

## Immigration and integration of migrants, visa and border control and asylum

**NEW** Project fiche 4.1.3

first priority

### Biometric data in large IT borders, immigration and asylum databases - fundamental rights concerns

#### Description

The project will analyse the fundamental rights implications in collecting, storing and using biometric data for immigration, asylum visa processing and border control purposes. Recent years have shown a trend towards an increased use of biometric data for identity management, which is expected to continue.

The EU has developed four large databases for the management of borders as well as immigration and asylum matters. Three of these databases (the Schengen Information System, the Visa Information System, Eurodac) contain (or will contain) biometric data, whereas this is not the case for the Customs Information System which mainly focuses on goods and means of transport. For example, with respect to the Visa Information System (VIS), border guards will be able to check biometric data held in the VIS database against fingerprints at points of entry and exit. The Visa Information System (VIS) contains data on admissible applications for short-stay visas. It became operational in North Africa on 11 October 2011 and is gradually being deployed, region by region, until all consulates worldwide are connected.

In addition, proposals for the "Smart Borders" package, presented by the Commission on 28 February 2013, suggest the collection of biometric data and the use of new technologies to identify over-stayers and simplify the crossing of international borders for both EU citizens and third country nationals. The "Smart Borders" package foresees the creation of a Registered Traveller Programme for "bona fide" travellers and the introduction of an Entry-Exit System to enhance the security of the EU.

The newly established European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA) will manage these systems at the central, EU-level. Herein, it is important that these various tools are based on common values including the rule of law and respect for fundamental rights, as laid down in the EU Charter of Fundamental Rights.

#### Objectives

The project will analyse the fundamental rights implications during the collection and storage of biometric data as well as their use by different authorities for identification and verification purposes. Sharing of information with third parties and countries will also be included in the analysis.

The focus will be on specific rights such as: respect for human dignity; non-discrimination; the right of individuals to be adequately informed about the purpose and procedure of the data collection; the right to an effective remedy; implications for the right to asylum; privacy and data protection issues (to the extent they are not covered by EDPS). The project will look at a number of challenges that may impact on fundamental rights; these include the quality of the fingerprints collected, which impact on error rates and, for the smart border tools, on the ability of the person to cross the border. It will also look at possibilities to get incorrect information, which is stored in the databases, corrected. The effects on persons seeking protection will also be examined. In turn, the project will examine the possible positive

impact on fundamental rights of the introduction of biometric data. It will also look at the fundamental rights implications of outsourcing the collection of biometric data to private companies, and the fundamental rights safeguards that are in place.

#### Overall outputs

A report (2017) highlighting the fundamental rights risks and also the possible benefits connected with the collection and management of biometric data. Dissemination of some preliminary results before 2017.

#### Activities and results achieved so far

Prior to this project, FRA has not undertaken specific research on biometrics. The project builds on findings from FRA research carried out at the EU external borders in 2011 and 2012.

#### Beneficiaries and target groups

The findings will inform the debate on the smart borders proposal which targets EU citizens and third-country nationals. The project's results will benefit the EC, the Council and EP, as well as the Council of Europe. It will be of particular relevance for eu-LISA and Frontex.

#### Planned activities in 2014

In 2014, the project includes background legal and policy analysis, reviewing the relevant EU legislation and decisions as regards the collection and storing of biometric data, and how such legislation and decisions are implemented at national level. It will take into consideration the updated Council of Europe interim report on the use of biometric data. After 2014 - targeted interviews with relevant key actors in selected EU Member States on the possible benefits and negative consequences of biometric data use with respect to fundamental rights. Depending on the progress of the "smart border" proposals, an online survey tool could be developed for possible use in 2015-16. The project will be implemented in close co-operation with EU institutions and bodies.

#### Planned outputs in 2014

No planned outputs in 2014, as project originated at end of 2014.

Publications planned for 2017, with dissemination of some preliminary results before this date.

#### Financial resources allocated to the project

Total budget in 2014:	1 <sup>st</sup> priority	2 <sup>nd</sup> priority	3 <sup>rd</sup> priority
	421.997 €	-	600.000 €
Prior years' budget total	-	-	-
Multiannual	YES		
Year of origination	2014		

## Immigration and integration of migrants, visa and border control and asylum

**NEW** Project fiche 4.1.4

first priority

### Social inclusion and migrant participation in society

#### Description

The principles of equality and non-discrimination, as well as pluralism, tolerance and social cohesion are core values on which the EU is founded, set by the Charter of Fundamental Rights (Article 21) and the Treaty of the European Union (Articles 2, 3). The Common Basic Principles for immigrant integration policy, agreed in 2004 and then complemented by the Common Agenda for Integration (2005) and the European Agenda for the integration of third country nationals (2011) have provided a framework for policy initiatives in this area. The EU 2020 strategy for a smart, sustainable and inclusive economy sets ambitious targets for increasing employment rates, reducing school drop-out rates and aiming at having at least 20 million fewer people in or at risk of poverty and social exclusion. Improving social inclusion through the increased participation of migrants is one of the means to help achieve these targets.

In order to assess the protection, respect, promotion and fulfilment of the fundamental rights of migrants the Agency will develop relevant indicators which will be gradually populated. This will be done through a multi-annual project (2014 to 2017) carried out in close cooperation with the European Commission and building on relevant work carried out within the framework of the pilot study on common integration indicators by Eurostat, as well as recent relevant work by the European Commission, OECD and other actors.

Existing indicators measure outcomes in reference to policy goals on migrant integration. This project will examine these indicators with a view to integrating them into a broader rights-based indicator model developed by the OHCHR and applied by FRA, which measures progress in reference to human rights standards distinguishing between: (a) structural indicators (on relevant legal and policy provisions reflecting commitment to existing human rights standards), (b) process indicators (on relevant measures and actions reflecting specific efforts made), and (c) outcome indicators (on rights holders' experiences of the impact of these measures and actions on the ground).

The project will benefit from the experience gained by the Agency in developing such indicators in the area of Roma inclusion and child rights.

Available data to populate the three categories of indicators will be collected through desk research in 2014-2015 mapping relevant legal and policy provisions. These will be complemented in 2015 and in 2016 through the second EU-MIDIS survey, as well as through analysis of existing relevant statistical data at national level and Eurostat. The data collection will focus on relevant fundamental rights issues, in particular equality and non-discrimination, political participation, participation in associative life and other aspects of social cohesion.

#### Objectives

- To develop rights-based indicators on migrant integration
- To collect and analyse relevant data in order to gradually populate the indicators

#### Overall outputs

- Draft indicators on migrant integration
- Data collection and analysis

#### Activities and results achieved so far

- Preparatory work carried out in 2014

#### Beneficiaries and target groups

- Council of the European Union
- European Commission
- European Parliament
- EU Member States
- EU Agencies
- International (IOM, ICMPD) and civil society organisations

#### Planned activities in 2014

- Mapping existing indicator sets and relevant efforts
- Developing structure-process-outcome rights-based indicators in close cooperation with the European Commission and other key actors
- Collecting and analysing secondary data through desk research

#### Planned outputs in 2014

- Data collection and analysis
- Stakeholder and expert consultation

#### Financial resources allocated to the project

Total budget in 2014:	1 <sup>st</sup> priority	2 <sup>nd</sup> priority	3 <sup>rd</sup> priority
	465,213	-	-
Prior years' budget total	-	-	-
Multiannual	N/A		
Year of origination	2014		

## ON-GOING

Project fiche 4.4.1

first priority

## ROMA Multi-Annual Programme

### Objectives

The FRA in response to the 5 April 2011 European Commission Communication on an EU Framework for National Roma Integration Strategies up to 2020 developed a multi-annual programme of action comprised of several activities. The objective of these activities is on the one hand to support the European Commission in its relevant annual progress report to the Parliament and the Council and on the other hand to assist Member States in developing effective monitoring mechanisms to collect robust and comparable data.

The first key element of the multi-annual programme is the Roma survey. The first wave covering 11 EU MSs was conducted in 2011 in close cooperation with the European Commission, UNDP and the World Bank. Results were published in 2012/13 as key benchmarks for measuring progress made in Roma integration in reference to key indicators of Europe 2020. The second wave will be implemented in the context of EU-MIDIS II measuring progress made in regard to the national Roma integration strategies on Roma integration.

The second second key element of the multi-annual Roma programme concerns project LERI (Local Engagement in participatory action research on Roma Integration) which was initiated in 2013. This project concerns the development of monitoring and evaluation methods and tools that can be used to assess progress made on Roma integration at local level. This research will also contextualise the findings of the Roma survey. It is of particular importance to Member States and reflects the request to the FRA by the relevant European Commission Communications to assist Member States in developing methods and tools to monitor Roma integration effectively.

The third key element of the multi-annual Roma programme drawing from the previous activities concerns the coordination of the Working Party of government officials composed of a pilot group of EU Member States and European Commission officials, which functions as a subgroup of the Commission's network of National Contact Points on Roma Integration. The working party serves to exchange experience on ways to measure progress of Roma integration with a view to developing a common approach to monitoring and evaluation of Roma integration efforts.

### Overall outputs

Surveys, analysis, reports, summaries, indicators, meetings, etc.

### Beneficiaries and target groups

- European Commission
- Council of the EU
- Local authorities and communities
- European Parliament
- EU Member States
- Civil society organisations
- International organisations

### Activities and results achieved so far

In 2010 the FRA launched a pilot household survey of Roma in 11 EU Member States in parallel with a survey commissioned by DG Regional Policy, and implemented by UNDP and the World Bank. The FRA also

interviewed representatives of several local authorities. Results were published in 2012 - 2013 and research was expanded to additional MSs adopting the research methodology to the characteristics of their Roma populations.

In 2012 and in 2013, the FRA also worked with Member States to develop monitoring methods which can provide a comparative analysis of the situation of Roma across Europe. It set up and coordinates a Working Party of Member States' and European Commission officials, as a subgroup of the Commission's network of National Contact Points on Roma Integration. In 2013 the working party exchanged experience on methodologies and indicators monitoring Roma integration in the area of education.

In 2013 the Agency launched the LERI project conducting feasibility studies to identify the specific localities that will participate in the main phase 2014 – 2017.

In 2013 the Agency was invited to participate in the Coalition of International Organisations on Roma inclusion, and its subgroup ROMERO dealing specifically with international projects at local level. FRA participates in this coordination effort together with the Council of Europe (CoE), the CoE Development Bank, World Bank, UNDP, UNICEF

### Planned activities in 2014

In 2014 the Agency will carry out the following research and stakeholder engagement activities:

- Collect data in the context of EU-MIDIS II covering Roma in selected Member States
- Continue its qualitative research under the LERI project;
- Continue working with Member States in developing appropriate indicators and data collection methods to monitor progress of Roma integration.

### Planned outputs in 2014

- Progress reports on the qualitative research (internal)
- Progress report to the European Commission based on FRANET input
- Progress report on the cooperation with Member States (internal)

### Financial resources allocated to the project

Total budget in 2014:	1 <sup>st</sup> priority	2 <sup>nd</sup> priority	3 <sup>rd</sup> priority
		373.000 €	-
Prior years' budget total	1.121.000 €	-	-
Multiannual	YES		
Year of origination	N/A		

\* Budget is allocated within the project "EU-MIDIS II"

**NEW** Project fiche 4.7.7

## first priority

## The right to interpretation and translation and the right to information in criminal proceedings in the EU

### Description

FRA has been requested by the European Commission to undertake a study to provide evidence based advice to the EU institutions and Member States on criminal procedural rights. The research will in particular focus on the rights to interpretation, translation and information in criminal proceedings. The project will identify promising practices and opportunities provided by EU law in the context of the Criminal Procedure Roadmap.

The project specifically relates to Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings, and Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right of suspects or accused persons to information in criminal proceedings. These directives, having past the transposition deadlines in October 2013 and May 2014 respectively, contribute to the proper functioning of judicial cooperation within the EU by providing for common standards of protection of specific procedural rights. These rights give suspected or accused persons the possibility to follow and actively participate in judicial cross-border proceedings, in accordance with existing international standards and guarantees; in particular those relating to the right to a fair trial arising from Article 47 of the Charter of Fundamental Rights of the European Union (hereinafter the EU Charter) and Article 6 of the European Convention on Human Rights.

By 2015, Member States should have transposed the two directives into national law. The project will provide an overview of promising practices across the EU 28 in this respect. Due regard will also be given to relevant standards of the EU (incl. the EU Charter) as well as from the Council of Europe and the United Nations.

### Objectives

- To explore promising practices and opportunities in the application of the rights to interpretation, translation and information in criminal proceedings and the fundamental rights implications for the persons concerned.
- To identify promising practices that can be utilised by the European institutions and bodies, and Member States.

### Overall outputs

- Speeches and shorter papers feeding into relevant policy discussions /conferences
- Comparative legal analysis and summary report

### Activities and results achieved so far

- In-house desk research

### Beneficiaries and target groups

- EU institutions and bodies
- Member States
- Legal professionals and NGOs, including relevant professional associations and networks at European and national level

### Planned activities in 2014

- Background desk research in preparation for the project data collection.
- Commissioning of data collection and analysis through FRA's research network.

### Planned outputs in 2014

- No planned outputs in 2014, as project originated at end of 2014.
- Outputs planned for 2015–16; namely – short paper(s) drawing on the preliminary comparative findings to be delivered at relevant seminars/conferences., and development of comparative legal report based on the research findings.

### Financial resources allocated to the project

Total budget in 2014:	1 <sup>st</sup> priority	2 <sup>nd</sup> priority	3 <sup>rd</sup> priority
		77.500	-
Prior years' budget total	-	-	-
Multiannual	N/A		
Year of origination	2014		

## Immigration and integration of migrants, visa and border control and asylum

**Legal basis:** Council Regulation (EC) No 168/2007 / Council Decision of 28 February 2008 implementing Regulation 168/2007

**Budget line:** B0-3230

### Project 4.1.3: BIOMETRIC DATA IN LARGE IT BORDERS, IMMIGRATION AND ASYLUM DATABASES - FUNDAMENTAL RIGHTS CONCERNS

Budget: € 421.997 (first priority)

Human resources allocated: AD 0.4 AST 0 CA 0 SNE 0

Description of the action: Research activities

Subject matter of the contracts envisaged: Research and data collection

Type of contracts: Framework contract - FRANET

Type of procurement (if applicable):

Number of contracts envisaged: 28

Indicative timeframe for launching the procurement procedure: 4<sup>th</sup> quarter

Indicative budget for procurement: € 421.997

Budget: € 600.000 (third priority)

Human resources allocated: AD 0.4 AST 0 CA 0 SNE 0

Description of the action: Research activities

Subject matter of the contracts envisaged: Research and data collection

Type of contracts: Framework contract - FRANET

Type of procurement (if applicable):

Number of contracts envisaged: 28

Indicative timeframe for launching the procurement procedure: 4<sup>th</sup> quarter

Indicative budget for procurement: € 600.000

### Project 4.1.4: SOCIAL INCLUSION AND MIGRANT PARTICIPATION IN SOCIETY

Budget: € 465,213 (first priority)

Human resources allocated: AD 0.1 AST \_\_\_ CA \_\_\_ SNE \_\_\_

Description of the action: Research activities

Subject matter of the contracts envisaged: Research and data collection

Type of contracts: Framework contract - FRANET

Type of procurement (if applicable):

Number of contracts envisaged: 28 + 2 (international and comparative reports)

Indicative timeframe for launching the procurement procedure: 4<sup>th</sup> quarter

Indicative budget for procurement: € 465,213

## Roma integration

**Legal basis:** Council Regulation (EC) No 168/2007 / Council Decision of 28 February 2008 implementing Regulation 168/2007

**Budget line:** B0-3340

### Project fiche 4.4.1: ROMA MULTI-ANNUAL PROGRAMME

Budget: € 373.000 (first priority)

Human resources allocated: AD 1.1 AST 0.1 CA 1.3 SNE 0.2

Description of the action: Local Engagement in participatory action research on Roma Integration (LERI)

Subject matter of the contracts envisaged: Survey

Type of contracts: Framework contract

Type of procurement (if applicable):

Number of contracts envisaged: 1-2 indicative

Indicative timeframe for launching the procurement procedure: 3<sup>rd</sup> quarter

Indicative budget for procurement: € 264.000

Description of the action: Cooperation with Member State authorities – Working Party on Roma Inclusion

Subject matter of the contracts envisaged:

Type of contracts: Framework contract for FRA organisation of meetings

Type of procurement (if applicable):

Number of contracts envisaged: 1

Indicative timeframe for launching the procurement procedure: 3rd quarter  
 Indicative budget for procurement: € 29.000

Description of the action: Data collection on Roma inclusion  
 Subject matter of the contracts envisaged: Survey  
 Type of contracts: FRANET Framework contracts  
 Type of procurement (if applicable):  
 Number of contracts envisaged: 28  
 Indicative timeframe for launching the procurement procedure: 3rd quarter  
 Indicative budget for procurement: € 80.000

## Access to justice

**Legal basis:** Council Regulation (EC) No 168/2007 / Council Decision of 28 February 2008 implementing Regulation 168/2007  
**Budget line:** B0-3620

### Project fiche 4.7.7: THE RIGHT TO INTERPRETATION AND TRANSLATION AND THE RIGHT TO INFORMATION IN CRIMINAL PROCEEDINGS IN THE EU

Budget: € 77.500 (first priority)  
 Human resources allocated: AD 0.3 \_\_\_ AST \_\_\_ CA \_\_\_ SNE \_\_\_

Description of the action: Research activities  
 Subject matter of the contracts envisaged: Short Thematic Report  
 Type of contracts: Framework contract – FRANET  
 Type of procurement (if applicable):  
 Number of contracts envisaged: 9  
 Selected MS: DE, EL, FR, HR, HU, IE, LV, NL, SE – selected based on relevance for the project (MS having already notified their transposition of one or both Directives covered by the project), geographical criteria and available budget  
 Indicative timeframe for launching the procurement procedure: 4<sup>th</sup> quarter  
 Indicative budget for procurement: € 77.500

Budget: € 94.300 (third priority)  
 Human resources allocated: AD 0.3 \_\_\_ AST \_\_\_ CA \_\_\_ SNE \_\_\_

Description of the action: Research activities  
 Subject matter of the contracts envisaged: Short Thematic Report  
 Type of contracts: Framework contract – FRANET  
 Type of procurement (if applicable):  
 Number of contracts envisaged: 19 (AT, BE, BG, CZ, CY, DK, EE, ES, FI, IT, LT, LU, MT, PL, PT, RO, SI, SK, UK see above)  
 Indicative timeframe for launching the procurement procedure: 4<sup>th</sup> quarter  
 Indicative budget for procurement: € 94.300