

Combating illegal immigration: penal framework to prevent the offences. Framework Decision. Initiative France

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The Council held an exchange of views on a draft Framework Decision on the strengthening of the penal framework to prevent the facilitation of unauthorised entry and residence and a draft Directive defining the facilitation of unauthorised entry, movement and residence. The exchange of views showed that a large majority of delegations could accept that, in the most serious cases, the minimum sentence should be eight years imprisonment. However, the question of whether financial gain should be an essential element of the offence did not meet a unanimous response. The Permanent Representatives Committee will resume work on the basis of an improved version of the humanitarian clause as requested by Belgium, in order to work out a formula which responds to the views expressed by Ministers. As regards the Swedish reservation on the grounds that its legislation does not contain penal sanctions for the facilitation of unauthorised entry and residence, the Swedish delegation announced that there was an intention to re-examine this question shortly at national level.