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**NOTE**

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from : General Secretariat  
to : Working Party on Frontiers/Mixed Committee  
(EU-Iceland/Liechtenstein/Norway/Switzerland)

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Subject : **Questionnaire on the possible creation of a system of electronic recording of entries and exits of third country nationals in the Schengen area**

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Delegations will find attached the replies 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.

## Questionnaire

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).
  - b. how many border guards/police officers in total are performing border checks at the external borders?
  - c. how many entries of third country nationals did you have last year (2008)? (or estimation)
    - i. with visa
    - ii. without visa
  - d. how many exits of third country nationals did you have last year (2008)? (or estimation)
    - i. with visa
    - ii. without visa
  - e. how many entries of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation)
  - f. how many exits of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation)
  
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
  
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
  
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,
  - b. third country nationals without a visa,
  - c. EU citizens and travellers enjoying free movement of persons
  
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,
  - b. third country nationals without a visa,
  - c. EU citizens and travellers enjoying free movement of persons

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
  
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,
  - b. third country nationals without a visa,
  - c. EU citizens and travellers enjoying free movement of persons
  
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 application 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
  - b. within the territory
  
10. What sanctions does your country impose on overstayer detected at exit?
  
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)
  
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 experiences in this field, introduce biometrics?

**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?
  
14. What has been the added value of the entry/exit system?
  
15. Are all third country nationals' entries and exists recorded? If not, why not? What are the exceptions?

16. Is the information stored into a database
  - a. automatically, for example using MRZ,
  - b. manually or
  - c. combination using both methods.
  
17. How long does it take to insert all necessary information into database? If done,
  - a. automatically,
  - b. manually,
  - c. combination.
  
18. Which authorities have direct access to the entry/exit information?
  
19. Can other authorities use/have access to information stored into the database based on specific request? If yes, which authorities?
  
20. What kind of alphanumeric data is stored into database?
  
21. What are the search criteria of the entry/exit system and what search keys are used?
  
22. How long is the information stored? After the retention period expires, is the data deleted automatically?
  
23. How do you ensure that the system complies with general data protection standards?  
How is the security of the stored data ensured?

**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
  
25. How long should the pilot project last?
  
26. Which data should be collected in the pilot project?
  - a. alphanumeric and biometric
  - b. alphanumeric
  
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

## **BELGIUM**

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 which breakdown (e.g. third country nationals, broken down by persons holding a visa and persons without a visa)

There is no entry/exit system in place at the external border.

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

### **AIR BORDERS**

Zaventem	266
Deurne	15
Oostende	19
Wevelgem	4
Bierset	23
Gosselies	47
<b>TOTAL</b>	<b>374</b>

### **SEA BORDER**

Antwerpen	136
Gent	50
Zeebrugge & Blankenberge	81
Oostende & Nieuwpoort	76
Technical support team-(technical means for detecting stowaways)	16
<b>TOTAL</b>	<b>359</b>

### **LAND BORDER (RAIL)**

Eurostar	33
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**TOTAL 766**

- c. how many entries of third country nationals did you have last year (2008)?
  - i. with visa: - 355.000
  - ii. without visa: - 376.000
- d. how many exits of third country nationals did you have last year (2008)?
  - i. with visa: - 390.000
  - ii. without visa: - 443.000
- e. how many entries of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? - 2.613.000
- f. how many exits of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? - 4.375.000

Note 1: Numbers mentioned in c.-f. are based on a sample taken in April 2009 and are therefore indicative of the expected traffic in 2009. No such data exists for 2008.

Note 2: Elevated number of exits is a consequence of the juxtaposed control arrangements with the United Kingdom and France for Brussels-Midi Rail Station. This entails that only exit controls take place in Brussels-Midi. Entry controls are performed in the United Kingdom, before the boarding of the train, by the French authorities. Consequently, these entries are not included in the Belgian figures.

- 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

Not applicable. See above Note 2.

- 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: - 45 sec
  - b. third country nationals without a visa: - 30 sec
  - c. EU citizens and travellers enjoying free movement of persons: - 10 sec

**Observation for point a and b:** It takes up to 5 minutes longer in case of overstay

- 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: - 1 min 30 sec
  - b. third country nationals without a visa: - 45 sec
  - c. EU citizens and travellers enjoying free movement of persons: - 10 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: - 45 sec
  - b. third country nationals without a visa: - 30 sec
  - c. EU citizens and travellers enjoying free movement of persons: - 10 sec

**Observation for point a and b:** It takes up to 5 minutes longer in case of overstay

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
    - passenger on foot: - 1 min 30 sec
    - passenger by car/truck: - 3 min
    - seaman at counter: - 5 min
    - (Can take up to 15 minutes if a visa is to be issued and the letter of guarantee to be checked)
    - seaman on board: - 5 min
  - b. third country nationals without a visa
    - passenger on foot: - 45 sec
    - passenger by car/truck: - 2 min
    - seaman at counter: - 3 min
    - (Letter of guarantee has to be checked)
    - seaman on board: - 3 min
  - c. EU citizens and travellers enjoying free movement of persons
    - passenger on foot: - 10 sec
    - passenger by car/truck: - 45 sec
    - seaman: - 10 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
    - passenger on foot: - 1 min 30 sec
    - passenger by car/truck: - 1 min 30 sec
    - seaman at counter: - 2 min
    - seaman on board: - 3 min
  - b. third country nationals without a visa
    - passenger on foot: - 45 sec
    - passenger by car/truck: - 1 min
    - seaman at counter: - 1 min
    - seaman on board: - 2 min
  - c. EU citizens and travellers enjoying free movement of persons
    - passenger on foot: - 10 sec
    - passenger by car/truck: - 1 min
    - seaman: - 10 sec

**Observation for point a and b:** It takes up to 5 minutes longer in case of overstay

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

There are no solid government estimates on the number of illegal immigrants, to comment is to speculate. However, some studies state that there might be 110.000 up to 150.000 illegal immigrants in Belgium.

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

- a. at the border: - 780
- b. within the territory: - 24.452

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

They can continue their journey and leave the Schengen area, the detection of overstay is registered at the immigration office.

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)

No.

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 experiences in this field, introduce biometrics.

No.

#### **Possible pilot project - related questions**

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

In order to obtain a good understanding of the possible problems and delays that may arise, it is certainly recommended that a pilot project be carried out, for all types of borders (sea borders, air borders and land borders).

At the land borders in particular, one might expect (excessively) long delays when collecting biometric data when faced with a car with 4 passengers, or certainly when controlling buses.

Would it not be advisable to provide for exceptions with regards to biometrics for passengers not requiring visa on cruise ships?

25. How long should the pilot project last?

It should last for at least one month.



26. Which data should be collected in the pilot project?

A. To begin with, one should collect alphanumeric for one month. For one week during this month, biometric data should be collected as well. Pilot project could be extended as required.

27. Which persons should be targeted in the pilot project?

C. All third country nationals, in order to obtain a full assessment of the effect on the border check flows.

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## CZECH REPUBLIC

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 (those under visa obligation and those exempted from this obligation) are registered at entry/exit. Entries/exits of EU citizens are not being registered as of the beginning of 2009.
  - b. how many border guards/police officers in total are performing border checks at the external borders?

660 border guards.
  - c. how many entries of third country nationals did you have last year (2008)? (or estimation)
    - i. with visa - 300 675 persons
    - ii. without visa - 2 536 916 persons
  - d. how many exits of third country nationals did you have last year (2008)? (or estimation)
    - i. with visa - 284 651 persons
    - ii. without visa - 2 541 174 persons
  - e. how many entries of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation) - 4 322 955 persons
  - f. how many exits of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation) - 4 292 761 persons

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 Czech Republic does not have external land 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 Czech Republic does not have external land 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, - up to 90 seconds
  - b. third country nationals without a visa, - up to 60 seconds
  - c. EU citizens and travellers enjoying free movement of persons - up to 30 seconds

5. On average, how long does it currently take to perform an exit check at the external air border for
- third country nationals holding a visa, - up to 75 seconds
  - third country nationals without a visa, - up to 50 seconds
  - EU citizens and travellers enjoying free movement of persons - up to 30 seconds

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

The Czech Republic does not have sea borders.

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

The Czech Republic does not have sea borders.

8. How many illegal immigrants does your country have within the territory (estimation)?
- upper level estimate
  - 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 application for international protection etc. shall be excluded from the figures.*

Estimation of number of overstayers within the Czech Republic is not available. Only real numbers of detected illegal migrants are being collected.

9. How many overstayers did your country detect last year (2008)?
- at the border - 153
  - within the territory - 2377

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

The person can be fined in administrative delict proceedings (up to 5000 CZK fine). Further restrictive measures can be imposed – administrative expulsion, ban on entry in the territory up to 5 years.

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)

The procedures at different types of border crossing point as regards data collection should be the same. Required data can be read into the lustration program from document or visa machine-readable zone and then turned over into the EES.

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 experiences in this field, introduce biometrics?

The possible approach to start with collecting alphanumeric data should be further examined. It could help to learn about the system loading, total volume of received data and further processes connected with system functionality.

The introduction of collecting the biometric data would be a logical step in further development of the EES.

**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?

The Czech Republic does not use a full version of an ENTRY/EXIT system of that kind which is currently discussed at the Council level. The border guard only register entries/exits of third country nationals subject to visa obligation who applied for a visa at one of the Czech foreign representations. On the basis of these data records the period of stay and visa validity is being checked from the visa sticker. This information can be used in administrative or judicial proceedings.

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

Main task of the system is to monitor entry and exit of persons; system also provides information whether the foreigner stayed or stays in the territory - for administrative or penal procedure – it can serve as corroborative/supporting evidence, information is further used for statistics purposes etc.

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

All entries and exists of third country nationals holding Czech visa (described in answer to question 13) are recorded.

16. Is the information stored into a database
- automatically, for example using MRZ,
  - manually or
  - combination using both methods.

Combined method is used. Basic alphanumeric data are stored (number of visa sticker, number of travel document, name, surname, date of birth, nationality).

17. How long does it take to insert all necessary information into database? If done,
- automatically,
  - manually,
  - combination.

As mentioned the system works as a combination of two methods. An individual data insert takes up to 20 sec.

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

Only authorized personnel of the border guard have access to the system. In some justified cases the representatives of other authorities (Police, Ministry of Interior etc.) can access the system.

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

See answer to question 18.

20. What kind of alphanumeric data is stored into database?

The basic alphanumeric data are stored (number of visa sticker, number of travel document, name, surname, date of birth, nationality).

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

In general the alphanumeric data/combination is used for a search.

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

Information is stored for a period defined by Law. 326/1999 Coll. and is in accordance with legislation on data protection (up to 20 years based on the justified reason).

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

See answer to question 22.

**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?

It should last not less than one month.

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

Alphanumeric and biometric (phases possible too).

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.

Note: It is necessary to create a unified transliterate table for EES and guarantee effective interaction with other IT systems at the borders.

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## DENMARK

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).  
  
No, Denmark does not register the number of entries/exits at the border crossing points.
  - b. how many border guards/police officers in total are performing border checks at the external borders? - Approximately 200.
  - c. how many entries of third country nationals did you have last year (2008)? (or estimation)
    - i. with visa: - 150.000 (estimation)
    - ii. without visa: No information available
  - d. how many exits of third country nationals did you have last year (2008)? (or estimation)
    - i. with visa: No information available
    - ii. without visa: No information available
  - e. how many entries of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation)  
  
No information available
  - f. how many exits of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation)  
  
No information available
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
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  
Denmark has no external land 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,
  - b. third country nationals without a visa,
  - c. EU citizens and travellers enjoying free movement of persons

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,
  - b. third country nationals without a visa,
  - c. EU citizens and travellers enjoying free movement of persons
  
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
  
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,
  - b. third country nationals without a visa,
  - c. EU citizens and travellers enjoying free movement of persons

Reply to questions 4, 5, 6 and 7:

- a. Approximately 1 minute
  - b. Approximately one minute and a half
  - c. Approximately 10 seconds
- 
8. How many illegal immigrants does your country have within the territory (estimation)?
    - a. upper level estimate
    - b. lower level estimate

No information available.

*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 application 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
  - b. within the territory

There is no statistics available on “overstayers”, however statistics on aliens being expelled due to illegal stay according to the below mentioned section 25 b of the Danish Aliens Act shows that in 2006 and 2007 (statistics not published for 2008 yet) between 100 and 130 a year have been expelled on this ground.



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

In Denmark an alien may be expelled if the alien is staying in Denmark without the requisite permit, cf. section 25 b of the Danish Aliens Act. Furthermore, an alien can be liable to a fine or imprisonment for up to 6 months if he stays in Denmark without the requisite permit, cf. section 59, paragraph 1 iii.

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)

In order to make the system as efficient as possible, Denmark considers same procedure for all types of border-crossings as being the best solution.

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 experiences in this field, introduce biometrics?

On the one hand, it is important that the entry-exit system is underlining the security-issue pursued in the Council conclusions on the management of the external borders, and using biometrics seems the most secure data to use, taking advantage of the possibilities of modern technology at the same time. However, Denmark finds it essential to ensure full interoperability with existing and up-coming systems, and bearing in mind the financial aspect, it should be assured that lessons learned from inter alia the VIS is taken into account before launching a new system.

**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
25. How long should the pilot project last?
26. Which data should be collected in the pilot project?
- a. alphanumeric and biometric
  - b. alphanumeric

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

Answer to questions 24-27

Denmark considers a pilot project as close to the actual system intended as possible, as being the most valuable project, touching different aspects of a future system. In this view, it seems relevant and necessary to use experiences from the set-up and preparatory work on the VIS.

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## GERMANY

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, the number of persons entering or exiting Germany is registered at the border crossing points. The number is not broken down e. g. according to third country nationals requiring a visa and those who do not require a visa.

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

Overall, there are approx. 6,000 established posts for officers carrying out border checks at the external borders of the Schengen area; The Federal Police fulfils its statutory mission on the basis of a comprehensive approach (including railway security, border security, aviation security).

- c. how many entries of third country nationals did you have last year (2008)? (or estimation)
        - i. with visa
        - ii. without visa
      - d. how many exits of third country nationals did you have last year (2008)? (or estimation)
        - i. with visa
        - ii. without visa
      - e. how many entries of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation)
      - f. how many exits of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation)

c.-f.: It is not possible to provide such information. There are only figures on the overall number of travellers crossing the external borders of the Schengen area out of/into Germany. These figures are not broken down according to the criteria under c – f. (cf. our reply to question 1 a).

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

Not applicable. Germany has no external Schengen land border.

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

Not applicable. Germany has no external Schengen land border.

4. On average, how long does it currently take to perform an entry check at the external air border for
- third country nationals holding a visa - approx. 45 – 60 sec.
  - third country nationals without a visa - approx. 45 – 60 sec.
  - EU citizens and travellers enjoying free movement of persons - approx. 15 - 20 sec.
5. On average, how long does it currently take to perform an exit check at the external air border for
- third country nationals holding a visa - approx. 45 – 60 sec.
  - third country nationals without a visa - approx. 45 – 60 sec.
  - EU citizens and travellers enjoying free movement of persons - approx. 15 - 20 sec.
6. On average, how long does it currently take to perform an entry check at the external sea border for
- third country nationals holding a visa - approx. 45 – 60 sec.
  - third country nationals without a visa - approx. 45 – 60 sec.
  - EU citizens and travellers enjoying free movement of persons - approx. 15 - 20 sec.
7. On average, how long does it currently take to perform an exit check at the external sea border for
- third country nationals holding a visa - approx. 45 – 60 sec.
  - third country nationals without a visa - approx. 45 – 60 sec.
  - EU citizens and travellers enjoying free movement of persons - approx. 15 - 20 sec.
8. How many illegal immigrants does your country have within the territory (estimation)?
- upper level estimate
  - 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 application for international protection etc. shall be excluded from the figures.*

The database in Germany does not allow for a robust estimate of the number of persons staying in Germany without legal residence status.

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

a. at the border

This figure is not reported separately. Nor is the number of overstayers who are still living in the country (cf. b) or the number of overstayers detected in other Member States known.

b. within the territory

cf. our reply to questions no. 8. and 9.a.

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

Term of imprisonment of up to one year or a fine amounting to between 5 and 360 daily rates of between 1 and 5,000 Euro each (section 95 paragraph 1 item 2 Residence Act);

In case of negligence (section 98 paragraph 1 in conjunction with section § 95 paragraph 1 item 2 Residence Act): fine of up to 3,000 Euro.

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 experiences in this field, introduce biometrics?

Biometric features play an important role in matching individuals and documents and are thus an effective means for preventing identity theft. An entry/exit system that would include a functionality for identity checks on the basis of biometric features could therefore constitute a significant benefit for the performance of border checks.

As a matter of principle and i. a. for reasons of efficiency (expected follow-up costs due to technological progress; upgrading of the running system etc.) it would be preferable if all functionalities of the entry/exit system were available from the outset.

Also, one has to bear in mind that the registered travellers' program (RTP) which is to facilitate the border crossing procedure for bona-fide-travellers, relies on automated border checks on the basis of biometric features. With a view to at least partly balancing any potential negative impacts that might result from the introduction of the entry/exit system, (such as longer entry/exit checks), the RTP should be implemented at the same time as the entry/exit system.

**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

At all types of borders.

25. How long should the pilot project last?

For a minimum of one year.

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

Both 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

The pilot project should be targeted at all third country nationals. Biometric “gaps” should be avoided.

**Other comments/questions/issues to be discussed**

1. In order not to unduly encumber the clearance procedures at the border and with a view to allowing a (largely) automated data registration, one might consider
  - a) the introduction of limited exceptions for certain third country nationals (e. g. in the context of local border traffic);
  - b) the establishment by the Schengen States of criteria for the introduction of automated border checks for registered travellers and a more intense co-operation with third countries in the field of application documents / ePass / biometrics.
  
2. Substantial additional effort (in terms of time and staff) could become necessary not only during the checking/registration procedures at the border but also as a result of the follow-up use/analysis of the registered data if they are selected and verified (e. g. following-up on unclear cases; completion of missing/incomplete data sets) and subsequently archived. It will be necessary at an early stage to consider options for minimizing the effort e. g. through technical means and/or procedural regulations. In particular, it will be necessary to determine
  - a) what (operational) measures are taken if an overstayer is detected (a person who is either still within or attempting to re-enter the Schengen area);
  - b) what legal consequences might arise in case of an overstayer (e. g. if he is discovered to hold multiple identities etc.)
  - c) to what extent an overstayer data file may be checked against other data files (VIS, SIS II, Eurodac, ...).
  
3. It is only with the introduction of an entry-/exit system that the registered travellers' programs will become fully accessible for third country nationals. The basis on which the bona-fide status is to be accorded to travellers from third countries and the extent of the preceding security check by the border police need to be determined.

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## ESTONIA

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, Estonia registers all third country nationals, who are crossing the border.
  - b. how many border guards/police officers in total are performing border checks at the external borders?

550 border guards.
  - c. how many entries of third country nationals did you have last year (2008)? (or estimation)
    - i. with visa – 1 061 914 persons
    - ii. without visa – 713 815 persons
  - d. how many exits of third country nationals did you have last year (2008)? (or estimation)
    - i. with visa – 1 095 666 persons
    - ii. without visa – 648 172 persons
  - e. how many entries of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation)

1 046 308 persons (estimated)
  - f. how many exits of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation)

996 187 persons (estimated)
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 75 seconds per person;
  - b. third country nationals without a visa – average 50 seconds per person;
  - c. EU citizens and travellers enjoying free movement of persons – average 12 seconds per person.
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 55 seconds per person;
  - b. third country nationals without a visa – average 50 seconds per person;
  - c. EU citizens and travellers enjoying free movement of persons – average 12 seconds per person.



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 60 seconds per person;
  - b. third country nationals without a visa – average 40 seconds per person;
  - c. EU citizens and travellers enjoying free movement of persons – average 8 seconds per person.
  
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 50 seconds per person;
  - b. third country nationals without a visa – average 40 seconds per person;
  - c. EU citizens and travellers enjoying free movement of persons – average 8 seconds per person.
  
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 80 seconds per person;
  - b. third country nationals without a visa – average 50 seconds per person;
  - c. EU citizens and travellers enjoying free movement of persons – average 15 seconds per person.
  
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 70 seconds per person;
  - b. third country nationals without a visa – average 50 seconds per person;
  - c. EU citizens and travellers enjoying free movement of persons – average 15 seconds per person.
  
8. How many illegal immigrants does your country have within the territory (estimation)?
  - a. upper level estimate – 3000 persons (very estimated)
  - b. lower level estimate – 1500 persons (very estimated)

*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 application 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 – 322 persons
  - b. within the territory – 172 persons
  
10. What sanctions does your country impose on overstayer detected at exit?

Stay of alien in Estonia without a legal basis is punishable by a fine of up to 300 fine units or by detention (Aliens Act - § 16<sup>6</sup>. Stay of alien in Estonia without legal basis).

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)

There may be differences in border control procedures (for example: Automated Border Control), but not in dataset and operation of EES.

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 experiences in this field, introduce biometrics?

Yes, Estonia agrees with this opinion.

**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?

To control a stay of persons who are visa-free and persons who need a visa.

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

A stay of third country persons, who enter and depart through the Estonian external border can be controlled.

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

Yes.

16. Is the information stored into a database
- automatically, for example using MRZ,
  - manually or
  - combination using both methods.

All three.

17. How long does it take to insert all necessary information into database? If done,
- automatically – average 10 seconds per person;
  - manually – average 35 seconds per person;
  - combination – average 25 seconds per person.

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

The Security Police Board, Citizenship and Migration Board, Tax and Customs Board, Ministry of Foreign Affairs and Consular Posts, Police Authorities and Prosecutor's Office.

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

Yes. Courts.

20. What kind of alphanumeric data is stored into database?

Regarding person border crossing data, only following information to be entered in the database:

- 1) last name(s);
- 2) first name(s);
- 3) sex;
- 4) date of birth;
- 5) personal ID number;
- 6) document issued by the State (three letter code, name of country);
- 7) document type;
- 8) document number;
- 9) citizenship (three letter code of country, name of country);
- 10) type of visa;
- 11) number of visa;
- 12) number of persons who travelling with person and entered his/her document (children);
- 13) customs declaration number;
- 14) trip indicator;
- 15) border crossing direction (in/out);
- 16) name of border crossing point;
- 17) border crossing time (date and time);
- 18) the success of border crossing;
- 19) the role of person in border crossing;
- 20) examiner (data input) identifier;
- 21) event of last border crossing to grouping border crossing events.

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

Search criteria are same which in question 20.

Search keys are:

- 1) last name(s);
- 2) date of birth;
- 3) document number;
- 4) citizenship (three letter code of country, name of country);
- 5) number of visa;
- 6) border crossing time (date and time).

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

10 years. Data are not deleted automatically.

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

Both the electronic and physical access to data is controlled and limited organizational and IT activities.

**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?

12-18 months.

26. Which data should be collected in the pilot project?

- a. alphanumeric and biometric
- b. alphanumeric

Alphanumeric.

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.

\_\_\_\_\_

## SPAIN

### Replies to 5175/09

1. With regard to your border crossing points,
  - a. how many border guards/police officers in total are performing border checks at the external borders?  
  
1 660
  - b. how many entries of third country nationals did you have last year (2008)?
    - i. with visa
    - ii. without visa  
71 918 412
  - c. how many exits of third country nationals did you have last year (2008)?
    - i. with visa
    - ii. without visa  
70 634 961
  - d. how many entries of EU citizens and travellers enjoying free movement of persons did you have last year (2008)?
  - e. how many exits of EU citizens and travellers enjoying free movement of persons did you have last year (2008)?

The statistical data provided relate to 2007, since the data for 2008 have not yet been officially finalised.

In addition, in the statistical data as currently collected in Spain, the number of persons passing through authorised border crossing points at the external borders includes the figures for both EU citizens and third-country nationals. Nor is any distinction made between those travelling on a visa and those who do not need a visa.

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 minimum time for carrying out an entry check on a third-country national is 10 seconds without a visa and 15 with a visa, approximately, and 5 seconds for EU nationals and travellers entitled under Community law.

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

The minimum time for carrying out an exit check on a third-country national is approximately 7 seconds, and about 4 seconds for EU nationals and travellers entitled under Community law.

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

See reply to question 3.

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

See reply to question 2.

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

See reply to question 3.

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

Unknown.

9. How many illegal immigrants could be
- detected inside your country's territory,
  - detected at the external border (exit)
  - refused entry at the border with the help of an EU wide entry/exit system (estimation)?

If the system functioned correctly, all overstayers could be detected by consulting it.

10. How many illegal immigrants **could** be identified inside the territory with the help of an EU wide entry/exit system (**estimation**)? (for example undocumented persons not requiring a visa)

See reply to question 9.

11. How many overstayers did your country detect last year (2008)?
- at the border
  - within the territory

74 149 were detected within the territory.

12. What sanctions does your country impose on overstayer detected at exit?

If the person is leaving voluntarily via an external border, no sanction is imposed in these cases.

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## LATVIA

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. Latvia registers in the National entry/exit system (REIS-2002) all third country nationals entering/exiting Schengen territory at the external border (alphanumeric data). Additionally Latvia registers only number of entries/exits – all categories of persons crossing external border.

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

In total 195 border guards are carrying out border checks at external border BCP.

- c. how many entries of third country nationals did you have last year (2008)? (or estimation)
    - i. with visa - 410582 entries
    - ii. without visa - 118197 entries
  - d. how many exits of third country nationals did you have last year (2008)? (or estimation)
    - i. with visa - 465350 exits
    - ii. without visa - 100735 exits
  - e. how many entries of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation)

About 900 000 entries.

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

About 950 000 exits.

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 - 2-5 minutes.
  - b. third country nationals without a visa - 1-3 minutes.
  - c. EU citizens and travellers enjoying free movement of persons - Up to 1 minute.



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 - 2-5 minutes.
  - b. third country nationals without a visa - 1-3 minutes
  - c. EU citizens and travellers enjoying free movement of persons - Up to 1 minute
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 - 1-2 minutes
  - b. third country nationals without a visa - Up to 1 minute
  - c. EU citizens and travellers enjoying free movement of persons - Up to 30 seconds
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 - 1-1,5 minutes
  - b. third country nationals without a visa - Less than 1 minute
  - c. EU citizens and travellers enjoying free movement of persons - Up to 10 seconds
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

For passengers and crew time for border checks is the same like at the external air border from the moment a person presents a travel document to border guards or from the moment, when the passenger and / or crew list is presented to the border guards.

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,
  - b. third country nationals without a visa,
  - c. EU citizens and travellers enjoying free movement of persons

For passengers and crew time for border checks is the same like at the external air border from the moment a person presents a travel document to border guards or from the moment, when the passenger and / or crew list is presented to the border guards.

8. How many illegal immigrants does your country have within the territory (estimation)?
  - a. upper level estimate - 1500 illegal immigrants
  - b. lower level estimate - 300 illegal immigrants

*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 application 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 - 774 overstayers
- b. within the territory - 320 overstayers

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

Fines from 50 LVL (71,14 €) up to 250 LVL (355,72 €). Additionally an alert for refusal of entry (up to five years) may be issued in the national register.

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. Procedures for border checks depend on types of border, size of BCP, local situation.

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 experiences in this field, introduce biometrics?

Yes, Latvia agrees with such temporary solution, but considers the best results will be gained by using biometrics

**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?

The State Border Guard of the Republic of Latvia used information stored in the national EES for risk analysis and finding out trends in the field of illegal immigration. Information is also used for control of migration flows - entry and departure of third country nationals, detection of persons who over stood residence permits etc.

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

EES provides automatized border checks for persons, documents and vehicles in the national information systems (Population register, VIS, invalid documents, Register on entry bans, persons in search, vehicles in search, etc.), residence control of third country nationals on the Schengen territory, risk analysis, certifications of border crossings and providing of statistics.

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

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

16. Is the information stored into a database
- automatically, for example using MRZ,
  - manually or
  - combination using both methods.

Combination of both methods (C)

17. How long does it take to insert all necessary information into database? If done,
- automatically - Less than 1 minute
  - manually - 1 – 3 minutes
  - combination - Mostly up to 1 minute

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

The State Border Guard of the Republic of Latvia

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

Yes, the State Police, the Office of Citizenship and Migration Affairs, the State Revenue Service, the Inspection of Road Transport, the Corruption Preventing and Combating Bureau, the Security Police, the Consular Department and Consular offices abroad can have access to information stored into the database based on specific request.

20. What kind of alphanumeric data is stored into database?

Information on border crossing: BCP, date, time, direction (enter or exit), number of train or bus or flight on name of ship, number plate of vehicle.

Information on person: name, surname, sex, date of birth, citizenship, personal code (if included in the document), aim of entering, place of residence in Latvia.

Information on document: type, issuing country, date of issue, serial number, time of validity.

Information on visa or residence permit: type, issuing country, serial number, time of validity.

Information on vehicle: type, trademark, model, year, colour, VIN, country or registration, number plate, serial number of registration card.

Information on vehicle insurance policy: serial number, time of validity, issuing country.

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

Name, surname, date of birth, citizenship, personal code, serial number of document, issuing country.

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

10 years. Data cannot be deleted automatically.

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

REIS is secured system. Access to the data is permitted only to limited authorized personal. System is physically separated from public access, internet, transmitted data is always encrypted.

**Possible pilot project - related questions**

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

All types

Immigration control inside the country

25. How long should the pilot project last?

Up to 1 year

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

Alphanumeric and biometric (a)

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

All third country nationals (c)

## LITHUANIA

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. Lithuania registers third country nationals without breaking down by persons holding a visa and persons without a visa. Lithuania registers without breaking down by persons holding a visa, residence permit or other documents (for example, facilitated railway transit documents and etc.) too.

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

There are 3653 border guards working at the external borders. Lithuania does not have a concrete statistics braking down persons working at the external borders which are performing border checks, border surveillance and etc.

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

The common number without braking down by persons with/without visa is 2.045.610.

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

The common number without braking down by persons with/without visa is 1.974.263.

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

Lithuania can submit only approximate statistics in this case. It is approximately 2.401.813.

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

Lithuania can submit only approximate statistics in this case. It is approximately 2.096.508.

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 - 1-1,5 min.
  - b. third country nationals without a visa - 1 min.
  - c. EU citizens and travellers enjoying free movement of persons - 15 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 - 1-1,5 min.
  - b. third country nationals without a visa - 1 min.
  - c. EU citizens and travellers enjoying free movement of persons - 15 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 - 3-5 min
  - b. third country nationals without a visa - 3 min
  - c. EU citizens and travellers enjoying free movement of persons - 15 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 - 2-3 min
  - b. third country nationals without a visa - 2 min
  - c. EU citizens and travellers enjoying free movement of persons - 15 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 - 1-1,5 min
  - b. third country nationals without a visa - 1 min
  - c. EU citizens and travellers enjoying free movement of persons - 15 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 - 1-1,5 min
  - b. third country nationals without a visa - 1 min
  - c. EU citizens and travellers enjoying free movement of persons - 15 sec.
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 application for international protection etc. shall be excluded from the figures.*

Lithuania does not collect such kind of data.

9. How many overstayers did your country detect last year (2008)?
  - a. at the border - 676
  - b. within the territory - 476

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

According to national law overstayer gets written form obliging to depart from the Republic of Lithuania. In the same time according to Lithuanian Code on Administrative Offences the overstayer depending on his/her behaviour gets warning or fine.

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 not clear how it can be different procedures at different types of BCP as regards data collection in the same time collecting and entering into the system the same data from all BCP's. Lithuania would like to have some clarification as regards this question.

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 experiences in this field, introduce biometrics?

The aims of an entry/exit system could be achieved by collecting alphanumerical data together with biometrics. Alphanumerical data can lose the information after the conversion because of the difference of national alphabets.

**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?

The main functions of the VSATIS information system are:

1) check of persons, transport vehicles, numbered objects (things) that crosses the external state border and register data of third countries citizens;

Additional not included in VSATIS:

- 1) issuance of visas – using Ministry of Foreign Affairs application;  
2) administration of frontier control events;

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

More efficient control of persons, transport vehicles and etc. that are crossing the state border. In this way public order and national security is guaranteed too. It is a tool to fight illegal immigration and etc.

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

All recorded.

16. Is the information stored into a database
- automatically, for example using MRZ,
  - manually or
  - combination using both methods.

Default MRZ (for travel document), manually when MRZ is missing, visa date - manually.

17. How long does it take to insert all necessary information into database? If done,
- automatically - 5 sec. in stationary work place, 10 sec. in mobile work place.
  - manually - 1 min. in stationary work place, till 2 min. in mobile work place.
  - combination. - 35 sec. in stationary work place, till 1,5 min. in mobile work place.

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

Customs department, Migration department, Police department, Special investigation service, State tax inspection.

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

Yes. According to the separate request SBGS prepares certificates and replies to the request following order set by the law.

20. What kind of alphanumeric data is stored into database?

Besides other data such date on persons are collected: date, direction and place of crossing state border; citizenship; sex; number and type of persons document; personal code; title of border crossing point; connection with transport vehicle, visa type, visa number, visa country and etc.

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

Lithuania uses a set of various search criteria of the entry/exit system – post, crossing date, name, surname, birth date, citizenship, decisions of the officer and the system and etc.

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

They are stored for 10 years after their entry. After this term they are deleted.

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

This system is registered in the State Data Protection Inspectorate.



**Possible pilot project - related questions**

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

All types.

25. How long should the pilot project last?

2 years.

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

Alphanumeric and biometric.

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

All third country nationals.

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## LUXEMBOURG

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).

No, Luxembourg has no registration system.

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

First line at this moment there are 18 officers.

Second line, there are 5 officers.

In future planning's there should be a total of 30 officers.

- c. how many entries of third country nationals did you have last year (2008)? (or estimation)
        - i. with visa - between 15 and 25000 passengers with visa during a year.
        - ii. without visa - between 50.000 and 100.000 third country nations during a year.
      - d. how many exits of third country nationals did you have last year (2008)? (or estimation)
        - i. with visa - Between 15 and 25.000 passengers.
        - ii. without visa - 50.000 to 100.000 passengers during the year 2008.
      - e. how many entries of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation)

The total number of passengers at the entrance is 832247. Without the third country nationals with and without visa, there are around 700.000 EU citizens and travellers enjoying free movement.

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

The total number of passengers at the exit is 842539. Our estimation, under the same conditions as in question 1.e lies around 700.000 passengers.

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
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

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 - An average check will take 1 to 3 minutes.
  - b. third country nationals without a visa - An average check is done in 1 to 2 minutes.
  - c. EU citizens and travellers enjoying free movement of persons - 15 to 60 seconds.
  
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 - An average check in 1 to 2 minutes.
  - b. third country nationals without a visa - An average check is done in 1 minute.
  - c. EU citizens and travellers enjoying free movement of persons - 15 to 60 seconds.
  
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
  
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,
  - b. third country nationals without a visa,
  - c. EU citizens and travellers enjoying free movement of persons
  
8. How many illegal immigrants does your country have within the territory (estimation)?
  - a. upper level estimate

Speaking of 400.000 citizens in Luxemburg, Luxemburg estimates the number up to 3 % or 12.000 illegal immigrants in Luxemburg.

- b. lower level estimate

The lowest level is estimated to 1% or 4000 illegal immigrants in Luxemburg.

*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 application 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

No figures available, but estimate the number to several hundred overstayers.

- b. within the territory  
287 persons, where official measures were taken.  
A total estimation lies between 400 and 500 persons.

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

There are no special sanctions until now.

The ministry marks an observation in the system, but this is done without sanctions.

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)

Same system for every border type.

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 experiences in this field, introduce biometrics?

No, both systems should be operated together.

**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?

12 month.

26. Which data should be collected in the pilot project?

- a. alphanumeric and biometric
- b. alphanumeric

Alphanumeric and biometric.

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

Third country nationals who require a visa

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## HUNGARY

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, the Hungarian Police registers all third country nationals upon entry and exit. Distinction may be created between visa obligatory and visa exempted categories in the system.

- b. how many border guards/police officers in total are performing border checks at the external borders? - 4000
    - c. how many entries of third country nationals did you have last year (2008)? (or estimation) - 4.728.957 third country nationals
      - i. with visa - 3.630.588 persons
      - ii. without visa - 1.098.369 persons
    - d. how many exits of third country nationals did you have last year (2008)? (or estimation) 4.080.067 third country nationals
      - i with visa - 3.047.397 persons
      - ii. without visa - 1.032.670 persons
    - e. how many entries of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation) - 9.427.121 persons
    - f. how many exits of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation) - 8.927.376 persons
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, - 90 sec
  - b. third country nationals without a visa, - 40-45 sec
  - c. EU citizens and travellers enjoying free movement of persons 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, - 90 sec
  - b. third country nationals without a visa, - 40-45 sec
  - c. EU citizens and travellers enjoying free movement of persons 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, - 90 sec
  - b. third country nationals without a visa, - 30 sec
  - c. EU citizens and travellers enjoying free movement of persons - 15 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, - 90 sec
  - b. third country nationals without a visa, - 30 sec
  - c. EU citizens and travellers enjoying free movement of persons - 15 sec

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

Not relevant for Hungary.

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

Not relevant for Hungary.

8. How many illegal immigrants does your country have within the territory (estimation)?
- upper level estimate - 1000-1500
  - lower level estimate - few hundreds

*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 application for international protection etc. shall be excluded from the figures.*

9. How many overstayers did your country detect last year (2008)?
- at the border - 1409 persons (all arriving from other Schengen States transiting via Hungary and exiting the Schengen area at Hungarian BCP's)
  - within the territory - 53 persons

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

Such third country nationals are subject to fine up to 100 000 HUF. Against persons who fail to pay the fine, prohibition on entry and exit may be ordered.

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)

By using alphanumerical data only it does not cause any problem. Taking fingerprints, however, might have an effect on procedures especially at land (road and rail) BCP's.

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 experiences in this field, introduce biometrics?

Since Hungary has already applying national entry/exit system by using alphanumerical data, it could support the introduction EU entry/exit system by using biometric data from the beginning. However, it would be more important to introduce entry-exit system at European level as soon as possible, therefore as a first step, starting with alphanumerical data only could be accepted.

**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?

To detect overstayers and to calculate the lengths of the legal stay.

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

Apart from calculating the lengths of stay and establish the fact whether the person entered to or exited from the Schengen area via Hungary, there are certain additional advantages of the system:

- i. the number of passengers crossing the border may be counted (statistical information);
- ii. the information derived from the registered data (e.g. travelling habits of certain nationals, which BCP's are used more frequently by certain nationals etc.) could also be used in the analytical work,
- iii. in case of complaints as well as in disciplinary and corruption cases it could be re-established from the system which passport controller dealt with the passenger;
- iv. it also means an electronic supporting function for border checks;
- v. in case of a third country national is found in the country without an entry stamp in his/her passport, the date and place of entry may be established from the system if the person entered at a Hungarian BCP.

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

Yes, all third country nationals are recorded.

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

As a main rule, by using MRZ, but in case of a not machine readable document it also can be done manually.

17. How long does it take to insert all necessary information into database? If done,
- automatically - 10 sec
  - manually - 15-20 sec
  - combination - 15-20 sec

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

There is no direct access by other authorities provided by law.

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

The Police provides data from the register upon request to the

- Courts
- The Prosecution Services
- Other investigation authorities
- Aliens policing authority
- Asylum authority
- National security services.

20. What kind of alphanumeric data is stored into database?

- family and first name
- data of birth
- gender
- nationality
- type and number of the travel document
- type and number of the visa.

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

The system may be searched by any of the alphanumerical data stated in Point 20 or any combination thereof, as well as the date of the border crossing (by particular date or between two dates), the name of the BCP.

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

The data is stored for 6 months. After 6 months the data is deleted automatically.

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

The registration is purpose related, the data is stored only for the duration stated by the law, third party might have information only in cases stated by law. Access is provided only for those staff whose task requires it. Authorisation for access is clearly defined. The access is ensured by personal password changed regularly.

The system complies with CC and EAL3 security level.



**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

It should focus mainly on land borders (road, rail and river).

25. How long should the pilot project last?

At least 6 months.

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

Both 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.

## THE NETHERLANDS

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).

The border management authorities of the Netherlands do not register the number of entries or exits at the border. Registration of persons some times takes place by the airport eg Schiphol airport.

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

In the Netherlands roughly 1000 positions within the Royal Netherlands Marechaussee (RNM) and 108 Sea Port police are performing border checks at the external; borders. For the RNM the planned capacity to carry out control at the borders is 934.920 hours. This planned capacity is based on the annual planning of the RNM for 2008. In this planning the relevant types of border are mentioned. Roughly 60 percent is dedicated to the control of air borders. Converted to a number of positions, the total of human resources deployed by the RNM in the field of border management adds up to roughly 1000 positions.

- c. how many entries of third country nationals did you have last year (2008)? (or estimation)
        - i. with visa

Last year the Netherlands had at the border crossing point Rotterdam port (ambulatory) roughly 18.282 entries of third country nationals.  
For the other border crossing points the information is not available.

- ii. without visa

Last year the Netherlands had at the border crossing point Rotterdam port (ambulatory) roughly 2532 entries of third country nationals.  
For the other border crossing points the information is not available.

- d. how many exits of third country nationals did you have last year (2008)? (or estimation)
        - i. with visa

Last year the Netherlands had at the border crossing point Rotterdam port (ambulatory) roughly 19.130 exits of third country nationals.  
For the other border crossing points the information is not available.

- ii. without visa

Last year the Netherlands had at the border crossing point Rotterdam port (ambulatory) roughly 2702 exits of third country nationals.  
For the other border crossing points the information is not available.

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

Last year the Netherlands had at the border crossing point Rotterdam port (ambulatory) roughly 6801 entries of nationals of the Benelux and 13.966 of the EU.

For the other border crossing points the information is not available.

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

Last year the Netherlands had at the border crossing point Rotterdam port (ambulatory) roughly exits of 5638 of nationals of the Benelux and 14.149 of the EU.

For the other border crossing points the information is not available.

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

The Netherlands have no external land borders.

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

See answer 2.

4. On average, how long does it currently take to perform an entry check at the external air border for
- third country nationals holding a visa .- 30-60 seconds.
  - third country nationals without a visa - 15-30 seconds.
  - EU citizens and travellers enjoying free movement of persons - 5 and 15 seconds.

5. On average, how long does it currently take to perform an exit check at the external air border for
- third country nationals holding a visa - 30-60 seconds.
  - third country nationals without a visa - 12-30 seconds.
  - EU citizens and travellers enjoying free movement of persons - 5-15 seconds.

6. On average, how long does it currently take to perform an entry check at the external sea border for (this is the time of the entry check, not the time included of preparation)
  - a. third country nationals holding a visa - 30-60 seconds.
  - b. third country nationals without a visa - 30 seconds.
  - c. EU citizens and travellers enjoying free movement of persons - 5 and 15 seconds.
7. On average, how long does it currently take to perform an exit check at the external sea border for (this is the time of the entry check, not the time included of preparation)
  - a. third country nationals holding a visa - 30 and 60 seconds.
  - b. third country nationals without a visa - 30 seconds.
  - c. EU citizens and travellers enjoying free movement of persons - 5 and 15 seconds.
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 application 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,  
Approximately 942 were detected by the RNM at the border. Information on how many overstayers are detected by the Sea Port police is not available.
  - b. within the territory,  
Approximately 1008 were detected by the RNM within the territory. Information on how many overstayers are detected within the territory by the Police is not available.
10. What sanctions does your country impose on overstayer detected at exit?  
  
An overstayer can be registered in the SIS.
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)

Registration in an entry and exit system should be done at every type of border. As long as the same data is gathered. Different procedures for the different borders should be allowed. The main goal is collecting the same data.

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 experiences in this field, introduce biometrics?

Yes. Alphanumeric data should be collected. Biometric data could be collected only if the measure of taking biometric data is proportional to the objectives that need to be achieved.

**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 of borders should participate in a pilot project, because every (type of) Border has its own problems. To determine and face these specific problems during a pilot is the only way to solve them.

25. How long should the pilot project last?

At least six months.

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

Alphanumeric and biometric data should be collected in the pilot project. For this moment not every third country national has biometric features in the passports, but biometric will be standard in the future. The preference for testing will go out for both kinds of data. For the sea border a pilot project with a large number of passengers (cruise, ferry) could be a possibility.

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 targeted in the pilot project.

\_\_\_\_\_

## AUSTRIA

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).

No.

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

At the Border Control Stations at the six international airports 301 Border Police Officers are performing border checks.

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

Austria does not have any records on these numbers.

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

Austria does not have any records on these numbers.

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

Austria does not have any records on these numbers.

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

Austria does not have any records on these numbers.

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

As the duration of the controls is very different, an average period of the time cannot be told.

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

As the duration of the controls is very different, an average period of the time cannot be told.

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

As the duration of the controls is very different, an average period of the time cannot be told.

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

As the duration of the controls is very different, an average period of the time cannot be told.

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

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

8. How many illegal immigrants does your country have within the territory (estimation)?
- upper level estimate
  - 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 application for international protection etc. shall be excluded from the figures.*

Austria does not have any estimations about the number of illegal immigrants living in the country.

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

Austria does not hold any records about detected overstayers in the country. A concrete statistic is currently under preparation.

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

If an overstayer is detected, the person commits an administrative offence and can be fined up to 2.180 € (§ 120 FPG).

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)

Different procedures at different types of border crossing points should not be allowed as this would harm the effectivity of the system.

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 experiences in this field, introduce biometrics?

Collecting of alphanumerical data - at least for an initial period - should be sufficient concerning third country nationals who do not need a visa. Otherwise the traffic on high frequency border crossing points would nearly be paralyzed.

### **Possible pilot project - related questions**

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

All types.

25. How long should the pilot project last?

The pilot project should at least last three months.

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

Only alphanumeric data should be collected.



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

## POLAND

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).

For over 10 years the Polish Border Guard has been using an electronic system supporting the control of the border traffic that operates based on principles similar to these of the entry/exit system. Apart from the border control of persons, this system enables checks and registration of motor vehicles crossing the national border. For a year the system has been also used for the national border surveillance and control of residence legality in the Polish territory. In addition to border traffic control, its basic objectives include: enabling to determine the time, place and circumstances of border crossing in case when search, investigation or intelligence activities are being undertaken; moreover it provides materials for general analyses. The Polish Border Guard collects in the system all data that have been entered by a Polish Border Guard officer during the border control.

Currently a new system is being built which will constitute the Polish Border Guard Central Database in the future. The former functionality will be developed inter alia with an option for the system to communicate with other EU external systems (VIS and SIS II) and other national systems. It will also enable the persons' border control in local border traffic and will provide support for the second line control, including actions regarding visa application procedures, removal procedures and other administrative border procedures. The system will also enable the persons' biometric control (e-passports, visas). Additionally, the function of measuring the time of foreigners' stay has been provided for.

The system registers the border control of all persons crossing the border, i.e. Polish citizens, UE citizens and the citizens of all third countries (with and without visa). The data which is registered include: date, time and place of border crossing, personal data (with regard to persons who have been subject to thorough border control), information on travel document and residence permit/visa, in case such a document is required.

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

At present at the Polish external borders the border control is being performed by 7 705 officers.

The total number is divided into:

- 4531 at the land external border,
- 759 in sea ports,
- 2415 in the airports.

- c. how many entries of third country nationals did you have last year (2008)? (or estimation):

Total: 5 251 297:

- i. with visa – 255 618
- ii. without visa – 4 995 679

d. how many exits of third country nationals did you have last year (2008)? (or estimation)

Total: 5 250 837:

- i. with visa – 245 910
- ii. without visa – 5 004 827

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

- EU citizens (without PL citizens) and travelers enjoying free movement of persons - 1 334 322
- PL citizens – 11 121 068
- Total – 12 455 390

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

- EU citizens (without PL citizens) and travelers enjoying free movement of persons – 715 054
- PL citizens – 11 217 985
- Total – 11 933 039

2. On average, how long does it currently take to perform an entry check at the external land border for

	Stationary devices	Mobile devices
a. third country nationals holding a visa	2-3 min	3-5 min
b. third country nationals without a visa	1 min	1,5-2 min
c. EU citizens and travelers enjoying free movement of persons	10-15 sec	30 sec

3. On average, how long does it currently take to perform an exit check at the external land border for

	Stationary devices	Mobile devices
a. third country nationals holding a visa	1 min	2 min
b. third country nationals without a visa	30-45 sec	1 min
c. EU citizens and travelers enjoying free movement of persons	10-15 sec	30 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	2-3 min
b. third country nationals without a visa	1 min
c. EU citizens and travelers enjoying free movement of persons	10-15 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	1 min
b. third country nationals without a visa	30-45 sec
c. EU citizens and travelers enjoying free movement of persons	10-15ec

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	3 min
b. third country nationals without a visa	2 min
c. EU citizens and travelers enjoying free movement of persons	< 1 min

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	1,5 min
b. third country nationals without a visa	1 min
c. EU citizens and travelers enjoying free movement of persons	< 1 min

Note:

The estimated data quoted in points 6 and 7 cover the border control performer onboard the floating units with the use of mobile devices.

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 application for international protection etc. shall be excluded from the figures.*

The Polish Border Guard does not have data of this kind at its disposal.

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

- a. at the border - 3727
  - b. within the territory – 2035
  - c. at the airports - 88
- Total - 5850

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

In Poland exist two kinds of sanctions: administrative sanctions and penal sanctions:

- 1) Administrative sanctions :
  - a) Decision on expulsion of an alien from the territory of Poland,
  - b) Decision obliging an alien to leave the territory of Poland.
- 2) Penal sanctions : fines.

Note:

Sanctions should be harmonized, in particular the criteria of imposing sanctions should be uniform for all Member States.

There is need for appropriate EU legal instruments with regard to imposing sanctions. These may be guidelines for Member States, indicating the way of constructing new national legal provisions, as well as community laws concerning sanctions against aliens.

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)

Taking into consideration the fact that the entry/exit system will be external in relation to systems used by border services of all Member States (i.e. there will be no unified users' interface).

In the system it should always be gathered the same types of the alphanumerical data. System should allow for different procedures at different types of border crossing points as regards biometric 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 experiences in this field, introduce biometrics?

Yes, the process of gathering alphanumerical data will make it possible to achieve the goals of the system, i.e. measure the time-period of a foreigners' stay at the Schengen territory. To this aim the collection of biometrical data is not necessary. Biometrical data is needed to establish the identity of persons.

**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?

Data recorded in the system are used during the controls performed within the territory of the country which are aimed at verifying the period of stay and checking in the purpose of stay is not other then declared. Moreover, the system makes it possible to supervise activities undertaken by Polish Border Guard officers. The Polish system enables registration and control in the search databases with regard to motor vehicles (cars) crossing the border. The system is used for the purposes of state border surveillance and control of the legality of stay at the territory of Poland. The information registered in the system are being gathered for the purposes of the Polish Border Guard as well as other competent bodies.

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

The national entry/exit system:

- has influence on the improvement of border checks;
- makes it possible to verify the time of stay at the territory of Poland with regard to third country citizens; i.e. determine the time, place and circumstances of border crossing in case when search, investigation or intelligence activities are being undertaken;
- enables recording incidents at the border and their later analysis (excluding the cases when the control is relaxed in particular situations).

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

Data of all the third country citizens are registered in the system.

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

Information is recorded in the system in both ways: automatically (e.g. using MRZ) and manually.

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

The time of inserting data into the system depends on two main factors: the number of operations which must be completed by a Polish Border Guard officer with regard to a given case and the type of equipment which is being used for border control (stationary or mobile devices).

In case of using automatic method the time needed for inserting data into the system is c.a. 5 seconds, manual method – circa 20 seconds and combination of both methods – circa 20 seconds.

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

At present direct access to the systems have the Border Guard, the Police and the Internal Security Agency.

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

Other authorities, e.g. courts of law or public prosecutor's offices have the possibility of acquiring necessary information concerning crossing the border by way of submitting a written enquiry to the Polish Border Guard.

20. What kind of alphanumeric data is stored into database?

The following alphanumerical data should gathered in the system:

- a. thorough control:
  - nationality,
  - name/names,
  - surname/surnames,
  - date of birth,
  - sex (only in cases when a document reader is used),
  - time and place of crossing the border (number of BCP and the booth),
  - date and hour of crossing the border,
  - Direction (entry/exit),
  - Type and number of travel document/via (if visa is required).
- b. minimum control;
  - nationality,
  - type and number of document.

Moreover, the border traffic of vehicles is registered (plate number and/or VIN number, make of the vehicle, type of the vehicle, country of registration and number of registration card) as well as the “type” of person travelling in a vehicle is identified (e.g. driver, passenger).

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

There exist various search criteria, e.g. particular indicator, quick search (using limited number of criteria) or detailed search with the use of all the criteria registered in the system. The larger number of parameters is introduced, the more the search criteria are being narrowed down. Additionally, it is possible to perform a search with the use of meta-symbols (e.g. \* can stand for any sequence of signs).

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

Information in the polish system is being stored for the period of 15 years. After passing of this time the data are automatically erased.

The period of storing data in the system in controversial situations should be longer. In general while determining the periods of storing data on the third-country nationals who cross the border, one may use an analogy to the VIS system where the period of storing the data is at least 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?

The data is collected and registered in accordance with relevant national laws and the provisions of the Directive 95/46/EC, and in particular in accordance with the Article 6 which states that personal data are collected for legitimate and specific reasons.

**Possible pilot project - related questions**

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

From practical/technical point of view introduction of a pilot project should be considered as a good idea. At the same time one must think of how to solve the issue of organizing the pilot project in a limited number of states, in the situation of the lack of the border controls between the countries participating in the project and those which will not participate (i.e. in case when entry or exit of the foreigner takes place in a country which is not participating in the project.)

The pilot project (if it proves feasible) should cover all types of border crossing points, including especially those, where implementation of the system would encounter most serious difficulties.

25. How long should the pilot project last?

It seems justified to carry out the project for over 10 months. The optimal time period could be 12 months.

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

In the pilot project alphanumeric and biometrical data should be collected. The pilot project should indicate where is possible to use biometry and where could appear difficulties.

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

During implementation of the pilot project all third-country nationals should be registered, regardless of whether or not they require a visa.

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## ROMANIA

1. With regard to your border crossing points,  
a. do you register the number of entries/exits at your border crossing points?

Yes, the Romanian Border Police authorities have access to a national Entry/Exit system holding information recorded at 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).

All third country nationals are registered by name, while EU citizens are registered numerically, for statistic reasons.

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

In Romania, the border policemen are allotted at the local level to Border Police Sectors, both for control and surveillance activities. Currently, approximately 842 border policemen perform checks at the level of BCPs and 7.158 border policemen perform surveillance activities at the external EU border (with Serbia, Moldova, Ukraine and the Black Sea). If the entire Romanian border is concerned, including the borders with Hungary and Bulgaria, the total amount of policemen performing control and surveillance activities is 11.870 border policemen.

- c. how many entries of third country nationals did you have last year (2008)? (or estimation)  
i. with visa - 2.012.900 entries of third country nationals holding a visa were recorded in 2008 at the Romanian borders.  
ii. without visa - 964.536 entries of third country nationals not needing a visa were recorded in 2008 at the Romanian borders.
- d. how many exits of third country nationals did you have last year (2008)? (or estimation)  
i. with visa  
ii. without visa

The data related to having/not having a visa upon exit are not recorded. The total number of exits related to third country nationals is 3.541.862.

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

The number of persons enjoying the community right of free movement having entered Romania in 2008 amounts 17.920.445.

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

The number of persons enjoying the community right of free movement having left Romania in 2008 amounts 18.602.365.

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 - up to 2 minutes (without second line control)
  - b. third country nationals without a visa - up to 30 seconds (without second line control)
  - c. EU citizens and travellers enjoying free movement of persons - 10 seconds (without second line control)
  
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 . up to 30 seconds (without second line control)
  - b. third country nationals without a visa - up to 30 seconds (without second line control)
  - c. EU citizens and travellers enjoying free movement of persons - 10 seconds (without second line control)
  
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 - 50 seconds - 1 minute (without second line control)
  - b. third country nationals without a visa - 35 - 50 seconds (without second line control)
  - c. EU citizens and travellers enjoying free movement of persons - 10 - 15 seconds (without second line control)
  
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 - 35 - 50 seconds (without second line control)
  - b. third country nationals without a visa - 25 - 40 seconds (without second line control)
  - c. EU citizens and travellers enjoying free movement of persons - Up to 10 seconds (without second line control)
  
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 - 2-4 minutes (without second line control)
  - b. third country nationals without a visa - 1-3 minutes (without second line control)
  - c. EU citizens and travellers enjoying free movement of persons - Up to one minute.
  
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 - 1-3 minutes (without second line control)
  - b. third country nationals without a visa - 1-3 minutes (without second line control)
  - c. EU citizens and travellers enjoying free movement of persons - Up to one minute.

8. How many illegal immigrants does your country have within the territory (estimation)?
- upper level estimate - approximately 8000
  - lower level estimate - approximately 7500

*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 application for international protection etc. shall be excluded from the figures.*

9. How many overstayers did your country detect last year (2008)?
- at the border - Approximately 1.500.

Due to the fact that the national Entry/Exit system does not automatically alert the border guards on the exceed of the authorised stay, the data supplied are based on the number of petty offences inflicted by the Romanian Border Police structures to persons remained on the territory of Romania after the date established by the visa or by the residence permit or after the 3 months in 6 months from the date of first entry.

- within the territory - Approximately 4012 overstayers.

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

The national legislation provides for the following sanctions to be applied to overstayers:

- Fine, as follows:

- between 400 lei and 700 lei (approximately 100-165 Euros), for an overstay of up to 30 days after the expiration date of the term stated by the right of stay;
- between 600 lei and 1.000 lei (approximately 140-230 Euros), for an overstay of up to 60 days after the expiration date of the term stated by the right of stay;
- between 800 lei and 1.200 lei (approximately 190-280 Euros), for an overstay of more than 60 days after the expiration date of the term stated by the right of stay.

- Refusal of entry on the Romanian territory:

Aliens having legally entered Romania but having overpassed the term of stay will be denied entry on the Romanian territory, as follows:

- for one year, under the following conditions:
  - An overstay between 30 and 365 days, for aliens not having left the Romanian territory after the expiration date of their right of stay, either given by a visa or based on international conventions or other normative acts having unilaterally abolished the visa regime;
  - An overstay between 90 and 365 days, for aliens holding a temporary residence permit;
  - Aliens not having respected the removal decision and having been removed under escort.
- for 2 years, for illegal stays between 1 and 2 years;
- for 3 years, for illegal stays between 2 and 3 years;
- for 5 years, for illegal stays over 3 years.

The above-mentioned interdictions shall be reduced by half for aliens who:

- ask for assisted humanitarian voluntary repatriation;
- bear all expenses related to their removal from the Romanian territory;
- reimburse the Romanian Immigration Office the expenses for their removal from the Romanian territory;
- do not require expenses related to international transportation for their removal from the Romanian territory.

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, the future EES should take into account the type of border (especially railroad borders).

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 experiences in this field, introduce biometrics?

The aims of the system can be met by collecting only alphanumerical data. Biometrical data, at least in the initial phase, are not compulsory for achieving the goals of the system.

**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?

The information is used for countering illegal migration and cross-border crime, allowing to properly identifying third country nationals who have entered the Schengen area and who illegally reside on the Romanian territory, as a compensatory measure for the abolishment of controls at the internal borders, to verify the information in case of lack of entry stamp in travel document, etc.

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

The national EES has allowed us to have real-time data related to the presence on the national territory of aliens, means of transportation, etc.

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

Yes. There are no exceptions.

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

Automatically, for example using MRZ.

17. How long does it take to insert all necessary information into database? If done,
- automatically - 1-2 seconds
  - manually - 20 – 30 seconds
  - combination - Up to 30 seconds.
18. Which authorities have direct access to the entry/exit information?
- structures subordinated to the Ministry of Administration and Interior
  - Romanian Intelligence Service
  - Ministry of Defence
  - National Anti-Corruption Directorate
19. Can other authorities use/have access to information stored into the database based on specific request? If yes, which authorities?

Based on a specific request, the Romanian Border Police, as holder of the entry / exit data basis, provides other law enforcement authorities (Ministry of Justice, Ministry of Foreign Affairs, Foreign Intelligence Service, etc) with data related to border trafficking (entries / exits). The data can also be sent to similar foreign structures, based on the agreements in which RO is taking part, through the International Police Co-Operation Centre, the contact points/centres/bureaus, etc. The data can also be provided to other public institutions or authorities, if the data is to be used in order to enforce the prerogatives of the requesting structures (e.g. Financial Guard, National Customs Authority, local Councils, National Agency for Tax Administration, court enforcement officers, official receivers, etc.). The data can also be provided to the concerned person or to its legal representative, based on a written request.

20. What kind of alphanumeric data is stored into database?
- personal data of the third country national (name and surname, date of birth, citizenship)
  - data related to the travel document (type, number)
  - type of visa, purpose of the visa, declared purpose upon entry
  - data related to the means of transportation (licence plate, type, make, Vehicle Identity Number)
  - date of entry / exit
  - Border Crossing Point.
21. What are the search criteria of the entry/exit system and what search keys are used?
- Names;  
Date of birth;  
Citizenship;  
Document number;  
Licence plate;  
Last six numbers of the Vehicle Identity Number;  
Border Crossing Point;  
Direction;  
Border crossing date.

22. How long is the information stored? After the retention period expires, is the data deleted automatically?
- data related to persons and goods stored in such a data base are to be kept for a period between 1 and 3 years. After this deadline, the period can be extended for another 3 years, if the operative situation requires so;
  - all erased data are to be stored by the system for one year, and afterwards will be destroyed.
23. How do you ensure that the system complies with general data protection standards? How is the security of the stored data ensured?

The security level of the system fully complies with the national legislation regarding the protection of personal data. As for the special security measures, the system is available only through the intranet network of the Ministry of Administration and Interior and can only be accessed by certified users, using passwords.

**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?

A period of 1 year would allow us to identify most of the possible errors and to ensure the response times of the system in full compliance to the Schengen standards.

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

Alphanumeric and biometric, at least in the first phase of the project, in order to detect the eventual problems in the collection of biometrical 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.

## SLOVENIA

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).

Slovenia keeps a register of entries and exits of travellers separated on third country nationals and EU nationals.

Slovenia does not keep data divided of third country nationals with visa and without visa or residence permit.

- b. how many border guards/police officers in total are performing border checks at the external borders?
- c. how many entries of third country nationals did you have last year (2008)? (or estimation)
  - i. with visa
  - ii. without visa

Slovenia had together 14.549.797 entries of third country nationals.

Please find attached in Annex the statistical data regarding entries and exits of third country nationals at two border crossing points for selected period of time.

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

Slovenia had together 13.964.331 exits of third country nationals. Slovenia does not keep data divided on third country nationals with visa and without visa.

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

Last year Slovenia had 14.283.895 entries of EU citizens (only EU nationals).

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

Last year Slovenia had 13.801.493 exits of EU citizens (only EU nationals).

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

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
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,
  - b. third country nationals without a visa,
  - c. EU citizens and travellers enjoying free movement of persons
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,
  - b. third country nationals without a visa,
  - c. EU citizens and travellers enjoying free movement of persons
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
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,
  - b. third country nationals without a visa,
  - c. EU citizens and travellers enjoying free movement of persons
8. How many illegal immigrants does your country have within the territory (estimation)?
  - a. upper level estimate
  - b. lower level estimate

Last year Slovenia detected 1186 persons crossing the border illegally.

*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 application 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
  - b. within the territory

In 2008 Slovenia detected 1280 overstayers at the border and 107 within the territory (total 1387).



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

Overstayer detected at exit is punished with a fine (from 400-1200 EUR).

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)

Slovenia thinks the aim of an EES is to detect those third country nationals who have overstayed in the territory of EU. For this reason Slovenia thinks the procedures could be adjusted regarding the types of the border regarding data collection.

With collecting too many data of the passenger the time needed for border checks is prolonged and border guards will keep their focus too much on capturing of data instead of performing profiling, interviewees, verification of documents, etc. At final all those data are not needed for detection of third country overstaying in the EU but for other purposes (intelligence, risk analysis...).

For that reason Slovenia believes that different procedures at different types of borders as regards data collection could be considered.

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 experiences in this field, introduce biometrics?

Slovenia strongly supports such approach to start with the entry/exit system for initial period and collect only alphanumerical data and only after gaining enough experiences start with introducing biometrics.

### **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

A pilot project should be implemented at all types of borders since the future system on entry exit has to be functional at all types of borders at the same time.

25. How long should the pilot project last?

The pilot project should include periods of low and periods of high traffic.

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

The pilot project should test all possibilities (capturing only alphanumeric and 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

The pilot project should include all third country nationals.

<b>NUMBER OF THIRD COUNTRY NATIONALS CROSSING CROATIAN SLOVENIAN BORDER</b>					
<b>Border crossing point OBREZJE</b>			<b>Border crossing point GRUŠKOVJE</b>		
date	number of third country nationals (TCN) with visa	number of TCN without visa or with resident permit	date	number of third country nationals (TCN) with visa	number of TCN without visa or with resident permit
19.2.2008	<b>1.504</b>	<b>2.758</b>	19.2.2008	<b>602</b>	<b>1.831</b>
20.2.2008	<b>1.747</b>	<b>3.153</b>	20.2.2008	<b>1.157</b>	<b>2.029</b>
21.2.2008	<b>2.234</b>	<b>3.832</b>	21.2.2008	<b>1.365</b>	<b>1.456</b>
22.2.2008	<b>2.138</b>	<b>4.748</b>	22.2.2008	<b>1.978</b>	<b>3.365</b>
23.2.2008	<b>3.899</b>	<b>10.092</b>	23.2.2008	<b>2.016</b>	<b>4.589</b>
24.2.2008	<b>2.477</b>	<b>6.658</b>	24.2.2008	<b>1.879</b>	<b>3.968</b>
25.2.2008	<b>2.816</b>	<b>4.746</b>	25.2.2008	<b>911</b>	<b>1.506</b>
<b>TOTAL</b>	<b>16.815</b>	<b>35.987</b>	<b>TOTAL</b>	<b>9.908</b>	<b>18.744</b>
3.3.2008	<b>2.549</b>	<b>4.746</b>	3.3.2008	<b>1.067</b>	<b>2.188</b>
4.3.2008	<b>2.627</b>	<b>5.038</b>	4.3.2008	<b>872</b>	<b>1.652</b>
5.3.2008	<b>4.969</b>	<b>6.006</b>	5.3.2008	<b>1.279</b>	<b>2.414</b>
6.3.2008	<b>4.636</b>	<b>5.352</b>	6.3.2008	<b>1.729</b>	<b>3.250</b>
7.3.2008	<b>4.937</b>	<b>6.945</b>	7.3.2008	<b>1.583</b>	<b>2.905</b>
8.3.2008	<b>4.127</b>	<b>7.488</b>	8.3.2008	<b>1.510</b>	<b>4.326</b>
9.3.2008	<b>4.524</b>	<b>7.777</b>	9.3.2008	<b>1.467</b>	<b>1.895</b>
<b>TOTAL</b>	<b>28.369</b>	<b>43.352</b>	<b>TOTAL</b>	<b>9.507</b>	<b>18.630</b>
19.3.2008	<b>3.488</b>	<b>5.781</b>	19.3.2008	<b>1.295</b>	<b>2.578</b>
20.3.2008	<b>10.881</b>	<b>12.098</b>	20.3.2008	<b>1.657</b>	<b>3.569</b>
21.3.2008	<b>6.322</b>	<b>5.508</b>	21.3.2008	<b>369</b>	<b>712</b>
22.3.2008	<b>3.726</b>	<b>5.897</b>	22.3.2008	<b>1.403</b>	<b>2.104</b>
23.3.2008	<b>3.067</b>	<b>4.987</b>	23.3.2008	<b>585</b>	<b>880</b>
24.3.2008	<b>8.436</b>	<b>9.258</b>	24.3.2008	<b>1.081</b>	<b>2.030</b>
25.3.2008	<b>4.005</b>	<b>6.760</b>	25.3.2008	<b>1.906</b>	<b>2.751</b>
<b>TOTAL</b>	<b>39.925</b>	<b>50.289</b>	<b>TOTAL</b>	<b>8.296</b>	<b>14.624</b>
	<b>85.109</b>	<b>129.628</b>		<b>27.711</b>	<b>51.998</b>

## SLOVAKIA

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).

All third country nationals are registered at entries and exits (third country nationals under visa obligation and those from this obligation exempted).

- b. how many border guards/police officers in total are performing border checks at the external borders? - 618 police officers.
    - c. how many entries of third country nationals did you have last year (2008)? (or estimation)
      - i. with visa - 279 573
      - ii. without visa - 192 574
    - d. how many exits of third country nationals did you have last year (2008)? (or estimation)
      - i. with visa - 222 000
      - ii. without visa - 227 288
    - e. how many entries of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation) - 691 230
    - f. how many exits of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation) - 687 226
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 – 3-5 minutes per person,
  - b. third country nationals without a visa – 2 minutes per person,
  - c. EU citizens and travellers enjoying free movement of persons – 10-20 seconds per person
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 – 2-3 minutes per person,
  - b. third country nationals without a visa – 1-2 minutes per person,
  - c. EU citizens and travellers enjoying free movement of persons – 10-20 seconds per person
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 - 3-5 minutes per person,
  - b. third country nationals without a visa – 2 minutes per person,
  - c. EU citizens and travellers enjoying free movement of persons – 10-20 seconds per person
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 – 2-3 minutes per person,
  - b. third country nationals without a visa – 1-2 minutes per person,
  - c. EU citizens and travellers enjoying free movement of persons – 10-20 seconds per person

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

The Slovak Republic does not have external sea border.

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

The Slovak Republic does not have external sea border.

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

The Slovak Republic does not perform these statistics. Estimation data could be very inaccurate.

*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 application for international protection etc. shall be excluded from the figures.*

9. How many overstayers did your country detect last year (2008)?
- at the border - 261
  - within the territory - 438

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

- administrative expulsion
- ban on entry
- fine

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)

No.

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 experiences in this field, introduce biometrics?

Yes, Slovakia supports this procedure.

**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?

Data is used to carry out the tasks of the Police Force (border control, combating terrorism and organised crime, detecting criminal acts and identifying their perpetrators and etc.) and other security authorities of the Slovak Republic. Data is also used for statistics and risk analyses.

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

The added value of the information system is the possibility of feedback analysis of all border crossings (identification of overstayers), possibility of feedback analysis of fellow passengers and also identification of means of transport used. Information is also used in return policy, mainly for identification of persons and provision of emergency travel documents for them.

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

All third country nationals' entries and exists are recorded. Exemption is in cases of relaxation of border checks according to article 8 SBC.

16. Is the information stored into a database
- automatically, for example using MRZ,
  - manually or
  - combination using both methods (mainly by using MRZ).

17. How long does it take to insert all necessary information into database? If done,
- automatically – 5-20 seconds,
  - manually – 2-3 minutes,
  - combination – 1-2 minutes.

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

Only Police Force bodies have direct access to the entry/exit information.

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

Yes. On the ground of a written application is the information stored into the database given to:

- Office of the Public Prosecutor
- Courts
- Slovak Intelligence Service
- Military Intelligence
- Military Police
- Corps of Penitentiary and Justice Guards
- Railroad Police
- Customs
- Ministry of Justice of the Slovak Republic
- Ministry of Foreign Affairs of the Slovak Republic
- National Security Authority

20. What kind of alphanumeric data is stored into database?

Following data is collected:

- First name
- Surname
- Date of birth
- Sex
- Nationality
- Number of travel document
- Number of other document (visa, residence permit)
- Direction of moving (entry or exit)
- Date of entry/exit
- Name of BCP
- Identification of means of transport

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

Standard search is possible under following criteria:

1. Surname
2. First name
3. Date of birth
4. Number of travel document
5. Other document (e.g. visa)

Possible are the following combinations of the abovementioned:

- a) online 1+2+3/ 1+2+3+4/ 1+2+3+4+5/ 1+2+3+5
- b) offline 1/ 1+2/ 1+2+3/ 1+2+3+4/ 1+2+3+4+5/ 1+2+3+5/ 1+3/ 3/ 4/ 5

Following filters can be used:

- a) Nationality
- b) BCP
- c) Direction of moving

By means of transport following search is possible:

- a) Vehicles can be searched according to plate number or VIN
- b) Trains or aircrafts can be searched according to the connection number or flight number

It is also possible to use filters according to BCP or direction of moving.

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

Information is stored for 5 years. Data is deleted automatically after these 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 protection of entry/exit information is guaranteed by the Act on Police Force (171/9993).  
Technical solution: Only one central database – online access. Data is stored on one place.

### **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?

One year.

26. Which data should be collected in the pilot project?

- a. alphanumeric and biometric
- b. alphanumeric

Alphanumeric and biometric

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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## SWEDEN

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).

No, Sweden does not register the number of entries/exits at our BCP:s.

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

Approximately 800 persons have border guard duties.

- c. how many entries of third country nationals did you have last year (2008)? (or estimation)
    - i. with visa
    - ii. without visa
  - d. how many exits of third country nationals did you have last year (2008)? (or estimation)
    - i. with visa
    - ii. without visa
  - e. how many entries of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation)
  - f. how many exits of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation)

c-f) Unfortunately Sweden is unable to provide this information, divided as requested. However, in 2007, 4.418.000 persons crossed the external maritime border, whereas 5.616.000 persons crossed the external border at airports. The same year, Sweden received 202.271 visa applications.

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

Not applicable

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

Not applicable

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,
  - b. third country nationals without a visa,The average time for establishing whether a third country national with or without a visa has the right to enter the territory or not, is 90 seconds.
  - c. EU citizens and travellers enjoying free movement of persons  
The average time to check an EU citizen at entry is 20 seconds.
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,
  - b. third country nationals without a visa,a-b) The average time for performing an exit check for a third country national with or without a visa is 40 seconds.
  - c. EU citizens and travellers enjoying free movement of persons  
The average time to perform an exit check for an EU national is 20 seconds.
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
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,
  - b. third country nationals without a visa,
  - c. EU citizens and travellers enjoying free movement of persons

6-7) Presently Sweden does not have any regular ferry traffic crossing the external border.

However, the Swedish guidelines say that entry checks for third country nationals should take no more than 90 seconds and for EU citizens no more than 20 seconds. The same guidelines stipulate maximum 40 seconds at exit for third country nationals and 20 seconds for EU citizens.

8. How many illegal immigrants does your country have within the territory (estimation)?
- upper level estimate
  - 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 application for international protection etc. shall be excluded from the figures.*

Sweden has an estimated amount of 7 800 illegal immigrants. This estimation is built on the number of aliens that have been denied permission to stay in the country and are now wanted because they are evading/hiding from a removal order being put into effect.

9. How many overstayers did your country detect last year (2008)?
- at the border - Approximately 700 persons
  - within the territory - Unfortunately, no information is available.
10. What sanctions does your country impose on overstayer detected at exit?

According to the Aliens Act, an alien who has overstayed in Sweden with intent or by negligence without the appropriate permission will be fined.

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)

Regarding enrolment, all Member States should strive to collect the same set of data. The success of any biometric system is highly dependent of the quality and amount of data collected. Because of this, it is crucial to have a harmonised view on what level of quality of biometric data that is sufficient.

Sweden believes it is necessary to perform the same kind of registration regardless of the type of border. If different types of checks were performed, those individuals who do not want to be registered, would choose to cross the external border where it is easiest to slip through without being properly registered or checked.

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 experiences in this field, introduce biometrics?

In order to have a complete control, collection of alphanumerical as well as biometrics should be made also initially.

All the problems that come from the method of stamping documents (unreadable stamps, manipulated stamps, lack of stamps, removed pages etc.) will be solved. However, biometrics adds the features of secure verification and identification of third country nationals registered in the system. The use of biometrics for verification purposes will be an effective tool in the combat against look-alike use of travelling documents. For identification purposes, biometrics might be used in order to identify over-stayers without documents within the Schengen area.

However because of financial reasons, a period of transition is perhaps necessary.

### **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

A pilot project at a busy border control point with the aim of learning more about the implications from longer queues would be interesting. This knowledge would be valuable input to the discussion about automated border control solutions. Preferably, this pilot is executed at a large international airport. Moreover, a pilot project with the aim of evaluating mobile devices for identifying over-stayers would be welcome. This could be done anywhere within the Schengen territory.

25. How long should the pilot project last?

Four months seem to be an appropriate period of time.

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

Both alphanumeric and biometrics should be collected in the pilot project.

If only alphanumeric information is collected in the pilot project, the later evaluation would not give a complete picture of the advantages and disadvantages with the recording of entries/exits.

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 targeted. Again, reference is made to the possibility of getting a full picture in the evaluation of the pilot project.

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## UNITED KINGDOM

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).

Information not available.

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

There are approximately 4,500 Border Officers involved in performing Border checks. This includes Directors/Managers and backroom support. There are also approximately 4,500 officers involved in Anti smuggling checks and carrying out the examination of passengers baggage/Freight etc in regards to Prohibited and restricted goods entering the UK.

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

Information not available.

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

Information not available.

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

Information not available.

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

Information not available.

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

Not applicable.

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

Not applicable.

4. On average, how long does it currently take to perform an entry check at the external air border for
- third country nationals holding a visa, - Approximately 2 minutes or less
  - third country nationals without a visa - Approximately 3 minutes or less
  - EU citizens and travellers enjoying free movement of persons - 30 seconds or less (between 8 and 30 seconds depending on whether automated gates are used)
5. On average, how long does it currently take to perform an exit check at the external air border for
- third country nationals holding a visa,
  - third country nationals without a visa,
  - EU citizens and travellers enjoying free movement of persons

Exit checks are rarely carried out at airports so no data is available in this area.

6. On average, how long does it currently take to perform an entry check at the external sea border for
- third country nationals holding a visa - Between 1 and 4 minutes
  - third country nationals without a visa - Between 3 and 4 minutes
  - EU citizens and travellers enjoying free movement of persons - 30 seconds or less
7. On average, how long does it currently take to perform an exit check at the external sea border for

Exit checks are rarely carried out at Sea ports so the following figures are based on minimal available data.

- third country nationals holding a visa - Approximately 2 minutes
- third country nationals without a visa - Approximately 2 minutes
- EU citizens and travellers enjoying free movement of persons - Less than 1 minute



8. How many illegal immigrants does your country have within the territory (estimation)?
- upper level estimate
  - lower level estimate
- Since the phasing out of embarkation controls in 1994 United Kingdom have been unable to count people out of the country, and is therefore unable to produce an accurate estimate for the number of people who are in the country illegally. By its very nature it is impossible to quantify accurately and that remains the case.
  - Although it is impossible to determine accurately how many people are in the UK illegally, the Home Office published the report “Sizing the unauthorised (illegal) migrant population in the UK in 2001” which included an estimate of the size of the illegal migrant population in the UK in 2001 (430,000 within a range of 310,000 - 570,000, (0.7% of population)).
  - The report made clear that this was only an estimate and should not be seen as a definitive figure. As mentioned in the report, the only method to estimate the size of the unauthorised migrant population in the UK that currently can sensibly be applied is the residual method. The method relies on data from the Census undertaken every 10 years, so it is not possible to update this estimate.
  - As part of our modernisation programme at the border United Kingdom is rolling out a full electronic border and information system called e-Borders (see questions 13 to 23). This e-Borders system will collect information about people who travel to and from our country, count them in and out, and screen them before arrival. e-Borders is currently being implemented and aims to capture 100% of passenger and crew movements into and out of the UK by 2014.

*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 application for international protection etc. shall be excluded from the figures.*

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

This information is not suitable for publication until it has met UK Border Agency quality assurance.

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

The UK Immigration, Asylum and Nationality Act 2006 allows for an overstayer detected at our embarkation control to be detained for a period of up to twelve hours. Following a detailed interview with the overstayer they would be allowed to continue their journey. A detailed report of the interview will be available on the UKBA Warnings Index to ensure that, should the passenger seek to enter the UK again, consideration will be given to the breach of the individual's previous entry conditions.

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)

Passenger data may need to be collected in different ways because of the means of transport – eg buses, trains, passengers in both private and freight vehicles. Also some passengers may hold machine-readable travel documents, others conventional printed types. In some cases control may be performed outdoors, officers using mobile data capture devices, at other times data may be acquired from carriers and passengers fast-tracked on a risk assessment basis. A one-size-fits-all solution might not be viable. However, United Kingdom would not wish to see a more relaxed regime at one type of border than another (for example no capture/checking of biometric identifiers at land borders in peak season but year round at air borders) as this would undermine any security benefits from the introduction of an EES.

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 experiences in this field, introduce biometrics?

It should collect biometrics from the outset as this would lead to quicker identification of persons. However, there could be some collection of just alphanumerical data and some of alphanumerical and biometric in order to better inform the trial. Both are required if it is to be done properly, but clearly biographic data is the priority.

**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?

The purpose of e-Borders is to collect and analyse passenger, crew and service data provided by air, maritime and rail carriers in respect of all journeys to and from the United Kingdom in advance of travel. e-Borders will provide the capability to risk assess all future passengers; and where necessary intervene against those considered to be high risk. The data will be checked in the UK against watch lists containing information about people and documents of interest to the authorities.

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

As a key component of the Government's wider strategy to create a more secure and integrated border, e-Borders was designed to complement the UK counter terrorism strategy. It will establish an intelligence led border control and security framework, based on electronic processing of information relating to all travellers to and from the UK for all modes of transport.

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

There are no exceptions under e-Borders. Carriers will be required to submit all passenger and crew data for all journeys into and out of the UK.

16. Is the information stored into a database
- automatically, for example using MRZ,
  - manually or
  - combination using both methods.

Automatically, for example using MRZ.

17. How long does it take to insert all necessary information into database? If done,
- automatically,
  - manually,
  - combination

Automatically, (This is done by the carriers prior to travel).

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

The UK Border Agency (including HM Revenue and Customs Detection Branch), the Police, and Serious Organised Crime Agency.

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

Other government agencies and departments may request information provided a legal gateway exists.

20. What kind of alphanumeric data is stored into database?

This is biographical information, relating to a passenger, contained in the machine readable zone (MRZ) of their passport, and includes name, date of birth, nationality, gender, travel document type, state of issue number and expiry date.

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

Alphanumeric against watch lists.

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

The main Travel Document Information is retained for 10 years (5 years on line and 5 years archive)

23. How do you ensure that the system complies with general data protection standards?

Data protection is central to e-Borders. The data is subject to rigorous safeguards including tight access control criteria and an audit trail of the work of the officers entitled to see that data. The UK Border Agency has worked with the Information Commissioner's Office to draw up a Code of Conduct for the use and protection of the gathered data. The Code is subject to regular review. Robust safeguards have been incorporated to ensure that the rights of data subjects are respected and to ensure that data is processed only where necessary and proportionate. These safeguards ensure that e-Borders use of data complies fully with the UK Data Protection Act 1998, which implemented EU Directive 95/46/EC into national law.

How is the security of the stored data ensured?

Stringent controls have been put in place to protect data collected through the e-Borders system. Everyone with access to the system has been security cleared with only a limited number of people able to access the full database; and the computer systems have been security accredited surpassing recognised international industry standards.

**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- It would be useful to trial all particularly maritime
- b. other

All types.

25. How long should the pilot project last?

6 to 12 months.

26. Which data should be collected in the pilot project?

- a. alphanumeric and biometric
- b. alphanumeric Biometric data is not collected routinely and it will be easier to trial this at a later date

The United Kingdom would recommend alphanumeric and biometric but for the purposes of the trial, some locations could use a and some b in order to better inform the trial.

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 a wider spread of categories will allow us to test the system more rigorously
- d. others

All third country nationals.

## SWITZERLAND

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).

In principle, entries and exits are not registered. Only one airport of the category C collects similar data.

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

Approximately 650 border guards/police officers.

- c. how many entries of third country nationals did you have last year (2008)? (or estimation)
    - i. with visa
    - ii. without visa
  - d. how many exits of third country nationals did you have last year (2008)? (or estimation)
    - i. with visa
    - ii. without visa
  - e. how many entries of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation)
  - f. how many exits of EU citizens and travellers enjoying free movement of persons did you have last year (2008)? (or estimation)

c- f. The total numbers of passengers (EU/EFTA and third countries nationals, entry and exit) is estimated 32 millions per year.

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

Liechtenstein, with which Switzerland shares the only external land border, should also become part of the Schengen area in the next one to two years. Data concerning the entry checks on land borders are therefore not relevant for a future EES.

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

Liechtenstein, with which Switzerland shares the only external land border, should also become part of the Schengen area in the next one to two years. Data concerning the entry checks on land borders are therefore not relevant for a future EES.

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 - 40-60 seconds.
  - b. third country nationals without a visa - 30-60 seconds.
  - c. EU citizens and travellers enjoying free movement of persons - 7-30 seconds.
  
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 - 30-60 seconds.
  - b. third country nationals without a visa - 25-60 seconds.
  - c. EU citizens and travellers enjoying free movement of persons - 7-30 seconds.
  
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

Switzerland does not have external sea borders.

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,
  - b. third country nationals without a visa,
  - c. EU citizens and travellers enjoying free movement of persons

Switzerland does not have external sea borders.

8. How many illegal immigrants does your country have within the territory (estimation)?
  - a. upper level estimate - 120'000
  - b. lower level estimate - 80'000

*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 application 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 - approximately 4'300.
  - b. within the territory - approximately 10'000.

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

Federal Act on Foreign Nationals, (FNA, SR 142.20)

Art. 115 Unlawful entry, exit, and period of stay and work without a permit

1 Anyone who:

- a. violates the entry regulations contained in Article 5;
- b. remains unlawfully in Switzerland, in particular after the expiry of a period of stay that is authorised or not subject to authorisation;
- c. works without authorisation;
- d. fails to enter or leave the country through an authorised border crossing point (Art. 7). shall be liable to a custodial sentence of up to a year or to a monetary penalty.

2 The same penalty applies if, after leaving Switzerland or from the transit zone of a Swiss airport, the foreign national enters or makes preparations to enter the sovereign territory of another state in violation of the entry provisions applicable there.

3 If the offence is committed through negligence, the penalty is a fine.

4 Prosecution, committal to court or the imposition of penalties may be dispensed with for foreign nationals who have unlawfully entered or left the country, provided they are immediately deported.

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)

Under the condition that the same data is collected at every border crossing point it seems reasonable to adapt the procedures as regards data collection to local conditions.

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 experiences in this field, introduce biometrics?

The aims of an entry/exit system can be achieved by collecting alphanumerical data only. Therefore, collecting biometric data would be contrary to article 5 of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data and should not be considered at all.

### **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 of borders.

25. How long should the pilot project last?

The pilot project should last at minimum 1 year but not longer than 3 years.

26. Which data should be collected in the pilot project?

- a. alphanumeric and biometric
- b. alphanumeric

Alphanumeric data only.

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

c. The persons concerned should be the same as those referred to in article 10 of the Schengen Border Code in connection with stamping the travel documents of third-country nationals.

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