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THE COUNCIL

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DRAFT REPORT

from : Permanent Representatives Committee

to : Council (Justice and Home Affairs)

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Subject: Action plan and priority work programme in areas related to asylum and immigration ([1])

1. At its meeting on 29 October 1993, the European Council instructed the Justice and Home Affairs Council to prepare, for the European Council meeting on 10 and 11 December 1993, a precise action plan in areas relating to asylum and immigration.

2. In particular, the European Council specifically requested that the following aspects be addressed:

   - common action on right of asylum in accordance with the Declaration annexed to the Treaty;

   - the establishment, in accordance with the new provisions of the Treaty, of the list of third countries whose nationals require visas;

([1]) General reservation by the Spanish delegation.

- guidelines for taking account of the objectives of asylum policy and immigration policy, in particular, in the Union's external relations. In this connection, the question of readmission of illegal immigrants is of particular importance.

3. In response to that request, the Council (Justice and Home Affairs) has approved:

- the draft action plan requested by the European Council on 29 October 1993, given in Annex I, and

- the draft priority work programme for 1994, together with the structures to be proposed to that end, in Annex II.

ASYLUM AND IMMIGRATION

Draft action plan requested by the European Council on 29 October 1993

The Treaty on European Union numbers asylum policy as one of the matters of common interest (see Art. K.1(1)). The Governments of the Member States of the European Union have been co-operating in this area since 1986. Since then, many important steps have been taken towards harmonizing asylum policy.

Particular mention should be made of:

- the Dublin Convention of 15 June 1990 and the proceedings concerning its implementation;

- the report from the Ministers responsible for immigration and asylum and the work programme on asylum which it contains, approved by the Maastricht European Council on 3 December 1991;

- the Resolutions adopted by the Ministers with responsibility in this area on 30 November 1992 in London.

In addition, a Centre for Information, Discussion and Exchange on Asylum (CIREA) has been established, designed to guarantee a continuous and detailed exchange of information on all aspects of asylum policy.

These results show that the Member States have mutual confidence in their respective asylum policies. This applies in particular to the Dublin Convention. Each Member State accepts that an application for asylum submitted on its territory for the examination of which it finds it is not responsible should be examined by another Member State in accordance with the national law of that State. These provisions of the Dublin Convention are based on mutual recognition by Member States of decisions taken on applications for asylum ([1]).

In order to increase the mutual confidence of the Member States and to ensure acceptance of this policy by the public, it will be necessary for asylum applications to be dealt with in accordance with harmonized substantive criteria and equivalent procedures.

The Council therefore considers that common action on asylum should be prepared as a matter of priority, to arrive at harmonized application of the definition of "refugee" in Article 1A of the 1951 Geneva Convention and a definition of minimum guarantees in the procedure for examining asylum applications. The action will aim at overall harmonization of asylum policy, taking account of the results obtained to date.

As regards visas, the Council will take a decision as soon as possible, after consulting the European Parliament, on the Commission proposals concerning the establishment of the common list of third countries whose nationals require visas. It will also adopt, by the same procedure, measures concerning the introduction of a standard visa.

([1]) Reservation by the Spanish delegation.

As regards incorporation of asylum and immigration policy objectives in external relations, it is agreed that:

- principles should be adopted which must appear in bilateral and multilateral readmission agreements;

- a link should be established where appropriate between Europe, association and co-operation agreements concluded by the Community and its Member States and the practices of third countries regarding readmission.

Priority work programme for 1994
and working structures to be introduced for the purpose

A. INTRODUCTION

The Council has drawn up the draft priority work programme for 1994 and the relevant working structures to be introduced for that purpose.

The outcome of these proceedings may be supplemented at a later stage, more particularly in the light of any initiatives which the Member States and the Commission might put before the Council.

B. AREAS OF ACTION

I. Asylum

1. Priority actions

- Monitoring the implementation of the Dublin Convention
- Decision on whether or not to set up Eurodac after examination of the legal and technical aspects of introducing the system
- Harmonized application of the definition of refugee within the meaning of Article 1.A of the 1951 Geneva Convention
- Definition of minimum guarantees in procedures for examining asylum applications

- Examination of the possibility of taking the Resolutions adopted by the Ministers in London ([1]) as a basis for formulating joint action or a convention.

2. Other actions

- Harmonization of certain guarantees to be provided for in the procedure for examining asylum applications

- Alignment of conditions for the reception of asylum-seekers in the Member States (particularly their rights and obligations)

- Adoption of a common position of the Member States in external bodies, particularly in the UNHCR Executive Committee and in the Council of Europe framework

II. Immigration

1. Priority actions

- Adaptation of the draft Convention on the crossing of external frontiers further to the entry into force of the Treaty on European Union, signing of the draft and completion of current proceedings on application of the draft

- Examination of Commission proposals on visas

- Completion of proceedings on admission (self-employed persons, employees and students)

([1]) Resolution on manifestly unfounded applications for asylum and Resolution on a harmonized approach to questions concerning host third countries.

- Readmission

  = Monitoring, particularly with the aid of the HCR, the return to sensitive countries of aliens who have to be expelled

  = Examination of the situation of persons who, for one reason or another, cannot be expelled

- Consultation and co-operation on the execution of expulsion measures

- Study on the improvement of Member States' methods of checking up on illegal aliens with the aim of harmonizing the conditions for combating illegal immigration and illegal employment.

2. Other actions ([1])

- Feasibility study on the archiving and electronic transmission of images of forged documents

- Examination of secondment arrangements for employees who are nationals of third countries

- Drafting of a common handbook for checks at external frontiers.

III. External aspects relating to asylum and immigration

1. Priority actions

- Adoption of the principles which must be included in bilateral and multilateral readmission agreements

- Establishment where necessary of a link between Europe, association and co-operation agreements concluded by the Community and its Member States and the readmission practices of third countries.

([1]) The French delegation would have liked the following addition:
"- Consideration and, if necessary, possible harmonization of the position of nationals of third countries established on a long-term basis on the territory of the Member States".

IV. Structures

To carry out this action plan, it is agreed to set up working parties on the following:

- migration
- asylum
- visas
- external frontiers
- forged documents.

CIREA and CIREFI are, moreover, requested to continue their work.