



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 30 May 2002

9433/02

LIMITE

JAI 109

AG 20

ASIM 18

"A" ITEM NOTE

from : Permanent Representatives' Committee

to : Council

No. prev. doc. : 9137/02 JAI 94 AG 19

Subject : Modification of the terms of reference of the High Level Working Group on
Asylum and Migration (HLWG)

1. On 22 May 2002, the High Level Working Group on Asylum and Migration (HLWG) examined a draft Presidency proposal on the modification of its terms of reference.
2. At its meeting on 29 May 2002, the Permanent Representatives' Committee recorded agreement on the draft terms of reference of the High Level Working Group on Asylum and Migration.
3. The Permanent Representatives' Committee invites the Council to adopt, under "A" of the agenda of its meeting on 3 June 2002, the terms of reference of the High Level Working Group on Asylum and Migration as set out in the Annex to this document.

**DRAFT TERMS OF REFERENCE
OF THE HIGH LEVEL WORKING GROUP
ON ASYLUM AND MIGRATION (HLWG)**

In keeping with the conclusions of the European Council of Tampere, which invite the Union and the Member States to develop partnership relations with the countries of origin and transit and to achieve a greater coherence between the domestic and external policies of the Union in order to adopt a global approach in the field of migration;

following the conclusions of the European Council of Laeken, which call for the integration of migration flows into the external policies of the European Union;

and further to the conclusions of the Council meeting of 15 April 2002, which underline the need for an integrated approach, ensuring the appropriate co-ordination between migration policy and the best use of all instruments available in the framework of the EU's external relations,

the Council deems necessary to revise and update the terms of reference of the High Level Working Group on Asylum and Migration, set up on 7-8 December 1998, in the following manner:

The High Level Working Group on Asylum and Migration will perform following tasks with a cross-pillar perspective and without prejudice to the works of the Strategic Committee on Immigration, Frontiers and Asylum within its competences.

1. Develop a strategic approach and a coherent and integrated policy of the European Union for the most important countries and regions of origin and transit of asylum-seekers and migrants, without geographical limitation.

2. Analyse and monitor, migratory trends, from a numerical as well as from a thematic point of view, and propose measures and take initiatives, including, whenever required, the establishment of new Action Plans, to manage migratory flows in common.

Whenever Action Plans are established, they should comprise 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 European Community (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, 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.

3. Overview, in general lines, the implementation of the integrated, cross-pillar migratory and asylum policy with countries of origin and transit, including the implementation of Action Plans on asylum and migration. This implementation, which will be conducted within the institutional and legal framework of the European Union (EU) and with respect for the relevant provisions of the Treaty on the European Union and the Treaty establishing the European Community, should also take into account all the suitable financial instruments of the Union and the European Community. The HLWG may submit proposals regarding the revision and updating of Action Plans.

4. Further develop the differentiated approach which will allow for the establishment of a real partnership with countries of origin and transit on migration issues; propose possible initiatives and measures to obtain the co-operation of third countries, considering all possible instruments and taking into account the cross-pillar approach of the group; promote the EU's role in the efforts of the international community aimed at addressing the main causes for migration.
5. Together with a country specific approach, develop a migratory regional approach in early consultation with the regions involved. Both should complement each other in order to make full use of EU instruments.
6. Analyse the possible links between migration and the different policies of the Union, in the light of the positions of countries of origin and transit.
7. Identify, at an early stage, potential developments that could be relevant for future changes in migration trends, as well as, in certain cases, propose possible initiatives or measures for early responses, taking into account the work carried out by the HLWG in its various tasks.
8. Seek ways to enhance co-operation in the migratory or asylum fields with UNHCR, IOM and other international organisations, as well as non-governmental organisations.
9. If need be, co-ordinate and facilitate the exchange of strategic information on initiatives and projects relevant to asylum and migration in countries of origin and transit that are undertaken by Member States and the Commission. In order to ensure a comprehensive approach that takes due notice of the Community efforts in the areas of asylum and migration, the Commission is invited to transmit to the HLWG the Country Strategy Papers in case they would be available for the countries the HLWG would be focussing on.

10. Participate, in particular where it is necessary to ensure the appropriate presence of Member States, in the dialogue on migratory or asylum issues with countries of origine and transit in the framework of the EU and EC bilateral relations with the countries concerned.
11. Secure optimal co-ordination with all other concerned groups in the framework of the Council.
12. The High Level Working Group will
 - (i) be attended by high level officials representing each Member of the Council and the Commission;
 - (ii) if possible, the HLWG should meet with the participation of the Counsellors responsible for the geographic area for the point on the agenda referring to a country belonging to the area. When the HLWG tackles thematic issues, the Counsellors responsible for the relevant group should also be present for the specific point on the agenda;
 - (iii) seek, through the Presidency, input for its work from the relevant working parties of the Council;
 - (iv) provide inputs and initiatives to other working groups of the Council;
 - (v) meet as often as necessary in Brussels. The HLWG Troika may meet with countries of origin and transit, whenever necessary, in places other than Brussels, when performing the tasks referred above;
 - (vi) keep other relevant bodies of the Council informed of its work;
