



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 7 February 2000

5771/00

LIMITE

MIGR 11

OUTCOME OF PROCEEDINGS

of : Working Party on Migration and Expulsion

dated : 26-27 January 2000

Migration (26 January 2000)

1. Adoption of the agenda

The Working Party adopted the agenda relating to “migration” items, as set out in Telex No 180 of 17 January 2000 and supplemented by Telex No 297 of 21 January 2000, with the addition of the sub-item “Council of Europe coordination” under “Other business” below.

2. Presentation of the Presidency’s programme **5160/00 JAI 1**

The Presidency outlined the main points of its programme in the migration area, as set out in the above-mentioned document.

3. Proposal for a Council Directive on the right to family reunification **Chapter I: General provisions and Chapter II: family members** **5396/00 MIGR 6**

The outcome of proceedings on this item is in 5772/00 MIGR 12.

4. **Information campaigns in countries of origin and transit**
8131/99 MIGR 36

The Presidency presented a progress report on this subject. It referred to the work carried out by the Working Party, as outlined in the above-mentioned document, and in particular to the Working Party's recommendations regarding the target countries. It then reported that the Action Plans established by the High Level Group on Asylum and Migration and adopted by the Council on 11 October 1999, provided for information campaigns to be organized with respect to the following countries: Afghanistan (in particular for Afghan refugees in Pakistan and Iran), Morocco, Somalia and Sri Lanka (on the destructive effects of trafficking of children). The target date for these campaigns was mid-2000 (or, in the case of Somalia, end 2000).

In response to a query from the Swedish delegation regarding IOM's future role in the organization of these information campaigns, the General Secretariat indicated that the High Level Group was currently working on the implementation of the various points of the Action Plans, and that further consideration of the issue of information campaigns was expected at the Group's next meeting on 4 February 2000.

5. **Other business**

- *Review of the implementation of the Council Resolution of 4 December 1997 on measures to be adopted on the combating of marriages of convenience*
13488/99 MIGR 70

The General Secretariat presented the summary report contained in the above-mentioned document, based on contributions submitted in reply to Telex No 1858 of 22 April 1999 (F, IRL, I, L, NL and A had not replied to the Telex; the contribution from F, submitted after the meeting, will be included in 10998/99 MIGR 56 ADD 1; see also 13488/99 MIGR 70 COR 1, including a correction requested by DK).

The Belgian and United Kingdom delegations reported the adoption of the national legislation that was being considered at the time of their replies. The Belgian delegation pointed out that the new Belgian law on this subject had been enacted on 1 July 1999 and had entered into force on 1 January 2000. Both delegations undertook to submit updated contributions in due course.

- *Council of Europe coordination*

The Presidency advised delegations that, at the Working Party's meeting scheduled for 1-2 March 2000, it intended to coordinate the EU position with respect to an upcoming Council of Europe meeting (on this point, see 13782/99 MIGR 72).

Expulsion (27 January 2000)

1. Adoption of the agenda

The Working Party adopted the agenda relating to "expulsion" items, as set out in Telex No 180 of 17 January 2000 and revised by Telex No 276 of 21 January 2000, with the addition of the sub-item "Discussions with Turkey on illegal immigration" under "Other business" below.

2. Presentation of the Presidency's programme **5160/00 JAI 1**

The Presidency outlined the main points of its programme in the expulsion area, as set out in the above-mentioned document. Delegations generally welcomed the programme.

In reply to a query from the French delegation, the Commission representative declared that in March 2000 his Institution intended to submit recommendations for Council decisions authorising it to negotiate readmission agreements with four countries. These countries were, on the one hand, Morocco, Sri Lanka and Pakistan (as provided for in the respective Action Plans drawn up by the High Level Group on Asylum and Migration and adopted by the Council on 11 October 1999) and on the other hand, Russia (in accordance with the EU Common Strategy of 4 June 1999 relating to this country).

The Netherlands delegation, taking the floor also on behalf of the Belgian and Luxembourg delegations, stressed the relevance for this Working Party of the Commission's proposal for a Council decision creating a European Refugee Fund (see 5635/00 ASILE 2 FIN 17). The Presidency, while noting that the proposal would be discussed in the Asylum Working Party, undertook to ensure coordination between the two working parties with regard to the specific measures concerning return.

3. **Examination of the draft report on replies to the questionnaire on voluntary return**
5318/00 MIGR 2
5350/00 MIGR 3 + COR 1 (nl, en, p)

– *Examination of the draft report*

The General Secretariat presented the draft report contained in 5318/00 MIGR 2, based on contributions submitted in reply to Telex No 1859 of 27 April 1999.

The Irish and Italian delegations, while confirming that they had not developed any programmes to support the voluntary repatriation of third-country nationals, as mentioned in the draft report, referred to initiatives undertaken to facilitate the voluntary return of third-country nationals in specific cases (in Ireland's case, persons evacuated from Bosnia and Herzegovina and from Kosovo; the Irish delegation undertook to provide details on such initiatives).

The Netherlands delegation referred to a policy change effective from 1 January 2000, resulting in the introduction of a voluntary return option in its repatriation programmes carried out in cooperation with IOM. It reported that since 1990 it had successfully been returning illegal immigrants and failed asylum seekers through IOM ; it had had more limited success in its bilateral return programmes (specifically, for Ethiopia, Angola and Somalia); it added that the Government would soon present to Parliament an evaluation of these programmes).

Among the Member States that had not provided written information, the Spanish delegation (though stressing that the Spanish programmes were still in embryo) and the French delegation undertook to submit their contributions shortly (the information submitted by France following the meeting will be included in 9821/99 MIGR 48 ADD 3). The Luxembourg delegation provided its information orally and, like the Irish and Italian delegations, indicated that, although Luxembourg had not developed any general return programmes, it had undertaken initiatives to facilitate the voluntary return of third-country nationals in specific cases (i.e. to the Balkans).

– *Presidency's note*

The Presidency briefly introduced 5350/00 MIGR 3 + COR 1 (nl, en, p).

Delegations generally welcomed a discussion of a possible common approach to the question of assistance to voluntary return, which most of them regarded as an important aspect of their migration policies (with the exception of the Greek delegation, which remained doubtful on the value of such assistance, and entered a study reservation on this initiative).

A few delegations (GR, I, NL) considered that the discussion should include a consideration of the financial implications of assistance to voluntary return, and of the possible creation of a fund, such as the proposed European Refugee Fund (see above, under item 2). The Commission representative favoured the creation of a programme to finance assistance to voluntary return, such as the European Refugee Fund, and noted that such a programme would have a legal basis in the Treaty and would be in accordance with the priorities set in the Tampere conclusions. Pending the creation of new funding schemes, however the Commission representative was confident that forms of financial assistance could be found under the existing budgetary resources.

The following views were expressed on the individual issues raised by the Presidency in its paper:

- (1) *Information campaigns.* This idea was specifically supported by B and A; according to S, such initiatives should be looked at in the general context of information campaigns (see item 4 of the “Migration” agenda, above).
- (2) *Vocational-training programmes.* Some delegations (GR, L) supported the emphasis on investing in the country of origin rather than granting benefits to individual persons; other delegations (I, A, UK), while being favourably inclined to this idea, were somewhat reserved on the concrete possibilities for the recipient country to use these funds efficiently, and cautioned against their possible mismanagement; in any case, further advice with development aid experts was needed to form a position on this question (UK);

- (3) *Uniform re-entry ban clauses.* The vast majority of delegations (B, DK, GR, E, I, IRL, L, NL, A, S, UK) had misgivings on this proposal and advocated a flexible approach to the matter. In particular, the returnee should be allowed to verify the existing conditions in the country of origin (B, F); changes in the situation of the country of origin might require re-entry on humanitarian grounds (B, IRL, UK); re-entry should be permitted on asylum grounds (NL).

In this connection, reference was made to the existing national programmes (e.g. B: “go and see” option; F: multiple-entry visas, DK: limited duration of re-entry bans; NL: re-entry to ask for asylum, in close connection with the Dublin Convention).

Furthermore, it was noted that a re-entry ban would apply in any case for the illegal migrants whose data are entered into the SIS under Article 96 of the Schengen Convention (A, S). Finally, it was considered that the introduction of such clauses could discourage migrants from returning under the programmes (E, GR, L), or could signify a lack of confidence that they will be treated decently in the country of origin (UK).

By contrast, P favoured a general clause, which would not necessarily supersede the provisions of existing national programmes.

- (4) *Information-exchange system.* A few delegations (I, GR, P, S) upheld such an EU-wide system. L questioned the proportionality between the efforts entailed by the proposed system and the benefits that could be derived from it.

The Presidency took note of the positive reaction of delegations to its initiative and concluded that its consideration would be continued at the next meeting of the Working Party.

6. Questionnaire on the practices of the Member States of the European Union with regard to transit for the purposes of expulsion by air
5351/00 MIGR 4

It was agreed that this item should be discussed in the framework of the Mixed Committee.

It was also agreed that the Presidency's questionnaire in 5351/00 MIGR 4 would be revised to include additional questions suggested by delegations.

Following a clarification from the German delegation, delegations took note that the initiative on this subject by the German Presidency (7264/99 MIGR 19) would no longer be pursued, as its legal form was not consistent with the new situation arising from the entry into force of the Amsterdam Treaty.

Furthermore, they agreed that this subject should be dealt with separately from Finland's initiative for a Council Regulation determining the obligations as between Member States for the readmission of third-country nationals, contained in 12488/99 MIGR 66 + COR 1 (f, d, i, nl, en, gr, es, p, s).

7. Other business

– Discussions with Turkey on illegal immigration

The German delegation queried on the state of discussions regarding a possible agreement with Turkey on illegal immigration, as apparently reported by the Presidency at the General Affairs Council meeting of 24 January 2000.

The Presidency undertook to provide information on this point at a future meeting.
