

The EU's external borders

Key trends and developments

SUMMARY

The effective management of the EU's external borders is a prerequisite for creating the EU area of freedom, security and justice. In response to an unprecedented influx of refugees and immigrants into Europe in the 2015-2016 period, the EU took steps to strengthen the management of its external borders, and to reform the common European asylum system.

Several major challenges have affected the EU's external borders in recent years. The COVID-19 pandemic pushed Member States to adopt extraordinary border measures, including temporary restrictions of non-essential travel into the EU. The pandemic also affected efforts to implement key EU measures aiming to strengthen the external borders, including the strengthening of Frontex and the expansion of EU-wide information systems for borders and security. Russia's war of aggression against Ukraine generated a new wave of refugees and revealed new vulnerabilities concerning EU borders. In the aftermath of the pandemic, the surge in the number of asylum seekers and irregular migrants has put new pressure on the EU's external borders. Attempts by third countries to instrumentalise irregular migrants in order to put pressure on the EU has meanwhile created additional hurdles.

Faced with these multiple and overlapping challenges, the EU has intensified its efforts to reform its migration and asylum policies, notably by slowly working through the proposals included in the new pact on migration and asylum. It has also continued to implement measures that have already been agreed on to make up for delays caused by the pandemic.

This briefing discusses key recent trends and figures and provides an overview of EU policy developments relating to the management of the EU's external borders.



IN THIS BRIEFING

- Introduction
- Key trends
- Key policy developments



Introduction

The gradual phasing-out of checks at internal borders within the EU was accompanied and preconditioned by the strengthening of the EU's external borders. According to the EU Treaty, the EU's objectives in the area of borders are to: (a) ensure the absence of any controls on persons, whatever their nationality, when crossing internal borders; (b) carry out checks on persons and efficient monitoring of the crossing of external borders; and (c) gradually introduce an integrated management system for external borders ([Article 77 TFEU](#)). The efficient management of external borders is essential for the 'area of freedom, security and justice without internal frontiers in which the free movement of persons is ensured' ([Article 3\(2\) TEU](#)).

In response to an unprecedented influx of refugees and immigrants into the EU in 2015, the EU launched a [reform](#) of its Common European Asylum System (CEAS) and took determined steps to strengthen its external borders. Whereas the asylum reform is still pending – after being reignited by the 2020 [pact on migration and asylum](#) – significant progress has been made on revising the legal framework underpinning the EU's border management policies. In 2019, the European Border and Coast Guard was [established](#) under the joint responsibility of the Member States' border and coast guard authorities and of the European Border and Coast Guard Agency (the renewed Frontex). The architecture of EU-wide information systems supporting border management was revised and expanded to cover information gaps and to ensure [interoperability](#) between the systems.

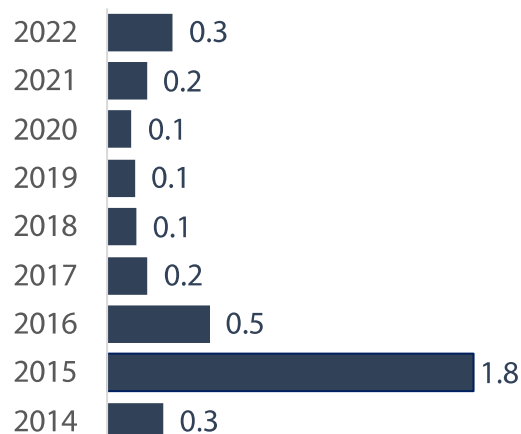
The EU's external borders have been affected by several major challenges recently. The outbreak of the COVID-19 pandemic in 2020 and the accompanying travel restrictions created a new regime of immobility and invested the EU's borders with a new function – that of protecting against an invisible virus. The war in Ukraine and tensions at the border with Belarus added further strains on the EU's external borders, creating a new wave of refugees in the EU and humanitarian crises at the border. The rising number of irregular migrants after the pandemic has reminded the EU of previous migratory crises and is galvanising efforts to finalise the reform of migration and asylum policies and to establish fully-functioning European integrated border management.

Key trends

Irregular migration on the rise

After a relative decrease in the last few years in the number of migrants trying to cross the EU's external borders irregularly, these numbers have started to rise again. In 2022, Frontex recorded [330 000](#) irregular crossings of the EU's external borders – the highest recorded number since 2016 (see Figure 1). Almost half of detections were recorded on the Western Balkan route (145 000). Other significant irregular crossings were detected along the Central Mediterranean route (102 000) and the Eastern Mediterranean route (43 000). The top nationalities of people apprehended at the EU borders in 2022 were Syrians, Afghans and Tunisians.

Figure 1 – Detection of irregular crossings of the EU's external borders (in millions)

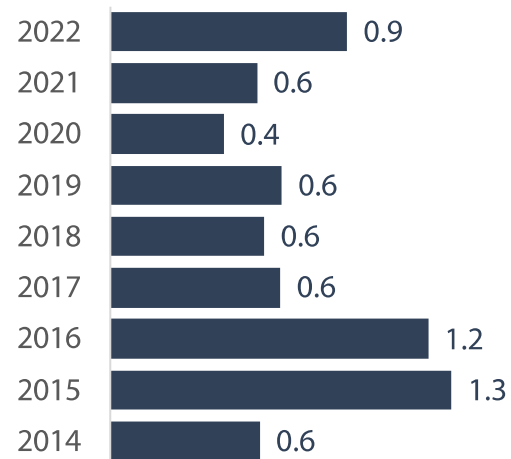


Data source: [Frontex](#).

Asylum systems under pressure

After reaching about [1.3 million](#) in 2015, the number of applications for international protection in the EU+ area (EU-27, Iceland, Liechtenstein, Norway, and Switzerland) halved in 2017. The number decreased in 2020 due to the coronavirus pandemic, only to rebound the next year. The Taliban takeover of Afghanistan in August 2021 and the ensuing [humanitarian crisis](#) triggered a new wave of refugees. While most of these refugees remained in the region, in 2021 about [100 000 Afghans](#) lodged applications for international protection in the EU+ area. The overall number of applications reached [966 000](#) in 2022 – the highest since 2016. EU+ asylum authorities issued about 632 000 first instance decisions in 2022. By the end of 2022, there were 636 000 cases pending at first instance courts. This is the widest gap between decisions issued and applications since 2015.

Figure 2 – Applications for international protection in the EU+ area (millions)

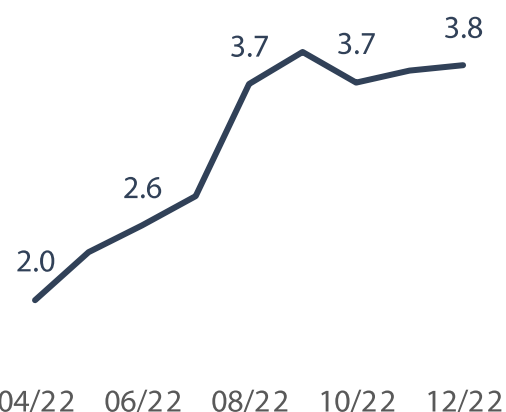


Data source: [Eurostat](#).

EU temporary protection for people fleeing the war in Ukraine

Russia's war of aggression against Ukraine, launched in February 2022, forced more than [eight million](#) people to leave Ukraine. The EU promptly responded by [activating](#), for the first time, the [Temporary Protection Directive](#) granting people fleeing the war immediate temporary protection status in the EU and a harmonised set of rights related to accommodation, education, healthcare, and access to work. According to Eurostat, in December 2022 there were 3.8 million beneficiaries of temporary protection in the EU (see Figure 3). Having access to temporary protection does not preclude people from applying for international protection in the EU, although, in certain cases, the two legal statuses cannot be combined. In 2022, [28 000](#) Ukrainians lodged asylum applications in the EU+ area.

Figure 3 – Beneficiaries of temporary protection in the EU-27 (millions)

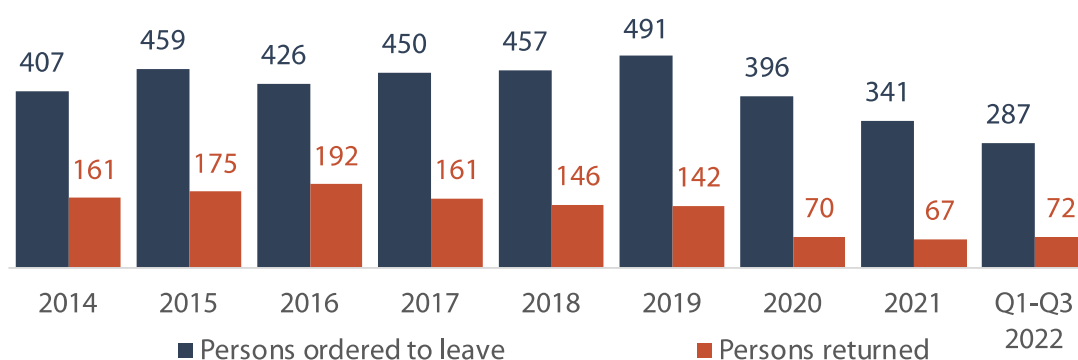


Data source: [Eurostat](#).

Persistently low rates of returns

The effectiveness of EU border and migration policies relies on the effective return of third-country nationals who do not have the right to stay in the EU. According to [Eurostat](#), the number of people ordered to leave the territory of the EU dropped after 2020, falling as low as 287 000 in the period of January-September 2022. The drop was even more significant in the number of people who were effectively returned, which halved between 2019 and 2022 (see Figure 4). There is a persistent gap between the number of return decisions and effective returns, as only about one third of the people who receive a return decision leave the EU. This return rate dropped to under 20 % in 2020 and 2021 – it was 25 % in the first three quarters of 2022. Overall, of the four million people ordered to leave between 2013 and 2021, only 1.3 million returned (32 %).

Figure 4 – Return decisions and effective returns (thousands)

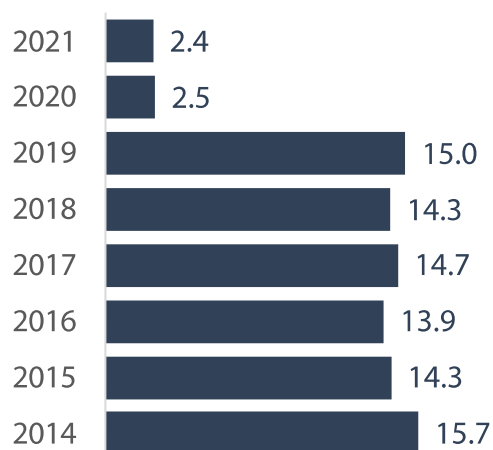


Data source: [Eurostat](#).

Significantly fewer Schengen visas issued owing to the pandemic

The EU maintains a [common list](#) of countries whose nationals are exempt from requesting a visa when crossing the EU's external borders. There are currently 61 countries on this list with a cumulative population of more than 1.2 billion. People who are not exempted from visa obligations and who wish to transit through or enter the Schengen area for a maximum of 90 days in any 180-day period must apply for a uniform visa. Between 2014 and 2019, Schengen countries issued on average 14.5 million visas every year (see Figure 5). The number of visa applications dropped significantly in 2020 due to COVID-19 travel restrictions. In 2021, the Schengen states issued 2.4 million visas at their consulates. An additional 69 400 visas were issued directly at the external borders. For stays in the Schengen area for periods longer than 90 days, travellers need to apply for a national visa.

Figure 5 – Number of EU visas issued at consulates (in millions)



Data source: [European Commission](#).

Key policy developments

Impact of the COVID-19 pandemic

Global restrictions on travel adopted during the pandemic [disrupted](#) international mobility and migration. Early in the pandemic, EU Member States adopted temporary border and travel restrictions in an attempt to reduce the spread of the virus. These restrictions and disruptions of asylum management systems [affected](#) people's ability to seek and access international protection in the EU. The reintroduction of border control at [most internal borders](#) due to the pandemic amounted to a de facto suspension of the Schengen area. At the external borders, the Member States agreed to implement the Commission [recommendation](#) to temporarily restrict non-essential travel from third countries into the EU. The Council then adopted a [recommendation](#) inviting the Member States to start lifting the temporary restriction on non-essential travel into the EU for the residents of certain third countries, depending on the countries' epidemiological situation. In its

[latest recommendation](#), adopted on 13 December 2022, the Council recommended the lifting of all restrictions on travel on the grounds of public health.

Regulation (EU) 2016/399 (Schengen Borders Code – [SBC](#)) sets out the rules governing the crossing of the EU's external borders. Border control consists of border checks – carried out at border crossing points – and border surveillance, which is carried out between the border crossing points in order to prevent people from circumventing border checks. Although the SBC lays down detailed EU rules on border control, including entry conditions and the grounds for refusal of entry for third-country nationals, it does not contain any provisions on imposing generalised entry restrictions. This explains why the EU travel restrictions came in the form of a Council recommendation. The non-binding character of this instrument meant that the EU Member States took [different approaches](#) to implementing the restrictions. In June 2021, the EU adopted the legal framework for the EU digital COVID certificate aimed at preserving the [free movement of people in the EU](#) during the pandemic. The pandemic also caused delays in the implementation of EU measures aimed at strengthening the external borders.

Key proposal (1): Revision of the SBC – new procedure for EU-wide travel restrictions

In December 2021, the Commission presented a [proposal](#) to revise the SBC. One aim of the proposal is to establish an emergency procedure for imposing restrictions on non-essential travel to the EU in response to threats to public health. The Commission proposed to introduce a mechanism allowing the Council to adopt a binding instrument setting out temporary travel restrictions at the EU's external borders in case of a threat to public health. The instrument would specify the categories of persons exempted from travel restrictions (including EU citizens, third-country nationals holding a residence permit, and asylum seekers) based on objective indicators, and any additional conditions to be imposed on travellers to make travel safe. The Council adopted its [general approach](#) on the proposal in June 2022. In the European Parliament, the LIBE rapporteur Sylvie Guillaume (S&D, France) presented a [draft report](#) in November 2022.

As part of a broader [strategy](#) to strengthen the Schengen system, in June 2022 the EU [established](#) a revised Schengen evaluation and monitoring mechanism, aiming to ensure an effective, consistent, timely and transparent application of Schengen rules by the Member States.

Impact of the war in Ukraine

The EU has welcomed Ukrainians fleeing the war, granting them temporary protection and a harmonised set of rights provided under the [Temporary Protection Directive](#). In 2022, about [13 million](#) Ukrainian refugees were counted on entry at the EU's external land borders and about 10 million were reported on exit at the same border sections. The Commission developed [operational guidelines](#) for external border management, advising Member States to set up temporary border crossing points and to relax border checks as a result of exceptional and unforeseen circumstances, as allowed by Articles 5(2)(b) and 9 of the SBC. Frontex stepped up its operational support to Member States and partner countries such as Moldova. It deployed [more than 500 standing corps officers](#) along the eastern border, including about 350 officers working at the EU-Ukraine borders. The EU Agency for Asylum [expanded its operations](#) in the Member States affected and in Moldova. Europol also deployed [operational teams](#) in Hungary, Poland, Romania, Slovakia, and in Moldova, to support national authorities in the early detection of criminal activities.

The EU and its Member States also took steps to [restrict the entry of Russian nationals](#) into the EU. As part of several comprehensive [packages of sanctions](#) against Russia, the EU imposed travel restrictions and an asset freeze on 1 412 persons (as of 8 February 2023) whose actions undermine or threaten the territorial integrity, sovereignty and independence of Ukraine. In September 2022, the Council [decided](#) to fully suspend the EU-Russia visa facilitation agreement (after partially suspending it in February), thus making the visa application process for all Russian nationals more expensive, lengthier and subject to increased scrutiny. In its [guidelines](#) to support Member States' consulates in handling visa applications from Russian citizens, the Commission called for greater

scrutiny of visa applications. In December 2022, the Council adopted a [decision](#) on the non-acceptance of travel documents issued by Russia in Ukraine and Georgia.

Several Member States imposed [more drastic entry and visa restrictions](#) for Russian nationals. There are also reports about new border fences being built or planned to fortify the border between several Member States and Russia. In 2022, Poland began mounting a [razor wire barrier](#) along the border with Kaliningrad – Russia's enclave in the EU. The barrier is to be reinforced by a new 200-kilometre [electronic border fence](#). In February 2023, Finland also [announced](#) plans to build a pilot fence along its border with Russia, which should later be extended to cover about 70 kilometres of the border. Similar initiatives have been taken by [Latvia](#) and [Estonia](#) in relation to threats at their borders with Russia and by a [dozen other Member States](#) facing pressure from irregular migration.

The EU supports Member States to implement border policies, including through dedicated [funding](#) for 'infrastructure, buildings, systems and services' for border control. However, despite repeated [calls](#) from several Member States, the Commission has [refused](#) to use EU funding for building border barriers. In January 2023, the Commission [reiterated](#) its refusal, stating that 'there's no money in the EU budget for this'. In February 2023, the European Council [fell short](#) of demanding EU funding for border fences. Instead, it called on the Commission 'to immediately mobilise substantial EU funds and means to support Member States in reinforcing border protection capabilities and infrastructure, means of surveillance, including aerial surveillance, and equipment'. The Commission President [reacted](#) by stating that the EU will provide 'an integrated package of mobile and stationary infrastructure – from cars to cameras, from watchtowers to electronic surveillance'.

Addressing the instrumentalisation of irregular migrants

In the second half of 2021, the government of Belarus orchestrated a [hybrid attack](#) against the EU by sponsoring and encouraging irregular migrants to try to cross into the EU across the eastern borders. This situation of [instrumentalisation](#) of irregular migrants led to a sudden rise in the number of irregular crossings at the eastern land borders. The Member States affected – Latvia, Lithuania and Poland – took emergency measures to protect the borders, which, in some cases, aggravated the [humanitarian crisis](#) at the borders. The EU intervened with a series of [measures](#) – including sanctions, carrier blacklisting, visa restrictions, diplomatic pressure, humanitarian assistance, and border measures. The Commission also proposed EU-wide measures in the field of borders and asylum and new legislation aiming to establish a permanent EU instrument to deal with irregular migrants in situations of instrumentalisation.

Key proposal (2): New procedure to address situations of instrumentalisation of migrants

In December 2021, the Commission presented a [proposal](#) to establish a mechanism allowing Member States to derogate from the asylum acquis in situations of instrumentalisation of migration. The new rules would allow affected Member States to derogate from normal asylum procedure (by permitting, for example, longer registration periods, generalised use of border asylum procedure, limited reception conditions, faster returns). The definition of situations of instrumentalisation of migrants, together with additional measures to address these situations at the external border, was included in the 2021 proposal to amend the SBC. The instrumentalisation proposal is currently under discussion in the Council. In the [Parliament](#), the LIBE rapporteur, Patryk Jaki (ECR, Poland) has not yet presented a draft report.

It must be noted that Belarus has [not been the only country](#) to use such tactics of instrumentalisation of irregular migrants against the EU and its Member States. It is argued that countries such as [Turkey](#) and [Morocco](#) regularly use irregular migrants and the threat of irregular migration as a tool to resist EU demands, secure concessions, or extract more resources.

Tackling irregular migration and boosting returns

The unprecedented arrival of refugees and migrants in 2015 led to a [de facto suspension](#) of border checks at several external borders. The 'hotspot' approach devised by the Commission – which relied on the temporary involvement of EU agencies (Frontex, the European Asylum Support Office and Europol) to provide operational support (help to identify, register, and fingerprint migrants) to Greece and Italy – [helped alleviate](#) some of the pressure. These immediate measures at the external borders were accompanied in 2016 by two [packages](#) of legislative proposals aiming to reform the [Common European Asylum System](#). Despite [initial progress](#) on several proposals, the reform stalled due to persistent disagreements on how to rebalance responsibilities between Member States.

To revive the asylum reform, in September 2020 the Commission presented a new [pact on migration and asylum](#) based on a comprehensive approach that integrates policies in the areas of migration, asylum, and border management. According to the [Commission](#), existing deficiencies in the EU migration and asylum system are caused, in part, by a lack of appropriate procedures to deal with people who are apprehended crossing the external borders irregularly. According to the SBC, third-country nationals who do not fulfil all the entry conditions and who are not authorised to enter should be refused entry to the territories of the Member States and subject to the procedure established by [Directive 2008/115/EC](#) (the Return Directive). However, the Return Directive allows Member States not to apply the return procedure in the case of third-country nationals who are subject to refusal of entry or who are intercepted' in connection with the irregular crossing'.

Key proposal (3): New screening of irregular migrants at the external borders

As part of the pact on migration and asylum, in September 2020 the Commission presented a [proposal](#) to establish a pre-entry screening procedure allowing authorities to swiftly check irregular migrants and channel them into the appropriate EU procedure (asylum or return). The screening, which would last up to five days, would involve a preliminary health check, a vulnerability check, an identity check, and a security check, as well as fingerprinting and registration in the Eurodac database. The Council adopted a [negotiating mandate](#) on the proposal in June 2022. In the Parliament, the rapporteur for the LIBE Committee, Birgit Sippel (S&D, Germany), issued a [draft report](#) in November 2021. The report is expected to be approved in March 2023, which will open interinstitutional negotiations on the proposal.

In September 2021, the Commission adopted a renewed [EU action plan against migrant smuggling](#) for the period 2021-2025, focused on strengthening operational cooperation and information exchange between EU countries and EU law enforcement agencies to investigate, and prosecute, migrant smuggling networks. In response to rising numbers of irregular migrants, the Commission put forward action plans for the [Central Mediterranean](#) and the [Western Balkans](#) to boost cooperation on tackling irregular migration and strengthening border management.

The effectiveness of EU border and migration policies relies on the effective return of third-country nationals who do not have the right to stay in the EU. Improving returns is essential for well-functioning and credible migration and asylum systems and is a [key feature](#) of the new pact on migration and asylum. In April 2021, the Commission presented the [EU strategy on voluntary return and reintegration](#), which aims to increase the number of voluntary returns and improve the quality of the support provided to the returnees. As announced in the pact, in March 2022 the Commission appointed an EU Return Coordinator, currently [Mari Juritsch](#). In January 2023, the Commission presented a new [operational strategy](#) for more effective returns focused on improving joint return operations, speeding up the return process, promoting return counselling and reintegration, and digitalisation of return management systems.

In line with its expanded mandate, Frontex began deploying return teams and providing technical and operational support for return interventions, and for post-arrival and post-return activities. Frontex appointed a Deputy Executive Director on returns and, as of April 2022, began providing standardised reintegration packages to third countries. Despite increased support, Member States

do not make full use of these new capabilities. As [reported](#) by the Commission, in 2021 80 % of the returns facilitated by Frontex were carried out in only five Member States. The Commission's operational strategy on returns aims to double the number of third countries covered by the Frontex Joint Reintegration Services by the end of 2023. Frontex has also stepped up its cooperation with third countries. The agency currently has [liaison officers](#) in five non-EU countries (Türkiye, Niger, Serbia, Senegal, and Albania).

Key proposal (4): Revision of the Return Directive

In September 2018, the Commission presented a [proposal](#) for a targeted revision of the Directive on common standards and procedures in Member States for returning illegally staying third-country nationals (the Return Directive). The proposal [seeks](#) to improve the efficiency of the return system by, among other things, establishing a new mandatory return border procedure linked to asylum and requiring the issuing of a common administrative decision for both the rejection of an asylum claim and return decision. Whereas the Council reached a partial [general approach](#) on the proposal in 2019, the European Parliament [did not reach a position](#) in its previous term. The proposal was maintained after the publication of the new pact on migration and asylum, though the amended proposal on the recast of the Asylum Procedure Regulation brought important changes. The LIBE rapporteur, Tineke Strik (Greens/EFA, Netherlands), presented a [draft report](#) in February 2020, which is still under discussion in the Committee.

Making better use of EU visa policy

The EU's visa policy is an important tool in its cooperation with third countries on migration and return. Article 8 of [Regulation \(EU\) 2018/1806](#) provides for a mechanism to temporarily suspend the exemption from the visa requirement for nationals of a third country in cases of substantial irregular migration from that country, lack of cooperation on readmissions, or due to security risks. Article 25a of the revised [EU Visa Code](#) empowers the Council to impose restrictions on visa applicants or categories of visa applicants who are nationals of a third country that is considered not to be cooperating sufficiently in the field of readmissions.

Key proposal (5): Digitalisation of the EU visa procedure

In May 2022, the Commission presented a [proposal](#) to digitalise the EU visa procedure in order to increase efficiency and reduce the risks of fraud and forgery. The proposal establishes a single online platform allowing travellers to submit an online application for a Schengen visa. The platform will automatically determine which Schengen country is responsible for examining an application, in particular where the applicant intends to visit multiple Schengen countries. The proposal also provides that the existing EU visa stickers, which are attached to the paper passports, should be replaced by a digital visa. After approving the [report](#) prepared by the LIBE rapporteur, Nemeč Matjaž (S&D, Slovenia), in February 2023, the Parliament decided to start negotiations with the Council.

In October 2021, the Council [decided](#) to temporarily suspend the application of certain provisions in the visa code to nationals of The Gambia due to a lack of cooperation on returns. In November 2021, the Council [decided](#) to partially suspend the visa facilitation agreements with Belarus due to its actions in instrumentalising irregular migrants at the EU borders. The visa facilitation agreement with Russia was fully [suspended](#) in September 2022 in response to Russia's continued war of aggression against Ukraine. In November 2022, the Council [decided](#) to fully suspend the visa waiver agreement with Vanuatu due to the risks posed by its investor citizenship schemes.

In the context of increased irregular migration through the Western Balkan route, the EU [put pressure](#) on the Western Balkan countries (benefiting from EU visa waivers) to further align their visa policies with the EU's list of visa-required third countries, in particular concerning those third countries posing irregular migration or security risks to the EU. As a result, for example, Serbia [reinstated](#) visa requirements for nationals of Burundi, Tunisia, India and Bolivia.

Implementing systematic checks at external borders

In response to security concerns about returning '[foreign fighters](#)' – EU citizens who travelled abroad to join and fight alongside jihadist groups in conflict areas – in 2017 the SBC was [amended](#) to ensure systematic checks against relevant databases of all persons (including persons who enjoy EU free movement rights) crossing the external borders. The SBC allows for certain derogations from and relaxation of the rules on systematic checks, under certain conditions. Article 8(2a) allows Member States to temporarily replace systematic checks at specified border crossing points with targeted checks if systematic checks would have a disproportionate impact on the flow of traffic. Such derogations require an assessment of the risks related to the public policy, internal security, public health or international relations of any of the Member States and are possible only at land and maritime borders (derogations at air borders could only be used until April 2019). Article 9 allows border checks to be relaxed if 'the waiting time at the border crossing point becomes excessive' due to 'exceptional and unforeseen circumstances'. In such cases, controls are conducted on a non-systematic basis and priority is given to controls on entries over those on exits.

In its [report](#) on systematic checks, published in May 2022, the Commission stated that 'it appears that the Regulation had a positive impact on the fight against terrorism and organised crime, mainly through the general gathering of intelligence facilitated by the greater number of hits, which is directly related to the higher number of checks against databases'. The Commission noted that Member States did not always make a clear-cut distinction between relaxation of checks and targeted checks. Relaxation of checks should occur only when all available resources have been used and if the consequences of an unforeseen event would lead to excessive waiting times.

In October 2022, the Commission presented a revised [recommendation](#) establishing a common Practical Handbook for Border Guards to be used by Member States' competent authorities when carrying out the border control of persons, which further clarified the SBC rules on targeted checks and relaxation of border checks. The Commission announced that it will continue monitoring the application of systematic checks in the framework of the Schengen evaluation. Frontex is also expected to develop a template for the risk assessment required when implementing targeted checks (Article 8(2) of SBC) to improve the quality of risk assessments used by the Member States.

Key proposal (6): Better use of advance passenger information to improve border control

In December 2022, the Commission presented two legislative proposals aiming to revise the rules on the collection and transfer of advance passenger information (API) – biographic data and travel route information collected by air carriers at check-in and sent to border control authorities in the country of destination. One [proposal](#) aims to strengthen the role of API in facilitating external border control and combating irregular immigration. It provides for the mandatory collection and automatic transmission, by air carriers, of API on all flights entering the Schengen area; a new technical system will be established for this purpose. The legislative proposal is in preparatory phases in the Council and the [Parliament](#).

Developing European integrated border management

Member States retain primary responsibility and competence for management of their borders. However, the EU has been gradually developing a European integrated border management (EIBM) system comprising common rules on border management and a complex framework for coordination between all relevant authorities and agencies at national and EU level, including cooperation with third countries. The concept of EIBM is defined in the Frontex [regulation](#) and is based on a four-tier-access control model, including measures at the EU's external borders, within the Schengen area, and concerning neighbouring countries as well as countries of origin and countries of transit of irregular migrants. The EIBM has 12 strategic components and three overarching components (fundamental rights, education and training, and research and innovation).

The implementation and future development of the EIBM is a shared responsibility of the EU and Member States participating in the European Border and Coast Guard. It is based on a multiannual strategic policy cycle steered by the European Commission. As [requested](#) by the Council, in 2019-2020 the Commission carried out an evaluation of national strategies for the EIBM. The Commission's [report](#) concluded that the alignment of the national strategies with the technical and operational EIBM strategy was only partly accomplished. Based on this conclusion, in March 2021 the Council [recommended](#) that Member States 'revise, adapt and improve the content of the national strategy for the integrated border management'.

In May 2022, the Commission presented the [policy document](#) developing a multiannual strategic policy for EIBM. This triggered a consultation process with the Parliament and the Council with a view to establishing the multiannual strategic policy for EIBM by the end of 2022 (not yet adopted). In February 2023, the European Council urged that efforts be stepped up to ensure effective control of the EU's external borders and [invited](#) the Commission to quickly finalise the EIBM strategy. In March 2023, the Commission adopted a [communication](#) presenting the strategic framework for EIBM and a [recommendation](#) to Member States on the mutual recognition of return decisions.

Establishing Frontex's standing corps

Frontex was established in 2004, on the eve of the EU's eastern enlargement, to support Member States in managing and controlling the EU's external borders. The mandate of the agency has been gradually expanded to increase its operational capacities and roles. In 2016, the agency became the European Border and Coast Guard Agency (EBCGA/Frontex), sharing, together with national border and coast guard authorities, responsibility over the newly established European Border and Coast Guard. In 2019, [Regulation \(EU\) 2019/1896](#) established the EIBM and further expanded the role of Frontex, most notably by establishing a standing corps of European border guards.

The Frontex regulation requires the agency to establish a standing corps of 10 000 officials by 2027. The standing corps includes four categories of officers:

- Category 1: Border guards directly employed by Frontex (3 000 by 2027).
- Category 2: Long-term staff seconded from Member States.
- Category 3: Short-term staff seconded from Member States.
- Category 4: Reserve of EU Member States' border guards that are available to Frontex.

The standing corps began operating in 2021. According to Frontex's 2021 [implementation report](#), by December 2021 the total number of registered and nominated Category 1 officers was 635 (90 % of the target); the number of selected Category 2 officers was 374 (94 %). There were 75 forced-return officers and three fundamental rights monitors. In December 2022, there were about [2 000 Frontex staff and officers](#) deployed at the external borders, taking part in 18 operations.

The increased participation of Frontex in border operations has been shadowed by [allegations](#) about the involvement or complicity of Frontex officers in fundamental rights violations, such as '[pushbacks](#)' at the external borders. In July 2021, the Frontex Scrutiny Working Group ([FSWG](#)), established by the LIBE Committee of the European Parliament, [found](#) serious shortcomings in the agency's monitoring and reporting system for fundamental rights violations. An investigation by the European Anti-Fraud Office (OLAF) into Frontex's affairs found [serious irregularities](#) and led to the resignation of Frontex Executive Director Fabrice Leggeri in April 2022. He is succeeded by Hans Leijtens, who has served as Frontex's [Executive Director](#) since 1 March 2023.

Upgrading the EU-wide information systems

The management of the EU's external borders is supported by several EU-wide information systems. The Schengen information system (SIS) was envisaged by the 1990 [Schengen Convention](#) as a major compensatory measure for the Schengen area's lack of internal borders. The EU has gradually established other information systems to support border management and to prevent and tackle security threats; there are currently three EU-wide information systems operational and another

three in development. The expansion, multiplication and inter-connection of EU information systems in these areas accelerated after 2015. The idea has been to close the 'information gap' related to third-country nationals entering the EU to ensure that relevant authorities have sufficient information to determine a person's status, assess claims, and identify security threats. The Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice ([eu-LISA](#)) is responsible for managing the EU-wide information systems, including their interoperability.

The [SIS](#) allows border guards and other law enforcement authorities to enter or consult alerts about wanted or missing people and objects in the EU. The SIS was established in 1995 and updated in 2013. In 2018, the SIS legal framework was revised to allow for creating new categories of alerts, and for recording more data (including palm prints, facial images and DNA profiles related to missing persons). The new SIS will include return decisions issued by Member States to help combat irregular migration and enforce returns. In 2021, an [amendment](#) of the SIS framework established the rules on implementing the interoperability between the SIS and the European Travel Information Authorisation System (ETIAS). Another [amendment](#) in 2022 allowed access to SIS for Europol officers. Work on upgrading the technical infrastructure of the SIS to support the new features established in 2018 is still ongoing (the initial deadline was December 2021). The updated version of the SIS became operational on 7 March 2023.

The European dactyloscopy database ([Eurodac](#)) records fingerprint data of persons seeking international protection to help determine the country responsible for examining their applications; access to law enforcement authorities is given under certain conditions. The large influx of migrants and refugees in 2015 revealed significant shortages in the implementation of the Eurodac regulation, with many [frontline countries](#) allowing asylum seekers to pass through without properly registering them, as required by the Eurodac regulation. Such situations undermine the functioning of the Common European Asylum System (Dublin rules).

Key proposal (7): Recast of Eurodac regulation

In 2016, the Commission put forward a [proposal](#) to amend the Eurodac legal framework in order to reinforce its role in the fight against irregular migration. The changes would allow more categories of persons (irregular migrants, persons disembarked following search and rescue operations) to be included in the database, the collection of alphanumeric identity data and facial images, and the enabling of interoperability with other information systems. The revised system will allow applicants to be recorded instead of applications, making it possible to identify and prevent multiple applications. The co-legislators reached a [partial agreement](#) on the proposal in June 2018, but progress stalled due to disagreements on other files. In 2020, the Commission put forward an [amended](#) proposal as part of the new pact on migration and asylum. The Council adopted a new [negotiating mandate](#) in June 2021. In the European Parliament, the new LIBE rapporteur, Jorge Buxadé Villalba (ECR, Spain), presented a draft report in March 2021, which is currently under discussion.

The Visa Information System ([VIS](#)) contains information about applications for short-stay visas. A 2021 [update](#) extended the scope of the VIS to include applicants and holders of long-stay visas and residence permits. Another [update](#) established the conditions for the interoperability between the VIS and the future ETIAS. A Commission [report](#) issued in February 2023 assessed that preparations for the implementation of the revised VIS were on track.

The Entry-Exit System ([EES](#)) is another new EU-wide information system that will digitally record the entry and exit of short-stay visa holders and visa-exempt travellers crossing the EU's external borders. The system was [established](#) in 2017 and was [expected](#) to be operational in 2022.

The [ETIAS](#) is another new EU-wide information system that will record data from visa-exempt visitors who intend to travel to the Schengen area. The ETIAS was [established](#) in 2018 and was also expected to become operational in 2022. In February 2023, the Commission [announced](#) that the EES will become operational in mid-May 2023 and the ETIAS in mid-November 2023. However, it has been [reported](#) that the launch of the two systems will be postponed again (to 2024).

In 2019, the EU adopted the legal framework for the interoperability of EU-wide information systems in the fields of [borders and visa](#) and [police and judicial cooperation, asylum and migration](#). The interoperability [framework](#) will enable the interconnection of EU information systems to facilitate the correct identification of persons and contribute to fighting identity fraud. The interoperability covers the three existing centralised systems (the SIS, the VIS and Eurodac) and the three systems under development (the EES, ETIAS, and the European Criminal Record Information System for Third Country Nationals). The full implementation of the interoperability of information systems was initially expected at the end of 2023. Following delays in the implementation of information systems, in February 2023 the Commission [expected](#) a progressive start to the operation of the interoperability components by June 2024.

MAIN REFERENCES

Dumbrava C., Luyten K. and Orav A., [EU pact on migration and asylum: State of play](#), EPRS, European Parliament, December 2022.

Dumbrava C., [Walls and fences at EU borders](#), EPRS, European Parliament, October 2022.

Dumbrava C., [EU entry restrictions in relation to Russia's war on Ukraine](#), EPRS, European Parliament, September 2022.

Dumbrava C., [Schengen reform: Key challenges and proposals](#), EPRS, European Parliament, July 2022.

Dumbrava C., [Revision of the Schengen Borders Code](#), EPRS, European Parliament, April 2022.

Dumbrava C., [Russia's war on Ukraine: Assisting Ukrainians at the EU's borders](#), EPRS, European Parliament, March 2022.

Dumbrava C., [Screening of third-country nationals at the EU external borders](#), EPRS, European Parliament, May 2022.

Cornelisse G. and Campesi G., [The European Commission's New Pact on Migration and Asylum: Horizontal substitute impact assessment](#), EPRS, European Parliament, August 2021.

Luyten K., [Addressing pushbacks at the EU's external borders](#), EPRS, European Parliament, October 2022.

Mentzelopoulou M.-M., [Instrumentalisation in the field of migration and asylum](#), EPRS, European Parliament, November 2022.

Orav A., [Recast Eurodac regulation](#), EPRS, European Parliament, March 2021.

DISCLAIMER AND COPYRIGHT

This document is prepared for, and addressed to, the Members and staff of the European Parliament as background material to assist them in their parliamentary work. The content of the document is the sole responsibility of its author(s) and any opinions expressed herein should not be taken to represent an official position of the Parliament.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the European Parliament is given prior notice and sent a copy.

© European Union, 2023.

Photo credits: © Savvapanf Photo / Adobe Stock.

eprs@ep.europa.eu (contact)

www.eprs.ep.parl.union.eu (intranet)

www.europarl.europa.eu/thinktank (internet)

<http://epthinktank.eu> (blog)