Informal Council of Ministers for Home Affairs

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Use of Modern Technologies in Border Control, Migration Management, and Asylum Policy

The Czech Presidency regards as necessary to continue developing a **systematic approach to European security** issues and put all effort in creating adequate conditions for their prudent and well-managed **technical solutions**. The increasing importance of collection, processing, and exchange of information, which has become the key commodity of the 21st Century in the field of security, calls for an **adequate use of modern information technologies** (hereinafter referred to as "IT") while maintaining and reinforcing principles of the protection of privacy and the free movement of persons.

Modern information technologies have brought revolutionary changes into all security issues including border control, migration management and asylum policy. The Czech Presidency therefore wishes to further develop discussions which were launched at the EU level a couple of years ago. In the course of the EU Presidency, the Czech Republic does not only intend to deepen such discussions, but it also strives to stimulate a system-oriented approach and to initiate development of particular and targeted measures.

Drafting of criteria to facilitate the development and implementation of new tools and the overall system-oriented approach should not, however, hamper the existing activities, projects, and initiatives which are of clear added value for the EU. The Czech Presidency therefore shall, under the umbrella of system-oriented measures in the field of justice and home affairs, strive to initiate **proactive steps in those areas where information technologies have already proven themselves**, as it has been in the areas of external border control or certain practical measures related to the common migration and asylum policy.

The systems using modern IT for the purposes of external border control and migration management belong to the most developed tools of their kind. However, their parameters and efficiency with respect to security have to undergo **regular reviews, assessments and upgrades** to be able to respond to the challenges of the 21st Century. New challenges will by all means require further development of modern technical solutions and their rapid introduction in practice.

Properly and adequately upgraded current systems may be of substantial help in **combating illegal migration.** Also, effective utilization of the currently used technologies can increase the **safety of the external borders** and compensate for the security risks related to the visa-free regime with the third countries.

Therefore, in the course of its Presidency, the Czech Republic wishes to initiate a discussion within the Council which will **reflect the current state of play in the use**

of modern information technologies in the present-day systems in the area of border control, visas, migration and asylum. This discussion should duly take into account the Communication on ESRIF and security research expected for late January 2009, the Commission's proposal on an Agency for the operational management of SIS II, VIS, EURODAC, and other large-scale IT systems in application of Title IV of the EC Treaty, which the Commission expects to table in February 2009. In addition, a new JHA multi-annual programme is likely to announce a green paper on access to information which will assess the functioning, as well as gaps and shortcomings, of existing instruments and look ahead to establish a comprehensive strategy.

Given the complexity of the issues at stake, this will be complicated exercise. The results of such a debate shall indicate the future use of IT in these fields, and the purpose of this paper is to get a first indication on the way this debate should be structured.

Extended use of current modern IT tools

In the field of border control and migration management, the EU takes advantage of technological innovations and modern IT tools the efficiency of which, however, is for various reasons limited.

The key instrument to help the EU maintain its security is the collection and further analysis of **biometric data,** which allows for a unique identification of persons. Analysis of biometric data can thus substantially contribute, for instance, to combating illegal migration and organized crime. Although this method of identification is already being supported and further developed, even stronger demand for biometric identity verification of all individuals crossing the external borders may be expected.

The Member States currently issue passports with biometric data; however, in the case of EU nationals, these data are in principle not used. Therefore, a question arises whether **biometric identity checks also on EU nationals and nationals of third countries whose data are not to be registered in VIS** would not help forestall travel documents misuse.

Biometrics will soon be introduced in VIS, SIS II, and residence permits. The use of biometrics in the Entry/Exit system is also envisaged. Currently, biometric data are used not only in travel documents; but also by **EURODAC**, a modern IT tool which has been for several years supporting the process of harmonization of European asylum policy.

EURODAC is currently used to determine the Member State responsible for examining individual applications for asylum under the Council Regulation (EC) No. 343/2003 (so called Dublin II Regulation). Over the 5 years of its operation, EURODAC has justified its existence serving the above function defined in the 1990s, and the Czech Presidency is convinced that it is time now to consider its **further development to meet the current as well as future challenges.**

EURODAC should become an effective tool in combating abuse of asylum or international protection as well as a new instrument to prevent and combat illegal migration and to protect the European borders.

Should the check of biometric data in travel documents become a compulsory part of border checks, in view of the future system of automated checks at external borders?

> **Should the EURODAC system be further developed to deal with eg. illegal migration issues?**

Use of modern IT for statistical and analytical purposes

Since 1999, the EU has been working hard to develop the comprehensive European migration policy. Access to reliable, up-to-date and comparable statistical information is of high importance in this context, as well as more intensive use of these data for subsequent analysis at the European level.

The EU has made a substantial progress in making information and data on migration policy available and more comparable and a number of recent developments illustrate these efforts (e.g. Regulation on migration statistics[1], VIS). A year 2009 represents a strategic year in this context. It is the first year for providing the migration statistics according to the new Regulation and also a start for VIS functioning.

The use of modern technologies for statistical and analytical purposes in the area of internal security can serve as a basis for decisions on further development of the harmonization and integration of the European migration and asylum policies.

> **How the new statistical regime created by the Regulation can be used for the future development of a comprehensive European migration policy and can statistical data generated by modern IT systems such as Schengen Information System and VIS and possibly EURODAC make a contribution in this respect?**
>
> **Do we need to undertake a comprehensive review of the information we are collecting at the EU level in the context of these developments?**

The use of modern technologies and the development of modern IT based systems for external border control

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[1] Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Directive (EEC) No 311/76 on the compilation of statistics on foreign workers

One of the key EU challenges in the field of border control is a well-functioning **balance between the free movement of persons in Europe on the one hand and a most modern and efficient system of border control using new technical tools to combat illegal migration, organized crime, terrorism** etc. on the other**.**

In the 21st Century, border management shall primarily rely on technologies increasing the efficiency of joint protection of the common area while providing for smooth entry into the EU/Schengen area for people who are travelling lawfully. The system should be designed so that it precludes the need of unilateral measures of individual Member States which would undermine the principle of free movement of persons.

In the past years, the Member States have agreed that modern technologies, introduction of new high-tech systems and on-going upgrade of the current tools will be of benefit for all. They have initiated new large-scale systems which use biometric data and have new functionalities (e.g. EURODAC, SIS II, VIS). In June 2008, the Member States expressed their support of the idea to further develop the integrated border management via the Entry/Exit, Registered Traveller, ESTA, or EUROSUR systems and the automated system of border checks of individuals. The building of new systems using modern technologies for external border management will definitely remain, for at least a couple of years, a key issue in the process of developing a system of integrated management within the EU/Schengen area. By all means, the European Eastern land borders, the air borders, and the Southern maritime borders are awaiting such systems.

No doubt, successful and proven solutions adopted in the past as well as the lessons learned from the procedures that showed to be problematic in the development and management of previous projects will be a source of valuable know-how when developing and launching new systems for border control, which will require enormous investments from Member States. In order to improve the synergy effect of joint EU activities in this field and to facilitate development of new systems and tools in the future, the Czech Presidency proposes to launch a discussion on how to improve the development and implementation of new systems. We believe that the Commission's proposal on the Agency for the operational management of SIS II, VIS, EURODAC, and other large-scale IT systems in application of Title IV of the EC Treaty, might be an adequate time to discuss how the governance of developing IT systems could be improved. When doing so, particular attention should be paid to develop an integrated approach, where national systems and the central system of any European IT system should be developed in a way where the developments are not as separated as is the case today and where the expertise at both levels can be put to better use. The result of this discussion should be

a list of best practice principles that should guide the development of any future systems in the area of justice, freedom and security, such as:

- project management systems allowing for alternative solutions and facilitating on-going and objective monitoring of project development followed by an efficient feedback,
- phased-out project implementation (the following phase may be launched only if the preceding ones have been successfully completed),
- special attention paid to security and data protection.

How should the EU act to avoid, in the process of launching its new systems, the difficulties it has been experiencing in developing SIS II and VIS?

Should the EU strive to define basic principles and guidelines for the development and operation of new systems under the scope of the integrated border management? If so, which principles and guidelines should it be?

Current experience shows that prudent and well-managed technical solutions represent an important added value for the EU external border control and management of EU joint migration policy. The Czech Presidency therefore recommends that the Member States, within the Justice and Home Affairs Council and with the assistance of other relevant institutions, review the existing instruments and determine whether it is possible and feasible to further exploit the existing systems and processes which have been, with the aid of modern IT, conducive to a workable creation of the common area of justice, freedom and security in the whole EU/Schengen territory.

Some tools have, however, become inevitably obsolete and the new challenges of the 21st Century have made new systems a must. The EU needs modern IT-based systems the development and implementation of which will require a concerted approach. The Czech Presidency therefore proposes to make use of the interim know-how and experience gained from building such systems to launch a discussion on common criteria to help streamline future planning, development, and introduction of new projects.

In order to manage a modern and comprehensive European migration and asylum policy and to secure efficient use of the available modern technologies to the benefit of all EU citizens, the EU must continue in its open dialogue and turn it into en efficient and system-oriented approach.