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from : Presidency

to : Coreper/Council

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Subject: Terms of reference of the High Level Working Group on Asylum and Migration; preparation of ~~action plans for the most important countries of origin and transit of asylum seekers and migrants~~

1. Following an initiative by the Netherlands delegation (13344/98 JAI 37 AG 15), on 7-8 December 1998 the Council set up a High Level Working Group on Asylum and Migration, to establish a common, integrated, cross-pillar approach targeted at the situation in the most important countries of origin of asylum-seekers and migrants. The Council agreed, in particular, that, after consultations of the Members of the High Level Working Group, COREPER would suggest the terms of reference and organisation of this group and submit them for approval to the Council in January 1999 (Point 2 of the Council conclusions). It further agreed that the High Level Working Group would submit to the Council, not later than in March 1999, a proposal for a list of countries of origin and transit of asylum-seekers and migrants for which action plans for the implementation of an integrated cross-pillar approach will be prepared (Point 3 of the Council conclusions).

2. At its meetings on 17 December 1998 and 11 January 1999 the High Level Working Group on Asylum and Migration:
- (a) reached agreement on the draft terms of reference set out in the Annex;
  - (b) agreed to proceed as follows with regard to points 1(b) and (c) of the terms of reference:
    - 1. identify the countries from which most asylum-seekers in and migrants to the European Union Member States come;
    - 2. establish the criteria for selecting the countries for which an action plan should be prepared (including statistics on migration and asylum applications, geographical balance, likelihood of successful implementation of an action plan, consensus among the Member States);
    - 3. draw up a list of action plan countries.
3. The Working Group selected the following countries for preparation of an action plan:
- Afghanistan/Pakistan
  - Albania (Kosovo)
  - Morocco <sup>(1)</sup>
  - Somalia <sup>(2)</sup>
  - Sri Lanka.

In addition, the Action Plan on the influx of migrants from Iraq and the neighbouring region should be taken forward in agreement with the K.4 and Political Committees.

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<sup>(1)</sup> France: reservation.

<sup>(2)</sup> Spain: reservation.

4. The Permanent Representatives Committee could ask the Council to note and approve:

- the draft terms of reference as set out in the Annex,
  - the procedure described in point 2(b) of this report,
  - the choice of countries in point 3 of this report.
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**Draft terms of reference of the High Level Working Group on Asylum and Migration**

**1. Tasks**

- (a) to draw up a list and make a survey of existing initiatives, such as the strategy paper on asylum and migration policy, the action plan on the influx of migrants from Iraq and the neighbouring region, existing (national) country reports, Heads of Mission (HOM) country reports, UNHCR country reports, CIREA and CIREFI analyses and statistics, JHA pluri-annual work programmes, re-admission clauses, etc.
- (b) to establish a list of the most important countries of origin and transit of asylum seekers and migrants.
- (c) to establish a plan in respect of some of the countries as mentioned under b), comprising some or all of the following elements:
  - (i) a joint analysis of the causes of the influx, on the basis on an up-to-date analysis of the political and human rights situation in the country concerned as well as an up-to-date analysis of the migration and refugee problems;
  - (ii) in the light of the possible effectiveness of aid in preventing economic migration, the possibilities for strengthening the common strategy for development between the EC and (where they so wish) its Member States and the country concerned and/or neighbouring countries and for making suggestions to that end;
  - (iii) the identification of the needs for humanitarian aid and rehabilitation assistance, including assistance in the reception of displaced persons in the region; on the basis of such identification, concrete proposals could be then made for the deployment of such aid in accordance with existing aid approval procedures;

- (iv) proposals for deepening political/diplomatic consultations with the country concerned and/or neighbouring countries;
  - (v) an indication of the possibilities or indeed of the actual state of play with regard to the inclusion of re-admission clauses in an association agreement and/or another mixed agreement with the country in question;
  - (vi) an indication of the possibilities for concluding an EC re-admission agreement with the country in question after the Treaty of Amsterdam enters into force, taking account of any existing bilateral re-admission agreements between (a) Member State(s) and that country;
  - (vii) an indication of the possibilities for establishing, maintaining and improving reception and protection in the region;
  - (viii) an indication as to whether safe return to the country of origin is possible or whether internal settlement alternatives exist;
  - (ix) the preparation of proposals for joint measures in the field of asylum and migration, including information campaigns in the countries of origin and transit, as well as combatting cross-border crime, with specific reference to police cooperation for an exchange of information aimed at an effective fight against criminal organisations involved in illegal immigration;
  - (x) exploring measures aimed at favouring voluntary repatriation;
- (d) to indicate how cooperation with UNHCR can be strengthened with regard to both the analysis of the situation in the country concerned and possibilities for cooperation in the region.
- (e) to indicate the possibilities for cooperation with intergovernmental, governmental and non-governmental organisations in the country in question and/or neighbouring countries.

2. **Organisational and procedural aspects in accordance with the normal Treaty procedures**

The High Level Working Group will

- (i) be attended by high level officials representing each Member of the Council and the Commission
- (ii) meet as often as necessary in Brussels
- (iii) seek, through the Presidency, input for its work from the relevant working parties in the different pillars
- (iv) make regular reports to Coreper on progress made
- (v) keep other relevant bodies, including the K.4 Committee and the Political Committee, informed of its work
- (vi) submit, for approval by the Council not later than March 1999, a first report comprising a proposal for a list of countries of origin and transit of asylum seekers and migrants indicating the criteria for their selection
- (vii) submit, for approval by the Council in advance of the special session of the European Council in Tampere in October 1999, a final report containing action plans for these countries for the implementation of an integrated cross-pillar approach
- (viii) be disbanded upon submission of its final report unless the Council decides otherwise
- (ix) receive administrative and logistical support from the General Secretariat of the Council.