EUROPEAN UNION
THE COUNCIL

Brussels, 10 January 1995 (24.01)
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RESTREINT

ASIM 4

OUTCOME OF PROCEEDINGS

of: Migration Working Party (Expulsion)

on: Monday 9 January 1995

1. Adoption of the agenda

The agenda as appearing in telex No 5111 of 21 December 1994 was adopted by the Working Party, with the addition of an item relating to the Kosovo Albanians under "Other business".

2. Presentation of the French Presidency's priorities
(12394/94 ASIM 247)

The Presidency said that two main elements would form the core of its programme, viz. the continuation of the work started under the German Presidency, notably on:

- cooperation and concertation regarding the execution of expulsion measures;
- the Protocol to the sample standard readmission agreement;
- persons who cannot be expelled;

and the presentation of a new text relating to:

- a draft joint action on ways to combat and monitor illegal immigration.

3. Follow-up to the German Presidency's work on the laisser-passer model and the sample standard readmission agreement

(a) Model for the laisser-passer

A model for the laisser-passer was adopted by the November 1994 JAI Council with the express recommendation from Ministers that this document be used as from 1 January 1995 (10721/94 JAI 43).

However, the Working Party decided to specify in advance the circumstances under which the document would be used so as to restrict its use during an initial period to test the reaction of third countries. This item would be discussed by the Working Party at its next meeting.

After six months' use the Working Party would assess the results on the basis of a questionnaire prepared by the Presidency.

(b) Sample standard readmission agreement

A sample standard readmission agreement was adopted by the November 1994 JAI Council with the express recommendation from Ministers that the document be used as from 1 January 1995 (10880/94 JAI 46).

The Working Party agreed that each time a Member State concluded a readmission agreement with a third country on the basis of the sample standard agreement, it would send a copy to the other delegations via the General Secretariat.

At its meeting on 18 January 1995, Steering Group I would examine the question of the relationship between CIREFI and the Migration Working Party, particularly as regards the transmission of information on the use of the sample standard readmission agreement.

On the basis of the information supplied by the Member States, it would be possible to make an assessment of how the standard agreement had been used, for the specific purpose of seeing how far the agreements concluded conformed to it.

Furthermore, the French Presidency would be submitting an amended version of the Protocol proposed by the German Presidency (8828/94 ASIM 155) to the next meeting.

4. Discussions on the expulsion of persons to countries under international embargo or sensitive countries and cooperation and concertation regarding the execution of expulsion measures
(8428/94 ASIM 140
8410/94 ASIM 141
10340/94 ASIM 207)

(a) Questionnaires

The Presidency gave a reminder that three delegations had not replied to the questionnaire on the situation of persons who for one reason or another could not be expelled (8428/94 ASIM 141).

The General Secretariat would prepare a summary which, along with the summary of replies to the questionnaire relating to practices adopted for the implementation of expulsion measures for nationals of countries under international embargo (7561/1/94 ASIM 114 REV 1) the Working Party would analyse with the aim of drawing practical conclusions.

(b) Cooperation and concertation regarding execution of expulsion measures

On the basis of documents submitted by the German Presidency (8410/94 ASIM 140 and 8831/94 CIREFI 13), the French Presidency would be submitting proposals for work on cooperation and mutual aid as regards expulsions, particularly in the following areas:

- cooperation on obtaining return documents (diplomatic and non-police exchanges);
- transit (escorts, agreements ratified by national parliaments, sanctions in the event of refusal to board in the transit country);
- grouping of expulsions (in certain special cases to be specified);
- possible (long-term) establishment of a centralized body.

In order to facilitate contact, delegations undertook to update the list of contact points having the task of collecting data on expulsions. The Secretariat would be sending them the information currently available (see SN 3189/2/93 WGI 1528 REV 2, SN 3188/1/93 WGI 1529 REV 1).

5. **Draft Council instrument adopting a common action on the harmonization of ways to combat illegal immigration and illegal employment and improvement of the controls provided for this purpose**
(WGI 1646
WGI 1663
4479/94 ASIM 19
12336/94 ASIM 242)

The Presidency presented a draft joint action aimed at enabling foreign nationals who are not in a lawful position on the territory of the Member States to be more accurately identified (12336/94 ASIM 242). This text would be examined in detail by the Working Party as soon as all language versions were available.

The Commission informed the Working Party that it would be submitting a proposal for a Directive on the standardization of residence permits some time in 1995.

6. Other business

The German delegation announced that between 21 December 1994 and 4 January 1995 many Kosovo Albanians who had, with the help of couriers, crossed Italy with forged passports from the former Yugoslavia and passed through France, had been held for questioning in Germany.

The German delegation would be communicating this information to CIREA and CIREFI Working Parties and the Presidency would ensure that the matter was discussed at the next meeting of Steering Group I and in the Visa Working Party.