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H.E. Ursula von der Leyen
President
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The Standing Foreign and European Affairs Committee, meeting on 2 March 2021, discussed the Proposal for a Regulation of the European Parliament and of the Council on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund] – COM (2020) 610.

The Standing Foreign and European Affairs Committee welcomes the initiative taken by the European Commission to propose a new Pact on Migration and Asylum. Migration and mobility can be manageable under a comprehensive, rights-based, grounded in partnerships and cooperation because a credible migration policy can only be achieved if it also respects international conventions on human rights. The Committee notes that the 2015 migration crisis revealed several shortcomings in the framework used by the EU to manage migration and asylum. Some Member States face the challenge of external border management, coping with large-scale arrivals by land or sea and overpopulated reception centres. The need for a revision of such a framework was evident during recent crisis situations, whereby some Member States experienced a large influx of migrants. It is evident that the EU needs to manage the different Member States' migration policies and facilitate a new and durable European framework, providing a comprehensive approach, bringing together policy in the areas of migration, asylum, integration and border management.

The Committee, acting in its scrutiny function, recognises that no Member States should shoulder a disproportionate responsibility and that all Member States should contribute to solidarity on a constant basis. The effectiveness of the New Pact depends on progress on all fronts to create faster, seamless migration processes and stronger governance of migration and border policies, supported by modern IT systems and more effective agencies. By reducing unsafe and irregular routes and promoting sustainable and safe legal pathways for those in need of protection, the New Pact can reinforce the reality that most migrants come to the EU through legal channels to match the EU labour market needs.

The Foreign and European Affairs Committee, after taking into consideration the proposal on asylum and migration management, notes that:

1. While the responsibilities of the Member States is clear and stringent (pre-screening, mandatory border procedure), the relocation measures in the proposal remain entirely voluntary. The Committee is of the opinion that the solidarity mechanism should not start with relocation but with the provision of alternative ports, especially for states at the border facing disproportionate pressure;
2. The type of relocation proposed under the solidarity mechanism following search and rescue operations is based on recognition rates. Considering how unpredictable migration flows can be, the arrivals falling within the mandatory border procedure because their recognition rate is lower than 20% would most likely not be relocated;
3. Other forms of solidarity, such as capacity building measures, operational support, and the enhancement of reception facilities cannot substitute other forms of solidarity to coastal Member States. These capacity building measures should only be offered upon request by a Member State;
4. More information is required on how the “return sponsorship” will work in practice. While it is a positive addition, Malta would still need to host arrivals throughout the set 8 months. This period is deemed to long and it would be preferable if this is reduced to 6 months. Since sponsoring Member States are free to choose which nationalities to return, arrivals will be selectively chosen without taking into account the needs of the Member State receiving the arrivals. The return sponsorship cannot be an alternative to relocation because in its current format, the return sponsorship would still lead to frontline countries hosting a disproportionate number of applicants. In Malta’s case, this measure will provide limited relief on the country’s capacity because the return sponsorship and relocation target different categories of persons;
5. The migratory pressure mechanism should only be activated following the information provided by the Member State in need, and not on the basis of available information. This is linked to the proposed Crisis Mechanism which would be triggered on the same criteria. The European Commission should not be able to trigger the migratory pressure mechanism on their own initiative. Moreover, the report published by the European Commission following the assessment on the migratory pressure of the Member State concerned should ideally only be made available with the agreement of the said Member State;
6. In the 2016 proposed allocation mechanism, the proposed distribution key was used to determine the fair share of each Member State, however in this proposal the distribution key is merely used to calculate the solidarity contributions of the Member States of relocation. The Committee is also concerned that the turnaround time of the overall

procedures in the mechanism provide limited assurances that the solidarity mechanism could prevent a situation of pressure or crisis in a Member State;

7. The responsibility articles (Dublin) in the proposed Regulation are problematic because the timelines set out are not practical. The current Dublin timelines should be retained. The Committee does not support the extension of responsibility linked to the issuance of residence documents and visas, including applicants in possession of an expired residence document/visa for up to 3 years. This should be maintained as the current *acquis*, which refers to 2 years for an expired residence permit and 6 months for an expired visa. The Committee does not support the inclusion of diplomas/qualifications as a mandatory criterion to establish responsibility, and is of the opinion that the cessation of responsibility of the Member State of first entry to examine the application should be maintained as in the current *acquis*, i.e. 1 year;
8. The granting of Long-Term Residence status to beneficiaries of international protection after a period of 3 years could have a significant impact on Malta if this results in a family reunification right for beneficiaries of subsidiary protection as it may also entail additional migratory pressure for Malta.

The Committee considers that since relocation only applies to applicants for asylum for not subject to border procedures, the majority of Malta's arrivals do not fall under the mandatory relocation mechanism. As a result, the proposed solidarity mechanism following Search and Rescue provides limited relief to Malta.



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