

# European network of immigration liaison officers. Recast

2018/0153(COD) - 16/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 414 votes to 191, with 44 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the creation of a European network of immigration liaison officers (recast).

The European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

## *Scope*

The Regulation lays down rules to enhance cooperation and coordination among immigration liaison officers deployed to third countries by Member States, the Commission and Union agencies, through the creation of a European network of immigration liaison officers. This would not prevent the authorities of the Member States, the Commission and the Union agencies from defining the scope and assignment of the tasks of their respective immigration liaison officers and the reporting relationship between them.

## *Tasks of immigration liaison officers (ILO)*

Immigration liaison officers shall carry out their tasks within the framework of their responsibilities determined by the deploying authorities and in accordance with the provisions, including those on the protection of personal data.

The amended text stipulates that the ILOs shall carry out their tasks in accordance with fundamental rights as general principles of Union law as well as international law, including human rights obligations. They shall have particular consideration for vulnerable persons and take into account the gender dimension of migration flows.

The information collected by ILOs should also cover:

- European integrated border management at the external borders, with a view to managing migration effectively;
- migratory flows originating from or transiting through the third country, including where possible and relevant, the composition of migratory flows and migrants' intended destination;
- means to facilitate return, readmission and reintegration;
- effective access to protection that the third country has put in place, including in favour of vulnerable persons;
- existing and possible future legal immigration strategies and channels between the Union and third countries, taking into account skills and labour market needs in Member States, as well as resettlement and other protection tools;

- capacity, capability, political strategies, legislation and legal practices of third countries and stakeholders, including, where possible and relevant, regarding reception and detention centres and the conditions therein.

### ***Local or regional networks of immigration liaison officers***

Immigration liaison officers deployed to the same countries or regions shall constitute local or regional cooperation networks and cooperate, where and when appropriate, with liaison officers deployed by countries other than Member States. They shall *inter alia*, attend joint specialised training courses, when appropriate, including on fundamental rights, trafficking in human beings, smuggling of migrants, document fraud or access to international protection in third countries.

### ***Steering Board***

Countries associated with the implementation, application and development of the Schengen acquis shall participate in the Steering Board and shall appoint one representative each as members without voting rights. They shall be allowed to express views on all issues discussed and decisions taken by the Steering Board. When taking decisions on matters that are relevant for immigration liaison officers deployed by countries associated with the implementation, application and development of the Schengen acquis, the Steering Board shall take due account of the views expressed by the representatives of those countries.

### ***Information exchange platform***

It is stated that no operational law enforcement information of a strictly confidential nature shall be exchanged via the secure web-based information exchange platform. Access to data shall be restricted to immigration liaison officers, members of the Steering Board and duly authorised staff for the purpose of implementation of this Regulation.

The European Parliament shall be given access to certain parts of the secure web-based information exchange platform, as determined by the Steering Board in its rules of procedure and in accordance with the applicable Union and national rules and legislation.

### ***Processing personal data***

Personal data processed may include:

- biometric or biographic data, where necessary, to confirm the identity and nationality of third-country nationals for the purposes of return, including all types of documents which can be considered as proof or prima facie evidence of nationality;
- passenger lists for return flights and other means of transport to third countries;
- biometric or biographic data to confirm the identity and nationality of third-country nationals for the purpose of legal migration admission;
- biometric or biographic data to confirm the identity and nationality of third-country nationals in need of international protection for the purpose of resettlement;
- biometric, biographic data as well as other personal data necessary for establishing the identity of an individual and necessary for preventing and combating smuggling of migrants and trafficking in human beings, as well as personal data related to criminal networks' *modi operandi*, means of transports used, involvement of intermediaries and financial flows.

Any exchange of personal data shall be strictly limited to what is necessary for the purposes of this Regulation.

Those personal data shall be erased when they are no longer necessary in relation to the purposes for which they were collected or otherwise processed in accordance with Regulation (EU) 2016/679 (General Data Protection Regulation).