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EUROPEAN UNION
THE COUNCIL

Brussels, 6 January 1997

10351/2/96

REV 2
LIMITE

CIREFI 23

NOTE

from : the Irish Presidency

to : Steering Group I

Subject: Review of CIREFI

Delegations will find herewith a revised draft report on the review of the work pratices of CIREFI, that takes into account observations made during CIREFI meeting on 16 December 1996. All delegations were able to agree on that text; the Commission representative entered a reservation on point 8 of the conclusions (see page 10).

Review of CIREFI
(the Centre for Information, Discussion (Reflection) and Exchange on Immigration Matters)

1. Objectives

1.1 The purpose of this review is to increase the relevance of CIREFI's work for national authorities, to enhance practical co-operation and to improve the effectiveness of CIREFI's work procedures thereby making more efficient use of the resources of the delegations of Member States, of the Commission and of the Council Secretariat.

1.2 Steering Group I, at its meeting of 8 and 9 July, 1996, decided that a review should be carried out of CIREFI's work methods and practices. Such a review should not include a review of CIREFI's mandate, which is considered to be sufficient for its purposes, but rather should concentrate on how the present mandate can be better met. CIREFI should report its findings to the K4 Committee before the end of the Irish Presidency.

2. History

2.1 In 1992 the Ministers responsible for Immigration agreed to the establishment of the Centre for Information, Discussion (Reflection) and Exchange on Immigration Matters (CIREFI). In 1994, the Council further developed CIREFI in its Conclusions published in the OJ C274/50 of 19 September 1996.

2.2 The objectives of the Centre are to gather, exchange and pass on information and compile documentation on all questions relating to the crossing of borders and immigration. The aim of such exchange of information is to realise more comprehensive informal consultations within CIREFI in order to facilitate the relevant bodies' co-ordination and harmonisation of Member States' practices, policy and legislation on the crossing of borders and immigration.

The Centre is charged with gathering information on the following matters:

- authorised immigration flows;
- unlawful immigration flows (country of origin, routes, means of transport);
- unlawful immigration methods with a view to preventing and halting attempts at unlawful immigration;
- the use of genuine, forged or falsified travel documents;
- legislation bearing on immigration control procedures and information on immigration policies generally;
- the number of rejected asylum applicants and illegal immigrants who abuse the asylum procedure, in conjunction with CIREA;

- the illegal employment of aliens;
- the number of expulsions of illegally present third-country nationals;
- carriers' liability legislation; and
- statistics.

3. Background to review

3.1 Although CIREFI is established on the same type of legal basis as other working groups within Title VI of the Treaty of the European Union, there is a significant difference between it and other working groups. Its remit is the exchange of information in the area of immigration, and reflection on the information thus exchanged. It is not a policy-making body in the sense of preparing instruments such as conventions, joint actions or the like: this is specifically excluded by its mandate. Rather, its function is to inform the development of policy by other organs within Title VI. As a centre for information exchange, CIREFI can be viewed as having two constituent parts, each complementing the other. These parts are: the meetings of delegates, which oversee the gathering and dissemination of information and are the means for reflecting on and analysing the information; and the repository of information itself, together with the means of gathering and disseminating it to appropriate bodies.

3.2 There is general agreement among Member States that the potential of CIREFI is not being achieved. Concerns centre on the structure and management of meetings, the lack of analysis of information supplied to CIREFI, problems associated with the dissemination of information and to use to which it is put and interaction with other working parties and international organisations.

4. Examination of issues

4.1 Following on from the directions received from Steering Group I, CIREFI carried out a review of its working practices and procedures.

4.2 ***Structure and management of meetings***

Member States wish to re-emphasise the importance of achieving maximum benefit within the forum of CIREFI, whilst enabling business to be conducted effectively. To this end, the following practices should be put in place

Work programmes

* CIREFI's activities take place within the framework of the priorities for cooperation in the field of justice and home affairs determined by the Council.

Accordingly, to the extent that they concern CIREFI's mandate, these priorities should be detailed in the form of a two-year programme of work, to be submitted to the K4 Committee for approval;

* In order to retain the flexibility necessary for CIREFI to react to situations which may evolve, a six-month work programme should be set out at the beginning of each term of presidency;

Preparatory documentation

* The exchange of information carried out within CIREFI is done mainly on the basis of questionnaires completed by Member States. In order to ensure that best use is made of the sometimes considerable resources required of Member States to respond fully to questionnaires, the overall purpose should be clearly established before any such questionnaire is issued, and the nature and extent of the questions to be answered agreed;

* questionnaires should be issued in good time to enable Member States to prepare comprehensive responses;

* Member States should return their responses by the dates stipulated in the questionnaires in order that they be may translated and analysed, and distributed to delegates in good time for the meetings;

* information documents should be available in the source language and also at least in the English and French languages. Where the approval of CIREFI or of a higher level group is required before a document is finalised, it will, as is the norm, be made available in all working languages;

Management of meetings

* The agenda for any meeting should not be over-full. No more than two major topics should generally be considered at a one-day meeting. This will facilitate in-depth discussions. It will also allow delegations to ensure the participation of their experts or specialists in the particular topic being considered and allow such experts to make a full contribution to the matter under discussion.

* To facilitate in-depth discussions, a full interpretation service should be available at all CIREFI meetings;

* Often, a given topic planned for discussion will be a subject where particular delegations have an expertise. In such a case, there will be benefit in having preparatory work done in particular by those delegations on the subject, so that the discussions in plenary session of CIREFI will be more focused on the salient points. In any such case, the presidency of the day should consider convening an informal gathering of delegations with a particular expertise or interest in the topic in question in order to carry out the preparatory work. (This method worked particularly well in the preparatory work for meetings with the CEEC's.)

* Meetings should generally be of one day's duration, with a further ½ day being set aside for meetings of any informal gatherings, as the occasion demands. Meetings with third countries or groups of third countries, of necessity, will require a minimum of two days.

* Where possible, delegations should give advance notice of items to be raised on other business. Where items raised in this way involve the provision of information (rather than raising a query), a written document should, where possible, be provided. Where Member States are requesting information of other delegations, questions should be provided in advance.

4.3 **Analysis of information**

4.3.1 A particular problem identified by Member States is a lack of analysis of issues: information exchanged in CIREFI frequently remains rather superficial in nature, with little or no analysis of the information supplied by the Member States. This is a serious shortcoming. This is because the written documentation available to delegates, on which discussion of a given subject at the meetings is based, generally consists simply of a compilation of the answers of Member States to a questionnaire previously circulated. In the absence of any form of preliminary analysis available to delegates in written form in advance of the meeting, discussion tends to be diffuse and lacking in focus. For example, at present, much of the time of meetings can be taken up by delegations clarifying points made in their responses to questionnaires or even in presenting orally information already before the meeting in written form. As a result, a given issue may need to be discussed over several meetings instead of being finalised at one or at the most two meetings.

4.3.2 There is a generally recognised need to make better use of the time spent by delegates in meetings, and the considerable expense which that involves, by providing the focus

for discussions which even a preliminary analysis of the responses to questionnaires can achieve. Such preparatory work provides a good basis for in-depth discussions at meetings, enables delegates to identify key points or issues, and thus lead to the more effective drawing of conclusions. It would also facilitate the preparation of clear and comprehensive documents representing the outcome of discussions, and would assist in ensuring that available information is of practical use to delegations and, where appropriate, to individual case workers.

4.3.3 A number of approaches to this problem have been examined. Each of these is discussed in the following paragraphs.

4.3.3.1 The first possibility examined is that the Presidency of the day would take on responsibility for the preparatory analysis of gathered data in order to present discussion documents for consideration at meetings. While some Member States may have the necessary resources to take on this task in terms of personnel, expertise or finances, it is clear that others do not.

4.3.3.2 Another possibility considered is the use of a delegation with particular expertise or interest in the subject under examination to act as rapporteur. The rapporteur could, in conjunction in particular with either the presidency or the Council Secretariat or both, undertake the preparatory analysis work in advance of the plenary meetings at which the topic is to be discussed. This approach has certain attractions. Where the matter under discussion is of a technical nature or otherwise requires special knowledge, the use of an expert from within a delegation can be of particular benefit in preparing a preliminary document as a focus for discussion in the plenary group.

4.3.3.3 The third option considered is to develop within the Council Secretariat an expertise with the capacity to undertake at least a preliminary analysis of issues for discussion based on information supplied by Member States. It is clear that the resources at present available within the Council Secretariat have not, as a rule, permitted the Secretariat to provide this service to date. CIREFI is of the opinion, however, that the expenditure required to employ such additional staff would be a far more effective use of resources than the present expense in terms of the time of delegates and the travel and other costs of convening meetings of the working group in circumstances where, in the absence of preliminary analysis, an issue has to be tabled repeatedly for discussion at successive meetings.

4.3.4 Accordingly, it is recommended that the staff of the Council Secretariat be supplemented to allow it undertake at the very least a preliminary analysis of information supplied by Member States on particular issues. Where the Presidency of the day has sufficient resources of its own, it can, of course, work in tandem with the Secretariat in preparing the analysis. This may necessitate the allocation of additional resources to the Council Secretariat.

4.3.5 In addition, informal gatherings of the kind mentioned at 4.2 above can also be used to assist presidencies and the Council Secretariat in carrying out more in-depth analysis of particular issues. Recent experience within the framework of CIREA, a working group with a remit similar to CIREFI, has shown that such informal gatherings, working on the basis of the preliminary analysis of a particular issue, can help to focus the discussion in the plenary session on the important points of interest and thus make better use of the time of all delegations.

4.4. **Statistical data [...]**

It is important that the statistical and other data collated by CIREFI be used to good effect and disseminated to persons who can make best use of it. Statistical information gathered on a quarterly basis is now submitted on diskette; and while there are still some problems with this system, these are largely technical in nature.

4.5. However, it is still the case that there is not full uniformity of application in the terms and category types under which data is recorded. This in most cases can be overcome by a simple footnote to show what a member State's understanding of a particular term or category is. However, this is not always feasible and, indeed, for some Member States, it is not possible to provide data under certain categories at all. Thus analysis can be incomplete or at best equivocal.

4.6 This is not, of course, to ignore the fact that statistical exchanges are now well established and much credit for this must be given to the work of the group of experts meeting in Koblenz under the last German Presidency. However, it is felt that this review provides us with an ideal opportunity to look afresh at the Centre's statistics gathered on a quarterly basis, to redefine some of the terms and categories under which data is collected and to examine the need for collecting new types of data or indeed for discontinuing the collection of data deemed unnecessary. There may also be a case for considering whether all statistical data on a quarterly basis need be submitted with such frequency.

4.7 The [...] gathering and analysing of statistics has been recognised as an essential task of CIREFI. This question should be examined in depth in the near future, by examining in particular:

- how more use can be made of the work done by the relevant services of the Commission, in particular its statistical office (EUROSTAT);
- what assistance such bodies as the Geneva-based IGC could provide;
- the possibility for greater use of information technology.

The aim of this work is to avoid unnecessary duplication of effort on the part of CIREFI.

4.8 **Co-operation with third countries and other bodies**

4.8.1 CIREFI should play a leading role in the exchange of information in other fora. Because CIREFI can provide valuable assistance to other working groups (e.g. Migration) and to the K4 Committee, who have a policy role in relations with third countries and groups of third countries, it is important that CIREFI be fully aware of developments in appropriate international fora. To ensure this, adequate time must be given to discuss issues arising in these other fora where the work of CIREFI has relevance. In particular, the progress already made in contacts in the context of the structured dialogue with the CEEC's and Cyprus should be developed further. In addition, CIREFI can continue the dialogue with other third countries such as the Maghreb.

4.8.2 CIREFI recognises that there is strong pressure within such fora as the Budapest Group for an extended network of information exchange in immigration matters. CIREFI has embarked on a debate on this question, with a view to presenting a set of practical proposals to the K4 Committee on how the European Union might participate in such a network.

4.9 **Dissemination of information: interaction with other working groups**

4.9.1 It is worthwhile to reflect on the uses to which the information gathered and analysed in CIREFI is put. As we know much information on matters related to illegal immigration is exchanged between Member States on a bi- or multi-lateral basis outside the CIREFI framework. Such exchanges take place every day on a case by case basis between our border control authorities and very often involves the exchange of personal data: something with which CIREFI does not concern itself.

4.9.2 CIREFI's role should be more one of identifying problems and positing solutions. Given its lack of a policy making role, these solutions can only be given effect through the appropriate working groups in the immigration area, in particular the Migration Group, but also by the K4 Committee itself.

4.9.3 It is clearly of crucial importance, therefore, that procedures be put in place so that the work of CIREFI can inform initiatives undertaken by the appropriate policy making working groups in this area.

4.10 List of contact points for exchanging information within the framework of CIREFI

4.10.1 This list should continue to be updated on a regular basis. Responsibility for this should lie with the Council Secretariat. The list should be expanded to include the names of experts in particular fields in each Member State.

5 Conclusions

* A two-year work programme cycle should be put in place which should reflect the priorities set out for CIREFI by the Council, dealing with them in a more detailed way;

* In order to retain the flexibility necessary for CIREFI to react to situations as they evolve, a six-month work programme should be set out at the beginning of each Presidency term;

* Exchanges of information based on questionnaires should firstly ensure that the overall purpose of the questionnaire has been established prior to issue, and the nature and extent of the questions to be answered agreed;

* Questionnaires should be issued in good time and responded to promptly;

* Information documents should be available in the source language and also at least in English and French. Where approval of CIREFI or of a higher group is required before a document is finalised it will be made available in all languages;

* Meetings should be better structured and managed and a full interpretation service provided for all CIREFI meetings;

* The Member State holding the Presidency should consider convening on an ad-hoc basis informal gatherings of delegations with a particular expertise or interest to carry out preparatory work on certain topics;

* There should be developed within the Council Secretariat a capacity to analyse information provided by Member States, and sufficient resources should be made available for this purpose. Informal gatherings of delegations could also be used to assist presidencies and the Council Secretariat in carrying out this analysis. [1)]

* [...]The collection of statistics gathered on a quarterly basis should be examined in depth and consideration given *inter alia* as to how more use can be made of the work done by Commission services, in particular EUROSTAT, and to examine what assistance other relevant bodies can provide.

* CIREFI should play a full role in the exchange of information in other fora and provide assistance to other working groups and to the K4 Committee, who have a policy role in such contacts.

* Progress already made in contacts with the CEEC's should be developed further. Contact with other third countries such as the Maghreb can continue.

* Clear procedures should be put in place so that the work of CIREFI can inform initiatives undertaken by the appropriate policy-making groups in the immigration area.

* The list of contact points for the exchange of information should continue to be updated regularly and should be expanded to include the names of experts.

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1) The Commission representative entered a reservation on this paragraph.

EUROPEAN UNION
THE COUNCIL

Brussels, 18 June 1997

10351/2/96

REV 2 COR 1
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CIREFI 23

NOTE

from : the Irish Presidency

to : Steering Group I

Subject: Review of CIREFI

On page 4 under the heading "Preparatory documentation", in the last point the following words are to be deleted :

"information documents should be available in the source language and also at least in the English and French languages."

On page 10 under the heading "Conclusions", in point 5 the following sentence is to be deleted :

"Information documents should be available in the source language and also at least in English and French".