EUROPEAN UNION
THE COUNCIL

Brussels, 17 January 1995 (02.02)
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RESTREINT

ASIM 7

OUTCOME OF PROCEEDINGS

of: Migration Working Party (Admission)

on: 11 January 1995

1. Adoption of the agenda

The agenda as given in telex No 5112 of 21 December 1994 was adopted by the Working Party.

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

The French Presidency's programme contains four priorities:

(a) a draft joint action on the status of third-country nationals who have been residing legally and for a long time in one of the Member States of the Union;

(b) draft conclusions on burden-sharing with regard to the admission and residence of persons temporarily displaced as a result of crises or conflicts;

(c) The follow-up to the four Resolutions recently adopted on admission of third-country nationals for the purposes of:

- family reunification
- gainful employment
- activity on a self-employed basis
- study;

(d) the circulation of three new questionnaires (findings to be used under the Spanish Presidency) relating to:

- the admission of third-country nationals who are not involved in gainful activity;
- national practices with regard to exceptions to the principle of non-regularization of individual cases;
- the situation of unaccompanied alien minors in the Member States.

Moreover, the French Presidency will endeavour to encourage a common appraisal of Court of Justice judgments.

At the delegations' request, the questionnaire on foreign seamen (4461/94 ASIM 17) was added to the French Presidency's programme. Delegations' replies must reach the General Secretariat of the Council before 15 February 1995.

3. Draft Council act adopting a joint action on the status of third-country nationals residing legally in the Union for a long period
(12338/94 ASIM 244 + COR 1)

The French Presidency considered that the corollary to the fight against illegal entry of third-country nationals should be the integration of aliens legally settled on a long-term basis in the European Union. The Presidency's draft joint action falls within this framework.

The Working Party examined the document submitted to it on an Article by Article basis. However, as the text was not yet available in all Community languages, most delegations entered a general reservation on linguistic grounds.

The text contained in 12338/94 ASIM 244 will be submitted to Steering Group I on 18 January 1995. A revised version will be drawn up on the basis of the comments made by the Migration Working Party and Steering Group I.

4. Exchange of views with a view to a common interpretation of the VAN DER ELST v. Office des Migrations Internationales (OIM) judgment of 9 August 1994
(12337/94 ASIM 243)

On the basis of the above document, the delegations held an exchange of views on the implications of the Van der Elst judgment.