EUROPEAN UNION
THE COUNCIL

Brussels, 24 October 1997 (28.10)
(OR. f)

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11658/97

LIMITE

CIREFI 53

NOTE

from: CIREFI

to : K.4 Committee

Subject: Influx of immigrants from Iraq

I. Outline of the problem:

It is clear from the replies given by the Member States to the questionnaire ([1]) on illegal immigration of Iraqi nationals that a number of countries are currently concerned by this phenomenon, which is assuming disturbing proportions. Sweden, the Netherlands, Germany and France, for example, stressed that their countries were facing massive illegal immigration from Iraq.

By way of illustration, it should be noted that Germany has already recorded 2 600 illegal Iraqi nationals in the period from January to August 1997, while for the whole of 1996 the figure was 1 549 people. In addition, from January to August 1997 some 9 700 applications for asylum were made in Germany. For the whole of 1996, the figure was of the order of 10 900 applications.

The figures provided by France show a similar development: in 1995 the French authorities noted the arrival of 334 people. In 1996 the figure was 1 112. For the first eight months of 1997, the figure was almost 6 000. (The number of asylum applicants was, however, relatively low in France).

The other countries concerned indicate a similar trend.

([1]) 10871/97 CIREFI 47 and 11463/97 ASIM 196. A compilation of the replies to the questionnaire will be circulated under reference 11556/97 CIREFI 51.

The general characteristics of this immigration are as follows:

- A large number of immigrants are of Kurdish origin.

- The total number of arrivals consists of both illegal immigrants and asylum-seekers.

- The routes taken by Iraqi nationals are often the same: a large majority of people travel through Turkey, and then via Greece, Italy, France, Germany, Belgium, etc. Another route goes through the Balkans, i.e. Bulgaria, the former Yugoslav States, Hungary, Slovakia, the Czech Republic, Germany, etc. It should be noted that nearly all means of transport are used, i.e. bus, lorry, car, boat, plane.

- Borders are crossed with or without travel documents; illegal immigrants almost always make use of facilitators.

- The existing situation is compounded by the difficulty of expelling such people in view of the current embargo on Iraq. (Only a limited number of countries (France, Sweden) send people back to Iraq, and this is possible only where the aliens have valid travel documents.)

II. CIREFI conclusions:

On 21 October the CIREFI held a general debate on this problem, which reached the following conclusions:

- CIREFI notes that the problems encountered by Member States with illegal immigration from Iraq are primarily due to certain shortcomings in controls and the impossibility of expelling and sending back Iraqi nationals. This impossibility results from the absence of diplomatic and consular relations with the Iraqi authorities caused by the United Nations embargo which still exists against Iraq. Moreover, Turkey, which is a major country of first transit, is apparently not prepared to extend the necessary cooperation on the matter to the Member States of the European Union.

CIREFI proposes the following solutions:

1. Strengthening controls at the European Union's external borders, with the Member States providing assistance where necessary to the countries most concerned (Greece, Italy, etc.).

   Such assistance could take the form of technical aid (making equipment available) and possibly, if all parties concerned agree, an exchange of liaison officers. ([1])

2. Making the Turkish authorities aware of the problems with immigration from Iraq encountered by Member States of the Union.

   CIREFI thinks it necessary to approach the Turkish authorities on this matter since Turkey is the main country of transit in illegal immigration from Iraq.

   It should in fact be noted that the Association Agreement concluded with Turkey contains a reference to the advisability of cooperation in combating illegal immigration. CIREFI therefore proposes that this should be done on an inter-pillar basis, i.e. that second pillar bodies should be closely involved. The ideal solution would be to conclude a readmission agreement with Turkey, which should also cover nationals of third countries other than Turkey.

3. Giving adequate assistance to the transit countries concerned (Turkey, etc.). It would be extremely useful to make provision for training measures in the countries of transit (e.g. on the spot training of airline staff, training of Embassy and Consulate staff of the European Union). ([2])

([1]) The Greek delegation maintained a reservation on this point.
([2]) In this connection see the joint position on pre-frontier assistance and training assignments (OJ No L 281, 31.10.1996, p. 1).

4. Joint discussions with the third countries concerned by these problems:

   CIREFI thinks it would be useful for the topic of illegal immigration from Iraq to be broached at the Luxembourg meeting of CIREFI experts with third countries in November. A number of transit countries (Cyprus, Czech Republic, Hungary, Bulgaria, etc.) will then be involved in CIREFI's work as part of the structured dialogue and it would seem helpful to raise this matter at that meeting.

5. Regular exchanges of information between Member States within CIREFI:

   To enable Member States to keep each other informed of developments in this area, CIREFI intends to discuss these problems regularly in a CIREFI context.

6. Authorization of expulsions to Iraq:

   In view of the insuperable problems which currently exist in the European Union's relations with Iraq, the CIREFI would suggest examining the question of the advisability and possibility of sending back Iraqi nationals to areas where there is a ban on overflying pursuant to a UN Resolution. There should, moreover, be an examination of whether living conditions in those areas could be improved in order to reduce emigration. Sight should not, however, be lost here of the need for humanitarian solidarity with the persons concerned.

The K.4 Committee is requested to give its opinion on these proposals with a view, inter alia, to transferring the points to be dealt with by second pillar bodies.

European Union
The Council

Brussels, 24 October 1997

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NOTE
from CIREFI

to the K.4 Committee

Re.: **Migration Movements from Iraq**

I. The Problem

In particular, Sweden, the Netherlands, Germany and France are concerned about a massive influx of illegal immigrants from Iraq.

For example, Germany registered 2.600 illegal Iraqi immigrants between January and August 1997. In 1996, 1.549 Iraqi arrived in Germany. Between January and August 1997, 9.7000 asylum applications have been submitted; in 1996, ca. 10.9000.

Figures submitted by France show a similar development: In 1995, 334 immigrants were registered; in 1996, 1.112. During the first 8 months in 1997, there were almost 6.000 of these immigrants (the % of asylum seekers is relatively low in France).

The general characteristics are:

- a large number is of Kurdish origin

- they arrive as illegal immigrants or asylum seekers

- Iraqi citizens use often the same routes: the vast majority comes through Turkey, then through Greece to Italy, France, Germany, Belgium etc. Alternatively, they choose the Balkan route via Bulgaria, the states of former YU, Hungary, the Slovak and Czech Republics, Germany etc. They use all means of transport: bus, truck, car, ship, plane.

- They travel with or without travel documents; the illegal immigrants regularly use traffickers.

- The embargo against Iraq makes the present situation more difficult as it is difficult to repatriate the people concerned. Only France and Sweden repatriate people to Iraq, repatriations are only possible if the foreigners are in possession of valid travel documents.

II. Conclusions by CIREFI

Meeting of 26 October 1997:

- The problems of the member states in connection with the illegal immigration from Iraq are caused by control deficits, and because Iraqi citizens cannot be repatriated. Furthermore, Turkey, as an important first transit country, is not prepared to cooperate with the EU member states in this area.

CIREFI proposes the following solutions:

1. External border controls will be strengthened, the most affected member states (Greece, Italy, etc) will be supported (technical support, liaison officers).

2. The Turkish authorities will be made more sensitive for the problems of the EU member states. Contact to Turkish authorities is necessary. The Association Agreement with Turkey includes a comment on the usefulness of cooperation in the fight against illegal immigration. **Therefore, CIREFI proposes that such cooperation shall be incorporated into the bodies of the second pillar. The ideal solution would be the conclusion of a readmission agreement with Turkey which would also extend to citizens of other third countries than Turkey.**

3. The transit countries (Turkey etc) will get support (eg training of airline personnel, EU embassy personnel etc., cf. Joint Position of 31.10.1996, OJ L 281, p.1)

4. CIREFI proposes to discuss the problem of illegal immigration from Iraq at the meeting between CIREFI experts and third countries in November (1997). Thus, within the framework of the structured dialogue, some third countries (Cyprus, Czech Republic Hungary, Bulgaria etc) will be involved into CIREFI's work.

5. Regular exchange of information between EU member states.

6. Examine the possibility to repatriate immigrants to the 'no fly-zone' in northern Iraq (cf. UN Resolution), and if the living conditions can be improved in this area in order to reduce emigration. Yet aspects of humanitarian solidarity with the people concerned should not be forgotten.