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	- Situation as at 25 May 2003

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

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

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**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 8 July 2003

9819/03

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CIREFI 23

NOTE

from : General Secretariat

to : CIREFI

Subject : Compilation of contributions from candidate countries to the situation report on
current knowledge on illegal immigration and facilitation
- Situation as at 25 May 2003

Delegations will find attached the replies from Bulgaria, Romania and Turkey on the above-mentioned subject.

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BULGARIA

1 December 2002 – 30 April 2003

1. Statistical data and general trends (stability, increase, decrease) for the period under consideration

1.1. Refusal of entry at all frontiers

Top Five Nationalities

№	Nationality/ISO Code	Number of Persons
1	Turkey (TUR)	999
2	Tunisia (TUN)	140
3	FYROM (MKD)	118
4	Romania (ROM)	89
5	Russian Federation (RUS)	89
	Others	533
	Total	1 968

1.1.1. Land

Top Five Nationalities

№	Nationality/ISO Code	Number of Persons
1	Turkey (TUR)	968
2	FYROM (MKD)	116
3	Tunisia (TUN)	82
4	Romania (ROM)	79
5	Ukraine (UKR)	73
	Others	459
	Total	1 777

1.1.2. Air

Top Five Nationalities

№	Nationality/ISO Code	Number of Persons
1	Tunisia (TUN)	58
2	Russian Federation (RUS)	17
3	Turkey (TUR)	9
4	China	5
5	Stateless	5
	Others	33
	Total	127

1.1.2. Sea

Top Five Nationalities

№	Nationality/ISO Code	Number of Persons
1	Turkey (TUR)	22
2	Romania (ROM)	10
3	Russian Federation (RUS)	10
4	Ukraine (UKR)	8
5	Lebanon (LBN)	4
	Others	10
	Total	64

1.2. Illegal aliens apprehended

Top Five Nationalities

№	Nationality/ISO Code	Number of Persons
1	Turkey (TUR)	34
2	Armenia (ARM)	22
3	Afghanistan (AFG)	19
4	Vietnam (VNM)	16
5	Romania (ROM)	12
	Others	86
	Total	189

1.3 Applications for asylum within at the frontier1.4. Applications for asylum within the national territory

Male	Female	Children	Total
455	41	61	557

Top Five Nationalities

№	Country	Male	Female	Children	Total
1	Iraq	132	20	13	165
2	Afghanistan	133	1	18	152
3	Iran	45	1	6	52
4	Nigeria	43	2	2	47
5	Armenia	11	9	6	26

1.5 Expulsions carried out

Top Five Nationalities

№	Nationality/ISO Code	Number of Persons
1	Turkey (TUR)	59
2	Armenia (ARM)	29
3	Afghanistan (AFG)	20
4	Vietnam (VNM)	18
5	Russian Federation (RUS)	16
	Others	158
	Total	300

1.6 Comments

The situation regarding illegal immigration in Bulgaria in the beginning of 2003 is characterised by a decrease in attempts of illegal border crossing and an increase in the number of apprehended offenders of the passport and visa regime and in the number of persons refused entry or exit at the Bulgarian state borders.

These trends are mainly due to the enhancement of border management and control. In December 2002, all military conscripts at the Bulgarian Border Police Service were replaced by professional border police officers after two years of gradual demilitarisation. In view of the military operations in Iraq, the security of the Turkish and the Black Sea borders of Bulgaria as the main entry points from the illegal migration perspective was strengthened by the deployment of new technical equipment and highly qualified border control staff. There were active contacts and information exchanges between the Bulgarian Border Police Service and the border services of neighbouring states, Black Sea region countries, EU Member States as well as international and non-governmental organisations on issues related to border security and illegal trafficking in human beings.

2. Salient facts

2. 1. Reminder of the particulars communicated via the early warning system and measures taken

Three communications were sent via the early warning system for the period under review by the Bulgarian Border Police Service. These messages referred to cases which took place at the sea borders. In the first case, three Nigerian citizens and one citizen of Ghana were apprehended in the course of an entry border check of a motorboat. According to the captain, they were found on board in the open sea after having climbed aboard the ship unnoticed by the crew while the boat was being loaded. A statement of the case was drawn up against the captain. The boat and the four persons in question were detained.

In the second case, two Iraqi nationals travelling without any identity documents, found onboard of a ship, were apprehended. The ship was confiscated.

Finally, a South African national was refused entry in to Bulgaria during a border check of persons on board a ship. The person, who was reported as a member of the crew, was without any identity documents, which, he said, were lost.

2.2. Principal investigations leading to the dismantling of illegal networks or workshops

Four organised criminal groups involved in the smuggling of illegal migrants were identified during the period under consideration. Operative measures to dismantle and stop their criminal activity are being taken.

2.3. New operating methods and causes identified

2.3.1. New itineraries detected

In principle, the points of illegal border crossing and the means of getting into the country's territory are frequently changed by the criminal groups which are involved in organising the majority of cases of illegal smuggling and trafficking. In the beginning of 2003, the exit facilitation channels from Bulgaria to countries of the EU changed from the Bulgarian - Greek border to the border between Bulgaria and Serbia and Montenegro.

2.3.2. Role of participants in the organisation of networks (travel agencies etc.)

2.3.3. Use of fraudulent methods to obtain visas

The amendments to the Law on Foreign Nationals and the new Visa regulation adopted in 2002 set up a comprehensive framework governing entry and residence of foreign nationals in Bulgaria in compliance with EU requirements. In principle, visas are only issued by the diplomatic and consular missions of Bulgaria abroad, which are obliged to consult the border authorities and the services for administrative control of foreign nationals in Bulgaria. Thus the control on entry and residence of foreign nationals from the so-called risk countries is particularly strong. The introduction of the new personalised visa sticker "Visa 2001" was yet another step against illegal migration to and through the country.

However, fraudulent methods to obtain transit, short-term or long-term visas continue to exist. Channels for illegal migration operated by business trip visas remain most active. A few cases were established where official recommendations issued by governmental institutions in the country of origin were attached to the visa application certifying the eligibility of the applicant. Another option is to obtain counterfeit documents concerning the aim of the visit or to obtain authentic documents filled in with false data with the help of an accomplice in Bulgaria. Upon their arrival in the country, the immigrants conceal their documents or sometimes apply for asylum at the State Agency for Refugees under a different name. Others try to legalise their stay at the services for administrative control of foreign nationals or remain illegally present until they manage to join a group for exit facilitation to Western Europe. The so-called business channels consist of small groups of 2-3 foreigners.

Another type of visa channels are the so-called sports/or cultural event channels and the students' channels used by small groups of foreigners, usually 1-3 persons, to immigrate. In the period under consideration, there were reports about a large variety of students' channels - foreign nationals applying for studying purposes in Bulgaria in the last grade of their secondary education in the hope of subsequently remaining in the country on a different basis.

2.3.4. Use of false documents

There is information on illegal migration channels for the facilitation of Iraqi nationals travelling on false Tunisian passports. They are taking advantage of the practically visa-free regime currently operating with regard to Tunisian nationals who are only required to produce an invitation by a Bulgarian citizen at the Bulgarian border checkpoints. Such invitations are obtained with the help of "dummies". Therefore, an introduction of visa obligations to the nationals of Tunisia is envisaged. To date, Bulgaria maintains a visa obligation for all countries appearing on the EU negative visa list except for Serbia and Montenegro and Tunisia.

False identity documents are particularly sought after by illegal migrants. EU passports and identity cards are mainly manufactured. Foreign nationals cross the state borders illegally. They use false documents during their stay in the country especially in case of police checks. The reason is that the quality of the false documents is not high and they could not stand up to the test of border control authorities.

2.3.5. Other

2.4. Exceptional occurrences

2.4.1. Impact of legislative and regulatory changes in the area of legal and illegal immigration

On 20 March 2003, the National Assembly adopted a Law Amending the Law on the Bulgarian Identity Documents. Pursuant to the amendments, service passports are introduced as legitimate identity documents and the period for which the documents of persons who have violated the legislation or the passport and visa regime of a foreign country are withdrawn, has been increased from one to two years.

On 9 April 2003, the National Assembly adopted a Law Amending the Law on Foreign Nationals in the Republic of Bulgaria (promulgated in the State Gazette № 37 of 22 April 2003). The amendments regulate the setting up of special facilities for the temporary accommodation of foreign nationals pending removal to the state border or expulsion from Bulgaria. One such centre is being set up in Sofia. There will be four more in the country. A national register of foreign nationals residing in Bulgaria has also been set up.

On 7 May 2003 the National Assembly adopted a Law on Combating Illegal Trafficking in Human beings (promulgated in the State Gazette № 46 of 20 May 2003). The law emphasises the prevention, protection and resocialisation of the victims of trafficking.

The legal framework for the activities of the Migration Directorate of the Ministry of Interior has been drafted and is currently in an inter-agency review procedure pending submission to the Council of Ministers for approval. The tasks and the activity of the Migration Directorate are set up in a draft Law Amending the Law on the Ministry of Interior. Pursuant to the draft, the Migration Directorate shall exercise administrative control on the residence of foreign nationals in Bulgaria. The bodies of the Directorate shall be authorised to identify administrative offences and impose administrative measures in the order envisaged by law. The Migration Directorate shall collect, process, analyse and summarise information on the state of play of migration processes and shall propose measures for their regulation. It shall be responsible for the management, the use and the security of the special facilities for temporary accommodation of foreign nationals pending removal to the state border or expulsion from Bulgaria.

2.4.2. Alien legalisation process

2.4.3. Restoration of Article 2(2) of the Convention implementing the Schengen Agreement

2.4.4. Large-scale influxes of illegal aliens

2.5 Bilateral or multilateral cooperation arrangements introduced during the period under examination

On 21 February 2003, a readmission agreement and a protocol implementing the agreement with the United Kingdom were signed in Sofia. Bulgaria already has readmission agreements with all the other Members States of the EU.

2. 6. Significant difficulties or information regarding readmission or expulsion to countries of origin and the issue of consular *laissez-passer*

Difficulties in the expulsion of foreign nationals are mainly encountered regarding the provision of identity documents to persons coming from countries, which do not have diplomatic or consular missions in Bulgaria. The implementation of coercive administrative removal from the country is also problematic when it has to take place by air. A possible solution to these problems is the strengthening of the administrative capacity.

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ROMANIA

Illegal migration

- continues to be used by aliens coming from countries with a migratory tendency (Iraqis, Afghans, Indians, etc.), to reach the West. The routes are: *Afghanistan - Iran - Iraq - Turkey - Bulgaria - Romania* or *Afghanistan - Iran - Iraq - Turkey - Bulgaria - Serbia and Montenegro – Croatia*. The Eastern routes are still being used (at a reduced level).
- *The illicit way* of illegal migration used by Turkish citizens of Kurdish origin accentuated, meaning that, after having legally entered Romania (occasion on which they declare they travel as tourists), they try, by intermediates – Romanian and Turkish citizens –, to leave the country illegally, especially at the border with Serbia and Montenegro;
- Iraqis citizens get a Romanian visa from the Embassy of Romania in Iraq, and afterwards, on arriving at Otopeni airport, they apply for refugee status;
- The main countries of origin of the persons that acted illegally at borders (both at entering and at exiting) are the following: Turkey, the Republic of Moldavia, India, Iraq, China, Columbia, etc.
- Asylum seekers in Romania continue to be detected while trying to cross illegally the border, in particular at the border with Serbia and Montenegro and Hungary. The number of persons that try to enter illegally and afterwards seek refugee status (at present they enter legally Romania and then seek for asylum) diminished considerably.
- as for the Romanian citizens, the tendency of some co-nationals (especially of those with a low standard of living) to reach the West in order to work on the black market or to beg continues. In such cases, the used methods are similar to those of 2002, respectively :
 - a. the declaration that the trip is as a tourist, when exiting the country;
 - b. the “usury” at border – representatives of different firms of transport/tourism lend the passengers sums of money necessary to exit the country. To this end, the Border Police carry on the activities of infiltration of their workers among the passengers in order to notice the way the legislation in force is observed. Up to now, 18 firms of transport were banned from transporting persons internationally and occasionally. Also, 3 tourism agencies had their licences suspended as they had infringed the legal provisions referring to tourism activity;

- c. the intensification of the “illicit relations” between the international transport firms and those that go regularly into neighbouring countries (Romania – Hungary, Romania – Serbia and Montenegro), meaning that the passengers are transported to the neighbouring state - to Budapest, Belgrade – (when exiting the country, they declare they travel as tourists to Hungary or Serbia and Montenegro) and afterwards other means of transport undertake them in order to transport them to the Schengen area;
- d. the returned Romanian citizens try to return to the Schengen area, using forged or falsified travel documents or other peoples' passports.

According to the border sections, the situation of the illegal migration is the following:

Border section	Border illegal crossing			Attempt to exit illegaly			Forged or falsified passports/visas			Guids		
	2002	2003	%	2002	2003	%	2002	2003	%	2002	2003	%
Border with Bulgaria	15	5	-66	7	3	-57	38	13	-66	5	2	-60
Border with R. Moldova	14	13	-7.2	2	4	+200	29	21	-28	-	-	-
Border with Ukraine	1	1	-	-	1	+100	16	2	-87	1	-	-100
Border with Hungary	4	3	-25	52	20	-62	147	154	+4	29	24	-17
Border with Serbia and Montenegro	23	12	-48	30	33	+10	9	22	+144	23	6	-74
Border at the Black Sea (DPF Contanta)	10	2	-80	2	-	-200	2	2	-	-	-	-

During the first 4 months of 2003, **21 illegal migration networks** with involved persons were discovered.

The analysis with regard to forgeries in passports leads to the conclusion that there is a growth in detected offences, from 261 (108 Romanians and 153 aliens) during the 4 months of 2002, to 282 (185 Romanians and 97 aliens), as registered during January-April 2003.

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ROMANIA

With regard to forged Romanian passports, during the first 4 months of 2003, 185 documents were discovered, as compared to 108 in January-April 2002.

Regarding the forgeries of visas discovered in the passports of Romanian citizens, 10 forged or falsified visas were discovered, as compared to 5 in January-April 2002.

The Romanian passports (the former types that are still in use) are still being used by forgers. They are especially used by Romanian citizens who are denied entry to different European states.

From the statistics collected by the Hungarian border authorities, it can be seen that, at common borders, illegal migration diminished considerably (by 50 % in 2002 as compared to 2001) but increased by 182 % at the border between Hungary and Serbia and Montenegro.

The Romanian Border Police shall continue taking firm measures to combat illegal migration, yet appreciating that a close internal and international co-operation is worth more than individualism, the common fight being more efficient in combating this international phenomena.

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TURKEY

As a result of our intense efforts, an increasing number of illegal migrants are being apprehended each year. The total number of apprehended illegal migrants in Turkey was 94.514 in 2000, 92.365 in 2001 and 82.825 in 2002 and 405.264 between the period 1995-2002. In addition, the Turkish Police arrested 850 organisers in 2000, 1115 in 2001 and 1157 in 2002. Between the period 1995-2002, a total of 3447 organisers had been arrested. As a EU candidate country and being one of the external borders of the EU, we act as a shield in preventing illegal migration.

Our domestic legislation has been strengthened and heavier penalties have been introduced against criminal networks involved in migrant smuggling and human trafficking. In parallel with the Palermo Convention Against Transnational Organized Crime and its Additional Protocol Against Migrant Smuggling and Human Trafficking, necessary amendments have been made in our Penal Code, defining, for the first time, migrant smuggling and human trafficking with sentencing of between 2 and 20 years of imprisonment depending on the aggravating circumstances.

The Turkish Grand National Assembly has ratified the Palermo Convention and its two Protocols: one Against Migrant Smuggling and the other for the Prevention of Trafficking in Persons on 18 March 2003.

Illegal migration cannot be explained only by the poverty and instability in source countries and insufficient control at the borders of transit countries. The wealthy countries of destination have economies with a structure that seeks out cheap illegal labor, thereby encouraging illegal migration. Therefore, it is important for the destination countries to re-organise their economic structure, to take all necessary judicial and social measures against the employment of illegal migrants and to open legal migration channels, so that illegal migration is not encouraged.

As a transit country for illegal migration, Turkey is shouldering a burden which it has neither caused nor created. The responsibility to fight against illegal migration lies with destination and source countries and it can only be solved with the cooperation of all parties concerned.

The destination countries should consider this fact and cooperate both financially and technically with the transit countries. We should all recognise that illegal migration has become a serious threat to security and stability in Europe and we are ready to share the burden of countering illegal migration.

In accordance with the EU Accession Partnership and Turkey's EU National Programme, Turkish authorities shall strengthen the border controls and develop better institutional and technical capacity at the borders to prevent illegal migration. In this regard, we have prepared several projects to be co-funded by Turkey and the EU. Without the financial cooperation by the EU institutions, it is not possible for Turkey to put these projects into practice. The most important project sets up 12 reception centers throughout Turkey, which aim at accommodating the apprehended illegal migrants until they are returned. The second crucial project is about the creation of a fund to return the illegal migrants who are citizens of non-neighbouring countries. The third project foresees the installation of infrared systems in 21 Turkish Coast Guard boats. The fourth aims at setting up a physical security system at Turkey's land borders. However, no official response has yet been given by the EU Commission to these projects.

In response to growing threat to the security of our territorial waters, the Turkish Coast Guard has recently been equipped with high-value instruments and crafts. With these investments, Turkey shows how determined it is to fight illegal migration. Up until now, Turkey has received no financial assistance to deal with this phenomenon.

Turkey implements an effective readmission policy compatible with international law: Turkey readmits its own nationals in accordance with its Constitution and Passport law. In accordance with Article 23 of the Turkish Constitution, “Turkish citizens cannot be deported and cannot be denied the right to enter Turkey”. Paragraph 3 of Passport law NO.5682 stipulates that individuals who arrive at the Turkish border claiming Turkish citizenship, shall be granted entry into Turkey when it is deemed that the individuals are Turkish citizens. Turkish citizens who happen to be deported back to Turkey from a foreign country must be admitted by Turkey by law. Furthermore, in accordance with ICAO rules, Turkey also readmits nationals of third countries departing from the Turkish territory by aircraft and because of their illegal status returned to Turkey with the same or, if not possible, with the next aircraft. Turkey also readmits those third country nationals having valid Turkish residence permits.

Turkey has committed itself to conclude readmission agreements in line with our National Programme for Adoption of the EU Acquis and in an effort to enable the return of illegal migrants to their countries of origin in a swift, humane and safe manner. In 2001 we have proposed readmission agreements to Iran, Syria, Pakistan, Bangladesh, Sri Lanka, India and China in the East and Bulgaria and Romania in the West.

In the context of security cooperation agreement, Turkey and Greece signed a readmission protocol on 8 November 2001. Turkey and Syria signed a readmission agreement on 10 September 2001.

With Bulgaria and Romania, the first round of negotiations for signing readmission agreements has been launched. We expect that the readmission agreement with Romania will be signed very soon.

In early 2002, draft readmission agreements were forwarded to other countries of origin and transit. These countries are: Russia, Jordan, Tunisia, Uzbekistan, Mongolia, Egypt, Kyrgyzstan, Israel, Georgia, Ethiopia, Belarus, Sudan, Algeria, Libya, Morocco, Lebanon, Nigeria, Kazakhstan. Turkey recently signed a readmission agreement with Kyrgyzstan on 6 May 2003 in Ankara.

On 13 March 2003 Turkey adopted an Action Programme on Cooperation between Turkey and the EU for Turkey’s Alignment to the EU Acquis on Asylum Illegal Migration and Border Management. The Action Programme foresees, among other things, EU support for Turkey’s efforts to develop an Integrated Border Management Strategy and Action Plan, and a comprehensive Migration and Asylum Strategy and Action Plan in accordance with the EU Acquis.

Last but not least, Turkey has achieved progress concerning the adoption of the EU negative Visa List. Currently, Turkey is in line with 75% of the Negative List. We expect that Turkey will be in full compliance with this list by the end of 2004.