



# **The prevention and repression of illegal immigration**

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DG JLS/B2 “Asylum and immigration”**

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# Introduction



- Legal base in the Treaties of the relevant legal instruments on combating illegal immigration
  - Article 63(3)(b) and 66 of TEC
  - Article 29, 31(e) and 34(2)(b) of TEU
- International instruments



# The EU acquis on illegal immigration

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# The main objectives of the EU acquis on illegal immigration



- Harmonisation of the legal framework;
- Strengthening operational co-operation & exchange of information;
- Ensuring financial burden-sharing for co-operation in fight against illegal immigration.



# Harmonisation of the legal framework

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# **Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals**

- Purpose
- Expulsion decisions subject to recognition by another MS
- Provisions on the recognition

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# **Council Decision 2004/191/EC of 23 February 2004**


- Purpose
- Costs subject to reimbursement
- Procedural rules

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**Council Directive 2001/51/EC of 28  
June 2001 supplementing the provisions  
of Article 26 of the Convention  
implementing the Schengen Agreement  
of 14 June 1985**

- Purpose
- Carriers' liability on illegal immigration





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# **Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence**

- Purpose
- Definitions
- Principles of sanctions

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**Council Framework Decision 2002/496 of  
28 November 2002 on the strengthening  
of the penal framework to prevent the  
facilitation of unauthorised entry, transit  
and residence**

- Purpose
- Sanctions for natural persons
- Sanctions for legal persons
- Jurisdiction

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**Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities**

- Purpose
- Criteria for granting residence permits
- Treatment of beneficiaries
- Non-renewal & withdrawal



# **Legal instruments aiming at strengthening operational co- operation & exchange of information**

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# **Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air**

- Purpose
  - define measures on assistance between the authorities at MS airports of transit with regard to removal by air
- Principle: if direct flight cannot be used
- Measures foreseen

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**Council Conclusions of 30 November  
1994 on the organization and  
development of the Centre for  
Information, Discussion and Exchange  
on the Crossing of Frontiers and  
Immigration (Cirefi)**



**Council Decision 2004/573/EC of 29  
April 2004 on the organisation of joint  
flights for removals from the territory of  
two or more Member States, of third-  
country nationals who are subjects of  
individual removal orders**


- Purpose
- Tasks
- Practical implementation

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**Council Decision (2005/267/EC) of 16  
March 2005 establishing a secure web-  
based Information and Co-ordination  
Network for Member States' Migration  
Management Services**

- Objectives of the Network





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**Commission Decision of 15 December  
2005 laying down detailed rules for  
the implementation of Council  
Decision (2005/267/EC) of 16 March  
2005 C(2005) 5159final**

- Network-elements
- Role of the National Contact Points
- Role of the Commission



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# **Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network**

- Purpose
- Role of ILO's
- Methods of co-operation

**Commission Decision of 29 September  
2005 on the format for the report on the  
activities of immigration liaison officers  
networks and on the situation in the host  
country in matters relating to illegal  
immigration (notified under document  
number C(2005) 1508)**





# Conclusions

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