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

The text of this document is identical to the previous version.



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 22 May 2000

8617/00

RESTREINT

CIREFI 28

OUTCOME OF PROCEEDINGS

of : Joint meeting between CIREFI experts and experts from candidate countries
(Central and Eastern European Countries, Cyprus, Malta and Turkey)

dated : 19 April 2000

No. prev. doc. : 8616 CIREFI 27

Subject : Situation in terms of illegal immigration from the People's Republic of China

Delegations exchanged the following information in the context of the above-mentioned agenda item (see Telex No. 1700 dated 12 April 2000).

The Presidency presented the situation in Member States regarding illegal immigration from the People's Republic of China. It referred to:

- the regions and provinces of origin: most illegal Chinese migrants come from the south of China, in particular the provinces of Fujian and Zhejiang;
- the illegal migrants' profile: most of them are young and have low educational qualifications (e.g. farmers). Once on Member States' territories they start working illegally, usually in catering or textile industries;
- the organisation of the networks supporting illegal migration: the smuggling networks are well organised and employ different people all over the world: both in the country of origin where migrants are "recruited" as well as in the country of destination;

- the routes: these are constantly changing;
- the significant increase in the number of asylum applications lodged by Chinese migrants;
- the modus operandi: a change was noticed in the modus operandi of Chinese migrants. An increasing number of migrants misuse legal migration procedures to fraudulently obtain visas for business, study and family reunification purposes. The fraudulent use of Schengen stamps was also noticed;
- difficulties in removing Chinese migrants due to a lack of cooperation of both the person involved and the Chinese consular and diplomatic authorities in some Member States.

The Bulgarian delegation stated that the illegal immigration flow from the People's Republic of China was rather small in absolute numbers. As a consequence, Bulgaria had no information about the routes nor the modus operandi. 11 Chinese migrants were refused entry and 49 Chinese migrants were removed in the first quarter of 2000. These low numbers were explained by the restrictive Bulgarian visa policy considering China as a "risk" country for illegal immigration. Following this policy, Chinese nationals have to present a certified invitation from an individual or a company. Only invitations from well known companies are taken into consideration. In addition, the legal person has to deposit a caution which corresponds to the price of a ticket from Sofia to Beijing. A visa for a maximum period of 30 days can be issued.

A visa waiver exists for holders of diplomatic and service passports by virtue of an agreement between Bulgaria and China dated 18 July 1987. However, since an increase was noticed in the abuse of service passports, especially passports issued by various Chinese provinces, Bulgaria is considering unilaterally denouncing the part of the 1987 agreement referring to service passports issued by the provinces, especially if this increase continues. Only holders of diplomatic passports and service passports issued by the central office of the Ministry of Foreign Affairs in Beijing would remain exempt from visa obligations.

The Czech delegation reported that the Czech Republic was not particularly affected by illegal Chinese immigration. Chinese nationals are subjected to a special visa regime comparable to the regime applied by EU Member States. As at 31 December 1999, 117 Chinese nationals held definitive residence permits and 4 211 Chinese nationals held long-term residence permits. 202 Chinese nationals requested refugee status in 1999 (compared to just 1 in both 1997 and 1998). 201 persons voluntarily left refugee centres during the administrative procedure and tried to enter Germany illegally. 984 Chinese nationals were apprehended at the Czech borders (compared to 1 055 persons in 1998).

The Estonian delegation reported that in 1999 the majority of illegal migrants came from Far East countries and Central and Southern Asian countries. 25 Chinese nationals, one group of 16 and one group of 9, were apprehended at the Russian-Estonian border travelling by train with high quality forged new model Korean passports. 6 Chinese nationals had been recorded as remaining illegally in Estonia having initially entered legally. 5 of them had been removed. No Chinese migrants had been apprehended since the beginning of 2000.

The Cypriot delegation stated that 1 200 Chinese nationals temporarily reside in Cyprus. 36 Chinese migrants were removed from Cypriot territory in 1999 of which 15 were upon request, 6 because they exceeded the delay of their residence permit and 8 due to illegal employment.

It drew delegations' attention to the high number of Chinese students (800) in Cyprus and the possible abuse of visas for student purposes. Cyprus has therefore introduced a new policy stipulating that, before receiving a visa, students have to submit all qualifications to the responsible Ministry.

The Latvian delegation stated that it had no problems with illegal immigration from the People's Republic of China. Only 1 Chinese national was removed from Latvian territory since the beginning of 2000 as he had overstayed his residence permit. It reported a case of 12 Chinese nationals which were removed from the Czech Republic to Latvia in July 1999.

The Lithuanian delegation stated that only a small number of Chinese migrants had been apprehended (10 per year) in Lithuania. Further information would be sent to the General Secretariat of the Council.

The Hungarian delegation reported a significant increase in the number of Chinese migrants: 249 persons were apprehended in 1999 compared to 152 in 1998. Intelligence showed that the majority came from south-east China and that facilitators were involved in smuggling operations. Fees between 5 000 and 10 000 US dollar were paid. It also referred to "guaranteed" facilitation operations. The main destinations were: Germany, France and Italy.

The routes used were China to Moscow by plane and then either by train through Ukraine, Moldova and Romania or via the green border to Budapest where they waited for transport in small vans to other destinations.

It also stated that Chinese smuggling networks were homogeneous and referred to an Action plan drafted by the Hungarian Border Guard in March 2000 to combat illegal immigration. Finally, it reported that the Chinese embassy in Budapest was cooperative in issuing the necessary travel documents for Chinese nationals to be repatriated. Hungary had succeeded in returning 11 persons to China but only because it had been possible to show that they had transited through Belgrade and that they had been apprehended in the vicinity of the Yugoslavian borders.

The Maltese delegation stated that Malta had only received a small number of Chinese migrants: 8 Chinese nationals were apprehended carrying false Korean passports. Two of them were prosecuted in 1999. Since 1995 a total of 23 Chinese nationals had been prosecuted and 15 refused entry. 150 Chinese nationals are working legally in Malta, of whom 80 have residence permits and the others hold extended visas.

The Polish delegation reported that illegal immigration from the People's Republic of China was still small in absolute numbers with an average of 200 Chinese migrants per year. This was explained by a restrictive visa and employment policy regarding Chinese migrants. The Polish delegation also referred to the high degree of organisation of the networks involved, often based on family links. It stated that Chinese migrants were supported by criminal organisations and by the Chinese administration. However, no problems were encountered in removing Chinese nationals. It also referred to fraudulent use of visas for study purposes and indicated that Poland had denounced its visa waiver agreement for service passports with the People's Republic of China.

The Romanian delegation stated that the flow of migrants from the People's Republic of China had not increased. It referred to the large Chinese community in Romania and some criminal cases involving Chinese nationals. The Romanian Government intends to send a delegation to China to discuss a readmission agreement, including some accompanying measures, between Romania and China.

The Slovenian delegation, however, reported a significant increase in the number of Chinese migrants: 197 persons were apprehended in the first quarter of 2000 compared to 15 in 1999. The majority of them (177) entered Slovenia by crossing the border with Croatia. This increase was explained by the good relations between China and the Federal Republic of Yugoslavia resulting in visa free entry into FRY for Chinese nationals. Most of these migrants are young and intend to go to Italy to work in the catering industry. Slovenia itself does require visas for visiting Chinese nationals. 497 visas were issued to Chinese nationals in 1999, compared to 673 in 1998. Many migrants try to enter as tourists and then apply for work permits. The Slovenian delegation reported difficulties in ascertaining the identity of Chinese migrants as many of them arrive undocumented. It stated that cooperation with the Chinese embassy had resulted in a certain amount of success in the repatriation of Chinese nationals: 20 Chinese were repatriated after their identification in 1999.

The Slovakian delegation stated that China was one of the most important countries as regards migration flows. 69 Chinese nationals were apprehended for unauthorised border crossing in the first quarter of 2000. The modus operandi is the following: they cross the Ukrainian-Hungarian border on foot in small groups and then travel on by bus through Slovakia or they cross the border at the official border crossing points either hiding in various means of transport or using counterfeit documents.

The Slovakian delegation said that the fees for illegal transport were often paid by other Asian persons living abroad. As a consequence, migrants have to work for them until the debt is paid off. It stated that the conclusion of a readmission agreement with China is actually under discussion within the Slovakian Ministry of Interior. Slovakia has a special visa regime with China. It finally referred to some practical measures which have been taken to combat illegal immigration i.a. severe punishments for facilitators.

The Turkish delegation stated that Chinese nationals were submitted to visa requirements. However, tourist visas for up to 15 days may be issued by the diplomatic and consular representations without referring back to the central Turkish authorities. Holders of service passports are exempt from visa obligations for a maximum stay of 1 month whereas citizens of Hong Kong are exempt from visa obligations for a stay up to 3 months. A visa waiver agreement has been agreed for citizens of Macao but is not yet in force. It also reported that many migrants, mostly coming from the province of Fujian, take advantage of the visa waiver agreement between Turkey and Hong Kong. Their final destination is often Egypt, Greece or Bulgaria.

It also referred to Chinese nationals who had travelled via the airports of Zurich, Amsterdam, Milan or Rome where they had received false Korean or Japanese passports.

156 Chinese migrants were apprehended upon entering Turkey in 1999 (compared to 164 in 1998) and 52 on leaving. During the first two months of 2000, 6 Chinese migrants were apprehended upon entering Turkey and 56 on leaving.

Passports from Portugal, United Kingdom, Taiwan, Japan, Malaysia and Korea had been fraudulently used.

The following routes had been used:

- China-Bangkok-London-Cairo with final destination Canada
- China-Istanbul-European Union countries
- China-Cairo-Italy-other European Union countries