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From:	Presidency
To:	Strategic Committee on Immigration, Frontiers and Asylum
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Subject:	Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area - State of play of the implementation of its actions (Actions 41-50)

Introductory remarks

The recent terrorist attacks inside and outside the EU and the ongoing migration crisis have shown the importance of investing in swift, effective and qualitative information management, information exchange and accompanying follow-up of information to tackle migratory, terrorist and crime-related challenges. Therefore, the Council at its meeting of 9-10 June 2016 endorsed the Roadmap with specific, practical short- and medium-term actions and long-term orientations to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area.

While the general monitoring of the implementation of this Roadmap is to be carried out by COSI, SCIFA is part of the monitoring mechanism as regards the implementation of actions 41-50 regarding border management and migration contained in Chapter 4 of the Roadmap (reproduced in the annex to this note).

The Presidency has therefore prepared an overview of the progress made in relation to actions 41-50 in the past three months since the endorsement of the Roadmap and **invites delegations to exchange views and take note of this state of play as well as provide further information or guidance if necessary**.

State of play of the implementation of Actions 41 to 50

Action 41: Examine the need and added value of registering travel movements of persons enjoying Free Movement of Persons, including an assessment of impact, costs, proportionality of the different possible solutions (including broadening the scope of EES).

The option of registering the travel movements of persons enjoying free movement of persons was discussed within the Working Party on Frontiers in the context of the negotiations held on the Commission's proposal for a Regulation establishing an Entry/Exit System. This option was considered not feasible to be implemented in the short and medium term.

Action 42: Negotiations on the legal proposals on Smart Borders, EU Entry and Exit and amendment of the SBC in the Frontiers Working Party.

Negotiations leading to the establishment of an Entry/Exit System are ongoing within the competent Working Party on Frontiers, with a view to reaching a common position at Council level and starting negotiations with the European Parliament.

Action 43: Feasibility study and policy study of an EU Travel Information and Authorisation System.

The Commission is currently working with a view to submitting a proposal regarding the establishment of an EU system for travel authorisation for visa exempt third country nationals (ETIAS). It has launched a study on the necessity, technical feasibility and proportionality of establishing an EU travel information and authorisation system (ETIAS), the results of which will be available in October 2016.

Action 44 - In order to improve both the timing and execution of each security check, each step should be clearly defined in the SOPs of the hotspot and relocation workflow. Access should be provided to the relevant databases SIS, EU VIS, Eurodac, Interpol databases & Europol databases, in particular to facilitate information exchange on security concerns in relocation cases including exchange of fingerprints before relocation. For relocation, a questionnaire should be launched in order to establish when a relocation file meets the right standards. In case of a rejected relocation file because of security concerns, this information should be shared with all MS.

According to the information provided by the **Commission**, all persons arriving in the hotspots go through *a series of security checks* upon their arrival, and any candidates for relocation go through additional checks by the services of the receiving Member State.

Frontex considers that the whole chain of managing irregular arrivals of migrants should be coordinated up until the registration facility in order to strengthen border security. It begins with the detection and possible interception at sea, coordinated disembarkation at shore, transportation to the registration facility and ends with the proper and complete registration of the migrant.

Obligatory *security checks* are carried out in every hotspot, according to specific procedures:

Upon arrival in hotspots in Greece, everybody goes through a thorough search of their belongings (by the police); a nationality screening interview (by Frontex); a full identification and registration process including systematic fingerprinting and checks against all relevant international, EU and national databases (by national authorities with the support of Frontex). Europol officers carry out further secondary security checks, the main goal of which is to detect terrorist threats and identify those individuals who pose such a threat. These activities are carried out by the European Migrant Smuggling Centre (EMSC) of Europol and are primarily focussed on supporting the host Member State's investigations to dismantle the smuggling and trafficking networks. The checks are done by cross-checking data against Europol databases:

- ✓ Europol team on the spot will send all data collected and checked per island per day to Europol for storage in the relevant Europol database (based on Article 10.4 of Europol Council Decision) and on a daily basis to Greece using the dedicated secure network (SIENA).

- ✓ Europol will treat the data as a regular Member State contribution with handling code H1 and thus may send relevant information to other Member States.

- ✓ Europol will store the data for 6 months while Greece will remain the owner of the data. Unless the data generates a hit, the data will be deleted after 6 months from the database.

- Upon arrival in hotspots in Italy, everybody goes through a thorough search of their belongings (by the police, with Frontex and Europol possibly attending as observers); a nationality screening interview (by the police supported by Frontex); a pre-identification and registration process including systematic fingerprinting and checks against all relevant international, EU and national databases. Italian Standard Operating Procedures (SOPs) in hotspots detail the security-check process[1].

The main means of identifying migrants upon arrival is fingerprinting. As regards *access to relevant databases*:

- In Greece, fingerprints are transmitted to Eurodac and checks are carried out on the national fingerprints criminal record database. Via 'Police on Line' (POL), different databases are accessible and checked by one click from the server in Athens and interoperability ensured with relevant European and international databases (e.g. SIS-II, VIS, Europol and Interpol);

- In Italy, systematic fingerprinting checks are performed against Eurodac and the national AFIS fingerprints criminal record database. Both the SIS-II and Interpol databases are accessible in all hotspots through the SDI (Sistema di indagine) which is the query interface of the SII data base (*Sistema informativo interforze*).

- It should be noted that the Member State guest officers deployed in the hotspots as part of EASO or Frontex calls do not have direct access to these databases, which can be accessed only by national police authorities. It should also be noted that only the designated National Access Point for Eurodac can access the Central System. Agencies and Member States' experts working under the auspices of the Agencies mandate may take and transmit fingerprints to Eurodac on behalf of Greece or Italy, but cannot directly access Eurodac themselves.

[1] http://www.libertaciviliimmigrazione.dlci.interno.gov.it/sites/default/files/allegati/hotspots_sops_-_english_version.pdf

As regards relocation, Member States retain the right to refuse to relocate person where an applicant poses a danger to their national security or public order. The reasons why a relocation case has been rejected should be shared directly with the Member State of relocation or the authorities in Greece and Italy as appropriate (whilst, on data protection grounds, it is not necessary to inform all other Member States). Where there is a serious security concern about an individual, an alert should be recorded in SIS II. The Commission is open to developing a questionnaire on the right standards for a security check for a relocation file if Member States deem this necessary.

Action 45 - *All agencies need to continue to make the necessary resources available, including for translation and interpretation.*

Frontex recalls that agencies do not directly make their own resources available but organise operational activities by deploying the resources made available by Member States. Agencies work in close cooperation with national authorities, which remain primarily responsible for all law enforcement actions on the ground.

Each agency supports the task within its own mandate. Frontex could be seen as an initiator and a coordinating Agency for the practical establishment of EU Regional Task Forces (EURTFs) in Piraeus and Catania. According to Frontex, the timeframe for transportation activity varies greatly in different operational areas. For example in Greece, where the distances at sea are short, there is not such a need to start the informative approach before the registration facility (migrants can be transported to facilities even 30 minutes after the detection). The mentioned "centralised disembarkation points" are more valid for Italy (disembarkations to big ports) but not to Greece (disembarkations all around the small islands).

EASO has put in place a counter-narrative to the narrative disseminated by smugglers and human traffickers. One of EASO core messages, circulated via social media and through specific information tools in EN and AR, is that "*relocation is the only legal and safe way to travel in EU*". The whole EASO relocation communication package (including leaflets, posters, sticklers, videos and tools like the mobile app) was created for the purpose of explaining and promoting the relocation programme. In all info material EASO informs that relocation is the only safe and legal way to be transferred from Italy and Greece to another EU Member State, and it is the legal alternative to using smugglers. EASO has produced videos on successful relocation stories, indicating clearly that relocation is the only safe and legal option and that has to be preferred to the route offered by the smugglers.

In order to ensure that asylum seekers are provided with sufficient information on the possibilities made available to them under the relocation mechanism, EASO has deployed experts on information provision in both Italy and Greece. In Greece, EASO is doing relocation info sessions with experts and interpreters at the hotspot islands as well as at the port of Piraeus. In Italy, beside the information provision, EASO works closely with the JHA agencies (Frontex and Europol) and the Italian authorities. EASO is regularly referring information provided by migrants on smuggling/traffickers or incidents at sea to the representatives of Italian authorities and EU agencies present on the field. Moreover, EASO cultural mediators are helping Frontex debriefing officers with translations.

Europol is committed to continuously support the work against migrant smuggling networks by deploying staff and equipment, and by implementing the guest officer concept for secondary security checks[2].

It should be recalled that the Fundamental Rights Agency (**FRA**) is also active in the hotspots.

Action 46: Establish systematic cross-checking of API data against SIS and Interpol SLTD database.

The establishment of such systematic cross-check of data is comprised in the Council general approach regarding the Commission proposal for the amendment of Regulation (EC) 562/2006 as regards the reinforcement of checks against relevant databases at external borders (systematic checks). This issue is going to be part of the ongoing negotiations with the European Parliament.

In the meantime it is recalled that it is up to the Member States to put in place the necessary national measures allowing for the check of the national API system with other relevant databases and systems.

[2] 11495/16

Action 47: Assessment of the need to revise the legal basis of processing of API data.

The definition of PNR data in the 2016 PNR Directive comprises API data. Once the PNR Directive is implemented, Member States will therefore have the possibility to use API data not only for border control purposes (as is already the case under the API Directive) but also for purposes of criminal investigations and purposes. This appears to obviate the need for a revision of the legal basis of the API Directive.

Action 48: Examination further improvements of the VIS with a possible need for amending the legal base.

The VIS worldwide roll-out including the external border crossing points was completed by the end of February 2016. Currently there are no ongoing discussions about VIS, and its possible improvements, at the VISA Working Party.

However, it could be suitable to consider a possible adaptation of the VIS in order to allow the system to accept more than one nationality. In fact, some terrorists or international criminals may use different nationalities, but VIS accepts only one value in the field "nationality". This could lead to hindering investigations.

Besides that, and in accordance with the eu-LISA statistics, not all the visas are systematically checked against the VIS at the EU external borders. It seems that there is still a room for improvement in this respect.

Action 49: Negotiations on the legal proposal on Eurodac.

Following the submission by the Commission of the proposal for a recast Eurodac Regulation on 4 May 2016, the Asylum Working Party started its examination at its meeting on 12 May. The overall aim of the proposal, which includes the necessary changes to adapt and reinforce the Eurodac system in accordance with the new Dublin rules and to expand its purpose to help tackle irregular migration and facilitate returns, has been broadly supported. Possible simplification and broadening of access of law enforcement authorities to Eurodac is currently being examined (see 11943/16).

Action 50: Assessment of the need of central Residence Permits Repository whether such new EU tool is necessary, feasible and proportional to address the existing information gap on these categories of third-country nationals.

This issue is being addressed at experts level (meeting 14 September 2016), within the High Level Experts Group under the umbrella of the Commission. This experts group will work to assess the possibility of the development of new systems to address perceived gaps in the present information system landscape, amongst which the Repository of residence cards and residence permits. Therefore, it would be premature to discuss this issue before receiving concrete findings from the above experts group.

ANNEX

Roadmap to enhance information exchange and information management including interoperability solutions

in the Justice and Home Affairs area (9368/1/16)

CHAPTER 4: BORDER MANAGEMENT AND MIGRATION

No.	Objective	Action	Primary Responsible Party/Parties	Stakeholders	Timetable	Monitoring-mechanism	Council request financial support
41	Registering entry and exit at the EU external borders of Persons enjoying free movement.	Examine the need and added value of registering travel movements of persons enjoying Free Movement of Persons, including an assessment of impact, costs, proportionality of the different possible solutions (including broadening the scope of EES)	COM, High Level Expert Group	Commission, Member States, eu LISA, EDPS, Frontex	End 2016	SCIFA/COSI/WG Frontiers	ISF,

Additional remarks: In response to the security challenges that were highlighted once again by the Paris and Brussels attacks, to equip the EU with rapidly effective and safe tools in order to improve our external border control. It is necessary to assess the need added value of registering the entry and exit of persons enjoying Free Movement of Persons, including for people with the right to circulate freely, making use of modern technology in order to ensure smooth flows. Such an assessment should also include an evaluation of financial and technical viability of the project. The possibility to establish a module or extension within the EES should also be assessed. This assessment shall be a activity not hindering the current negotiations on the EES for third country nationals. See Actions 42 and 44.

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[3] This answers the decision taken by the JHA Council on 25 February 2016.

No.	Objective	Action	Primary Responsible Party/Parties	Stakeholders	Timetable	Monitoring-mechanism	Council request financial support
42	Registering entry and exit at the EU external borders and admitted for a short stay and refusals of entry of third country nationals including contributing to return.	Negotiations on the legal proposals on Smart Borders, EU Entry and Exit and amendment of the SBC in the Frontiers Working Party	Member States, Commission and EP	eu-LISA	December 2016	SCIFA/COSI/ WP Frontiers	ISF, COM Budget

Additional remarks: In addition to the existing ICT systems the Commission has propose on the 6 April 2016 to establish another centralised IT system, the Entry and Exit system (EES) to improve the external management to reduce irregular immigration by addressing the phenomenon of overstaying and to contribute to the fight against terrorism and serious crime, thereby contributing to a high –level of internal security. This system should be implemented by 2020. (Legislative proposals "Smart Borders" doc 7675/16 and doc 7676/16) See Actions 41 and 44, in this regard action 50 is also of relevance.

No.	Objective	Action	Primary Responsible Party/Parties	Stakeholders	Timetable	Monitoring-mechanism	Council request financial support
43	Close the information gap on pre-arrival data for travellers not generating API, PNR or visa data	Feasibility study and policy study of an EU Travel Information and Authorisation System	Commission	Commission, Member States, eu-LISA, EDPS, Frontex	October 2016	SCIFA/ WG Frontiers and VISA	ISF, COM budget

Additional remarks: While law enforcement authorities can obtain (pre) information on visa holders from the VIS of necessary for combating of serious crime and terrorism, no comparable data is available on visa-exempt persons. Ongoing visa liberalization processes are likely to lead to a considerable increase of visa-exempt travellers in the near future. In this context the possibilities of an EU electronic system for travel authorization for visa exempt third country nationals should be further examined. Such an "ETIAS" would ensure that all third country nationals intending to travel to the EU – and not only those who are submitted to a visa requirement – could be subject to some form of pre-screening in advance of travelling and could be pre-authorised before arriving at an external border crossing point. This system would allow collecting and checking information about third-country nationals intending to travel to Europe on an individual basis, with a view to grant them authorisation to travel to the EU"s external borders. Similar systems have already been set up in Australia and the United States (U.S.). Based on experiences in the U.S. and Australia and taking into account pre arrival information systems (Maritime Single Window, PNR and API), an ESTA could be defined as a system for the purpose of:

a) collecting applications for authorisation to travel to their territory for short-term tourism or business stays, directly from foreign nationals and through electronic channels;

b) determining the eligibility of foreign nationals to travel to their territory for short stays without having to go through a full visa application process;

c) determining whether such travel poses any law enforcement or security risk;

d) having a possibility to prevent a foreign national from travelling to their territory if such travel does pose a law enforcement or security risk, while also retaining the possibility to deny a traveler entry at the border even in case he/she has been granted a travel authorisation. In order to allow a formal discussion on the added value of such a system, the feasibility study should explore all options considering the necessity and proportionality of an ETIAS

(Communication "Stronger and Smarter Information Systems for Borders and Security")

No.	Objective	Action	Primary Responsible Party/Parties	Stakeholders	Timetable	Monitoring-mechanism	Council request financial support
44	Enhancing of the security check in hotspots	In order to improve both the timing and execution of each security check, each step should be clearly defined in the SOPs of the hotspot and relocation workflow. Access should be provided to the relevant databases SIS, EU VIS, Eurodac, Interpol databases & Europol databases, in particular to facilitate information exchange on security concerns in relocation cases including exchange of fingerprints before relocation. For relocation, a questionnaire should be launched in order to establish when a relocation file meets the right standards. In case of a rejected relocation file because of security concerns, this information should be shared with all MS.	EU agencies & host MS (EL & IT)	Member States, Commission	Immediate	SCIFA/COSI/WG Asylum	ISF, AMF

Additional remarks: The Presidency has formulated the recommendations on security checks in the hotspots and during the relocation process, which were discussed and supported by a large number of Member States during COSI-SCIFA on 18 April 2016. The hotspot workflow starts at the moment of arrival/apprehension, up to the point of onwards movement from the registration centre, or open or closed reception centre. Both the hotspot workflow and the relocation process have to be designed in such a way that the security checks are integrated and take place systematically, without creating new bottlenecks. Next to deciding on asylum, relocation or return, these checks also serve to ensure that the person does not represent a threat to internal/EU security. Access needs to be organized without delay to the SIS, VIS, Eurodac, Interpol and Europol databases to perform appropriate security checks In order to further accelerate the relocation process, COM will launch a questionnaire on the basis of which MS could indicate what constitutes a "quality" relocation file, including "sufficient" information on security aspects. By setting a clearer standard of what information should be included in the relocation file, MS would have fewer reasons to require additional checks which delay the process. In case of rejecting a relocation file, the MS of relocation should motivate the decision to refuse a relocation request based on the grounds foreseen under the Council Decisions 2015/1601 of 22 September 2015 and 2015/1523 of 14 September 2015. If the rejection is related to security concerns about relocation cases, if possible within the national legislation, this information need to be shared as soon as possible with the benefitting Member States.

(EU Council Conclusions of December 2015)

No.	Objective	Action	Primary Responsible Party/Parties	Stakeholders	Timetable	Monitoring-mechanism	Financial support
45	Enhance operational cooperation of EU MS on migrant smuggling through their activities in the hotspots.	All agencies need to continue to make the necessary resources available, including for translation and interpretation	Frontex, Europol, Eurojust and EASO	Member States	Immediate	SCIFA/COSI	n/a

All agencies (Frontex, Europol, Eurojust and EASO) need to continue to make the necessary resources available, including for translation and interpretation, to enhance operational cooperation of EU Member States on migrant smuggling through their activities in the hotspots. Whenever possible, also transport to the registration area should take place from centralized disembarkation points on the islands or on the mainland, also with a view on informing migrants as early as possible about relocation, asylum and (voluntary) return, and the risks of onwards irregular migration. Coordinating arrivals in this way results in more control over the hotspot workflow and the relocation process, and counters smuggling activities.

No.	Objective	Action	Primary Responsible Party/Parties	Stakeholders	Timetable	Monitoring-mechanism	Council request financial support
46	Increase of the use of API data for border management	Establish systematic cross-checking of API data against SIS and Interpol SLTD database	Member States	Commission, eu-LISA, Frontex and other relevant agencies	End 2017	COSI	ISF

Additional remarks: Technological developments allow in principle to consult relevant databases without delaying the process of crossing the border, as the controls on documents and persons can be carried out in parallel. The use of passenger information received in accordance with Council Directive 2004/82/EC can also contribute to speeding up the process of required controls during the border crossing process. In this context systematic cross-checking of API data against SIS and Interpol SLTD database should be established.

(Communication "Stronger and Smarter Information Systems for Borders and Security" and Evaluation of the COM on the API Directive)

No.	Objective	Action	Primary Responsible Party/Parties	Stakeholders	Timetable	Monitoring-mechanism	Council request financial support
47	Strengthen the information position of EU MS on border management(and combating terrorism and organised crime)	Assessment of the need to revise the legal basis of processing of API data	Commission	Member States, Frontex	2017	SCIFA/WG Frontiers	N/a

Additional remarks: To ensure a wider implementation and to include an obligation for MS to require and use API data for all inbound and outbound flights an assessment of the current API legislation is necessary. This is particularly relevant in the context of the implementation of the PNR Directive as a combined use of PNR and API data further enhances the effectiveness of PNR data in combating terrorism and serious crime.

(Communication "Stronger and Smarter Information Systems for Borders and Security" and Evaluation of the COM on the API Directive)

No.	Objective	Action	Primary Responsible Party/Parties	Stakeholders	Timetable	Monitoring-mechanism	Council request financial support
48	Enhancing the functionalities of the VIS.	Examination further improvement's of the **VIS** with a possible need for amending the legal base	Commission	eu-LISA Member States, Europol	before end 2016;	SCIFA/WG VISA	n/a

Additional remarks: To further Improving data quality of data entered into the VIS, including improving the quality of facial images to enable biometric matching. To facilitate the checking of Interpol's SLTD database during a visa application and to achieve interoperability with the SIS to search with VISA applicants fingerprints in the future Automated Fingerprint Identification System to be developed for the SIS e.g. to allow search by travel document, as proposed in the EES.

(Communication "Stronger and Smarter Information Systems for Borders and Security")

No.	Objective	Action	Primary Responsible Party/Parties	Stakeholders	Timetable	Monitoring-mechanism	Council request financial support
49	Revision of the EURODAC Regulation	Negotiations on the legal proposal on Eurodac	Member States, Commission and EP	eu LISA	End 2017	SCIFA/WG Asylum	n/a

References to other actions in the Roadmap: actions related to the hotspots and actions related to organising by easier access of LEA to IT systems in the field of migration in the general framework of their duties.(Legislative proposal Eurodac of 4 May 2016)

No.	Objective	Action	Primary Responsible Party/Parties	Stakeholders	Timetable	Monitoring-mechanism	Council request financial support
50	To address the existing information gap on the (travel) documents of third-country nationals.	Assessment of the need of central Residence Permits Repository whether such new EU tool is necessary, feasible and proportional to address the existing information gap on these categories of third-country nationals.	COM	Member States, eu-LISA, Frontex	first half of 2017	SCIFA/COSI/WG Frontiers	ISF, eu LISA

Additional remarks: Residence Permits Repository. The issuance of residence permits, residence cards and long stay visa is within the competence of the Member States. However, when holders of these residence permits, residence cards or long stay visas cross the Schengen area external borders, the decentralised management of these documents entails difficulties for border controls. Individuals bearing travel documents issued by third countries have to be checked at the border in a specific way on the basis of documents whose validity and authenticity cannot be verified against a common database. Even though it is possible to establish through a biometric verification that the traveller is the legitimate bearer of a residence permit, this is not the case for the residence cards and long term visa as no common format exists. This situation constitutes of a security risk that should be addressed.

In addition to security considerations, there is also the aspect of facilitation of border crossings: third country nationals who are exempted from short-stay conditions will not be covered by the scope of the EES(in the current proposal). The introduction of EES will allow third country national short-stay visitors to benefit from automated border crossing solutions such as eGates, but this possibility will not exist for third country nationals with long term right of stay. To address this shortcoming it would be useful to establish a system at borders to ascertain whether a third country national is in possession of a valid residence card, residence permit or long-term visa, and if needed, to enable Member States to grant this person access to the Schengen area under the same conditions as an EU national (through the use of an eGate).A study should be conducted, to determine whether such a system could be established.

Beyond border management, there could be a third consideration for establishing a central information system on third-country nationals holding notably, a residence permit. Beneficiaries of European residence permits have to fulfil certain conditions. These may include limitations on the time they can spend outside the Member State that issued the permit, in order not to lose their right of residence and their access to certain social rights and services. Some Member States expressed a desire to also monitor travel movements of residence permit holders to assess compliance with these limitations.

Against this background the establishment of central repository of residence permits, residence cards and long-term visas issued by Member States, to store information on these documents (including on expiry dates and on their possible withdrawal) should be considered. The Commission should assess whether such a new EU tool is necessary, feasible and proportional to address the existing information gap regarding these categories of third-country nationals or whether other steps can be taken to serve the same purpose.

References to other actions in the Roadmap: Actions 41 and 42.