



EUROPEAN UNION  
THE COUNCIL

Brussels, 23 February 1999

6181/99

LIMITE

MIGR 11

**OUTCOME OF PROCEEDINGS**

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from: Migration (Admission) Working Party

dated: 3 February 1999

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**1. Adoption of the agenda**

The Working Party adopted the agenda set out in Telex No 296 of 21 January 1999, with the addition of the items mentioned under 'Other business' below. For practical reasons, item 3 'Strategy on migration and asylum policy' was taken up as the last item before 'Other business'.

**2. High Level Working Group on Asylum and Migration: information on the state of play**

The Presidency advised delegations that, depending on the outcome of the upcoming meeting of the High Level Working Group on 15 February 1999, the Working Party might be requested to implement a remit at a short notice. Such remit would most likely be related to the work that the Working Party is carrying out in the area of information campaigns.

3. **Strategy on Migration and asylum policy: discussion**  
9809/2/98 ASIM 170 CK4 27 REV 2  
13179/1/98 JAI 33 ASIM 239 REV 1  
14265/98 ASIM 260 MIGR 31  
5337/99 CK4 4 ASIM 3

The Working Party held an in-depth exchange of views on the paragraphs in 9809/2/98 that the Presidency had allocated to it for discussion.

Following this exchange of views, it was agreed that the Presidency would draw up a paper reflecting the opinions expressed, which would then be the basis for discussions at the Working Party's next meeting (see 6043/99 MIGR 7).

4. **Council of Europe draft recommendation of the Committee of Ministers to the Member States concerning the security of residence of long-term migrants (Council of Europe CDMG (98) 24): briefing**

The German delegation described the background and state of play of the document, which deals with a subject also covered by Chapter VIII of the Commission proposal for a convention on rules for the admission of third-country nationals (see 10994/98 ASIM 185).

The Finnish delegation indicated that Finland was one of the Member States participating in the work of the Select Committee on this subject. It provided further background information, and stressed that the document was not final and would be examined in detail by the CDMG at its next session. This delegation also recalled a remark by the Council of Europe Secretariat at the first meeting of the Select Committee, whereby the Council of Europe should not be concerned with the work done in the EU framework, and should do its work independently. In this delegation's view, this particular document raised the general question of the relations between the Council of Europe and the European Union.

The German delegation, joined by the Austrian and United Kingdom delegations and the Commission representative, voiced concerns as to possible conflicts between work undertaken in the Council of Europe and in the European Union. These delegations generally felt that it was inappropriate to undertake commitments that are more far-reaching than the Union *acquis* on this subject, particularly at a time when the Council is discussing how further to flesh out that *acquis*. In this connection, reference was made to the discussion of Chapter VIII of the Commission proposal in 10994/98 ASIM 185, as well as the Commission's stated intention to prepare a new draft of its proposal after the entry into force of the Amsterdam Treaty. The German delegation and the Commission representative also observed that, although the Council of Europe is a totally independent organisation from the European Union, a number of its Member States are candidate to accession to the Union, and are as such expected to comply with the EU *acquis*. Moreover, the German delegation recalled that Member States are bound to coordinate their positions within international organizations.

It was therefore agreed as follows:

- firstly, for the time being Member States would do their utmost to remove the item from the CDMG's agenda and put the draft recommendation on freeze;
- secondly, in any case, any future recommendation would be based on the Union *acquis*, as identified in the Council resolution of 4 March 1996 on the status of third-country nationals residing on a long-term basis in the territory of the Member States (OJ No C 80, 18.3.1996, p. 2); and
- thirdly, Member States would carry out all appropriate internal coordination to ensure that these conclusions are brought to the attention of their national delegates to the Council of Europe.

## 5. Other business

- *Seminar on the study and knowledge of European administrative systems on migration matters (3-5 March 1999, San Lorenzo del Escorial, Madrid)*

The Spanish delegation presented the details of the above-mentioned seminar, which would be funded under the Odysseus Programme. The first purpose of the seminar would be to survey the differences in the organic and operational structures of national administrative systems. The second one would be to reflect on their adequacy in meeting the challenges posed by the present migratory movements, also in the context of the current strategy discussion on migration policies within the Council. The seminar's programme would be finalised shortly.

Following a query, the Spanish delegation clarified that the seminar was addressed to officials who are familiar with administrative structures and who may influence possible decision-making on their adjustment, rather than officials operational in the field. Furthermore, it stressed that the substantive part of the seminar would start on 4 March 1999, and that therefore, in view of the flight connections between Brussels and Madrid, its organisation would not conflict with the date of the next meeting of the Working Party (scheduled on 3 March 1999).

- *Draft protocols to the United Nations Convention against transnational organised crime*

The Commission representative referred to the ongoing discussions on the above-mentioned draft Convention and, in particular, to two of the three draft protocols supplementary to it, namely the draft protocol to combat the smuggling of migrants, proposed by Italy and Austria, and the draft protocol to combat international trafficking in women and children, proposed by the United States.

The representative recalled that on previous meetings the Working Party had already discussed the Italian and Austrian initiatives (which had since been combined), and further advised delegations that the Multi-Disciplinary Group on Organised Crime (MDG) was expected to discuss the question of the protocols at its next meeting on 4-5 February 1999. Moreover, the Commission representative pointed out that co-ordination on the protocols was already undertaken within the G8 framework.

In view of the above, the Commission representative suggested that the Migration Working Party should discuss the two protocols for the aspects falling under its terms of reference, with a view to the establishment of a common position in this matter.

This suggestion was supported by the Danish, Italian, Finnish and United Kingdom delegations. The latter further suggested that the G8 Presidency inform the Working Party on the G8's current work in this area.

It was agreed that the item would be included on the agenda of the next meeting of the Working Party.

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

As announced at the previous meeting, the Presidency requested delegations to update the information that they had submitted in 1995 in reply to the following question (see 6256/95 ASIM 111, item 6):

"In the Member State in question are there any legal rules or provisions enabling third-country nationals to immigrate in order to settle permanently - possibly in accordance with specific quotas?"

It was agreed that replies would be sent to the Presidency and the Council Secretariat by 3 March 1999.

- *Legalisation of illegal immigrants*

Following the information exchange held at the previous meeting, the Austrian delegation asked the German delegation whether Germany had any definite plans to legalise illegal immigrants.

The German delegation replied that the internal discussion of this issue was not yet concluded.

- *Outstanding replies from Member States*

The General Secretariat advised delegations of the state of play regarding the following requests for information:

- Telex No. 1637 of 7 April 1998 on monitoring the implementation of instruments already adopted concerning admission of third-country nationals: the replies of the French, Irish and Italian delegations were still outstanding;
- Telex No. 93 of 8 January 1999 on legalisation of illegal immigrants: four delegations had replied so far; the deadline was 8 February 1999;
- Telex No. 4126 of 3 November 1998 on unaccompanied minors: less than half of the delegations had replied; the deadline was 31 January 1999.

- *Survey of Member States' legislation and case law in the admission area*

The Presidency queried the state of play of the establishment of the above-mentioned survey in the context of the revision by the Commission of its proposal on rules for the admission of third-country nationals (as mentioned at the previous meeting).

The Commission representative indicated that it had not yet received any indication from Member States regarding possible questions that they might wish the survey to cover, and stated that the Commission envisaged establishing the terms and conditions of the contract in February 1999.