

5593/98

LIMITE

ASIM	15
EUROPOL	15
CIREA	12
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NOTE

from : Presidency

to : Asylum , EURODAC, Migration, Visa and Europol Working Groups, CIREA and CIREFI

Subject: Influx of migrants from Iraq and the neighbouring region: EU action plan

The General Affairs Council (GAC) on 26/27 January adopted the Action Plan on the influx of migrants from Iraq and the neighbouring region (reference: 5573/98 ASIM 13 EUROPOL 12 PESC 27 COMEM 4 COSEE 4). This paper sets out the Presidency's proposals for implementing the Action Plan.

2. The Presidency's proposals for implementing the Action Plan envisaged timescales which would require a report on progress on certain items to be submitted to K4 Committee on 24/25 February for submission to the Justice and Home Affairs Council on 19 March via Coreper and the Presidency will therefore accord such items priority in its work programme for February. The Presidency has circulated an indicative timetable for implementing the Action Plan.

3. The specific action points in the Action Plan which come within the Third Pillar encompass the responsibilities of all the working groups identified above. Each working group is invited to address each action point for which it is responsible and on which the Presidency's handling proposals are set out below.

EFFECTIVE APPLICATION OF ASYLUM PROCEDURES

Point 7:	Consider scope for regional approach with UNHCR. In the light of advice from UNHCR, the Council to consider the possibility of identifying safe areas within the region of origin ("internal flight" options).
Asylum Working Group	The Asylum Working Group is invited to give preliminary consideration to this policy issue. It will wish to consider the outcome of contacts made so far with the UNHCR, the information already available from CIREA, and any additional analysis which the AWG might be able to provide. The Presidency recognises the clear Second Pillar element to this action point and existing Second Pillar reports and future Second Pillar contacts will be relevant. The Asylum Working Group is invited to consider this at its meetings of 25 February and 26/27 March with the aim of reporting to K4 Committee in April. The Presidency will send a report to the Justice and Home Affairs Council on 28/29 May.
Point 8	The Commission, together with Member States, to consider the most appropriate use of EC funding to improve reception conditions.
Asylum Working Group	The Presidency will invite the Commission to present a report on the funding possibilities in this area, for consideration by the Asylum Working Group.
Points 9-11:	Member States to collect and exchange information on statistics on asylum and other forms of status; on the principles underlying requests for protection and non-refoulement; and on practical difficulties in returning persons from the region.
CIREA	The Presidency will prepare a questionnaire on these action points for consideration by CIREA at its meeting on 16/17 February. The Presidency's aim will be to issue the questionnaire before the end of February and to make the exchange of information the subject of monthly updates. CIREA will also be invited to consider reports, when available, on any recent missions to the area.
Point 12:	Member States to review national determination procedures.
Asylum Working Group	The Presidency will prepare a paper for the meeting on 26/27 March of the Asylum Working Group on proposals for such a review, drawing, if possible, on the preliminary findings of CIREA's work. This would be developed into a preliminary draft report on areas of difference between Member States, best practice and need and scope for changes in law and practice in Member States for consideration at the meeting on 28 April. The aim will be to put a preliminary report to K4 Committee on 27/28 April and from there to the Justice and Home Affairs Council on 28/29 May referring to the continuing work taking place in the working group in the meantime.

PREVENTING ABUSE OF ASYLUM PROCEDURES

Point 13:	Exchange of information on ways and means migrants from the region enter the EU.
CIREFI	The General Secretariat has circulated already, on 15 January, a request to delegations to update their responses to the questionnaire (CIREFI 47). The Presidency proposes that the information will be updated on a monthly basis. CIREFI will be invited to discuss the issue and agree a way forward at its meeting on 9 February.
Point 14:	Review of the requirements of proof laid down by the Dublin Convention.
Asylum Working Group	The Presidency will prepare a draft paper for the Asylum Working Group meeting of 25 February, with the aim of producing a draft standard instruction which Member States would issue to Dublin Units emphasising adherence to Article 23 of Decision No 1/97 of the Article 18 Committee as well as opening up possible new ways of increasing flexibility. Discussion would continue at the meeting on 26/27 March with a view to conclusions going to K4 Committee in April and the Justice and Home Affairs Council on 28/29 May.
Point 15:	Consideration of ways of dealing with undocumented asylum seekers in accordance with the Dublin Convention.
Asylum Working Group	The Presidency will prepare a paper addressing possible initiatives for consideration by AWG on 25 February for continued discussion on 26/27 March. Recommendations to the K4 Committee on 27/28 April and Justice and Home Affairs Council on 28/29 May.
Point 16:	Member States to examine the extent to which fingerprints of asylum-seekers could be compared, pending entry into force of EURODAC.
Asylum Working Group	The Presidency will circulate a draft questionnaire for agreement by the AWG on 25 February about the current extent of and scope for increase of exchange of fingerprints of asylum seekers. Responses will be requested by mid March. The Presidency will present draft conclusions and any recommendations for discussion at the meeting of the Asylum Working Group on 26/27 March. Recommendations will go to K4 Committee on 27/28 April and to the Justice and Home Affairs Council on 28/29 May.
Point 17:	Conclusion of EURODAC Convention; examination whether EURODAC should subsequently be extended to illegal migrants from third countries.
EURODAC Working Group	The Presidency will aim to settle outstanding issues at the 26 January and 18 February meetings of the EURODAC working group. The draft Convention will go to K4 Committee on 24/25 February and to the Justice and Home Affairs Council on 19 March for political agreement and to the Council on 28/29 May for signature. First examination of the possible extension of EURODAC to illegal migrants will be carried forward by the Migration Working Group as an integral part of action point 40.

Point 18:	Possibility of conclusion of parallel agreements to the Dublin Convention with CEECs in the context of enlargement.
Asylum Working Group	The Presidency will circulate a paper identifying the key issues and inviting Member State to express their conclusions on these. The item will be discussed at the Asylum Working Group meeting of 26/27 March. Conclusions to go to K4 Committee on 27/28 April and to the Justice and Home Affairs Council on 28/29 May.
TACKLING THE INVOLVEMENT OF ORGANISED CRIME	
Point 19:	The Europol Drugs Unit to encourage and facilitate the bilateral exchange of relevant tactical intelligence.
Europol Working Group	At its meeting on 26/27 February, the Europol Working Group will discuss current mechanisms and frequency of bilateral exchanges of intelligence and will consider whether any further improvements or assistance needs to be provided to facilitate such exchanges. K4 Committee, on 24/25 February, will be informed of the planned action and a report will be made to the Justice and Home Affairs Council on 19 March.
Point 20:	The EDU to prepare, in close co-ordination with work in other fora, an urgent, high level strategic analysis of the extent to which organised crime groups are involved in the present influx and the use of falsified document.
Europol Working Group	The EDU will provide an initial report by the end of January which will be discussed at the Europol Working Group on 3/4 February. The report will be developed during February for consideration by K4 Committee on 24/25 February and the Justice and Home Affairs Council on 19 March.
Point 21:	Member States to examine the scope for joint law enforcement projects in this area.
Europol Working Group	The Europol Working Group, at its meeting on 25/26 February, will consider this item and identify any ways in which co-operation in this area might be improved by, for example, mechanisms established at EU level.
Point 22:	Exchange of information about organisations involved in transporting undocumented passengers, or passengers with forged documents, into the EU. Consideration of joint projects.
Europol Working Group	Consideration of this item will be taken forward in parallel with, and as part of, the analysis at point 20. above.
COMBATING ILLEGAL IMMIGRATION	
Point 23:	Member States to exchange information within the Council about the visa issuing process at Embassies and Consulates in the region and to identify whether procedures require amendment.
Visa Working Group	The Visa Working Group gave initial consideration to this at its meeting on 21 January. At its meeting on 10 March, the Group will discuss current procedures at relevant posts and whether these are sufficient under the Council recommendation to meet current requirement, with a view to making any necessary recommendations to the K4 Committee on 27/28 April and to the Justice and Home Affairs Council on 28/29 May.

Point 24:	Member States to arrange appropriate and specialised training of staff at embassies and consulates in the region.
Visa Working Group	<p>As part of the process set out in Point 23 Member States will be asked to exchange information about training requirements and to make any appropriate recommendations, with a view to making any necessary recommendations to the K4 Committee on 27/28 April and to the Justice and Home Affairs Council on 28/29 May.</p> <p>The Presidency will circulate a document before the Visa Working Group meeting on 10 March setting out the main issues which might be addressed as an aid to discussion on Points 23 and 24.</p>
Point 25:	In the longer term, the Council to monitor the application of the Recommendation on consular co-operation and consider proposals for action at posts in the area.
Visa Working Group	In the light of the information received at points 23 and 24 the Visa Working Group will review the Council recommendation of 4 March 1996 (relating to Consular co-operation regarding visas) at its meeting on 1/2 April, with a view to making any recommendations to the K4 Committee on 27/28 April and to the Justice and Home Affairs Council on 28/29 May.
Points 26-28:	Ensure effective application of the Joint Position on pre-frontier assistance and training assignments in relation to countries of origin and transit.
	Member States, bilaterally or within the Councils to promote joint missions to specific departure points to train carriers in the detection of false documents in accordance with the Joint Position on pre-frontier assistance.
	Member States to provide mutual assistance in the training of border control staff and airline personnel, eg by bilateral exchange programmes.
Migration Working Group	The Presidency will base its consideration of these points on the text of the Joint Position on pre-frontier assistance and training, which will be the subject of discussion at the Migration Working Group on 3 February. A framework for action will be prepared for submission to K4 Committee on 24/25 February and for a report to the Justice and Home Affairs Council on 19 March.
Point 29:	Member States to arrange training and exchanges between officials of Member States and third countries concerned, in co-operation with the Commission where EU financial programmes exist. Finalisation of the Odysseus programme.
Migration Working Group	The Presidency will invite the Commission to present a report on the funding possibilities in this area, for consideration by the Migration Working Group. The Presidency is seeking a resolution of the current difficulties on the finalisation of the Odysseus Programme.

Point 30:	Outcome of the ALO Seminar.
Migration Working Group	The Presidency will provide a report of the ALO Seminar (to be held on 26/26 February) to the Migration Working Group in April, with a view to submitting any recommendations for action to the Justice and Home Affairs Council on 28/29 May.
Point 31:	Consistent and effective border controls.
Migration Working Group	The Presidency will provide the opportunity for discussion as to the way in which specific action might be taken to give effect to this point, having regard to action points 32 - 37 below.
Points 32-34:	Member States to exchange officials by mutual agreement, both between themselves and with the third countries concerned, in order to observe the effectiveness of measures to prevent illegal immigration.
	Member States to send experts to the third countries concerned, by mutual agreement, to advise on the operation of controls at land and sea frontiers.
	Member States with particular experience to share technical knowledge and expertise with other Member States and, subject to their agreement, with the third countries most heavily affected.
Migration Working Group	The Presidency will seek to establish, at the Migration Working Group meeting on 3 February, whether any mechanism is required to facilitate exchange of officials and expertise <u>between</u> Member States. The Migration Working Group will be invited to identify the third countries with which exchanges of officials and expertise might be taken forward and the Presidency will develop a framework for such contacts, in particular in the light of the dialogue established with Turkey.
Point 35:	Routine and effective implementation by Member States at national level of security measures and carrier's liability legislation. The introduction and implementation of sanctions against carriers.
Migration Working Group	The Presidency will invite Member States, at the Migration Working Group meeting on 3 February, to report on the use of, in particular, carrier's liability legislation and to identify ways in which they might share expertise and experience in order to make such measures more effective. This report will be submitted to K4 Committee 24/25 February and to the Justice and Home Affairs Council on 19 March.
Point 36:	Best use of existing EU funding programmes to support effective controls at the frontiers, including programmes of co-operation in the relevant third countries.
Migration Working Group	The Presidency will invite the Commission to present a report on the funding possibilities in this area.
Point 37:	Member States to continue to monitor any developments within the UN on the draft Convention against smuggling of illegal migrants, and within the IMO on the draft Convention on illegal immigration by sea.
Migration Working Group	The Presidency proposes no immediate action on this point which is dependent on any progress in IMO and UN fora.

Point 38:	Member States to exchange experiences within the Council on the return of illegal immigrants to the region and, in the light of contacts with the UNHCR, consider under what circumstances return might be possible and how it might be effected.
CIREFI	The Presidency will submit a draft questionnaire for CIREFI's endorsement at its meeting on 9 February. Once approved, responses will be required by 28 February for discussion of the substance at the CIREFI meeting on 11 March and a report to the Migration Working Group at its meeting on 13 May.
Point 39:	Member States within the Council, taking into account the circumstances in each case, to examine the scope for readmission agreements with the third countries most concerned, including countries of transit.
Migration Working Group	The Presidency, at the Migration Working Group meeting on 3 February, will promote a discussion as to the need and scope for such agreements with a view to taking forward appropriate action in a report to the Justice and Home Affairs Council in May.
Point 40:	Insofar as national law provides, and in accordance with the principles of data protection applicable in the European Union, Member States to fingerprint every third country national illegally entering their territory whose identity cannot be established with certainty on the basis of valid documents, to retain such fingerprints for the purpose of informing the authorities in other Member States, and to consider the exchange of such fingerprints with a view to confirming identities.
Migration Working Group	The Presidency will propose, at the meeting of the Migration Working Group on 3 February, a questionnaire on existing practice by Member States in this area, as a preliminary step to considering how far a formal basis for co-operation might contribute to effective practice and whether the EURODAC Convention might be extended to illegal migrants.
Point 41:	Member States to exchange, within the Council, best practice on effecting removals to countries in the region and target exchange of other information to the specific needs of the Member States.
CIREFI	CIREFI will take this work forward on the basis of the responses to the CIREA questionnaire.
Point 42:	Member States to continue to exchange, within the Council, factual information on migration and asylum issues and carry out analyses to inform the competent working parties.
CIREA CIREFI	These exchanges will continue in the content of action points 9 - 11 (CIREA) and 13 and 38 (CIREFI).

Point 43:	Member States and the Commission, within the Council, to meet with the countries of Central and Eastern Europe and Cyprus, to discuss the use of these countries as transit routes to the EU by illegal immigrations from Iraq and the neighbouring region.
CIREA CIREFI	Meetings with the CEECs and Cyprus have been arranged for 19 - 20 May (CIREFI and Visa Working Group) and 10/11 June (CIREA).