

4238/94

RESTREINT

ASIM 7

CONCLUSIONS

of: Steering Group I (Asylum - Immigration)

on: 14 January 1994

1. Adoption of the agenda

The Group adopted the agenda in Telex No 45 of 7 January 1994 after agreeing to enter "Proceedings of the Council of Europe on the Social Charter" as item 7 under "Other business".

2. Future proceedings - Implementation of the action plan and priority programme for 1994 in the field of immigration

On the basis of the action plan and the programme of work established by the Council for 1994, the Group discussed the guidelines laid down by the Presidency for the first six months, as contained in 4151/1/94 ASIM 3 REV 1.

The Group considered in particular that the question of the outcome of asylum applications submitted by nationals of Member States was a matter of common interest.

3. Visas and external borders

– Exchange of views on the Commission proposals

[11287/94 ASIM 32]

The Group instructed:

–the Working Party on External Borders to examine the proposal for a Decision establishing the Convention on controls on persons crossing external frontiers;

–the Group on Visas

=to examine the proposal for a Regulation specifying the non-Community countries the nationals of which require a visa when crossing external frontiers, and

=to report to the meeting of Steering Group I scheduled for 18 February 1994.

4. Asylum: nationals of other Member States (compilation and summary of questionnaire:

Telex No 4627 of 17 December 1993)

The Group took note of the inventory and summary on asylum relating to the nationals of other Member States, as set out in 4105/1/94 ASIM 2 REV 1 and 4104/94 ASIM 1.

On this basis, it held a wide-ranging exchange of views on the subject. At the end of the discussion, the Group agreed on the following guidelines:

–Member States of the European Union act in compliance with the basic Conventions referred to in Article K.2 of the Treaty, especially the 1951 Geneva Convention;

- the Member States re-affirm the general desire to stick to the letter of the 1951 Geneva Convention, which requires that applications be examined individually;
- where applications are from nationals of another Member State of the Union, it may be assumed that such applications for asylum are manifestly unfounded, which enables them to be subjected to a rapid or simplified procedure, in accordance with the rules and practices applicable in each Member State.

The Spanish delegation felt that these guidelines did not go far enough. It thought that the approach laid down in the Resolution on the matter approved by the European Parliament on 16 December 1993 should be followed. In Spain's view, the only possible solution would be to establish, in all Member States:

- first, an emergency procedure for such applications, since they are manifestly unfounded and are from States in which it is clear that there is generally no serious risk of persecution;
- secondly, a political compromise whereby Member States would agree in practice not to recognize refugee status in respect of any of these applications. ⁽¹⁾

The Group agreed that the Presidency would submit an oral report on the matter to the K.4 Committee on 18 January 1994.

⁽¹⁾4316/94 CK.4 7.

5. Draft Resolution on limitations on admission of non-EC nationals to the Member States for employment [WGI 1660 REV 1]

The Group confined itself to examining the first indent of Part C.i of the draft Resolution.

The French delegation said it was unable to withdraw its reservation on the draft of this indent, which in its view did not adequately establish the principle of Community preference.

The German delegation maintained its reservation.

The Group agreed to ask the Working Party on Migration to continue discussions on this subject at its meeting on 25 and 26 January 1994.

6. Second CIREA report

The Group examined the version for public distribution of the second report on the activities of the CIREA.

[10043/1/93 CIREA 9 REV 1].

The Italian delegation entered a scrutiny reservation. The Group agreed to enter this item on the agenda for its next meeting.

The Group also held a short exchange of views on the possibility of maximizing the results of the CIREA's work. It took the view that agendas should be more restricted and that each delegation should ensure as far as possible that experts were present during discussions.

7. Other business

At the initiative of the German delegation, the Group agreed that each delegation should make representations to its authorities to ensure that discussions under way within the Council of Europe with regard to the Social Charter took full account of the Resolution on family reunification adopted by the twelve Member States at the meeting of Ministers on 1 and 2 June 1993 (WGI 1497 REV 1).