

5090/99

LIMITE

MIGR 1

OUTCOME OF PROCEEDINGS

from: Migration (Admission) Working Party

dated: 8 January 1999

1. Adoption of the agenda

The Working Party adopted the agenda set out in Telex No. 5816 of 18 December 1998, with the addition of the items mentioned under 'Other business' below.

2. Presentation of the work programme of the Migration Working Party (Admission) under the German Presidency

The Presidency presented the work programme for the Working Party, on the basis of the relevant section of 14414/98 CK4 54.

With regard to the Commission's proposal for a Convention on rules for the admission of third-country nationals, the Commission representative contributed the following information on current developments.

- There were still uncertainties regarding the time frame for the adoption of the European Parliament's opinion on the subject. The Civil Liberties Committee was expected to consider the subject again at its January 1999 meeting, and might submit a report to the plenary for consideration in February or March 1999 ;

- A call for expression of interests had been published in the EC Official Journal (S series) on 19 December 1999, in order that qualified institutions could establish a survey of Member States' legislations and case law in the admission area. No precise indication was yet available as to the time required to finalize such survey.

The Commission would be willing to take into account any proposals that Member States might wish to submit to it, before the terms and conditions of the contract are established, regarding possible questions that they might wish the survey to cover. Delegations were invited to submit their proposals to the Commission services as quickly as possible.

3. **High-Level Working Group on Asylum and Migration**

- **Information on the state of play**
13344/98 JAI 37 AG 15

The Presidency informed the Working Party of the outcome of the first meeting of the High-Level Working Group, which had taken place on 17 December 1998, and clarified that the Working Party might be requested to carry out specific tasks only after the former's terms of reference had been finalized.

4. **Strategy on migration and asylum policy**

- 9809/2/98 CK4 27 ASIM 170 REV 2**
13179/1/98 JAI 33 ASIM 239 REV 1
14265/98 ASIM 260 MIGR 31 ASILE 12

The Presidency presented its procedural suggestions on this matter, as outlined in 14265/98 ASIM 260 MIGR 31 ASILE 12. In response to queries, it further clarified, on the one hand, that the analytical part of 9809/2/98 CK4 27 ASIM 170 REV 2 (as contained in paras. 1-40) was not to be discussed and, on the other hand, that further discussion in this area would be coordinated with the work to be undertaken in the framework of the High-Level Working Group (see item 3 above).

Delegations generally suggested that the allocation of paragraphs to the different working parties should be done with the maximum degree of flexibility, avoiding duplication of work and keeping the number of participants to a minimum. Specific remarks in this connection included the following:

- the main responsibilities should rest with the Migration Working Party (UK);
- the Visa Working Party should be involved in matters falling under its mandate, whereas the Multidisciplinary Group on Organised Crime should not be called to deal with matters relating to migration and asylum policy (Cion);
- discussions should include para. 93, but not para. 49 (Cion).

Further to a request from the French and Italian delegations to start immediately a substantive discussion of the Austrian Presidency's strategy paper (9809/2/98 CK4 27 ASIM 170 REV 2), and following an extensive exchange of views on procedures, the Working Party agreed to the following method:

- Pending endorsement by the K.4 Committee of the Presidency's approach to carry forward discussions on this subject (which would be included on the Committee's agenda on 21 January 1999), delegations were requested to submit comments on the paragraphs of the Austrian Presidency's strategy paper (9809/2/98 CK4 27 ASIM 170 REV 2) which the Presidency had allocated for discussion by the Migration (Admission) Working Party; delegations that had already submitted comments at an earlier stage were also invited to submit further comments if they wished to do so (see Telex No. 92 of 8 January 1999);
- Subsequent to the K.4 Committee's 21 January 1999 meeting, and on the basis of all comments received, the Presidency would prepare a position paper, which would be submitted to the Working Party for consideration at its March 1999 meeting.

5. Information campaigns in countries of origin and transit on the legal requirements for entry into Member States

10276/98 ASIM 182 MIGR 7
7384/98 ASIM 90
12376/98 ASIM 221 MIGR 21
13454/98 ASIM 248 MIGR 27 + COR 1

In response to a query from the Presidency, the Commission representative advised delegations that the Commission services would look into the possibility of using EC funds for financing a feasibility study by an expert institution, as envisaged under point 5 of the list of actions set out in 13454/98 ASIM 248 MIGR 27, page 3.

Furthermore, it was agreed that the Presidency would draw up a new document, expanding on the first

4 points of the list of actions. The Presidency's paper would be submitted to the Working Party for discussion at a future meeting.

6. **Implementation of the Council decision of 22 December 1995 on monitoring the implementation of instruments already adopted concerning admission of third-country nationals**
10803/98 ASIM 191 MIGR 11

The Presidency recalled that in 1997 the Council Secretariat had drawn up an analysis of Member States' implementation of existing instruments, on the basis of delegations' replies to Telex No. 2745 of 26 July 1996 (see 10669/1/97 ASIM 140 REV 1).

The Presidency appealed to the French, Irish and Italian delegations, which had not yet submitted their replies to Telex No. 1637 of 7 April 1998, to do so as quickly as possible, as required by the above-mentioned Council decision, in order that the Council Secretariat could draw up an updated analysis of all Member States' practices.

7. **Other business**

- *Legalisation of illegal immigrants*

Further to a request from the Greek delegation, delegations exchanged information on their experience regarding programmes to regularise the situation of illegal immigrants. The Spanish, Netherlands and Portuguese delegations referred to past programmes. The Belgian, French, Greek and Italian delegations gave details of their current programmes. The German delegation indicated that Germany might introduce such measures in the future, although no details were available as yet.

It was agreed that the delegations concerned would submit written information on their experience in this area, as well as any plans to introduce such programmes in the future (see Telex No. 93 of 8 January 1999).

- *Immigration for the purpose of acquiring a permanent status*

The Presidency advised delegations that at the next meeting, they would receive a written request for information regarding their practices on the above, in order to update the information received on this subject in 1995 (see 6256/95 ASIM 111, item 6).