

SUMMARY

of the Opinion of the Chamber of Deputies on the policy of the European Union on EU return policy – COM (2014)199

On the 9th of September 2014, the Chamber of Deputies adopted a decision on COM (2014)199, supporting the proposal of the European Commission, in its totality, with the following observations:

- The principle “more for more” as well as the principle according to which the cooperation with third countries is conditioned by the existence of an acceptable standard of human rights, although convenient, could block or diminish the achievement degree of this target;
- The permanent information of the population of states or regions with a migratory potential, on the direct risks which the irregular migrants are subject to, on the risks which are assimilated to the statute of irregular migrant (trafficking of persons, different forms of exploitation, the taking into public custody, the return policies) as well as the restrictive measures which could be applied to the foreigners having an illegal residence on the territory of the Member States, would contribute to the diminishment of illegal migration;
- The examined document does not make a clear difference between the irregular migrants who are not guilty of criminal offences and who cooperate with the authorities and those who, on the contrary, infringe the legislation of the host state, refuse to cooperate with the authorities and abuse from the permissive character which is specific to the consolidated democracies; these last mentioned category of persons are the ones who provoke resentments to the citizens of the communities of the host state, generating a current of non-selective rejection of the migrants and of the Union as a whole, which seems not to be able to control the problem.
- The Chamber of Deputies proposes that, on the basis of the principle “more for more”, the irregular migrants who provoke such reactions, to be excluded from the social security benefits, others than those

established on the basis of humanitarian criteria, and as a counterpart, the irregular migrants who observe the norms and regulations of the host state, to take advantage from the additional social security benefits, which could also include the authorities' assistance to help them obtain the residence right;

- Among the criteria which are frequently used to evaluate the circumventing risk, the use of false documents or the destruction of the documents represent forged declarations in any penal system. As in the case of the illegal passing of the frontier they are contraventions or offences which are subject to sanctions in any state of law; the law state can be defined as such only if it applies the laws and sanctions for the laws infringement, in a non-discriminatory way; therefore, a positive discrimination of the irregular migrants cannot take place in the juridical sphere, but only in the social one, based on humanitarian criteria.