

8557/94

RESTREINT

ASIM 149

NOTE

from : the Presidency

to : Steering Group I (Asylum and Immigration)

No. prev. docs: 7155/94 ASIM 105 and 8301/94 ASIM 137

Subject: **Draft conclusions on the taking back by Member States of persons who are illegally resident in the territory of a Member State, but who hold a residence permit of another Member State**

At the last meeting of Steering Group I, held on 5/6 July 1994, agreement was reached in principle on the above matter in relation to persons holding an expired residence permit for another Member State.

It was agreed, however, that the definitive text would be proposed by the Presidency for formal approval by the Steering Group at their next meeting scheduled for 15/16 September 1994.

The text proposed by the Presidency reads as follows :

"In case the person concerned holds a residence permit or a provisional residence permit the validity of which has expired by no more than two months, the Member State, which has issued the residence permit, will readmit the person, provided that the requesting State

- *has discovered the illegal presence of that person in its territory within this period, and*
- *has lodged the request for taking him back within a period of an additional month at the latest."*