

The prevention and repression of illegal 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;
- Strenghtening operational co-operation & exchange of information;
- Ensuring financial burden-sharing for cooperation 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

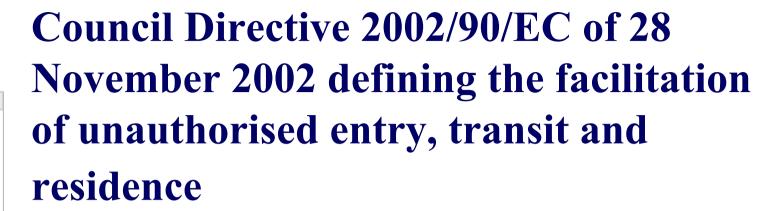
- Purpose
- Expulsion decisions subject to recognition by another MS
- Provisions on the recognition

Council Decision 2004/191/EC of 23 February 2004

- Purpose
- Costs subject to reimbursement
- Procedural rules

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



- Purpose
- Definitions
- Principles of sanctions

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

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 strenghtening operational cooperation & exchange of information

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- 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

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 thirdcountry nationals who are subjects of individual removal orders

- Purpose
- Tasks
- Practical implementation

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

Objectives of the Network

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



- 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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