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REV 2

LIMITE

ASIM 111
EUROPOL 50

NOTE

from : Presidency

to : Council

Subject : Progress on implementation of the Action Plan on the influx of migrants from Iraq and the neighbouring region

1. The General Affairs Council (GAC) on 26 January 1998 adopted the Action Plan on the influx of migrants from Iraq and the neighbouring region (doc. 5573/98 ASIM 13 EUROPOL 12 PESC 27 COMEM 4 COSEE 4). The Presidency set out its proposals for implementing the Action Plan in doc. 5593/98 ASIM 15 EUROPOL 15 CIREA 12 CIREFI 5.

2. Progress on implementation of the Action Plan was reviewed by the Justice and Home Affairs Council on 19 March 1998 and it was noted then that a further report on progress on implementing relevant action points would be put to the Justice and Home Affairs Council on 28/29 May 1998.

Summary

3. Working groups have taken forward work on all action points relevant to the Third Pillar. Areas where particular progress has been made are:

- an improvement in the quality of Member States' assessment of protection possibilities in the region including updated UNHCR advice on the internal flight options and return possibilities;

- a programme of action to improve the working of the Dublin Convention, including the preparation of items for agreement by the Article 18 Committee;
- adoption of the Odysseus programme and agreement to include implementation of the Action plan as a priority area for expenditure during 1998;
- an improved understanding of the possibilities for cooperation with Turkey;
- in some Member States, a decline in the numbers of persons arriving from Iraq (provisional figures for the first months of 1998 indicate that although the numbers of arrivals were significantly higher than they were in 1995 and 1996, some Member States have registered a decline compared to 1997, while others still report substantial numbers of arrivals).

(D) Effective application of asylum procedures

4. Information exchanged within CIREA indicates that, across the EU as a whole, but with a differential impact between Member States, the volume of asylum applications from Iraqi citizens has more than doubled from 14,500 in 1995 to nearly 35,000 in 1997. The proportion of Iraqi citizens entering Member States who are of Kurdish origin from Northern Iraq has remained at around 60-80%. The working groups have also addressed the question of whether internal flight options are available to, in particular, Iraqi citizens from Northern Iraq. UNHCR advice is now that, as a result of the general stabilisation of the situation in Northern Iraq, an internal flight alternative may be applied in certain cases. This alternative does not extend to refugees from Government-controlled Iraq. The working groups will now move to an analysis of the implications of this UNHCR advice for asylum procedures and returns. Notwithstanding any possibility of an internal flight option, Member States reported that the practical difficulties connected with return of applicants to Iraq play a significant part in the grant of permission to reside in Member States.

5. An examination of national determination procedures has demonstrated that Member States approach the consideration of asylum claims from Iraqi nationals in a consistent way which ensures that those who qualify for refugee status are identified as such.

6. On 27 April 1998, the Council adopted two joint actions establishing temporary legal bases for the financing of projects in favour of displaced persons, asylum seekers and refugees. The Commission will shortly bring forward plans to sponsor such projects. The Commission will be reporting shortly on projects financed in 1997.

(E) Preventing abuse of asylum procedures

7. The Presidency has drawn up a Programme of Action on the Dublin Convention which takes forward action in relation to points 13 to 16 of the Action Plan. This includes action aimed at ensuring that information about the ways and means asylum seekers enter the EU is taken account of by the relevant decision makers and at maximising the potential for the exchange of fingerprint information pending the introduction of EURODAC. In addition, Member States are engaged in reviews of the requirements of proof under the Convention and means and methods of exchanging information. As a result of these discussions, a meeting of the Article 18 Committee will be convened in the margins of the JHA Council in May in order to adopt the Programme of Action. The Article 18 Committee will also be invited to adopt items from the Programme which are ready for decision.

8. Member States have given preliminary consideration to the possibility of concluding parallel agreements to the Dublin Convention with the CEECs. There is common ground on the need to assist the CEECs to be in a position to participate in the Dublin Convention but further consideration needs to be given as to the best means for achieving this.

9. The Justice and Home Affairs Council on 19 March 1998 commissioned a feasibility study to examine the legal and technical implications of a possible extension of the EURODAC Convention to cover illegal immigrants. This will be an item for separate consideration at the Council which will decide, on the basis of the feasibility study, whether and if so how to extend the Eurodac Convention.

(F) Tackling the involvement of organised crime

10. The EDU continues to facilitate the exchange of relevant information between Member States. The earlier Interim Threat Assessment is currently being revised. These documents will inform Member States' consideration of possible law enforcement projects in this area.

(G) Combating illegal immigration

11. Ongoing work at working group level is focusing on the scope for better co-ordination at EU level in targeting the deployment of officials responsible for pre-frontier controls and training and assistance to carriers. Work is also progressing on how Member States may co-operate further in sharing expertise both among themselves and with third countries. The ODYSSEUS programme, which provides opportunities for funding of projects in these areas, was adopted by the Justice and Home Affairs Council on 19 March 1998. The Commission, with the approval of the Odysseus Management Committee, has allocated up to one million ECUs during 1998 for projects on topical issues, including the response to the Action Plan. The Presidency and Commission are encouraging Member States to submit suitable bids for approval.

12. Discussions on current practice in effecting expulsions and the prospects for entering into readmission agreements with Iraq and countries in the neighbouring region had concluded that there was little prospect of making progress in relation to certain of the countries involved, but will be reviewed in the light of the new UNHCR advice (doc. 7773/98 ASIM 106 CIREA 39). A clear demonstration of the will of the European Union to identify the best possible solutions is the meeting of the Member States' Heads of Police which took place with the participation of Turkish representatives in January 1998 in Rome. Since then, further contacts have been established with Turkey and a meeting at K4 level has been arranged with Turkey to follow up the visit there on 9-10 March 1998 by representatives of the Presidency, the Commission and the Council Secretariat. Meanwhile, six Member States, in consultation with UNHCR where relevant and in close contact with the Commission where there is a link with funding from the Community budget, are each taking forward work on potential areas of cooperation which have been identified as likely to be of mutual benefit to Turkey and the Member States of the EU. It therefore follows that it is important to pursue the action which has been successfully launched with a view to fully involving the Turkish authorities.

13. A meeting between CIREFI and representatives of the Central and Eastern European States and Cyprus on 18 May 1998 addressed the issue of transit routes to the EU by illegal immigrants from Iraq and the neighbouring region.

Conclusion

14. The Council is invited:

- (i) to note progress achieved so far;
 - (ii) to invite the current and incoming Presidencies to take forward work on those action points on which further action is required.
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