

9370/94

RESTREINT

ASIM 180

CONCLUSIONS

of : Steering Group I (Asylum and Immigration)

on : 16 September 1994

1. Adoption of the Agenda

The Agenda set out in Telex No 3168 was adopted. It was agreed that two additional points would be taken under "Other business" (see Point 12 below). The Group was informed that the Troika would meet representatives of the Migrants' Forum immediately after the end of the meeting.

2. Easing of travel restrictions for third country nationals residing in a Member State (docs 7737/94 ASIM 122, 8490/94 ASIM 145 and 9207/94 ASIM 172)

(i) Travel by school groups

The Steering Group reached agreement in principle that there should be a visa waiver for third country nationals involved in full time secondary/primary education participating in organized educational trips arranged through the school. This would be based on a list of participants authenticated by the school.

As far as the possibility of this list replacing the need for travel documents was concerned, a number of delegations were prepared to examine this approach, provided that further detailed work was carried out by the Visa Group on the nature and content of the list. Other delegations felt that increased flexibility should be extended only to the visa waiver. It was agreed that the Visa Group should continue to examine this question at its next meeting.

(ii) Legal form

The Group agreed that the action to be taken by the Council in relation to the visa waiver should take the legal form of a "joint action" in accordance with Article K.3 of the Treaty.

The Group emphasised that any agreement reached at Council level would require a careful explanation to be made to aircraft and shipping companies to avoid the paradox of carriers acting more rigorously than the immigration authorities themselves towards third country nationals participating in a school trip.

3. Progress on the ratification of the Dublin Convention

It was established that four Member States had not yet ratified the Convention (B/E/IRL/NL). All hoped to ratify by the end of the year or early in 1995.

4. Draft Resolution relating to limitations on the admission of third country nationals to the territory of the Member States for the purpose of pursuing activities as self-employed persons (doc. 7572/2/94 REV 2 ASIM 115)

While acknowledging that further detailed work was required on this text by the Working Party, the Steering Group examined the following points:

(i) General considerations on policy including relations with GATT

It was agreed that Section A.1, final sentence should be replaced as follows:

"In any case developments for example in Gatt, GATS and OECD should be taken into account."

As a result the German reservation was lifted on this paragraph.

(ii) The application of the Resolution to cultural activities and artists

The Group agreed that in principle the above matter should be covered by the Resolution and agreed that Section A.5 could be amended as follows:

"..... the latter is of no economic benefit to that State or any of its regions or contributes no cultural enrichment."

It requested the Working Party (Migration) to examine the consequences of this amendment on Section C, General Principles, Point 2(i).

(iii) Exemption clause for those making very large investments (Section B)

The United Kingdom delegation explained its position on this question and agreed to present a form of words to the next meeting of the Working Party (Migration) to cover this point.

5. Draft Resolution on the admission of third country nationals to the territory of the Member States for study purposes (doc. 7996/2/94 REV 2 ASIM 127)

The Steering Group examined the three major areas of difficulty in relation to the above draft Resolution. These concerned :

- the scope of the education covered by the Resolution;
- the definition of a student and the extent to which he/she should be engaged full time or not in the study course in question;
- the relation between the student and the labour market.

The Steering Group noted that differences of view persisted among the delegations and requested the Working Party to pursue its work on the text of the Resolution, in particular on these areas.

However, it was decided that under General Criteria (Part C of doc. 7996/2/94 ASIM 127 REV 2) pupils and apprentices should not be covered by the resolution. In addition, the Presidency suggested that under this section it should be made clear at the end of the third indent that "the earning of an income is of secondary importance".

As far as Point 5, p. 12 of the Resolution was concerned, covering applicants for study, the Presidency informed the Group that it was prepared to delete this point in view of the number of Member States expressing reservations on it.

In this context, the Presidency suggested that the following wording should be added to the end of point C.2 :

"The Member State may permit persons who are interested in taking up studies in the respective State to enter by means of a special visa. It may be permitted that the person concerned does not have to leave the country in order to obtain an extension of the residence permit."

6. Financing of seminars for the detection of False Documents (doc. 8780/94 ASIM 154)

All delegations reiterated their support for holding a seminar on forged document detection, the content and structure of which had already been agreed upon. No views were expressed as to questions raised in the Presidency paper relating to:

- a permanent venue;
- the proposals for a coordinating committee;
- the frequency of such seminars.

Such issues would have to be examined at a later date, possibly by the False Documents Working Party.

As far as the financing of the seminar was concerned, given the views expressed by the services of the Commission that, to release the funds provided under the 1994 budget, an express decision for a common action financed through Community funding would be required, the Steering Group while reiterating its support for such seminars decided to refer the matter to the K.4 Committee, which was considering the whole question of financing activities under Title VI of the Treaty (see doc. 8675/94 CK4 62). Once this global issue had been resolved the means and methods for financing such a seminar would become clearer.

In this context the Group took note of the views expressed by the Secretariat that, were Community funding to be used, translation and interpretation should be provided by outside agencies and the costs covered by Community funding.

**7. Combating illegal immigration networks and illegal immigration
(doc. 7862/94 ENFOPOL 83)**

The Group reiterated the fact that a large number of areas covered by the Presidency paper mentioned above cut across the responsibilities of Steering Groups I, II and III.

The Presidency noted that preliminary work was being undertaken by Steering Group II and a number of replies had been received to the questionnaire which had been circulated to this end (see 8321/94 ENFOPOL 88). It concluded that once this work had been completed Steering Group I would look more closely at the aspects which most concerned it and which are set out in Point 4, p. 10 of the Presidency Note.

8. Draft conclusions concerning Article 8(3) of the draft External Frontiers Convention (docs 4357/1/94 ASIM 10 + COR 1, 7155/94 ASIM 105, 8557/94 ASIM 149 and 8933/94 ASIM 160)

The Steering Group agreed to the text of conclusion No 3(b), first subparagraph, as set out in document 8557/94 ASIM 149. It also agreed to adding the wording contained in document 8933/94 ASIM 160 (Point 2) conclusion No 4, first subparagraph.

It requested the Secretariat to prepare a consolidated text for submission to the Council for approval (see doc. 9425/94 CK4 70).

9. Connection between the conclusion of a cooperation agreement between the EC and Vietnam and repatriation policy

The Presidency expressed its concerns over the way in which discussions were developing in relation to the proposed cooperation agreement between the European Community and Vietnam and the need to relate this closely to the responsibility of Vietnam in readmitting its own nationals.

The Group supported the need to include the principle of readmission in such agreements and emphasized that this principle should always be borne in mind before such agreement are finally concluded.

Delegations agreed to inform their colleagues involved in the discussions on this dossier of the German preoccupations and draw their attention to the alternative texts for the preamble to the agreement proposed by the Presidency.

10. Commission proposal for a Council Regulation concerning the visa requirement for third country nationals crossing the external borders of the Member States
(docs 11287/93 ASIM 32, 8490/94 ASIM 145 and 9206/94 ASIM 171)

The Presidency informed the Steering Group of the latest developments concerning discussions on the above proposal at the Visa Working Party level (see above documents). The group was able to endorse the principles which would have to figure in the final version of the Regulation as set out in 8490/94 ASIM 145 and 9206/94 ASIM 171.

The Presidency, working in close liaison with the Commission, would shortly be presenting a compromise proposal incorporating these elements, and involving an open-ended transitional approach to harmonization of visa requirements throughout the Community, including regular reviews of the situation.

11. Burden sharing with regard to refugees
(docs 4661/94 ASIM 26, 5049/94 ASIM 47 and 7773/94 ASIM 124)

Following the earlier presentation of its paper, the preliminary discussions at Steering Group and Working Party levels and the discussions at the informal Ministerial meeting in Berlin, the Presidency elucidated its thinking on the subject to the Group.

The Presidency considered that its paper should be seen as a possible response to the management of future crisis situations when a country or countries in the Union is faced with a large influx of refugees. There were no retrospective elements to be read into the paper.

While a number of delegations supported the Presidency in its approach, others, although welcoming the non retrospective nature of the Presidency Note, indicated the difficulties of dealing with a future situation by way of a mechanistic approach, without knowing the details of a situation which had yet to arise.

It was agreed that further discussions on this proposal, in particular the machinery involved, would be required; the Group would return to this subject at its October meeting in Berlin.

12. Other Business

(i) Illegal entry of seamen

The Greek Presidency had proposed a questionnaire on the above subject (see doc. 4461/94 ASIM 17). The Steering group recommended the questionnaire should be completed after it has been finalized by the Migration Working Party.

(ii) Conference on Migration from the former USSR

The Presidency informed the Group that the United Nations had called for a conference on this subject. In view of the fact that this issue had been amply discussed in a wide variety of fora, it was considered that the best approach would be to restrict the conference to participants from the regional, European level.
