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NOTE

from : the Presidency

to : Asylum/Migration Working Group

Subject: Exchange of information in the fields of asylum and immigration

Under the Irish Presidency, the working methods of both the Centre for Information, Discussion and Exchange on Asylum (CIREA) and the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (CIREFI) were closely examined. The results of this exercise are laid down in the enclosed documents (Doc. 9584/3/96 CIREA 33 REV 3 and Doc. 10351/2/96 CIREFI 23 REV 2 respectively) of which the Council is invited to take note.

During the meeting of Steering Group I which was held on 14 January 1997, Heads of Delegations had an informal discussion on the question how the exchange of information in the fields of asylum and immigration could be strengthened both in the context of CIREFI and CIREA and beyond. In particular, Heads of Delegations discussed the contributions which could usefully be made in this respect by the Commission and the Secretariat General of the Council. Based on the outcome of this informal discussion the Presidency herewith submits a number of practical suggestions for approval by the Council.

EXCHANGE OF INFORMATION

in the fields of asylum and immigration

Introduction

1. With regard to asylum and immigration, there is a sheer endless amount of data that are practically or potentially available. Yet, only a small proportion of this material is used in the framework of the decision-making process. Information from Member States is increasingly made available through the replies to questionnaires and reporting procedures. However, not very often analyses are made which would make these data directly relevant for indepth discussion or decision-making. This holds in particular for statistical data which are generally difficult to compare since the methods of compiling such data differ between Member States. Information from other sources, notably international and non-governmental organisations and academic institutions is yet less frequently used in this regard. This can primarily be explained by a lack of accessibility.
2. This note contains a number of proposals for ensuring a smooth and efficient way of making available such relevant information to the Council's Working Groups. A distinction is made in this respect between statistical information (whether confidential or not), confidential non-statistical information (generally, information from Member States) and public non-statistical information (both from Member States and from other sources).
3. Although discussions in the context of the Intergovernmental Conference may offer new ways of improving the exchange of information, the present note is purely based on the actual arrangements as laid down in Title VI of the Treaty on European Union. In this respect, it should be noted that the Secretariat General of the Council generally supports the Presidency in preparing the Council's work, whereas the Commission is fully associated with the work on Justice and Home Affairs and has a right of initiative which it shares with Member States.

Statistical information

4. Discussions on the review of CIREFI and CIREA have made it clear that the present form of exchange of statistical data between Member States is a useful first step but is certainly capable of improvement. In particular, the comparability of statistical data, their timely availability and their analysis (trends etc.) should be improved.
5. So far, the Council Secretariat has collected, compiled and distributed statistical data from Member States, in particular, in the context of CIREFI and CIREA and of the False Documents Working Group. Due to a lack of human resources and of specific statistical expertise in the Council Secretariat, it has not been possible under the present arrangements to improve the quality of the available material. Additional work in this respect would require the allocation of more and specific resources in DG H of the Council Secretariat.
6. The Commission, through its Statistical Office, has for several years been gathering from the data provided annually by the National Statistical Offices, series of statistics on legal migration, and has also been working for some time on the specific figures relating to asylum applicants. Information on these activities can be found in the working papers submitted to the Council by the Commission in 1996 (CIREFI 27 and CIREA 38).
7. In the Asylum/Migration Working Group of 19/20 March 1997, the Commission explained that through its Statistical Office it stands ready to take upon itself the collection and analysis of Member States' statistical data, if this were the Council's wish. According to the Commission, such a transfer of responsibility from the Secretariat General of the Council to the Commission would have no budgetary implications, would observe the applicable rules of confidentiality (which will be further developed in the relevant Council Working Groups) and would fully take into account the specific needs as identified notably by CIREA, CIREFI and the False Documents Working Group.

8. The advantage of such a transfer would be that it would alleviate the tasks of the Council Secretariat which would then have the opportunity of devoting its resources to its other responsibilities (e.g., the preparation of substantive analyses of Member States' non-statistical contributions). It would also be efficient in that the Council Secretariat would not have to hire outside statistical expertise to further develop its activities in this domain, whereas full use would be made of the existing statistical expertise inside the Commission. The Presidency therefore invites the Council to express itself in principle in favour of such a transfer.
9. In light of the fact that the Commission's Statistical Office already has sufficient experience with the collection and analysis of statistics with regard to asylum and legal migration, it seems logical to prepare the transfer of responsibilities first with respect to these specific statistical data. The Commission is invited to submit a plan of action in this regard, while fully taking into account the needs identified by, *inter alia*, CIREA both with regard to the nature of statistical data to be collected and analysed, the precise objectives of the analyses and the confidentiality of certain data.
10. Since the Commission's Statistical Office has little experience with the collection and analysis of statistical data concerning the specific aspects of illegal immigration (CIREFI) and false documents, a possible transfer should be carefully prepared. The Presidency therefore proposes to attribute this preparation to an informal group of experts composed of representatives of interested Member States, the Council Secretariat and the Commission to define the modalities of a transfer. The findings of this group should be submitted before 1 January 1998, first to CIREFI and to the False Documents Working Group for their approval, before being examined by the K.4 Committee and the Council.

Confidential non-statistical information

11. Insofar as non-statistical information from Member States is concerned, it is not always evident whether this information should be considered confidential or not. In the past, information which was publicly available at national level sometimes became confidential by its mere transmission to one of the Council's Working Groups. Also, information from one Member State may be considered confidential, whereas another Member State would consider its own submissions, although comparable in nature, to be public information. Especially in the context of CIREA and CIREFI, a careful reappraisal of the rules for confidentiality seems necessary and is, in part, already being undertaken. In this respect, the Presidency wishes to recall the need for as much transparency as possible by limiting confidentiality to those cases where it is strictly necessary.
12. In the context of this note, it seems less suitable to lay down any firm rules on confidentiality, in order not to prejudge the outcome of the above-mentioned discussions. However, it seems justified to assume that there will always remain a certain amount of information that will have to be considered confidential. The Presidency proposes that the collection and (first) analysis of confidential information is attributed to the Secretariat General of the Council, as it is already. While analysing this type of information, the Council Secretariat will also have to take into account any public information, either from Member States or from other sources, whenever relevant.
13. The type of confidential information to be exchanged should be further defined by the relevant Council Working Groups. On the one hand, this will be determined by the mandates of CIREA and CIREFI, the enclosed review documents and, as to CIREA, the ongoing discussion on the basis of a questionnaire which was recently sent to Member States. On the other hand, each of the Working Groups of Steering Group I will also have to take stock of the relevant information to be exchanged, for example, by taking into account the various monitoring decisions approved by the Council. It will be necessary to carefully plan these information exchanges so as to avoid overburdening both Member States and the Council Secretariat.

Public information

14. During the meeting of the Asylum/Migration Working Group of 19/20 March 1997, the Commission explained that it intends to identify a means of gathering and facilitating the access of policy makers to public information. In this respect, the Commission is particularly interested in up-to-date information on the legislation and the policies of Member States and in international studies on immigration and asylum by independent institutions, such as Universities or NGO's.
15. In particular, the Commission is thinking in terms of creating a data bank which gathers and makes available legislation and practices of the Member States, as well as information resulting from studies and research to all institutional and non institutional actors. To this purpose, the Commission indicated that it could create a European network of experts on asylum and immigration, equipped with computer technology in order to collect and permanently make available such information.
16. The Presidency invites the Council to take note with appreciation of this Commission initiative, which can help improving the accessibility of public information. In particular, Member States are invited to co-operate with the Commission in this respect by sending all relevant public information to the Commission, whenever requested to do so. At the same time, Member States' submissions could usefully be made available by the Commission to all other Member States and to the Council Secretariat, as it may be important to receive the 'raw material' promptly either for direct discussion in one of the Council's Working Groups or for helping the Council Secretariat in drawing up its own analyses, which although primarily focused on confidential information, often cannot be performed without taking into account the more general, public information provided by Member States.

Information from associated and other third countries

17. Through the development of the Union's external relations in the fields of Justice and Home Affairs, an increasing amount of information is being made available from third countries. This holds, in particular, for the associated countries of Central and Eastern Europe, including the Baltic States, as well as for Cyprus, and for the Union's transatlantic and mediterranean partners.
18. It would greatly facilitate the dialogue between the Union and these third countries, if their information were made available in a more systematic manner. In particular with regard to the applicant countries, there is also a real need for a systematic submission to these countries of relevant information on developments in the Union as well as in individual Member States.
19. The Presidency would suggest a similar division of work in this respect as for the information from Member States. The Statistical Office of the Commission is already engaged in compiling and analysing statistical data from the associated PECO's and the EEA-members and could perhaps extend its activities to other interested third countries, whenever relevant. As for any confidential information, this could usefully be sent to and processed by the Council Secretariat; public information should be sent to and processed by the Commission. Similarly, transmission of data to the third countries concerned could be carried out by these institutions, albeit based on an explicit mandate from the Council Working Group concerned in each particular case.
20. Since the number of contacts with third countries has rapidly increased, there is a danger of proliferation of the collected data well beyond the immediate needs of the European Union. In order to avoid the overburdening of either the Council Secretariat or the Commission, the Presidency suggests that all Working Groups of Steering Group I define their needs in this respect. Thus, it would be possible to develop a proactive approach asking from third countries pertinent information only, while confining analyses with respect to third countries' information to questions that are of direct concern to the Union.

