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PLATFORM FOR INTERNATIONAL COOPERATION ON UNDOCUMENTED MIGRANTS

EUROSUR, Surveillance Technologies and Migrants' Rights

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"…within European Union institutional and policy structures, migration and border control have been increasingly integrated into security frameworks that emphasize policing, defence and criminality over a rights-based approach."

François Crépeau, UN Special Rapporteur on the Human Rights of Migrants, 2013

Table 1. **Annual overview of situation at the border**

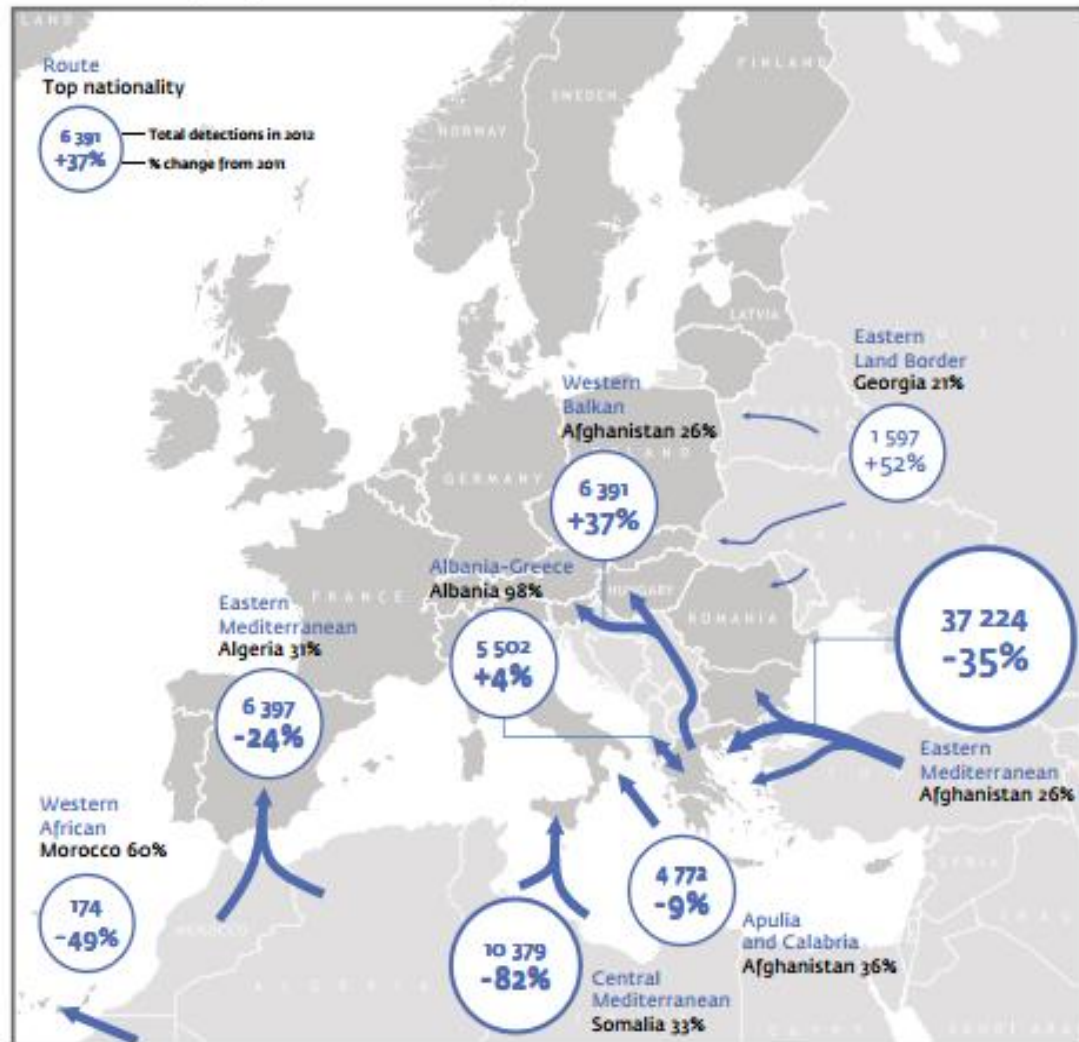| FRAN indicator	2009	2010	2011	2012	% change on prev. year
Illegal entries between BCPs	104 599	104 060	141 051	72 437	-49
Clandestine entries at BCPs	296	242	282	605	115
Facilitators	9 171	8 629	6 957	7 720	11
Illegal stay	412 125	353 077	350 948	344 928	-1.7
Refusals of entry[1]	113 029	108 651	118 111	115 305	-2.4
Applications for asylum[2]	219 814	203 880	254 054	272 208	7.1
Persons using fraudulent documents	:	:	5 288	7 888	49
Return decisions issued[3]	:	:	231 385	269 949	17
Effective returns	:	:	149 045	159 490	7.0
Other indicators Issued visas (source: European Commission)	11 203 043	10 241 000	11 842 761	13 510 250	14

Source: FRAN data as of 12 February 2013
[1] EDF-RAN data as of 12 February 2013
[2] For France, only asylum applications at the external borders are reported, not inland applications. For the Netherlands, inland asylum applications in Q3 and Q4 2012 are not available at this moment.
[3] Data on decisions are not available for France, Ireland, Luxembourg, the Netherlands and Sweden.

Detections of illegal border-crossing

Route
Top nationality

6 391 — Total detections in 2012
+37% — % change from 2011

Eastern Land Border
Georgia 21%

1 597
+52%

Western Balkan
Afghanistan 26%

6 391
+37%

Albania-Greece
Albania 98%

Eastern Mediterranean
Algeria 31%

5 502
+4%

37 224
-35%

6 397
-24%

Western African
Morocco 60%

174
-49%

Eastern Mediterranean
Afghanistan 26%

4 772
-9%

Apulia and Calabria
Afghanistan 36%

10 379
-82%

Central Mediterranean
Somalia 33%

Smart Borders

On 28 February 2013 the European Commission proposed the Smart Borders Package. The package consists of two main components:

- Entry/Exit System (EES) (COM(2013)95) which would record the time and place of entry and the length of authorised short stays of TCNs in an electronic database.

- Registered Travellers Programme (RTP) (COM(2013)97) which would allow certain groups of "*low-risk*" travellers from third countries to enter the EU, subject to appropriate pre-screening and using simplified border checks at automated gates.

EU Border Surveillance System (EUROSUR)

- The EUROSUR Network has been in use since December 2011 and since March 2012 the Network has been used to exchange operational information.

- During 2012 the Network was expanded from the original six Member States (Spain, France, Italy, Slovakia, Poland and Finland) to 18 (Portugal, Spain, France, Italy, Malta, Slovenia, Greece, Cyprus, Bulgaria, Romania, Hungary, Slovakia, Poland, Lithuania, Latvia, Estonia, Finland and Norway).

- National Coordination Centres (NCCs) have established in all these countries.

- The EUROSUR Regulation is expected to enter into force as of 2 December 2013.

"IRREGULAR MIGRATION IS NOT A CRIME."

Ms. Navi Pillay, High Commissioner for Human Rights to the Graduate Institute of International and Development Studies, Geneva - 14 December 2011

"If the foreigners were described as undocumented, the use of coercive force against them might be harder to justify. The language of criminalisation assists in justifying the deployment of coercive enforcement techniques in the field".

Council of Europe, February 2010, Issue Paper of 4 February 2010

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Ways Forward

1. A human rights-based approach to migration and border management shall be implemented.

2. Irregular stay and irregular entry shall be considered administrative infractions at most and shall be clearly delinked from internal security-related discourses

3. Proper terminology shall be used.

4. Clear safeguards should be established and implemented in the process of detection and apprehension of undocumented migrants and increased data protection safeguards for vulnerable groups should be established.

5. Migration policies and border management shall be shaped as to avoid negative impacts on migrants' human rights.

6. More channels for regular migration shall be developed.

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