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International Centre for Migration Policy Development

"Smart Borders" for a smarter control?

The European path towards Automated Border Controls

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Overview

Research framework and methodology

Smart Border Proposal

Decision-making process

Civil society concerns

Conclusions and further questions

Research framework and methodology

- FastPass. A harmonized, modular reference system for all European automatic border crossing points (2013-2016) European Union Seventh Framework Programme (FP7)

- 21 semi-structured interviews in person or on the phone between 2013 and 2014 (February)
- Political actors: the European Commission, the European Parliament and the EU Agency for Fundamental Rights
- Societal actors: Members of International Organisations, Non-Governmental Organisations and academia, journalists, experts in migration, asylum and data protection issues

Smart Border Proposal

Broader context [COM (2011) 680 final]:

- Air travel in Europe expected to increase by 80 % in 2030;

- Visa overstayers are the main source of irregular migration in the EU;

- Long queues, especially at airports, present a poor image to visitors to the European Union

→ **Entry Exit System (EES)** (COM (2013) 95 final): register the time and place of entry and exit of third country nationals admitted for short stays (up to three months) in order to verify their exit and identify them if they overstayed

→ **Registered Traveller Programme (RTP)** (COM (2013) 97 final): simplified and automated entry process for registered members (third country nationals), after an extensive pre-screening process
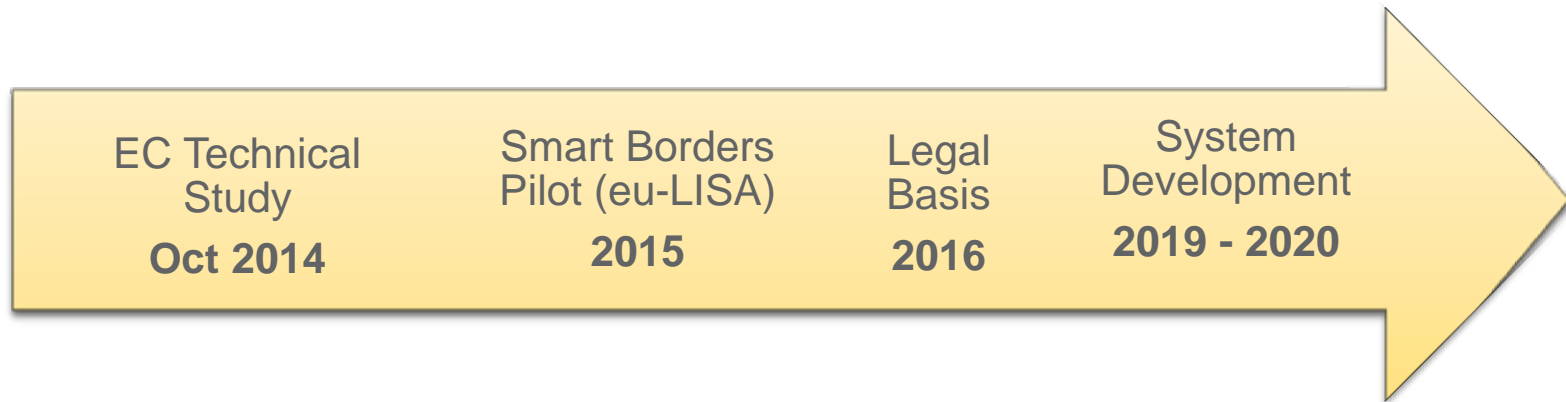
Why Automated Border Controls?

Automated Border Controls (ABC): Automated systems which authenticate the e-MRTD, establish that the passenger is the rightful holder of the document, query border control records and automatically determine eligibility for border crossing according to pre-defined rules (Frontex 2012)

- **Budget**: less staff needed / long-term structural savings
- **Security**: automation / increased efficiency
- **Facilitation**: smoothen border crossing for low-risk travellers

NB: E-gates already installed in over 12 EU MSs but no harmonisation

Decision-making process and main actors

EC Technical Study
Oct 2014

Smart Borders Pilot (eu-LISA)
2015

Legal Basis
2016

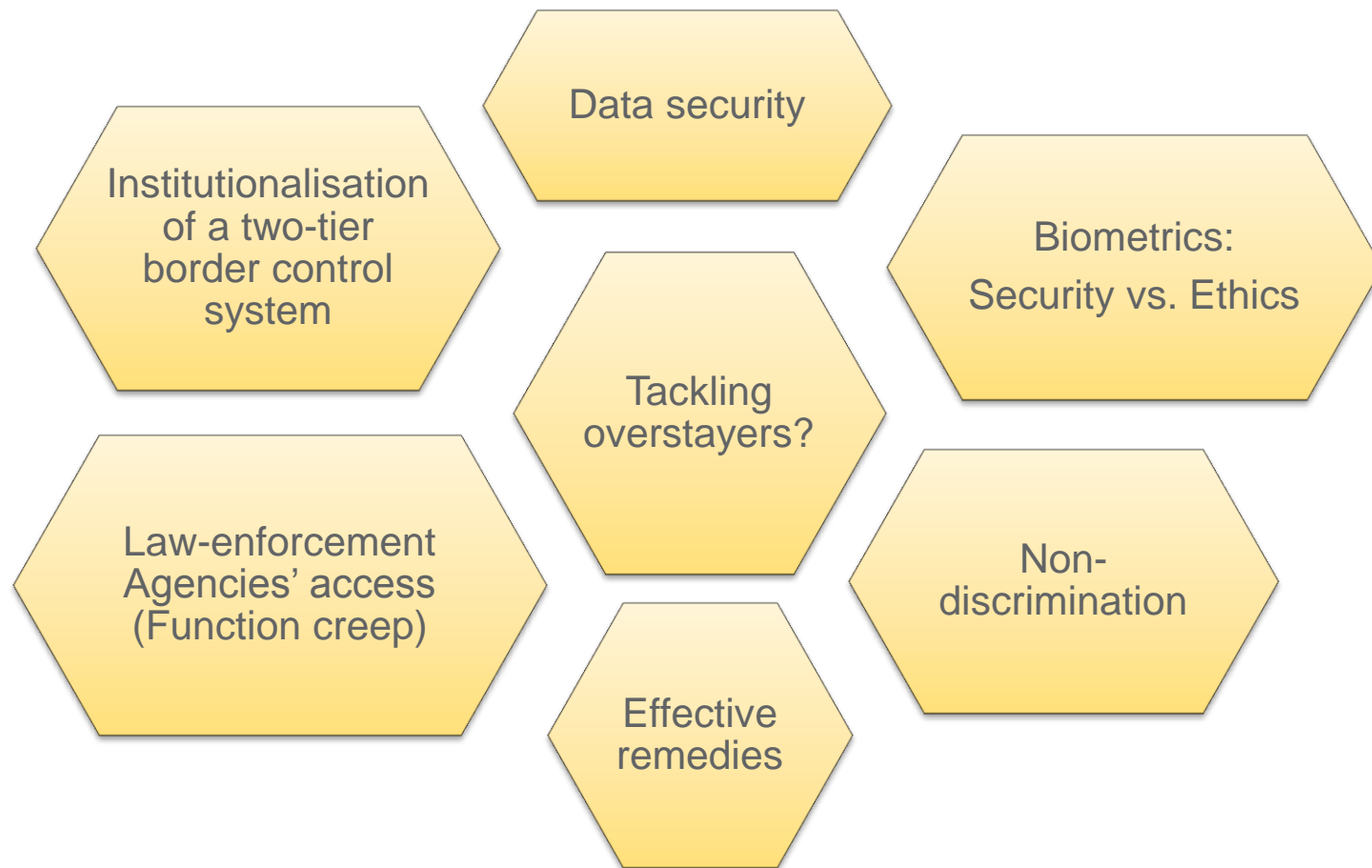System Development
2019 - 2020

- Political actors: European Commission, European Parliament
- EU Agencies: Frontex, eu-LISA
- European Data Protection Supervisor
- Private sector
- Public debate?

    Limited discussion out of the political-technical arena

Civil society concerns

Data security

Institutionalisation of a two-tier border control system

Biometrics: Security vs. Ethics

Tackling overstayers?

Law-enforcement Agencies' access (Function creep)

Non-discrimination

Effective remedies

Smarter control?

[Previously] the choice was between adding more surveillance or having an alternative solution. But now the choice (…) [is] between smart surveillance and dumb surveillance. And then everybody is going for smart surveillance, which is actually a brilliant move, and this is also part of the idea behind the Smart Borders package, because everybody is for smart borders, right? How can you be against smart borders? So this re-formulation as well, of technologies in terms of "smartness" is pretty convincing as well, and is a good selling argument towards the general public.

[Researcher; Expert in border technologies]

Conclusions

- Push and pull over **Smart Borders** – major critique by civil society actors, continued push by many policy-makers and practitioners

- Lack of official **evaluation of past systems** and whether the current proposal is the most useful tool

- **New border technologies** advance independently from Smart Borders - EC encourages Member States to install ABC gates to maximise the future benefits of the proposed RTP/some MS remain reluctant

- Knowledge of the wider public and **societal engagement** is limited, debate remains largely in policy and industry circles

Thank you very much for your attention!

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