



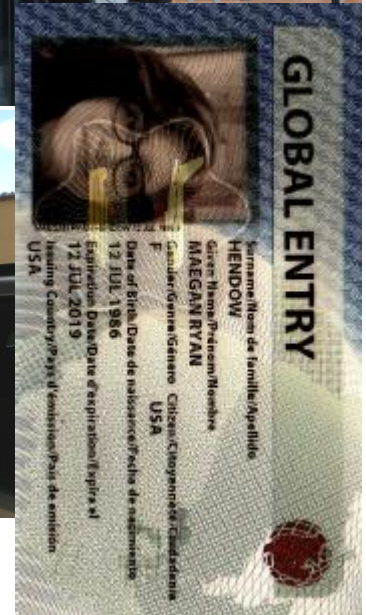
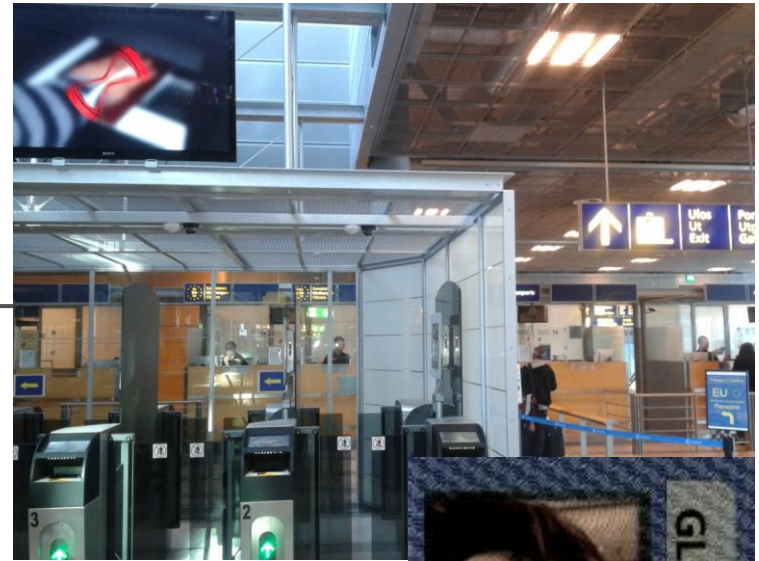
# ICMPD

International Centre for  
Migration Policy Development

## **Smart Borders: Comparing the Use of New Technology in Border Controls in the US and the EU**

## Technology at border control

- Fingerprint scanners
  - Databases
  - Facial imaging (and iris)
  - RFID readers
  - Etc...
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- Political tool – not just neutral
  - How tech is used and vs. whom? – Why?



*“There's an unquestioned push for technology and I don't see that slowing down because I haven't seen anyone question it. People might talk about data privacy, or they might talk about some of the civil liberties implications, but nobody really questions the technology because the technology is cast, often times even amongst critics, as a neutral thing.” US academic*

# Entry-Exit Systems

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- US-VISIT: national security and ID overstayers
  - » Initiated 2002
  - » Biometric (10 fingerprints + facial image) and biographic information (IDENT and ADIS)
  - » All non-US citizens
  - » Databases:
    - Interoperable with FBI's IAFIS
    - Uploads from DOD and intelligence community
    - DOS: visa applicant information
    - DOJ
  - » As of March 2013, now OBIM, with CBP covering implementation of entry-exit and ICE covering enforcement
- EU EES: ID overstayers
  - » Proposed in 2013
  - » Biometric (fingerprints) and biographic information
  - » Third Country Nationals admitted for short stays (up to 3 months)
  - » EES Database to be managed by the EU Agency for large-scale IT systems (eu-LISA)
    - Schengen Information System II (SIS II)
    - Visa Information System (VIS)
  - » Commission will conduct a feasibility study, to be finalised end of 2015

## Registered Traveller Programmes

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- “Trusted Traveller”: background check against criminal, law enforcement, customs, immigration, and terrorist databases + personal interview with CBP officer
  - » GlobalEntry: US, LPR, NL, KR, MX at airports
  - » SENTRI: any nationality + vehicle, at US/MX land POEs
  - » NEXUS: US, CA at US/CA land POEs
  - » FAST: commercial shipments
- “Registered Traveller”
  - » TSA’s Pre-Check
  - » CLEAR
- Currently various bilateral agreements with different pre-checks
  - » Finland use of ABC by Japanese and South Korean citizens, with expansion to US citizens foreseen
  - » Netherlands PRIVIUM with US citizens
  - » Portugal ABC with Angolan citizens
- EU Registered Traveller Programme
  - » Proposed in 2013
  - » ABC as a core component
  - » Documents meeting entry conditions
  - » Assessment of reliability (travel/application history, authenticity of purpose and documents, security checks (SIS))

## Basis for entry – Basis for facilitation

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### United States

- All nationalities:
  - » personal interview with CBP officer
  - » Biographic information, date and time of crossing recorded (kept for 15 years for US, 75 for non-US)
  - » Database check vs. CBP records (criminal, law enforcement, customs, immigration, and terrorist databases)
  
- Non-US citizens
  - » Submission of fingerprints and facial image
  - » Same check as above + against the entry-exit system (ADIS)

### European Union

- EU/EEA/CH citizens
  - » In person: “minimum checks”
  - » ABC: e-passport, over 18
  - » Non-systematic checks against SIS
  - » No storage of EU citizens crossing
  
- Third Country Nationals
  - » In person: More thorough checks, including against SIS II and VIS
  - » Current: passport stamped after ABC check for limited nationalities; sometimes background check
  - » Future RTP: submission of biometrics and interview foreseen
  - » Storage: data minimisation but varies across EU

## Views of governmental stakeholders

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- Primary goal:
  - » “Prevent terrorism and enhancing security” (DHS)
  - » “Enhance the security of our citizens and visitors” (OBIM)
- More data
- More sharing
- More technology

“The use of technology and information sharing among key Federal partners is essential so that dangerous individuals are detected before they are granted an immigration benefit or visa, or are admitted at a port of entry.” (DHS)

- Primary goal:
  - » Security + facilitation
- More data
- More technology
- Ensure protection of fundamental rights (privacy, data protection)

“Security, facilitation and data protection and fundamental rights they had an equal footing... these three things need to be at the same level and then at the end of the day we came with the proposal ”  
(European Commission)

## Views of civil society stakeholders

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- Security first
- Concerns re. surveillance/ “mission creep” (for US citizens)
- Find more effective ways to perform border control (online information, visa application, linkages with labour and education sectors, proper background checks)
- Privacy and data protection
- Concerns re. surveillance/“function creep” (for EU and TCN)
- More evaluation needed – necessity and proportionality of measures
- Concerns re. creation of a “two-tiered” border control system

“That's a choice that people who travel to the United States make. If you want to travel here then you need to be willing to have your biometrics checked against our law enforcement databases as well as our Department of Defense databases.”  
(Academic)

“We should be at least concerned with creating or reinforcing a digital divide where people who cannot obtain e-passports for reasons of poor institutionalisation will be...subject to further scrutiny.” (Academic)



## Initial conclusions

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- The way the US and the EU use and perceive technology for border control is strongly linked to their histories, which should be taken into account when the technology/systems are adapted to a new context.
- The use of metadata and increased control trigger fears of surveillance. However, the “target group” of the surveillance differs, representing different priorities.
  - » US: Concerns of surveillance of US citizens
  - » EU: Concerns of surveillance of EU citizens + TCNs
- Concerns (and amount) of function creep and path dependency depends largely on the extent to which security is viewed as the ultimate priority.
- US case increasingly considers using technology to facilitate movement, while in the EU there are increasingly concerns that token referral to facilitation and fundamental rights are merely “lip service” to push through security programmes.



# Further questions



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**Thank you very much for your attention!**



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