EU databases and the exchange of information to combat illegal immigration

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Illegal immigration is a widespread phenomenon that involves most of the countries of the European Union, especially (but not only) the States that have coastal borders. The European Union has shown a particular interest in this topic since the Amsterdam Treaty – but also the Maastricht Treaty –up to the present. The Author reconstructs the major evolutionary steps of the EU policy on immigration, with particular attention to the development of the police and judicial cooperation. The article devotes attention to the EU databases and other technological measures that are used in the fight against illegal immigration, emphasizing their importance and building a case for their increase.

I. The EU policies on immigration: the major evolutionary steps[1]

Discussing "migration" and "immigration" means dealing with a process that involves at least three main actors: the State of origin, the State of transit and the country of destination[2]. This transnational character defines the phenomenon of migration and immigration, whether in its legal form or pathological form, meaning illegal immigration.

The European Union was interested in all problems relating to illegal immigrantion in the main Treaties of the European Community: the Treaty of Amsterdam of 1997, as well as the Treaty of Maastricht of 1992, established by the European Union. In particular, Art. 1, n. 3) and 5) of the Treaty of Amsterdam disposes the freedom of movement of persons and their security, creating an area of freedom, security and justice, promoting, on the one hand, the elimination of internal borders within the European area but, on the other hand, strengthening the common security policies through the provision of the appropriate measures for the control of external borders and for the regulation of the right of asylum and immigration[3].

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[1] For further consideration see R. PARKES, *European migration policy from Amsterdam to Lisbon,* NOMOS, 2010.

[2] This is the beginning of the text of CORNELI A., *Migration flows and illegal role of the countries of origin and transit*, Soveria Marinelli, Rubbettino, 2005.

[3] Since 1961 a set of Communitarian law rules on migration has been developed concerning the free movement of EU nationals and their family members. The basic rules for these categories were adopted in 1968 and some more secondary legislation acts were added in the early 1970 s and in the early 1990 s for specific groups. The creation of the Union citizenship dates back to the Maastricht Treaty in 1992. On the morning of 1 November, 1993, nationals of EU Member States awoke for the first time as citizens of the European Union. The declaration of free movement was subject to limitations laid down in the Treaty and existing secondary legislation. The Court of Justice has consistently recognized the principle of freedom of movement of persons in EU space and it consequently interpreted the provisions enshrining that principle broadly. It is possibile to consider, ex multis, Case 139/85 Kempf; case C-292/89 Antonissen; case C-215/03 Oulane; Case C-355/95 Commission v. Belgium;caseC-357/98 Yadom; joined cases C-482/01 and C-493/01 Orfanopoulos and Oliveri.. For detailed consideration, see AA. VV. *The first decade of EU migration and asylum law,* Martinus Nijhoff Publishers, 2012, pp. 6-8 e 25-45.

The Action Plan of the Council and the European Commission for the implementation of the Treaty of Amsterdam, adopted by the Justice and Home Affairs Council on 3rd December1998, stresses the importance of the creation of the EU area of freedom, security and justice. A new high priority is also set out which is the fight against illegal immigration. In particular, paragraph 46 of the Action Plan provides that, among the measures to be taken within two years of the entry into force of the Treaty, the repression of crimes of trafficking in human beings and sexual exploitation of children must be the main purpose.

The discussions in the field of migration flows, also in view of the opening of the European Union towards Eastern Europe, continued in the Council of Tampere in 1999[4], the conclusions of which reaffirmed the importance of following the path for the creation of a European area of freedom, security and justice, according to the guidelines offered by the Treaty of Amsterdam for the development of effective controls for illegal immigration cases.

The European Commission in its Communication of 2001[5], has strongly stressed the centrality of managing the problem of illegal immigrants arriving from other countries, recognizing the importance of undertaking concrete actions with the support and cooperation of all Member States of the European Union.

In the chapter 4 of the introduction of the Communication is given a very clear definition of the term " illegal immigration", which let us to understand precisely all the different situations connected to this phenomenon, including, primarily, the smuggling of citizens of non-EU countries by land, sea or air, also including the airport transit visa.

The objectives set at the end of the Tampere European Council and then in the 2001 Communication have been taken up in the Council of Laeken[6]. In particular, the councilors discussed the importance of a harmonized EU policy to combat the trafficking of human beings. To this end, the Council assessed the necessary action required and proposed the introduction of concrete sanctions in all Member States.

The Action Plan of the JHA Council of 28 February 2002 on illegal immigration[7], defined the guidelines of the European Union, with special attention to the matter of visas, the development of the flow of information between the competent authorities of the Member States, the measures of intervention at the borders, the strengthening of the powers and of the functions of Europol, as well as the provision

[4] "Tampere" – the name of a town in Finland – is also European Union shorthand for a series of important decisions in the field of justice and home affairs. In Tampere, the European Council – the EU'summit of the leaders of its Member States – met in for a special session in October 1999 to kick-start the EU's justice and home affairs (JHA) policies. For further information see the website on page: http://ec.europa.eu/councils/bx20040617/tampere_09_2002_en.pdf

[5] Comunication of the European Commission to all the Member States – 7 May 2001 C(2001) 1188 def. See the website: http://ec.europa.eu/regional_policy/sources/docoffic/official/guidelines/pdf/int3c_en.pdf

[6] The European Council meeting in Laeken was from 14 – 15 December 2001. To see the conclusions of the Presidency: http://ec.europa.eu/smart-regulation/impact/background/docs/laeken_concl_en.pdf

[7] Proposal for a comprehensive plan to combat illegal immigration and trafficking of human beings in the European Union [in Official Journal C 142 of 14.6.2002].

of the effective sanctions in cases of human trafficking, according to the policy of harmonization of the laws of the Member States.

In 2003, the so-called "Dublin II" (regulation 2003/343/CE, formerly Dublin Treaty) was signed and determines the EU Member State responsible for examining an application for asylum or recognition of refugee status under the Convention of Geneva[8] (Art. 51). This act has completely replaced the Dublin Convention, signed in Ireland in 1990h[9]. Over the years, however, the whole Dublin system has been heavily criticized for its structural limitations, and the strong impact on the life of asylum seekers, often separated from their families and forced to live by their wits for a long period, awaiting judgment. The negative impact of the Dublin Regulation on asylum seekers has been highlighted by the Council of Europe, in particular, the Committee for Human Rights. A political agreement on the redefinition of the Regulation arrived only at the end of 2012. The Dublin III regulation is based on the same principles as the previous two, namely that is each Member State that should be responsible for examining a person's asylum application. The above mentioned regulation clarifies the rules and the responsibilities of each Member State in the field of immigration law.

A new European migration policy was adopted by the European Council in 2005 and confirmed in 2006[10]. It has aimed to develop a new coherent legislation for European immigration policies. The commitments were then further defined by the "European Act on Immigration and Asylum ", approved by the European Council at the end of 2008[11].

The "Arab Spring" of 2011 has dramatically brought to the fore within the European institutions the issue of massive immigration. The necessity to open a new phase of EU migration policy is not only dictated by the statistical surveys of migration in Europe but, above all, from new economic, social and political issues that affect all the countries[12]. From the recent actions of the Commission, immigration by plane has emerged as a new issue to be considered not only in the framework of the security, but also in terms of human rights, integration and management of regular flows of a new neighbourhood policy, in order to promote the economic

[8] The Convention of Geneva is the Convention relating to the Status of Refugees (CRSR) and is a United Nations multilateral treaty that defines who is a refugee, and sets out the rights of individuals who are granted asylum and the responsibilities of nations that grant asylum.

[9] The 1990 Dublin Convention which entered into force on 1 September 1997, establishes a system determining the State responsible for examining the applications for asylum lodged in one of the Member States of the European Communities.

[10] Communication from the Commission to the Council and the European Parliament – "The global approach to migration one year on: towards a comprehensive European migration policy" (COM(2006)735 final)

[11] On 15 and 16 October 2008, Europe's leaders set their seal on the European Pact on Migration and Asylum, which was first approved by the Justice and Home Affairs Council on 25 September 2008.

[12] The Arab Spring caused a massive flow of migrants that followed the Jasmine Revolution of 2011. 26.354 immigrants, the majority of whom were Tunisian or Libyan citizens, arrived on the island of Lampedusa. Because of this emergency, Italy set up diplomatic relations with the governments of both Tunisia and Libya in order to ensure the joint management of migratory flows. On 12 February 2011, Italy declared the "state of humanitarian emergency" in relation to the exceptional flow of citizens from North Africa. The effects of this declaration were extended until 31 December 2012. See A. DI MARTINO – F. BIONDI DAL MONTE – I. BOIANO -R. RAFFAELLI *The criminalization of irregular immigration: law and practice in Italy,* Pisa University Press, 2013, pp. 16-20.

development of the countries. Closely related to what happened in North Africa in early 2011, the European Commission presented the Communication of March 2011 entitled: " *A partnership for democracy and shared prosperity with the Southern Mediterranean* "[13]. Hence the European Union claims a starring role in the action of giving support to all the countries that have shown their commitment to democracy.

On 18 November 2011 the European Commission published a new Communication on the Global Approach to Migration and Mobility (GAMM)[14], actually updating the previous document of 2005. This text reaffirmed the legal and operational instruments based on the three pillars (regular migration, irregular migration, migration and development) and added the international protection and the external dimension of European policy on asylum.

The interest of the European Union towards the phenomenon of migration is further attested by the adoption of Regulation (EU) No 604/2013 of the European Parliament and the Council of 26 June 2013, establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection, made by a seeker of a third country.

II. The databases of the EU in the fight against illegal immigration and the role of Frontex

After the opening of the borders from the Schengen Treaty[15] and the development of the freedom of movement of persons, the European Union has considered appropriate compensatory measures and controls, to improve the coordination between police authorities, customs and judicial authorities.

To this end, various databases have been developed, also for the purpose of combating illegal immigration. In fact, they facilitate the exchange of the information and speed up the procedures for transmitting data, in the framework of the EU policy on developing the informative cooperation between the authorities of the Member States.

Among the measures adopted from the outset by the States Parties of the Schengen area, there was the creation of the database SIS (Schengen Information System)[16], which has already reached the stage of evolution of the second level (SIS II). The Schengen Information System is based on technology of data storage network that allows quick access to information to all authorized parties. Member States share the data through national networks (N -SIS) that are connected to a

[13] COM(2011) 200 final. See the entire text: http://eeas.europa.eu/euromed/docs/com2011_200_en.pdf

[14] COM(2011) 473 FINAL. See the entire text: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/pdf/1_en_act_part1_v9_com2011-743_en.pdf

[15] The Schengen Agreement led to the creation of Europe's borderless Schengen Area in 1995. The Treaty was signed on 14 June 1985 between five of the ten Member States of the near the town of Schengen in European Economic Community.

[16] Communication from the Commission to the European Parliament and the Council: "Development of the Schengen Information System II" (COM(2001)720 final).l

central system (C -SIS) through an integrated network, known as SIRENE (Supplementary Information Request at the National Entries), which composed of the police and judicial persons. The Schengen Information System (SIS), which began to work in 1995, was created in order to preserve public safety, internal and external, in all the State of the Schengen area, and to facilitate the movement of people through the consultation of the information archived in this system.

The Member States may report persons wanted for arrest for extradition purposes, third country nationals for the purposes of refusing entry, missing persons, witnesses and persons summoned to appear before the judicial authorities, persons and vehicles subject to exceptional monitoring for international safety or national security; vehicles, documents and firearms lost or stolen; registered notes. The data of the alerts in the SIS system concerns the names and alias, the physical characteristics, the date and place of birth, the citizenship and an indication on whether the person is armed or violent.

The mechanism for exchanging of data is linear: the C-SIS (the central system) receives the signal by the N-SIS and it transmits to all the other N-SIS. The SIS system applies the principle of limitation of the purposes for the treatment of data as to which channeled information in the system can circulate and be exclusively used for the scope for which it was requested. The data in the SIS (I and II) can be consulted, in accordance with its powers as provided by law, by the police authorities, the border control authorities, the customs authorities and the judicial authorities in criminal proceedings. The authorities responsible for immigration and consular bodies may only search data relating to citizens of third countries, on the list of persons subject to the entry ban and information on lost and stolen documents. Europol and Eurojust also have access to certain categories of data contained in the SIS.

The requests made to the system generate a "hit" (positive signal) or "no hit" (negative signal); subsequently law enforcement authorities may request additional information on the person or object to which the report relates, having access to the interested content.

The respect for the limited purpose of the access is also guaranteed by the rules of operation of the Eurodac[17], another different EU database. This centralized repository contains information on foreign nationals who have illegally crossed the borders of the European Union. Eurodac is a centralized and computerized fingerprint identification of third country nationals. It is applied in all Member States and also in Norway and Iceland from January 2003. In 2004, the ten new Member States of Eastern Europe were added, followed by Denmark and then by Romania and Bulgaria. Agreements with Switzerland and Liechtenstein were signed to allow these countries to use this system as well. Every State has the responsibility to communicate the list of authorities that are entitled to access to Eurodac data.

[17] **C**ouncil Regulation No 2725/2000 of 11 December 2000, concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention.

The countries shall enter the relevant data in the central database via the National Access Point. To summarize, the Founding Regulation limits the purpose (Article 1) and provides for restriction on access. Article 15 legitimates the access to all the data to each Member State, with the only exception for the data relating to the presence of previous asylum applications. At the subjective level, the regulation recognizes the persons concerned the right to be informed about the controls and the purpose thereof, and the right to request the correction and deletion of data (Article 18).

Eurodac is now a reality, but also the Visa Information System (VIS) is a fundamental element of the EU's common policy on visas and constitutes one of the key initiatives to ensure the freedom of movement of the persons in the EU area of freedom, security and justice. The VIS Regulation (EC Regulation no. 767/2008) creates what is destined to become the largest biometric database in the world. It makes use of a biometric matching technology to ensure the reliability of the fingerprint and verify the identity of visa-holders at external borders. The VIS contains information relating to applications for visas, photographs, fingerprints, decisions related to the visa application and the form of the relevant questions. The VIS Regulation provides for several different forms of access depending on the purposes as following: For verification at the external border crossing points (Art. 18), for the purpose of verification within the territory of the Member States of the identity of the visa holder, for the authenticity of the visa or for the conditions for entry, stay or living in a country (Article 19), for the purpose of identifying persons who do not fulfill the conditions for entry, stay or residence in the territory of the Member State (Art. 20), for determining responsibility for asylum applications (Article 21), and for examining the application for asylum by the competent authorities (Article 22). The access to the database is not possible directly but indirectly, through one or more national access points. The operational management of the central VIS and the national interfaces are entrusted to a management body, the same as the SIS and Eurodac. The VIS Regulation gives individuals the right to be informed on the national authority responsible for the control, the treatment modalities and categories of recipients of the data and the possibilities of access, modification and deletion of archived information. The VIS is applied in all Member States of the European Union, with the exception of the United Kingdom and Ireland, as well as Switzerland, Norway and Iceland. This information system is running on the s-TESTA, the common network of the European Commission[18].

In order to complement the Naples II Convention on mutual assistance and cooperation between customs administrations, the CIS (Customs Information System) was introduced, willing to facilitate the prevention, detection and prosecution of serious infringements of national law, making more effective the cooperation between customs administrations of the Member States, through the fast circulation of information. The CIS system is a centralized computer system, managed by the

[18] Regarding this network system, see *Cooperazione informativa e giustizia penale nell'Unione europea* (PERONI F. – GIALUZ M. ed), Trieste, Edizioni Università di Trieste, 2009, pagg. 202-205.

European Commission and made accessible via terminals in each Member State (named, N- CIS) to the European Commission, Europol and Eurojust. The data stored therein are grouped into the following categories: goods, means of transportation, businesses, people, cash seized or confiscated. The information collected is: the name and the alias, the date and place of birth, the citizenship, sex, particular signs, the documents of identity, the address, and the reports of previous violent acts committed. The CIS is accessible to the national customs, tax authorities, agricultural, health and police authorities, Europol and Eurojust. The information entered in the system can only be copied to other systems for processing data for the purposes of risk management or operational analysis and can only be accessed only by analysts designated by Member States. Personal data copied from the CIS shall be kept for the time necessary to achieve the purpose in question and in any case for a period not exceeding ten years.

The aforementioned databases are only some of the major ones developed within the EU area and in the Member States but they represent important sources of information and exchange between the authorities of the Member States and between them and the Community bodies involved in the cooperation (in particular Europol, Eurojust and Olaf), for the prevention and fight against illegal immigration.

In addition to these useful technological systems there is Frontex (European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union), an institution of the European Union whose headquarters are located in Warsaw, Poland. Its purpose is to coordinate the patrol by air, sea and land of the external borders of EU member states and to implement the agreements with the neighboring countries of the European Union for the readmission of rejected non-EU migrants along the borders. Frontex was established by the Regulation of the Council of Europe 2007/2004. The agency started to operate on 3 October, 2005. The importance of this organism is also stressed by the budget made available for its operations which is increased, year by year, as its equipment is enhanced. In August 2013, Frontex was assigned 26 helicopters, 22 planes, 113 ships and radar equipment to be used for any rejections. Frontex teams are ready to take action in cases of necessity and in a situation of crisis at the external border of the European Union. The main tasks of this agency deals with the control of the external borders of the European Union, in particular those delimited by maritime areas, because they are more vulnerable. In detail, Frontex coordinates the active cooperation between Member States in the management and control of external borders; it defines a common evaluation model and integrated risk management; it assists Member States in the training of the guards on duty at the external borders; it assists checks, patrols and surveillance of external borders; it supports Member States in joint return operations of illegal immigrants; it helps member states in need of assistance, operational or technical reinforcement in the control of external borders, and organizes the groups of early intervention in Member States[19].

[19] This task is assigned as a result of the modification of the original Treaty, thanks to Regulation (EC) n ° 863/2007 of the European Parliament and the Council.

In 2013, Italy had two different Frontex missions on the sea-coast, each of which required a big amount of money: the first one, called ' Hermes ', covered just the area of the Strait of Sicily with the so-called "Pelagie Islands". 'Hermes' aims to counter the flow of illegal immigrants from Tunisia, Algeria and Libya to Lampedusa, Sicily and Sardinia. The second mission was called 'Aeneas' and covered the Ionio Sea area, between Puglia and Calabria[20]. Nowadays, the migrant flows in the Strait of Sicily is increasing and the Italian authorities are faced with a really serious emergency.

The operations that involve Frontex have increased significantly, especially in the period from 2007 to the present year. After the Decision of the Executive Director of Frontex No 24/2011 of 21 March 2011, the EU Council adopted a Decision 2004/573/EC on 29 April 2004, on the organization of joint flights for removals from the territory of two or more Member States of third-country nationals who received individual removal orders. Then the European Parliament and the European Council produced the Directive 2008/115/EC on 16 December 2008, on common standards and procedures in Member States for returning illegally staying third-country nationals. In the current year, the Code of Conduct for joint return operations is coordinated by Frontex. This Code sets out common principles and main procedures to be observed in the joint return operations of Member States coordinated by Frontex. The Code of Conduct is the result of a consultation with EU Member States and the Frontex Consultative Forum. It is based on guidelines for joint returns created by Frontex in 2009 which contain detailed instructions for the practical implementation of joint returns. The document has advices on main aspects, from seating plans to dress codes, luggage allowances, and even on food that should be served on the plane to respect the dietary requirements of different religions[21].

III. Some considerations and new tools to combat illegal immigration

The illegal immigration, a phenomenon growing up in the recent years, especially in countries like Italy and Spain, has also led national governments to focus interventions on the strengthening of identity checks and on the control of external borders.

The illegal immigration, however, is a structural reality that requires a wider approach, not limited in every single State. Therefore, the European initiatives that provide the tools and common protocols for intervention and management of the phenomenon are relevant.

The EU should pursue and further develop a common policy in the fight against illegal immigration and a common solidarity towards Member States most affected

[20] For more information, please refer to the consultation of the official website of the Agency: www.frontex.europa.eu

[21] The entire text of the Code is available on the internet : http://frontex.europa.eu/assets/Publications/General/Code_of_Conduct_for_Joint_Return_Operations.pdf

by the problem. It is necessary to look at the real facts happened in order to examine the root causes of the phenomenon, which must be sought in the countries of origin of migrants and, depending on this, develop appropriate policies and efficient response. The cases of illegal immigration often hide also serious forms of organized crime: such criminal organizations are devoted to developing a flow of illegal immigrants (in very bad conditions) and human trafficking offenses. These forms of illegality generate considerable social alarm.

The EU authorities are engaged in breaking down the wall of mistrust towards immigrants, to improve regulatory tools, to fill the democratic gap within the EU institutions and especially to combat the lack of proper attention of the States to maintain the prerogatives of migration policies. These things make the actions of the European Union rather slow, complex and not useful for the quick decision taking that today's world requires. Scrolling through the steps of EU policies on immigration clearly shows a growing interest in this topic, one that involves the actual experience of the Member States.

Italy, for example, which is particularly exposed to the phenomenon, due the extent of its coasts, undergoes the arrival of a large number of immigrants who have escaped from the lands ravaged by war, famine and poverty. Back in 2008, because of the emergency situation created on the Italian coast by the massive landings of Libyan citizens, the media announced the creation of a satellite system for the control of all the coasts of Libya[22]. The project was not successful, however, as has been shown by the situations that have taken place since the summer of 2013 up until now. The last case involved the coast of Sicily and in particular the island of Lampedusa, which had to accommodate a multitude of illegal immigrants and asylum seekers, despite not having the adequate facilities for their reception[23].

The tragedy in Lampedusa prompted an unprecedented call for action by EU leaders and institutions. On 5 December 2013, the Commission developed a new European plan to avert the deaths of migrants at sea. The European Commission, in particular, proposed to allow migrants abroad to submit an application for asylum in the EU, thereby preventing them from embarking on an often dangerous journey to the shores of Europe. The Commission hopes that these measures, in addition to avoiding sea deaths, will allow the plan to arrest a great number of people-traffickers. The strengthening of patrols should also help to combat the trafficking of human beings and organized crime. The brand new operational European Border Surveillance System (EUROSUR) is part of these new efforts too, an instrument already announced in 2008 but not put into place before. On 2 December 2013,

[22] See the magazine *Panorama*, 23 May 23 2008

[23] The 2008 Italian Security Package ("pacchetto sicurezza") replaced the Centre for Temporary Stay and Assistance with the Centres for Identification and Expulsion (CIEs). This was only a nominal modification: there were no organizational changes. CIEs are under the control of the Ministry of Home Affairs, Department of Civil Liberties and Immigration and are managed at a local level by the Prefectures and the local police authority. The CIEs are always overcrowded and full of immigrants that are waiting for a final decision, in a condition of detention. We can say that these Centres are very close to prisons, even if the law referes to immigrants as guests. For further informations about Italian CIEs, see A. DI MARTINO-F. BIONDI DAL MONTE – I. BOIANO-R. RAFFAELLI *op.cit.*, pagg. 96-120 e 133-148.

the Regulation establishing the European Border Surveillance System entered into force, making EUROSUR operational for the 19 Schengen Member States at the southern and eastern external borders. The other 11 Schengen countries will join EUROSUR on 1 December 2014. EUROSUR is a multipurpose system to detect and prevent cross -border crime, such as drug trafficking, as well as to contribute to saving migrants lives at the external borders of the Schengen area. It also provides a common mechanism for a near real time information exchange and cooperation in the field of border surveillance.

The cooperation between the States and between the organisms of the European Union with the Member States has a fundamental role in the framework of the joint fight against illegal immigration. The regulatory instruments, Frontex and the other tools for exchange of data certainly have facilitated greater control over illegal entry into European countries and in particular in Italy and Spain, but the path towards an effective fight against illegal immigration is still a long way off. In fact, while the statistical estimates report a decrease in the number of illegal immigrants, the phenomenon is still increasing at an alarming rate, as this year there was evidence of a massive flow of migrants on the Sicilian coast. In 2009, an overall share of the undocumented population was estimated to be between 1.9 and 3.8 million people, equivalent to about 0.4-0.8 % of the total population and 7-13 % of the immigrant population[24].

The use of technology[25]is surely one of the main steps of EU policy, as can be seen from the creation and development of databases, but also the introduction of two additional and fundamental scientific instruments: the already mentioned EUROSUR system and the I- Map. The Interactive Map on Migration (I- Map), initially developed in 2006 in the context of the MTM Dialogue[26] as a response to the States' call for increased information sharing and exchange, is an information portal on migration, used as a support instrument in the framework of a regional migration dialogue. It is an expandable platform serving a wide range of users, principally members of the participating states but also some researchers as well as the civil society, as a source and instrument for information exchange on migration matters. The I-Map concept is applicable to any geographic region[27].

Looking at this situation and having regard to the future of Europe, the Stockholm Programme of 2010-2014 includes the issue of immigration and asylum among its priorities. This Programme provides that the European Union can always

[24] These statistical data are generated from the studies carried out by a research group at the London School of Economics, the results of which can be found on the Internet : http://www.neodemos.it/index.php?file=onenews&-form_id_notizia=421

[25] The importance of the technological instrument is underlined in many texts. See, *ex multis,* Colloque sur le methodes scientifiques de recherche de la vérité, *Revue international de droit penal,* 1972, pp. 233 ss.

[26] The Mediterranean Transit Migration (MTM) Dialogue is a succesfull tool to foster governmental discussions and enhance inter-state dialogue in the current debate on migration policy issues. It also contributes to the reinforcement of international migration cooperation, which facilitates the development of regional (European) and global concepts and systems for more manageable migration.

[27] The Users Manual for the 2012 – map is available on the Internet : http://www.west-info.eu/it/con-i-map-limmigrazione-diventa-interattiva/i-map-final_manual_en_revised_web-2/

rely on credible and sustainable immigration and asylum policy[28]. The text stressed the necessity to prevent, control and combat illegal immigration, considering that the pressure from illegal migration flows against the external border of the Member States, including those in the south, is increasing, as mentioned in the conclusions of the European Council in October 2009[29].

Consequently, in the Action Plan of the Stockholm Programme, formulated by the European Commission, a general list of targeted interventions on immigration is predicted (e.g. actions that further develop the EU's global approach to migration to enhance cooperation with countries outside Europe; supporting immigration to meet the needs of the labor markets of the Member States to promote the integration and rights of migrants). These measures are in particular aimed at combating illegal immigration with readmission agreements and return policies. In addition to what has been done during the past years, other new results are expected during 2014.

IV. Conclusions

The immigration policy continues to be a sensitive issue that involves the whole of Europe, even if some States, in emergency situations, feel abandoned and left alone. The use of new technologies to achieve rapid development of information cooperation is a winning and effective measure; however, it also requires the training for the management of these procedures. The standardization of interfaces and the easy use of the services are important to facilitate quick processing, overcoming the differences between every country and the problems of translation (and interpretation), as determined by linguistic diversity and differences of the legal system[30].

In this framework, it is necessary to question the best way to manage the claims, to determine the legitimacy of subjects and procedures, regarding all the situations that have arisen over the years.

Having regard to the actual choices of the European Union, it probably won't be possible to carry out a total decentralization of storage and exchange of cross-border data. It is necessary, at the same time, to fully determine the limitation of the purposes for which requests may be accepted and the information forwarded.

The tools from different storage can contain the same data, but these can only be used for limited purposes in their own narrow field of functional competence. The

[28] The entry into force of the Lisbon Treaty and the Stockholm Programme has created the conditions for new strategic thinking in immigration law. The new Treaty gives the EU a more robust basis from which to deal with all the problems of internal integration of immigrants and the external dimension of migration. On the other hand, the Stockholm Programme first identifies long-term strategic problems and elaborates a political and stretegical methodology in order to deal with them. For further detail, see R. PARKES *European migration policy from Amsterdam to Lisbon,* NOMOS, 2010, pagg. 157-169.

[29] The text of the Stochkolm Programme is available on the Internet : http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2010:115:0001:0038:it:PDF

[30] The problem of the language, translation and interpretation is really important and interesting. For further studies related to this topic, please refer to the text RUGGIERI F. (edited by), C*riminal Proceedings, languages and the European Union*, Berlin, Springer, 2013.

use of archives and databases and the circulation of information, in fact, clashes with the need to guarantee fundamental rights, and in particular the right to privacy. The instruments of data collection are often subject to theft or damage, generating a problem of violation of the right to privacy, especially when the information stolen or missing has a character of particular sensitivity. In the Schengen area, the proper management of the information and the link between the various platforms are important tools against serious crime.

It is necessary not only to train the staff in a specific and continuous way – as mentioned above -, but also to plan and implement the security measures that have to be constantly updated, in order to face the new threats to the confidentiality of the data collected.

The various structural geometries of databases must be implemented to link together the archives and to allow the exchange of data as quickly as possible in order to prevent and fight against crimes (especially serious crime like terrorism or organized crime).

In this context of conflicting interests, the European Union has to develop efficient tools for informative cooperation and, on the other hand, to pay attention to the needs of data protection and privacy of citizens. The proper balance between the needs of public safety and protection of fundamental rights can get the best practical results.

The Stockholm Programme provides a roadmap for the European Union that is fundamental for the present and future, but which is not sufficient nor immediately achievable, especially where the new interventions require increased effort and financial contribution on the part of national governments, already burdened with public debts[31].

[31] The global economic and financial crisis in Europe didn't stop the immigration but caused a small decrease in flows and an increase in stocks. The partial reduction also depends on the more effective border control. At the same time, the amount of irregular migrants among the total immigrant population in most European countries is increasing. The main explanation appears to be that legal migrants who have lost their job, prefer to remain in Italy (or in other Member States) in an irregular situation. See, G. LAZARIDIS (edited by), *Security, insecurity and migration in Europe,* Ashgate, 2011, pp. 67-78.