Sq1 WP4
051

EUROPEAN UNION
THE COUNCIL

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NOTE

from : the Presidency

to : the Migration Group

Subject: Follow-up of measures adopted in the field of combating illegal immigration, unlawful employment and cooperation concerning expulsion measures

In preparation of the next meeting of the Migration Group (scheduled for 18 September) the Presidency wishes to refer to the answers to telex n° 2564 of 10.6.96.

While these answers mainly deal with the working methods of CIREFI and CIREA, a number of Member States did make suggestions in relation to combatting illegal immigration, unlawful employment and cooperation concerning expulsion measures. Accordingly, delegations will find hereafter, as well as a list of the Council Recommendations concerned, a synopsis of points based on the answers given by delegations.

Those delegations who have not already done so may wish to consider submitting suggestions relating to the aspects raised in the abovementioned subject with a view to facilitating the discussion at the next meeting of the Group.

Recommendations in the field of combating illegal immigration and unlawful employment and co-operation in the implementation of expulsion orders

1. Recommendation concerning a specimen bilateral readmission agreement between a Member State of the EU and a third country (30 November 1994).

2. Recommendation on the principles for the drafting of protocols on the implementation of readmission agreements (24 July 1995).

3. Recommendation concerning the adoption of a standard travel document for the removal/expulsion of third country foreign nationals (30 November 1994).

4. Recommendation on concerted action and co-operation in carrying out expulsion measures (22 December 1995).

5. Recommendation on harmonising means of combating illegal immigration and illegal employment and improving the relevant means of control (22 December 1995).

6. Recommended readmission clauses in agreements concluded between the European Community, its Member States and third countries (mixed agreements) (23 November 1995).

7. Recommendation on combating illegal employment of third country nationals.

Synopsis of points concerning
combating illegal immigration and illegal employment

- The existing Recommendations provide a framework for improved co-ordination and practical co-operation.

- It would not seem necessary to direct efforts towards more Recommendations.

- It should be considered to what extent the Recommendations have been implemented by way of a questionnaire similar to that used in the Admissions area.

- Improved co-ordination is needed between CIREFI and the Migration group.

- The possibility of linking CIREFI/Migration group by way of a systematic reporting system should be considered.

- Additional consideration needs to be given to the problem of expelling third country nationals without papers/possible adoption of a procedure for co-operation between the Member States in order to obtain travel documents from diplomatic representations.

- The practical implementation of expulsion measures needs further consideration with particular attention necessary for practical co-operation with regard to transit under escort.

- The question of co-operation in the matter of group deportation could be considered/examination of group deportation where such co-operation already exists.

- It is recommended that a seminar be organised on expulsion implementation practice.

- Consideration could be given to the production of a manual on measures to combat illegal immigration which would contain details on documents necessary for expulsion, suitable air routes, information on transit, contact authorities, network of liaison officers etc..

- A greater knowledge of the procedures applied in each Member State is needed with regard to the available remedies at law in the matter of deportation.

- With regard to the identification of foreigners in unauthorised circumstances, consideration could be given to the exchange of information on identification techniques, use of fingerprints etc..

- Consideration could be given to the need for a comparative study of detention methods (duration, physical conditions, number of places available etc.) with a view to possible harmonisation.

- Consideration could be given to the question of access and use of files i.e. what authorities should have access to data concerning foreigners/could files be used to identify unauthorised persons?