



Brussels, 22 April 2025  
(OR. en)

8668/02  
DCL 1

CIREFI 28

## DECLASSIFICATION

of document:	ST 8668/02 RESTREINT UE/EU RESTRICTED
dated:	6 May 2002
new status:	Public
Subject:	Summary of discussions

Delegations will find attached the declassified version of the above document.

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COUNCIL OF  
THE EUROPEAN UNION

Brussels, 6 May 2002

8668/02

RESTREINT UE

CIREFI 28

## OUTCOME OF PROCEEDINGS

from :	Joint meeting of CIREFI experts and representatives from the countries of the Stabilisation and Association Process
dated :	24 April 2002
subject :	Summary of discussions

### 1. Presentation of CIREFI

The Presidency recalled that the agreed minutes from the Belgrade Senior Civil Servants meetings on the follow-up to the Sarajevo Declaration referred to the possibility of organising joint meetings of representatives of the Stabilisation and Association Process countries with representatives from the competent Council bodies. In line with these minutes, which were presented to the JHA Council at its meeting on 6 and 7 December 2001, the Spanish Presidency decided to organise a joint meeting between CIREFI experts and representatives from the Stabilisation and Association Process (SAP) countries.

The Presidency briefly outlined the mandate and background of CIREFI and described the activities currently being carried out. In particular, it referred to the periodical exchange of information on illegal migration and facilitation, the role of Eurostat, the Early Warning System and the exchange of information between CIREFI and third countries via the

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organisation of joint meetings.

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## 2. Current situation regarding illegal immigration and illegal immigration networks in the European Union

The Commission representative briefly presented the historical background of migration and asylum legislation in the European Union. He pointed out that illegal immigration has become a very significant issue in the European Union in recent years and commented on some measures which were recently adopted by the Council. On 28 February 2002, the JHA Council adopted a comprehensive plan to combat illegal immigration and trafficking of human beings. He briefly outlined the measures and main actions which were included in this plan. He also informed delegations that the General Affairs Council had adopted conclusions regarding illegal immigration at its meeting on 15 April 2002.

The Presidency gave an overview of the current situation and main trends regarding illegal immigration in the European Union. Compared to 2000, migratory pressure in the European Union had remained stable in 2001 and the same nationalities of migrants were encountered in 2001 as in 2000. A recent phenomenon was, however, that illegal immigration was increasingly being perpetrated by organised criminal networks whereby migrants have to pay large amounts to their facilitators. Another particular phenomenon which was encountered in previous months was the increase in the number of fraudulent visa applications.

The Presidency then informed the SAP countries about the main routes used for illegal immigration by land, sea and air. It drew delegations' attention to the worrying increase of migratory pressure at ports, particularly in the Mediterranean countries. Migrants, attempting to enter the European Union, used various modi operandi, in particular Member States were confronted with a growing rise in the use of false documents, a wide variety in the means of transportation used (i.a. containers, good trains) and the dubious role of some travel agencies.

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With regard to illegal immigration via the Balkan countries, the Presidency indicated that illegal immigration via the so-called "Balkan route" had decreased although the actual number of migrants was still significant. It outlined the modi operandi and the main nationalities of migrants coming from, or transiting through the Balkan countries. Illegal immigration networks are increasingly involved in the Balkan route and various modi operandi are being used i.a. migrants hiding in lorries and the use of speed boats.

The Presidency stated that the majority of Member States have signed, or are in the process of negotiating readmission agreements with the SAP countries. In general, these readmission agreements worked well although some Member States had encountered difficulties in carrying out expulsion orders, in particular in cases of undocumented migrants.

Finally, the Presidency referred to the importance of international and regional cooperation to combat illegal immigration. In this respect, it stressed the importance of signing, ratifying and implementing the December 2000 United Nations Convention against Transnational Organised Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons and the Protocol against the Smuggling of Migrants by Land, Sea and Air.

While welcoming the encouraging decrease in the migratory pressure from the Balkan route, the United Kingdom delegation drew delegations' attention to a possible displacement effect of illegal migration.

### 3. Exchange of information based on the replies to the questionnaire of the Stabilisation and Association Process countries

The SAP delegations commented on their contributions to the questionnaire as contained in 7777/02 CIREFI 25 (RESTREINT UE). Information was provided on the legislation governing border control and entry, the management of border control, visa policies, the measures to combat illegal immigration and transit, the number of asylum applications and regional cooperation. The Albanian delegation stated that it would transmit its contribution to the questionnaire in due time to the General Secretariat.

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With regard to the legislation on entry conditions and border control, it was noted that the SAP countries have made efforts to align their legislation with EU legislation. New laws and regulations have entered into force, or are being prepared in various SAP countries i.a. a new Croatian law on travel documents of Croatian nationals, new Yugoslavian legislation on the movement and stay in Yugoslavia as well as on Yugoslav passports is being prepared, new laws on the State border and border protection were drafted in Albania, a new law on Immigration and Asylum is being drafted in Bosnia-Herzegovina and a new law on the movement and stay of aliens is being prepared in FYROM.

With regard to the management of border control, CIREFI was informed about the administrative structures i.e. the competent authorities, the coordination between these authorities and the creation of new management structures i.a. the State Border Service in Bosnia-Herzegovina which is currently controlling 80% of the BiH borders and the demilitarisation process of border control in the Federal Republic of Yugoslavia. However, it was still deemed necessary to continue improving the management structures and, in particular, the coordination between the authorities and services involved in border control. There was also a need for additional equipment and training.

Furthermore, CIREFI was informed about the changes which were introduced in the SAP countries' visa policies in order to align them with the EU visa policy e.g. Bosnia-Herzegovina introduced a visa obligation for Iranians. However, in some SAP countries there remained some considerable discrepancies with the EU list of nationals which are exempted from the visa obligation. Moreover, it was recorded that some countries, representing migration problems for the European Union, were exempted from the visa obligation in some SAP countries.

The SAP countries then commented on their provisions governing illegal migration and provided information on the situation regarding illegal immigration, the modi operandi of illegal migrants and the units involved in combating illegal migration. The Presidency noted that considerable progress was still to be made in this field and that new legislation, in particular with regard to the sanctioning of illegal border crossings and the trafficking in human beings. Specialised units to combat trafficking in human beings were still lacking in some SAP countries.

With regard to the collection and assessment of statistical information, discussions showed the importance of setting up central bodies for the compilation and assessment of statistical information. In some SAP countries these central bodies did not exist.

Delegations pointed out that regional cooperation had increased which proved to be a successful element in combating illegal immigration.

The FYROM delegation stated that it would send additional information to the General Secretariat regarding FYROM's signing of the UN Convention on Transnational Organised Crime and its Protocols as well as regarding the legislation on the detention of persons illegally present on their territory.

Finally, the Presidency concluded that whilst migratory pressure from the Balkan countries had decreased, it remained high. It stressed the need for further cooperation and collaboration between the countries in the Balkan region.

#### 4. **Member States' activities with the State Border Service in Bosnia Herzegovina**

The United Kingdom delegation informed delegations about the state of play of the so-called "Blair-Amato initiative" which was launched in the beginning of 2001 and was aimed at supporting the Balkan countries in combating illegal immigration. At the end of March 2001, a reconnaissance visit was made to Bosnia Herzegovina and Croatia by representatives from 12 Member States, the Commission and Norway. At the end of the visit one of the conclusions agreed by the experts was that the concept of providing immigration experts in the region was viable. The United Kingdom delegation visited the region again in May 2001 and reached agreement with the State Border Service (SBS) of Bosnia Herzegovina and the UN on ways to assist the SBS in 6 key areas : Sarajevo airport, Suhodol training centre, mobile regional training, the creation of a central investigation office, legislation and procedures and, finally, IT technical assistance. In September 2001, a team composed of 6 UK immigration officers together with a Danish and a German expert (who joined the team in October 2001) started to work alongside the Bosnian State Border service. France and Belgium provided assistance for training programmes. Irish and Italian experts are expected to join the team in the near future.

Finally, the United Kingdom delegation commented on the initial results of the initiative which it considered as rewarding i.a. a sharp decrease was noticed in illegal immigration through Sarajevo airport, the number of detected forgeries increased, a valuable immigration expertise was acquired together with a better intelligence picture. It also outlined some challenges for the future.

## 5. Immigration liaison officers' network in the Western Balkans

The Belgian delegation informed the SAP delegations that the JHA Council had adopted conclusions regarding the creation of a network of immigration liaison officers in the Western Balkans at its meeting on 28 and 29 May 2001. This network aimed at ensuring effective operational coordination and cooperation between Member States and their liaison officers as well as cooperating with and supporting the countries of the region. A project group was set up to discuss the implementation of this network. It outlined the methodology of this project group and commented the state of play of the discussions. Based on the replies to a questionnaire which was sent to the immigration liaison officers in the Balkan region, the project group is currently drafting an inventory of the liaison officers' needs and expectations. As a next step, the project group would suggest a package of measures and initiatives which could improve the efficiency of the ILO network. Finally, it asked the SAP countries to inform their authorities about this initiative.