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

2000/0820(CNS) - 15/03/2001

The Council held a detailed debate on a Draft Council Framework Decision on the strengthening of the penal framework to prevent the facilitation of unauthorised entry and residence. It was agreed that work should be continued on the draft instrument with a view to reaching political agreement at the May JHA Council. Consensus was reached on the question of making the offence of facilitating unauthorised entry and residence as defined in the Directive extraditable. However, two questions remain open, namely : the inclusion of a humanitarian clause and the exact scope of such a clause, and the minimum maximum sentence which shall apply in aggravating circumstances. Concerning this last point, it was concluded by the Presidency that certain compromise proposals made (a six year minimum maximum sentence and a declaration by those Member States intending to provide for a 10 year maximum sentence) should be further examined.