the lives of hundreds of thousands of EU citizens, both by making border crossing convenient and by boosting the economy, and that freedom of movement is a fundamental right and a pillar of EU citizenship; condemns the attempts to undermine the functioning of the Schengen area;

6. Welcomes the operational support which the Commission will provide to frontline Member States such as Greece, Italy and Hungary via 'Hotspots' by bundling experts from the EU agencies such as FRONTEX, the European Asylum Support Office (EASO) and the European police office (Europol), to help Member States with the registration of people arriving; reminds the Member States that the success of such registration centres depends on their willingness to relocate refugees from the 'Hotspots' to their territories; recalls that procedures for the return of persons not qualifying for protection must fully comply with human rights standards and that voluntary returns should be prioritised over forced returns;

7. Calls on the Commission to create significant budgetary room and readiness in the 2016 budget and multiannual financial framework (MFF) provisions, enabling more swift and substantial support to the EASO and the Member States as regards their actions for reception and integration of refugees, including in the framework of the relocation schemes;

8. Calls for the establishment of humanitarian corridors throughout refugee transit countries (in the Mediterranean and in the Western Balkans) with the aim of providing humanitarian aid and ensuring that their most basic needs are covered and their human rights respected;

9. Calls for an urgent review of the Dublin Regulation by establishing a permanent EU-wide legally binding system of distribution of asylum seekers between the Member States, based on fair, compulsory allocation, while taking into account the needs and preferences of asylum seekers themselves; suggests that a system under which asylum seekers could apply for asylum in a Member State where they already have family ties, community links or better employment prospects would significantly improve their integration prospects; considers also that such a system would significantly reduce irregular secondary movements within the EU and the need for coercive measures such as the detention of asylum seekers for the purpose of transferring them back to the Member State responsible; calls on the Commission, furthermore, to put forward proposals to allow the mutual recognition of positive asylum decisions, the transfer of international protection status within the EU and the creation of the Common European Asylum Service; urges the Member States, in the meantime, to apply the provisions in the Dublin Regulation without

restrictive interpretation, in accordance with the principle of solidarity and fundamental rights, such as those relating to unaccompanied children, family reunification and discretionary clauses; welcomes the fact that Germany is applying the Dublin Regulation's sovereignty clause to Syrian refugees so that they can stay in Germany instead of being sent back to the Member State of arrival; encourages other Member States to follow this example;

10. Takes note of the tripling of the Triton and Poseidon FRONTEX operations in the Mediterranean and their contribution to saving lives at sea; believes that a permanent and humanitarian European system of search and rescue should be established;

11. Recalls that the possibilities for people in need of protection to legally enter the EU are very limited and deplores the fact that they have to resort to criminal smugglers and dangerous routes to find protection in Europe; considers it therefore a high priority that the EU and its Member States provide safe and legal avenues for refugees; calls on the Commission to put forward a much more ambitious European resettlement programme, substantially increasing the 20 000 resettlement places so far planned, and calls on the Member States to provide the necessary places; recalls that the UNHCR is looking for 230 000 resettlement places for Syrian refugees; encourages the Member States to establish private sponsorship programmes which will allow NGOs or other groups, such as faith-based organisations, to support the resettlement of refugees; calls on the Member States to enhance family reunification, to overcome legal and practical obstacles to swifter decisions on family reunification and to follow the Commission guidelines on the application of the Family Reunification Directive both in letter and in spirit; believes that the Visa Code should be amended by including more specific common provisions on humanitarian visas; calls on the Member States to make full use of the already existing possibilities for issuing humanitarian visas at their embassies and consular offices so that people in need of protection can enter the EU safely, by ferry or airplane instead of putting their lives at risk on an unseaworthy smuggler's boat; asks the Member States to make it possible to apply for asylum at their embassies and consular offices; calls on the Commission to introduce a visa waiver for Syria so that Syrian refugees no longer need a visa to enter the Schengen area;

12. Is concerned about the Commission proposal to declare EU accession countries and potential candidate countries for accession, including the countries of the Western Balkans and Turkey, as safe countries of origin for the purposes of asylum; considers that the procedural rights of citizens of those countries would, as a consequence, be significantly limited in the asylum procedure; draws attention to the fact that the approach based on the concept of 'safe countries' undermines human rights, especially those of people belonging to vulnerable groups, such as minorities or LGBTI persons; recalls that in 2014 nationals from the Western Balkans had an average recognition rate of nearly 5 % and a recognition rate of up to 50 % in some Member States such as Finland and Italy; points out that the situation as regards human rights and civil liberties in accession candidate countries is often not a priority for the Commission, and that it is misleading to suggest that human rights violations no longer exist in those countries;

13. Stresses that the EU should also offer persons who want to come to Europe legal avenues for entering and staying in the EU; points out that at present labour migrants have hardly any means of entering the EU legally other than applying for asylum; calls for a labour immigration corridor to be set up for EU accession candidate countries, which would give citizens of those countries facilitated access to the European labour market; recalls that the ageing of society in Europe calls for decisive action also in the field of migration; believes that the current piecemeal approach of the EU and its Member States to regulating migration should be replaced by the EU Migration Code; calls on the Member States to ratify and implement the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

14. Condemns the incidents involving inhumane and degrading treatment of migrants and refugees across European countries, including the hate speech and violent acts of some law enforcement authorities

and extremist groups; calls on the Commission and the Member States to take urgent steps against violent actions and hate speech targeting refugees and migrants; also calls on the leaders of the EU and the Member States to take a clear stance in favour of European solidarity, and respect for human dignity and the rights of refugees and migrants;

15. Condemns the detention of migrants and the criminalisation of their actions, such as irregular crossing of borders; believes that this approach wrongly portrays migrants as criminals and a threat to public order; recalls that the Member States may not neglect their obligations under human rights and asylum law under the pretext that the persons concerned have infringed existing rules, save in the event of very serious offences; calls for an end to detention practices; stresses that the conditions in reception facilities must fully comply with fundamental rights standards and EU law; calls on the Member States not to penalise those who voluntarily help migrants on humanitarian grounds, including carriers;

16. Objects to the EUNAVFOR Med operation against smugglers and traffickers in the Mediterranean; rejects the High Representative's initiative to launch phase two of the operation, which could lead to the unintentional use of lethal force against unarmed migrants and refugees; reiterates its call to refrain from any action which is not covered by international law; regrets the excessive militarisation of efforts to resolve the refugee crisis by some Member States; believes that the focus on the military fight against smugglers, the destruction of their vessels, the enhanced patrolling and the building of walls and fences at external borders makes it even more dangerous for people fleeing war and persecution to reach Europe and forces them even more to resort to smugglers; considers, in addition, that this sends the wrong signal, i.e. that asylum seekers represent a security threat, which can be countered by military means; stresses that Member States have an obligation to ensure access to the EU territory for people in need of international protection;

17. Calls on the Commission and the Member States to immediately suspend cooperation on preventing irregular migration and improving border controls with third countries such as Eritrea and Egypt, border controls that are actually turning back refugees, and suspend any financial assistance to such regimes in light of UN and NGO reports on human rights abuses; rejects the proposals from the Member States to set up asylum centres in third countries and to involve Northern African countries and Turkey in European search and rescue operations with the aim of intercepting refugees and bringing them back to African and Turkish soil; calls on the Commission, in this connection, to provide Parliament with an evaluation of the extent to which these proposals comply with international asylum law and of the practical and legal obstacles to their implementation; calls for the Khartoum process to be replaced by a process based on full respect for human rights and focused on improving living conditions so as to address the root causes of migration; urges the Commission and the Council to focus the Valletta Summit in November on the root causes of migration, such as poverty, inequality, injustice, climate change, corruption, ill-governance and armed conflict; rejects plans to link development aid to more border controls or readmission agreements by third countries; asks the EU, its Member States and the international community to review their contribution to poverty and conflict through agricultural, trade, foreign, peace and other policies; urges the EU, its Member States and the international community to reinforce their role in conflict resolution and, in particular, help find sustainable political solutions in countries in conflict, such as Iraq, Syria and Libya, and to strengthen political dialogue, including with regional organisations, encompassing all human rights elements, in order to support inclusive and democratic institutions, to build the resilience of local communities and to foster social and democratic development in the countries of origin and among their peoples;

18. Urges the Member States and the Commission to increase the funding and means for humanitarian crisis responses inside and outside the European Union; underlines the fact that the humanitarian response to the refugee crisis should be part of a longer-term plan that includes humanitarian support for the countries neighbouring the refugees' countries of origin, and measures to strengthen their early recovery and protection capacities, reinforce the role of UN agencies and improve the human rights and economic

situation in the countries of origin and transit;

19. Calls for rapid and full transposition and effective implementation of the Common European Asylum System by all participating Member States, thereby ensuring common European standards under existing legislation; asks the Commission to ensure proper monitoring of the transposition and implementation processes;

20. Recalls that its Committee on Civil Liberties, Justice and Home Affairs – the committee responsible for such matters – is currently drafting a report which will reflect Parliament’s medium- and longer-term policy orientations on migration;

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

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1. Texts adopted, [P7\\_TA\(2013\)0414](#)
2. Texts adopted, [P8\\_TA\(2014\)0105](#)
3. Texts adopted, [P8\\_TA\(2015\)0176](#)

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