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CIREFI 7

NOTE

from : German Presidency

dated: 22 June 1994

to : Cirefi Group

Subject: Meeting of Cirefi experts
(Koblenz, 17 to 19 May 1994)

Delegations will find attached the results of the above meeting, which will be discussed at the next meeting of Cirefi to be held on 8 July 1994.

**Meeting of
Cirefi experts
from 17 to 19 May
in Kobienz**

A g e n d a

- 1. Description of national competences**

- 2. Statistics**
 - 2.1. Illegal immigration**

 - 2.2. Facilitation**

 - 2.3. Police measures to prevent illegal immigration**

- 3. Conditions for exchange of information**
 - 3.1. Form for exchanging statistical information**

 - 3.2. Recording and transmission intervals**

- 4. Trafficking criminality**

- 5. Computerized exchange of information**

- 6. Further development of Cirefi**
 - 6.1. Preparation of a European situation report on illegal entry and trafficking criminality**

 - 6.2. Preparation of proposals for containing illegal entry and trafficking criminality**

Minutes of the meeting of the Cirefi Experts Subgroup from 17 to 19 May 1994 in Lahnstein

The head of the Border Protection Directorate, Dr Markus Hellenthal, welcomed the delegations taking part from the Member States of the European Union. He then went on to give them a brief description of the tasks of the Border Protection Force and the Border Protection Directorate, reminding them that at its meeting on 4 February 1994 the Cirefi Group had agreed to hold a meeting of experts in the premises of the Border Protection Directorate in Koblenz, at which questions concerning a European information exchange system and specific measures for co-operation between the agencies in charge of border controls were to be discussed.

Turning to the meeting's objectives, he stated that even before the Cirefi Group had been set up numerous international bodies within the European Union had been concerned with questions of information exchange and co-operation in the various task areas.

In many cases the need for exchange of information and co-operation had been recognized by those bodies, although often this went no further than mere declarations of intent, since implementation in terms of specific measures required a great deal of detailed knowledge, a specific determination to overcome practical problems and a willingness to enter into viable compromises.

Dr Hellenthal enumerated the objectives of this meeting of experts, at which the "working level" would be discussing specific measures for the first time in this composition, as follows:

1. To create the conditions for exchanges of statistics and intelligence on illegal entry and facilitation of illegal immigration between the authorities in charge of border controls and to establish detailed conditions for the exchange of data.
2. To create the conditions for the preparation of an EU-wide situation report on illegal entry and criminal facilitation of illegal immigration.

In addition, proposals were to be drawn up at the meeting regarding which tasks should be taken over by a central unit with a view to introducing and implementing co-ordinated measures to contain illegal immigration into the EU.

Agenda item 1 (Description of national competences)

The Subgroup agreed to fill in the questionnaire on national competences [provided (see Annex)] and send it to the Border Protection Directorate within two weeks. The German side agreed to translate the results within a further two weeks and to make them available to all participating countries.

Agenda item 2 (Definition of recording criteria)

The Subgroup noted that if statistics were to be exchanged it would be necessary to agree on standard terms.

It was proposed that the Cirefi Group should decide on the following definitions for regular exchanges of data.

1. "Refused aliens"

Aliens from non-member States refused entry at the border because of:

- a lack of or counterfeit or falsified border documents,
- an existing residence prohibition,
- other reasons for refusal.

2. "Illegal residence of aliens"

Aliens from non-member States found to be residing illegally having entered the country illegally, as well as all aliens who have entered illegally.

3. "Aliens who have entered illegally"

Aliens from non-member States who are found not to be in possession of the requisite border documents, residence permits or visas, and who entered:

- illegally outside permitted border crossing points or
- by evading border controls
- or illegally in any other way.

(The number of aliens who have entered illegally is included in the total number of aliens illegally resident.)

4. "Facilitators"

Persons intercepted within the territory of the Member States who have knowingly directly or indirectly assisted the illegal entry of aliens from non-member States.

5. "Facilitated aliens"

Aliens from non-member States whose illegal entry is found to have been assisted by facilitators.

6. "Removed aliens"

Aliens from non-member States who, having entered the country illegally, having resided in the country illegally, or for other reasons, are returned to their country of origin or their native country.

Agenda item 3 (Exchange of statistical information)

The Subgroup noted that standard forms would need to be used for exchanging statistical information.

It was proposed that the Cirefi Group should decide that:

- the partner countries should exchange statistics on illegal entry by aliens every six months;
- forms I to VI prepared by the expert committee in Lahnstein/Koblenz (see Annex) should be used for that purpose;
- the exchange of data should begin forthwith.

The Subgroup failed to reach agreement on the need for an exchange of information in the framework of Cirefi concerning numbers of asylum applicants (Form VII) and numbers of civil war refugees (Form VIII) as that came within the remit of the CIREA Group.

It was proposed that the CIREA Group should decide on a possible inclusion of these data in the exchange of information using forms VII and VIII.

Agenda item 4 (Methods of information exchange)

The Subgroup noted that if there were to be exchanges of (non-statistical) intelligence on cases of facilitation, and on methods, routes and means used, it would be necessary to draw up a list specifying the events which would trigger the filing of a report and the form and the quantity of the intelligence to be exchanged.

It was proposed that the Cirefi Group should decide that:

- A. The countries taking part in the report procedure will inform all partners without delay in the following cases:
 - Cases of trafficking, in which facilitators or groups of facilitators are active in more than two partner countries;

- Cases of trafficking, in which more than 5 aliens are smuggled in or out across the partner countries' external borders or through a partner country;
- Cases of production of, or trade in, counterfeit or falsified travel documents on a commercial basis with the objective of organized trafficking of aliens.

B. On request of one or more partners, the countries participating in the report procedure will inform the partners making the request for a certain period of time, e.g. on:

- all trafficking in, out or through of certain nationalities;
- all ascertainties of certain trafficking methods, routes or means;
- all ascertainties of certain forgery features in the smuggled persons' travel documents;
- etc.

(Example: for 3 months all cases of trafficking of Chinese nationals with counterfeit or falsified Portuguese travel documents)

C. The message on the findings should, if possible, contain the following information:

- details on the number and nationality of the facilitators and persons smuggled;
- details on the trafficking methods, routes and means of transport;
- details on the genuine, counterfeit or falsified or improperly used passports, residence permits or visas.

The Subgroup further noted that, apart from the exchange of relevant findings, a direct and topical exchange of the personal data of traffickers, document forgers and other supporters of these criminal acts between EU Member States' authorities entrusted with border controls was necessary for effective prevention of illegal entry and co-ordinated control of trafficking criminality.

It was suggested that the Cirefi Group work towards the speedy creation and putting into force of the legal prerequisites for an unhindered exchange of data pertaining to persons between the partner countries in this area of criminality.

Agenda item 5 (Computerized exchange of information)

The Subgroup noted that the exchange of information described under items 3 and 4 was carried out via conventional data transmission routes using fax or telex machines. However, the aim should be to exchange information, or at least statistical data, via computer link-ups. If the technical preconditions, such as compatible systems, were met, the first step would be to exchange data on disks.

Consideration of the computerized exchange of personal data should be shelved until the necessary legal bases had been created.

It is suggested that the Cirefi Group should have the technical preconditions checked for an exchange of data not pertaining to persons, using data carriers or online procedure in the countries taking part in the information exchange, and give concrete instructions for its realization.

Agenda item 6.1 (Preparation of a European situation report on illegal entry, illegal residence and trafficking criminality)

The Subgroup came to the conclusion that it was necessary to produce a report on the situation in Europe with regard to illegal entry, illegal residence and trafficking criminality.

It was suggested that the Cirefi Group should decide:

- that the statistical data regularly exchanged by the partner countries are to be combined centrally in one set of European statistics and disseminated;
- that the findings on trafficking criminality exchanged by the partner countries are to be regularly combined centrally in a "European situation report on trafficking criminality" and disseminated;
- that work results drawn up by other European bodies such as the EU Groups on False Documents or CIREA are to be evaluated centrally as regards their significance for the control of illegal entry and trafficking criminality and that the relevant information is to be included in the situation report.

It is suggested that the Cirefi Group should appoint a competent central unit to take over these duties.

Agenda item 6.2 (Preparation of proposals for containing illegal entry and trafficking criminality)

The Subgroup noted that there was a need to develop and implement appropriate forms of action by analysis of the exchanged information.

It was proposed that the Cirefi Group should ensure that the statistical data and the European situation report on trafficking criminality were analysed and that concrete proposals to control illegal entry were developed and implemented.

It was also proposed that the Cirefi Group should instruct a competent central unit to assist the Group in carrying out these duties.

Questionnaire

Country:

1. Within the national authorities responsible for border controls on aliens is there a central office which receives information relating to the illegal entry of aliens, passes it on to the competent bodies and to which enquiries can be addressed (precise title, address, telephone and fax numbers, possibly name of relevant contact person)?

2. Is there a central contact point within the national authorities responsible for detecting aliens residing illegally and for taking measures to terminate the residence of those persons (precise title, address, telephone and fax numbers, possibly name of relevant contact person)?

3. In the context of the fight against trafficking criminality, with which national authorities is it possible to exchange intelligence on trafficking methods, routes and means (precise title, address, telephone and fax numbers, possibly name of relevant contact person)?

4. Which national authorities are responsible for prosecuting those who help aliens to enter the country illegally or to reside there illegally?

I. NUMBER OF REFUSED ALIENS FROM NON-EU STATES

Period:	Total	BORDERS		
		Overland route	Sea route	Air route
NUMBER DURING PERIOD				
NUMBER DURING COMPARABLE PERIOD OF PREVIOUS YEAR				
TREND (%)				
Five most common nationalities in order of frequency	1. Nationality			
	Number			
	2. Nationality			
	Number			
	3. Nationality			
	Number			
	4. Nationality			
	Number			
	5. Nationality			
	Number			

II. NUMBER OF ALIENS APPREHENDED ON GROUNDS OF UNAUTHORIZED RESIDENCE

Period:		Total
NUMBER DURING PERIOD		
NUMBER DURING COMPARABLE PERIOD OF PREVIOUS YEAR		
TREND (%)		
Five most common nationalities in order of frequency	1. Nationality	
	Number	
	2. Nationality	
	Number	
	3. Nationality	
	Number	
	4. Nationality	
	Number	
	5. Nationality	
	Number	

III. NUMBER OF ALIENS APPREHENDED AFTER UNAUTHORIZED ENTRY

Period:	Total	BORDERS		
		Overland route	Sea route	Air route
NUMBER DURING PERIOD				
NUMBER DURING COMPARABLE PERIOD OF PREVIOUS YEAR				
TREND (%)				
Five most common nationalities in order of frequency	1. Nationality			
	Number			
	2. Nationality			
	Number			
	3. Nationality			
	Number			
	4. Nationality			
	Number			
	5. Nationality			
	Number			

IV. FACILITATORS APPREHENDED IN THE TERRITORY OF THE MEMBER STATES

Period:		Total
NUMBER DURING PERIOD		
NUMBER DURING COMPARABLE PERIOD OF PREVIOUS YEAR		
TREND (%)		
Five most common nationalities in order of frequency	1. Nationality	
	Number	
	2. Nationality	
	Number	
	3. Nationality	
	Number	
	4. Nationality	
	Number	
	5. Nationality	
	Number	

V. NUMBER OF FACILITATED ALIENS

Period:	Total	BORDERS		
		Overland route	Sea route	Air route
NUMBER DURING PERIOD				
NUMBER DURING COMPARABLE PERIOD OF PREVIOUS YEAR				
TREND (%)				
Five most common nationalities in order of frequency	1. Nationality			
	Number			
	2. Nationality			
	Number			
	3. Nationality			
	Number			
	4. Nationality			
	Number			
	5. Nationality			
	Number			

VI. NUMBER OF REMOVED ALIENS (NOT COUNTING THOSE REFUSED ENTRY)

Period:	Total	BORDERS		
		Overland route	Sea route	Air route
NUMBER DURING PERIOD				
NUMBER DURING COMPARABLE PERIOD OF PREVIOUS YEAR				
TREND (%)				
Five most common nationalities in order of frequency	1. Nationality			
	Number			
	2. Nationality			
	Number			
	3. Nationality			
	Number			
	4. Nationality			
	Number			
	5. Nationality			
	Number			

VII. NUMBER OF ASYLUM APPLICANTS

Period:		Total
NUMBER DURING PERIOD		
NUMBER DURING COMPARABLE PERIOD OF PREVIOUS YEAR		
TREND (%)		
Five most common nationalities in order of frequency	1.	Nationality
		Number
	2.	Nationality
		Number
	3.	Nationality
		Number
	4.	Nationality
		Number
	5.	Nationality
		Number

VIII. NUMBER OF CIVIL WAR REFUGEES

Period:		Total
NUMBER DURING PERIOD		
NUMBER DURING COMPARABLE PERIOD OF PREVIOUS YEAR		
TREND (%)		
Five most common nationalities in order of frequency	1. Nationality	
	Number	
	2. Nationality	
	Number	
	3. Nationality	
	Number	
	4. Nationality	
	Number	
	5. Nationality	
	Number	