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NOTE

from : the Presidency

dated: 12 January 1994

Subject: Application of expulsion measures in respect of countries
subject to international embargo

The Ministers responsible for immigration, meeting in London on 30 November and 1 December 1992, issued a Recommendation concerning Member States' practices on deportation.

In accordance with this Recommendation from the Ministers, the Greek Presidency proposes to examine the serious problem of applying measures involving expulsion to countries under international embargo, in order to find practical, effective solutions acceptable to all concerned.

In recent years, the UN has imposed an embargo, each time for different reasons, on certain countries which, by their behaviour, have jeopardized world peace.

The situations created (social, economic etc.) in those countries have encouraged the development of major immigration flows, in some cases towards the Member States of the European Union. Those immigration flows consist principally of economic migrants.

This phenomenon has contributed to the development of illegal immigration networks, thereby encouraging facilitators who, for considerable sums of money, smuggle immigrants into the above countries.

The host countries admit those illegal immigrants, examining any asylum applications received and assuming responsibility for expulsion to the countries of origin, both for aliens whose asylum application is rejected and for those emigrating in search of a better future.

In this context, the host countries are unable to implement decisions by their competent authorities (deportations), because of the problems caused by the imposition of an embargo, in particular for non-adjacent third countries.

Those problems are due mainly to the lack of channels via which the abovementioned illegal immigrants, due to be expelled, can be directly and legally repatriated.

Given the above, and in order that this very serious problem can be examined, the Presidency has drawn up the questionnaire in the Annex, which it anticipates will be of considerable help in providing information on national practice adopted in the Member States regarding the application of expulsion measures in respect of countries subject to international embargo.

On the basis of Member States' replies to this questionnaire, useful conclusions will be drawn which will be discussed in order to find practical solutions for an effective common approach to the problem.

To this end, the Presidency requests Member States to send their replies to the questionnaire to the General Secretariat of the Council by 5 February 1994 at the latest.

PRACTICES ADOPTED FOR THE IMPLEMENTATION OF REPATRIATION MEASURES FOR NATIONALS OF COUNTRIES UNDER INTERNATIONAL EMBARGO

QUESTIONNAIRE

Member States are requested to provide information in reply to the following questions:

1. Have you deported (repatriated) nationals of countries under international embargo during the last two years and, if so, how many and to which countries?
2. Describe in detail the manner and procedure adopted in respect of the abovementioned deportations (e.g. means used, whether there was an escort etc.) and any existing legal basis.
3. If the said nationals were deported via third countries, what assistance was provided by the authorities of those countries and, in your view, was that assistance satisfactory?
4. Were there difficulties in providing the aliens to be expelled with travel documents and, if so, what solutions were found (practical and legal)?
5. Any other information, proposal or remark concerning the practices adopted for the implementation of expulsion measures in respect of countries under international embargo.