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NOTE

from:	General Secretariat
to:	Working Party on Frontiers/Mixed Committee (EU-Iceland/Liechtenstein/Norway/Switzerland)
Subject :	**Questionnaire on the possible creation of a system of electronic recording of entries and exits of third country nationals in the Schengen area**

Delegations will find attached the replies from France, Cyprus and Finland to the questionnaire on the possible creation of a system of electronic recording of entries and exits of third country nationals in the Schengen area, as set out in doc. 7226/1/09 REV 1 FRONT 12 COMIX 200.

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FRANCE

1. With regard to your border crossing points,
   a. do you register the number of entries/exits at your border crossing points? If yes, of which categories of persons and in which breakdown (e.g. third country nationals, broken down by persons holding a visa and persons without a visa).

   France does not have an entry-exit system.

   To avoid disparities in the information provided by Member States that no longer have a national entry-exit system, France reiterates its proposal to implement for a relatively short period (3 or 4 days) the systematic counting at all Member States' border crossing points of entries and exits by third country nationals, whether or not subject to a visa requirement, and also by Community nationals, for the reasons put forward by the Commission. For a clear grasp of the different seasonal phenomena, it might be useful to repeat such an exercise several times throughout the year.

   b. how many border guards/police officers in total are performing border checks at the external borders?

   5393 border guards conduct external border checks on a daily basis.

   At the end of 2008 the Central Border Police Directorate (DCPAF) had a total of 9 133 active officials and security staff, of whom 3 194 (i.e. 34,9 %) are assigned exclusively to external border checks at France's land, sea and air border crossing points. The remaining 5 939 officials are attached to units that specialise either in combating illegal immigration within national territory (for example specialised units such as the railway police brigade and the mobile search squads whose main tasks are to combat organised forms of illegal immigration, the police air wing and the deportation units) or to operational line structures at departmental, area or national levels.

	Type of border			Total
Border Police services	Land	Sea	Air	
	288	566	2340	3194

   c. how many entries of third country nationals did you have last year (2008)?
      (or estimation)?
      i. with visa
      ii without visa

   According to statistical information gathered at the main border crossing points in 2007, the estimated number of persons (EU citizens and third country travellers entitled to move freely) checked on entering France was around 35 million, with 38 million checked on exit. France issued 2 068 653 visas in 2008.

   d.   how many exits of third country nationals did you have last year (2008)? (or estimation)
         i.   with visa
         ii.   without visa

See the reply to question 1c.

   e.   how many entries of EU citizens and travellers enjoying free movement of persons did
         you have last year (2008)? (or estimation)

See the reply to question 1c.

   f.   how many exits of EU citizens and travellers enjoying free movement of persons did
         you have last year (2008)? (or estimation)

See reply to question 1c.

1.   On average, how long does it currently take to perform an entry check at the external land
      border for
      a.   third country nationals holding a visa,
      b.   third country nationals without a visa,
      c.   EU citizens and travellers enjoying free movement of persons

Except where technical defects arise (computer connection problems, for example), the
average time taken to carry out a check varies from a few seconds to several minutes if files
have to be searched manually and/or where checks relate to conditions of stay.

2.   On average, how long does it currently take to perform an exit check at the external air border
      for
      a.   third country nationals holding a visa,
      b.   third country nationals without a visa,
      c.   EU citizens and travellers enjoying free movement of persons

See reply to question 2.

3.   On average, how long does it currently take to perform an entry check at the external air
      border for
      a.   third country nationals holding a visa,
      b.   third country nationals without a visa,
      c.   EU citizens and travellers enjoying free movement of persons

See reply to question 2.

4.   On average, how long does it currently take to perform an exit check at the external air border
       for
       a.   third country nationals holding a visa,
       b.   third country nationals without a visa,
       c.   EU citizens and travellers enjoying free movement of persons

       See reply to question 2.

5.   On average, how long does it currently take to perform an entry check at the external sea
       border for
       a.   third country nationals holding a visa,
       b.   third country nationals without a visa,
       c.   EU citizens and travellers enjoying free movement of persons

       See reply to question 2.

6.   On average, how long does it currently take to perform an exit check at the external sea
       border for
       a.   third country nationals holding a visa,
       b.   third country nationals without a visa,
       f.   EU citizens and travellers enjoying free movement of persons

       See reply to question 2.

8.   How many illegal immigrants does your country have within the territory (estimation)?
       a.   upper level estimate
       b.   lower level estimate

       *Note: In order to receive comparable answers for the purpose of this questionnaire,
       Member States should consider an illegal migrant as a person who either crossed the border
       illegally or overstayed the period of an authorized stay. Persons with pending applications for
       international protection etc. shall be excluded from the figures.*

       Estimating the number of persons staying illegally on the territory is a difficult exercise. The
       figures most frequently put forward range from 200 000 to 400 000.

       By way of additional information, in metropolitan France the Police and Gendarmerie brought
       111 692 people before the courts for offences connected with the entry and stay of aliens
       in 2008.

9. How many overstayers did your country detect last year (2008)?
   a. at the border

   As regards exit (border), no estimate can be given.

   b. within the territory

   The statistical tools used by the police and gendarmerie do not currently make it possible to establish how many of the aliens found to be in an illegal situation came to the authorities attention for exceeding their lawful periods of stay.

10. What sanctions does your country impose on overstayers detected at exit?

    Article L.612-1 of the Code on the entry and stay of aliens and the right to asylum provides that an alien who has overstayed the authorised duration of his visa will be liable to a term of imprisonment of one year and a fine of 3 750 euros.

11. Do you think the future EES should allow for different procedures at different types of border crossing point as regards data collection? (for example: taking into consideration the difficulties faced by border control authorities at some types of borders.)

    It is difficult to comment without knowing what the notion of different procedures encompasses: does it involve a different modus operandi or a difference in the kind of information gathered?

12. Do you think the aims of an entry/exit system could be achieved by collecting alphanumerical data for the initial period, and only after the Member States gain experience in this field introduce biometrics?

    The delegation concurs with the proposal made at previous meetings on this subject, as set out in 15630/08 FRONT 97 COMIX 809, i.e. that implementation be staggered by beginning with the recording of alphanumeric data only, before adding biometric data in a second phase.

Possible pilot project – related questions

24. In case a pilot project is launched, at what types of borders should the pilot project be implemented?
    a. all types
    b. other

    France is of the opinion that any pilot project should be implemented at all types of border and on all modes of transport, possibly with priority given to air borders.

25. How long should the pilot project last?

    Initially, the minimum duration could be one week.

26. Which data should be collected in the pilot project?
    a. alphanumeric and biometric
    b. alphanumeric

    France considers it logical to collect alphanumeric and biometric data.

27. Which persons should be targeted in the pilot project?
    a. third country nationals without visa requirements
    b. third country nationals who require a visa
    c. all third country nationals
    d. others

    All third country nationals should be recorded in the pilot project.

    _____

CYPRUS

1. With regard to your border crossing points,
    a. Do you register the number of entries/exits at your border crossing points? If yes of which categories of persons and in which breakdown (e.g. third country nationals, broken down by persons holding a visa and persons without a visa.

    Entries/exits at border crossing points of the Republic of Cyprus are recorded on the Cyprus Police Computer System. Only data on third country nationals is recorded. However, data on the nationals of Australia, Canada, the USA, Monaco, New Zealand, San Marino and the Vatican City is not recorded.

    b. How many border guards/police officers in total are performing border checks at the external borders?

    Approximately 126 police officers of the Aliens Immigration Unit are performing checks at the external borders of the Republic of Cyprus.

    c. How many entries of third country national did you have last year (2008)?
        (or estimation)
        i)   with visa
        ii) without visa

    No statistical data is kept.

    d. How many exits of third country nationals did you have last year (2008)? (estimation)
        i)   with visa
        ii) without visa

    No statistical data is kept.

    e. How many entries of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation)

    No statistical data is kept for EU citizens.

    f. How many exits of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation)

    No statistical data is kept for EU citizens.

2. On average, how long does it currently take to perform an entry check at the external land border for
    a. third country nationals holding a visa
    b. third country nationals without a visa
    c. EU citizens and travellers enjoying free movement of persons.

    The Republic of Cyprus has only air and sea borders.

3.	On average, how long does it currently take to perform an exit check at the external land border for
	a.	third country nationals holding a visa
	b.	third country nationals without a visa
	c.	EU citizens and travellers enjoying free movement of persons.

	The Republic of Cyprus has only air and sea borders.

4.	On average, how long does it currently take to perform an entry check at the external air border for
	a.	third country nationals holding a visa – approximately 2-2 ½ minutes
	b.	third country nationals without a visa – approximately 1– 1 ½ minutes
	c.	EU citizens and travellers enjoying free movement of persons – approximately ½ minute.

5.	On average, how long does it currently take to perform an exit check at the external air border for
	a.	third country nationals holding a visa – approximately 2 minutes
	b.	third country nationals without a visa – approximately 1- 1 ½ minutes
	c.	EU citizens and travellers enjoying free movement of persons. – approximately ½ minute

6.	On average, how long does it currently take to perform an entry check at the external sea border for
	a.	third country nationals holding a visa
	b.	third country nationals without a visa
	c.	EU citizens and travellers enjoying free movement of persons.

As far as external sea borders are concerned, there are no passport checks on persons arriving, since they are carried out by Immigration Officers on board.

7.	On average, how long does it currently take to perform an exit check at the external sea border for
	a.	third country nationals holding a visa – approximately 5 minutes
	b.	third country nationals without a visa – approximately 1-2 minutes
	c.	EU citizens and travellers enjoying free movement of persons – approximately ½ - 1 minute.

8. How many illegal immigrants does your country have within the territory (estimation)?
   a. upper level estimate
   b. lower level estimate

   There is no statistical data.

9. How many overstayers did your country detect last year (2008)?

   a. At the border – 829
   b. Within the territory – 1853

10. What sanctions does your country impose on overstayers detected at exit?

    If a third country national stays in Cyprus illegally for a period exceeding six months he/she is placed on the stop list as an inadmissible person at the time of departure.

11. Do you think the future EES should allow for different procedures at different types of border crossing points as regards data collection? (for example: taking into consideration the difficulties face by border control authorities at some types of borders)

    Yes, it is believed that EES will help and improve the data collection.

12. Do you think the aims of an entry/exit system could be achieved by collecting alphanumerical data for the initial period, and only after the Member States gain experience in this field introduce biometrics?

    Yes, Cyprus thinks that it is better for a Member State to develop an entry/exit system which will automatically be able to enter first the passport date, the arrival date and departure date in the system. Checking/showing data such as face picture and fingerprints is a more complicated procedure.

13. For what purposes is the information stored in the entry/exit system used?

    1. To retrieve information on third country nationals who have overstayed.
    2. For use as evidence in court.
    3. For use by the Administrative Authorities (Ministry of the Interior).
    4. To retrieve information regarding a third country national's address.
    5. For statistical purposes.
    6. For Public Order and Security purposes.

14. What has been the added value of the entry/exit system?

     The added value of the entry/exit system lies in retrieving information on third country nationals who have overstayed that can be used as evidence in court or by the Administrative Authorities (Ministry of the Interior), as well as information regarding a third country national's address, for statistical purposes and for Public Order and Security purposes.

15. Are all third country nationals' entries and exists recorded? If not, why not? What are the exceptions?

     See answer to question 1(a) above.

16. Is the information stored in a database
     a.   automatically, for example using MRZ
     b.   manually or
     c.   combination using both methods

     Combination using both methods. Some passports still do not have MRZ.

17. How long does it take to insert all necessary information into the database? If done,
     a.   automatically, for example using MRZ
     b.   manually or
     c.   combination

     Automatically one second and manually less than 20 seconds depending on how fast the user can type.

18. Which authorities have direct access to the entry/exit information?

     Immigration and Aliens Unit, Migration Department, certain Police Departments, Ministry of Foreign Affairs.

19. Can other authorities use/have access to information stored in the database based on specific request? If yes, which authorities?

     Following a request, the Customs & Excise Department and the Legal Service can use information stored in the database. They are not connected online.

20. What kind of alphanumeric data is stored in the database?

- Name
- Surname
- Country of birth
- Date of birth
- Gender
- Passport Number
- Passport Issue Country
- Passport Expiry Date
- Arrival Date
- Arrival Purpose
- Arrival Route
- Port of entry
- Last Date Allowed
- Visa No.
- Address at destination(or hotel name)
- C/O name
- Comments
- Occupation
- Record Entry Date
- Control Officer Number on Arrival
- Departure Date
- Port of Destination
- Port of Exit
- Departure Route
- Deport (Yes/ No)
- Deport Reason
- Control Officer Number on Departure

21. What are the search criteria of the entry/exit system and what search keys are used?

   - Passport Number
   - Passport Issue Country
   - Last Name
   - First Name
   - Date of Birth From
   - Date of Birth To
   - Arrival Date From
   - Arrival Date To
   - Departure Date From
   - Departure Date To
   - Port of Entry
   - Port of Exit
   - Arrival Route
   - Departure Route
   - Control Officer on Arrival
   - Control Officer on Departure
   - Gender
   - Port of Destination

22. How long is the information stored? After the retention period expires, is the data deleted automatically?

   Cyprus has kept data since 1992. No data has been deleted to date.

23. How do you ensure that the system complies with general data protection standards? How is the security of the stored data ensured?

   A notification of the entry/exit filing system is submitted to the Commissioner for Personal Data Protection under the relevant national legislation "Processing of Personal Data (Protection of Individuals)" Law of 2001 (L.138(I)/2001) as amended. The Controller of the entry/exit filing system is the Civil Registry and Migration Department and the Cyprus Police is designated as the processor. The notification includes a detailed description of the data kept in the filing system and the measures taken for the security of the system.
   The users first have to be approved by the Immigration Authorities which will specify which access level will be given to each approved user (1st level: full access to view, insert, update; 2nd level: update only within 48 hours by the same user who entered the data, view and insert; 3rd level: view only)

24. In case a pilot project is launched, at what types of borders should it be inplemented
   a. all types
   b. other

   All types.

25. How long should the pilot project last?

    3 months

26. Which data should be collected in the pilot project?
a. alphanumeric and biometric
b. alphanumeric

    Since Cyprus has already developed an entry/exit system, both alphanumeric and biometric data should be collected in the pilot project.

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FINLAND

1. With regard to your border crossing points,
    a. do you register the number of entries/exits at your border crossing points? If yes, of which categories of persons and in which breakdown (e. g. third country nationals, broken down by persons holding a visa und persons without a visa).

        Yes, all third country nationals, visa and visa exempt and resident permit holders.

    b   how many border guards/police officers in total are performing border checks at the external borders? – 700
    c. how many entries of third country nationals did you have last year (2008)? (or estimation)
        i.   with visa – 3 410 000
        ii.   without visa – 300 000
    d. how many exits of third country nationals did you have last year (2008)? (or estimation)
        i.   with visa – 3 280 000
        ii.   without visa – 270 000

    e. how many entries of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation) – 2 280 000

    f. how many exits of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation) – 2 140 000

2. On average, how long does it currently take to perform an entry check at the external land border for
    a. third country nationals holding a visa – average 3 min (waiting time max. 30 min)
    b. third country nationals without a visa – average 3 min (waiting time max. 30 min)
    c. EU citizens and travellers enjoying free movement of persons – average 20 sec

3. On average, how long does it currently take to perform an exit check at the external land border for
    a. third country nationals holding a visa – average 3 min (waiting time max. 30 min)
    b. third country nationals without a visa – average 3 min (waiting time max. 30 min)
    c. EU citizens and travellers enjoying free movement of persons – average 20 sec

4. On average, how long does it currently take to perform an entry check at the external air border for
    a. third country nationals holding a visa – average 3 min (waiting time max. 10 min)
    b. third country nationals without a visa – average 3 min (waiting time max. 10 min)
    c. EU citizens and travellers enjoying free movement of persons – average 20 sec

5. On average, how long does it currently take to perform an exit check at the external air border for
    a. third country nationals holding a visa – average 3 min (waiting time max. 10 min)
    b. third country nationals without a visa – average 3 min (waiting time max. 10 min)
    c. EU citizens and travellers enjoying free movement of persons – average 20 sec

6. On average, how long does it currently take to perform an entry check at the external sea border for
    a. third country nationals holding a visa – average 3 min (waiting time max. 30 min)
    b. third country nationals without a visa – average 3 min (waiting time max. 30 min)
    c. EU citizens and travellers enjoying free movement of persons – average 20 sec

7. On average, how long does it currently take to perform an exit check at the external sea border for
    a. third country nationals holding a visa – average 3 min (waiting time max. 30 min)
    b. third country nationals without a visa – average 3 min (waiting time max. 30 min)
    c. EU citizens and travellers enjoying free movement of persons – average 20 sec

8. How many illegal immigrants does your country have within the territory (estimation)?
    a. upper level estimate – 3000
    b. lower level estimate – 500

    Note: In order to receive comparable answers for the purpose of this questionnaire, Member States should consider an illegal migrant as a person who either crossed the border illegally or overstayed the period of an authorized stay. Persons with pending applications for international protection etc. shall be excluded from the figures.

9. How many overstayers did your country detect last year (2008)?
    a. at the border 693
    b. within the territory 8

10. What sanctions does your country impose on overstayers detected at exit?

    Depending on the length of overstay, fine and/or refusal of entry to the Schengen area for a limited time. This is done in accordance with national legislation (criminal code and aliens act). Also, entry to EU territory without going through border checks is an illegal border crossing and a criminal offence.

11. Do you think the future EES should allow for different procedures at different types of border crossing point as regards data collection? (for example: taking into consideration the difficulties faced by border control authorities at some types of borders)

    Yes.

12. Do you think the aims of an entry/exit system could be achieved by collecting alphanumerical data for the initial period, and only after the Member States gain experience in this field introduce biometrics?

    No. In order to have a reliable system, biometrics should be included from the beginning. Experience of using biometrics will be gained once the VIS is implemented.

    The following questions are only for those Member States that already have an entry/exit system in place at the external border.

13. For what purposes is the information stored in the entry/exit system used?

Information is used for border control, crime prevention, investigation and intelligence purposes.

14. What has been the added value of the entry/exit system?

E/E system has helped second-line officers during the entry interviews and second-line officers to carry out thorough second-line checks. Having passenger history details available in the system database helps during pre-trial investigations, for example when ascertaining travelling routes etc.

15. Are all third country nationals' entries and exits recorded? If not, why not? What are the exceptions?

Yes, all third country nationals' entries and exits are recorded.

16. Is the information stored in a database
     a. automatically, for example using MRZ,
     b. manually or
     c. combination using both methods.

Basic information is recorded automatically. Optional/additional information is recorded manually.

17. How long does it take to insert all necessary information in the database? If done,
     a. automatically,
     b. manually,
     c. combination.

A= approx. 30 sec, B= approx. 60 sec

18. Which authorities have direct access to the entry/exit information?

Border Guard, Police, Customs.

19. Can other authorities use/have access to information stored into the database based on specific request? If yes, which authorities?

Yes. Ministry for Foreign Affairs and Immigration Service.

20. What kind of alphanumeric data is stored in the database?

Date of border crossing (DOB), registration number (car, bus, ferry, train, flight), passport number, visa number (possible). With reference to the entry conditions and border check procedures in the Schengen borders code, the data collected could involve personal and travel document information, duration of stay, purpose of travel, funds, mode of transportation.

21. What are the search criteria of the entry/exit system and what search keys are used?

    Combination. Time period, names, DOB, nationality, registration numbers and border crossing point can be used as search keys.

22. How long is the information stored? After the retention period expires, is the data deleted automatically?

    5 years.

23. How do you ensure that the system complies with general data protection standards? How is the security of the stored data ensured?

    Data is stored in the secure servers of the Finnish border guard. Storage of data is regulated by national legislation. There is a specific act on handling of data by the Finnish Border Guard.

Possible pilot project – related questions

24. In case a pilot project is launched, at what types of borders should the pilot project be implemented?
    a.   all types
    b.   other

    All types.

25. How long should the pilot project last?

    2 years.

26. Which data should be collected in the pilot project?
    a.   alphanumeric and biometric
    b.   alphanumeric

    A= fingerprints, time period, names, DOB, nationality, border check point, (cars' registration numbers).

27. Which persons should be targeted in the pilot project?
    a.   third country nationals without visa requirements
    b.   third country nationals who require a visa
    c.   all third country nationals
    d.   others

    All third country nationals.

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