



CIA Advice for US Government Operatives Infiltrating Schengen

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Description

This is a secret CIA review explaining and giving advice to US Government clandestine operatives regarding travel in the Schengen area of the EU. The review outlines, explains and details the risks to US operatives of the border crossing status within Schengen, as they travel to conduct covert operations in the region. It includes the various border-control and watchlist systems. It explains what border officials are trained to look for in travellers, and specifically describes Schengen collection and useage of biometric data.

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Schengen Overview

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Executive Summary

The European Union's Schengen biometric-based border-management systems pose a minimal identity threat to US operational travelers because their primary focus is illegal immigration and criminal activities, not counterintelligence, and US travelers typically do not fit the target profiles. US-documented operational travelers are not required to provide biometric data when crossing the Schengen area's external borders. (S//NF)

The European Union's creation of the Schengen area led to increased freedom of movement within the internal borders of its member states. Concurrently, the European Union has strengthened its external border security to prevent illegal immigrants and criminals from entering the Schengen area, where they would have freedom to travel unchecked from state to state. With the EU's assistance, Schengen member states have strengthened their external borders with specialized training; high-tech surveillance, inspection, and communications equipment; and vehicles and aircraft. The member states use computer-based watchlist systems at the external borders that are connected to common databases. The European Union has developed a number of database systems to promote information sharing while at the same time balancing privacy and security concerns. The European Union has an ongoing process to incorporate biometrics into these various systems to augment its law enforcement measures and to enhance immigration control by improving the identification and verification of travelers entering the Schengen area. (U)

Scope Note

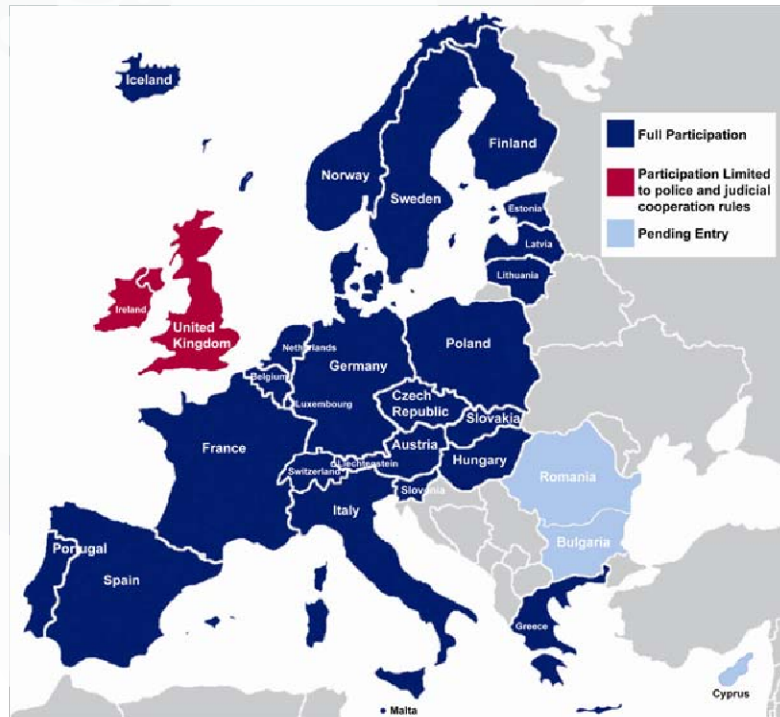
This product has been prepared by CIA's CHECKPOINT Identity and Travel Intelligence Program. Located in the Identity Intelligence Center (i2c) within the Directorate of Science and Technology, CHECKPOINT serves the Intelligence Community by providing tailored identity and travel intelligence products. CHECKPOINT collects, analyzes, and disseminates information to help US intelligence personnel protect their identities and operational activities while abroad. (C//NF)

This product is an all-source intelligence product written at the SECRET//ORCON/NOFORN level. (C//NF)

Comments about this product are welcome and may be addressed to Chief, CHECKPOINT at 933-4651 (S) or 571-280-2530 (STE). (C//NF)

History

The EU member states debated the concept of free movement of persons throughout the 1980s. Some member states believed that free movement should apply to EU citizens only, with internal border checks continuing to distinguish between EU and non-EU citizens. Other member states favored free movement for everyone, which would end internal border checks. Consensus among all member states initially could not be reached, but Belgium, France, Germany, Luxembourg, and the Netherlands decided in 1985 to create a territory without internal borders. This area became known as the "Schengen area," named after the town in Luxembourg where the first agreements were signed. (U)



The Treaty of Amsterdam, signed in 1997, expanded Schengen membership by 13 states. The treaty incorporated decisions since 1985 by the Schengen group members and the associated EU governing bodies and was ratified into EU law on 1 May 1999. (U)

Twenty-two EU countries and four non-EU countries—Iceland, Liechtenstein, Norway, and Switzerland—now fully participated in the Schengen area. The United Kingdom and Ireland, which are EU members, participate only in certain parts of the Schengen initiative, such as law enforcement and judicial cooperation concerning criminal issues. (U)

Measures adopted by the member states as part of the cooperation under the Schengen agreement include:

- Abolishing checks at internal borders and replacing them with checks at the external borders;
- Establishing uniform external border-crossing and screening procedures;
- Separating air terminals and ports for people traveling within the Schengen area from those arriving from outside the area;
- Harmonizing conditions for entry and visas for short stays;
- Drawing up rules governing responsibility for examining applications from asylum seekers (Dublin Convention, replaced in 2003 by the Dublin II Regulation);
- Introducing cross-border surveillance rights and hot pursuit conditions for police forces in the Schengen member states;
- Strengthening judicial cooperation through faster extradition and notification of criminal judgments enforcement; and
- Creating the Schengen Information System (SIS). (U)

Watchlist and Border-control Systems

Schengen Information System (SIS) and SIRENE

SIS and SIRENE pose a minimal identity threat to US-documented operational travelers entering or exiting the Schengen area because the systems focus on illegal immigration and criminal activities and because US travelers typically receive minimal scrutiny. The identity threat is further minimized because the systems are not designed to track all travelers' history into and out of the Schengen area. (S//NF)

The European Union introduced SIS as the main watchlist and immigration database in 1995 when customs and immigration checks at internal borders were removed between Schengen countries. SIS is a hit/no-hit query tool used by immigration and law enforcement officers to check individuals against a centralized database with categories such as lost and stolen identity documents, immigration violators, warrants, stolen vehicle alerts, and missing persons. SIS contains no biometric data. The system relies on data inputs from individual Schengen member states, all of whom have access to read the information provided. (S//NF)

The threshold for including data in SIS is decided on a national level, and member states supply information via national networks and can control and modify only their own data. Some countries enter more records than others, creating a disproportionate number of lookouts submitted, even among countries with similar populations. The records automatically expire after five years but can be renewed by the originating member states. SIS information is updated twice daily from the main SIS server in Strasbourg, France. (S//NF)

Member states screen travelers at ports of entry using national and SIS watchlist information. SIS alerts can result in three actions: notifying authorities of the country originating the alert when a positive encounter occurs, overt inspection and possible denial of entry, or immediate arrest. (S//NF)

SIRENE (Supplementary Information Request at the National Entry) supplements SIS by linking each national system through the central SIS database in Strasbourg, France. When hits register on the SIS watchlist, SIRENE provides additional information using materials contained in national files. SIRENE officers are on duty around the clock to enter alerts, provide or receive additional information on alerts, and coordinate cross-border police cooperation. SIRENE processing is manual, relying on typed Microsoft Word files in English sent via e-mail. The typical response time for a SIRENE report is 24 hours. (S//NF)

SIS II

The European Union plans to deploy the second-generation of SIS—SIS II—in March 2013. ***SIS II will incorporate biometric capabilities but will still pose only a minimal identity threat to US operational travelers because it will be used primarily to identify watchlisted criminals and illegal immigrants entering or exiting the Schengen area.*** SIS II will be a web-based platform that can exchange and store biometric data (fingerprints and digital photographs) and textual biographic data. The system also will include enhanced safeguards to protect data. The EU plans to extend SIS II access to Europol and Eurojust to assist investigations. (S//NF)

Europol is the European Union's criminal intelligence organization. Founded in 1992, Europol seeks to improve the effectiveness and cooperation of EU member law enforcement authorities against organized crime and terrorism. (U)

Eurojust was established in 2002 to enhance the effectiveness of authorities within member states who are investigating and prosecuting serious cross-border and organized crime—specifically by facilitating the execution of international mutual legal assistance and the implementation of extradition requests. (U)

Schengen Visa

The Schengen visa poses a minimal risk to operational travelers because US tourist-passport holders do not require visas to enter the Schengen area. France, Greece, and Spain require US official- or diplomatic-passport holders to obtain visas when traveling to their countries on official

business. US travelers carrying official or diplomatic passports do not require visas when transiting the external borders of any of the other Schengen countries. Visas are required to enter a Schengen country for citizens from more than 100 countries, largely in the Near East, South Asia, East Asia, Africa, Latin America, and the former Soviet Union. (S//NF)

The Schengen visa simplifies travel by allowing travelers to enter multiple member countries without obtaining additional documentation. The visas contain photographs of the holders and allow holders to stay up to 90 days within a six-month period for tourist or business purposes. For multiple-entry Schengen visas, travelers apply at the embassy or consulate of the first Schengen country they will enter. Multiple-entry visa holders may leave and return any number of times within the six-month period, but the stays may not total more than 90 days. If travelers needing visas for Schengen countries plan to visit only one member state, they may apply at the embassy or consulate of that particular country. (S//NF)

Schengen member states have no cross-state communication that allows them to share data on visa applicants. This shortcoming prompted EU officials to develop a new visa system—the Visa Information System (VIS)—to improve visa data exchanges among member states. The advent of VIS includes upgrades to the Schengen visa, specifically the inclusion of travelers' biometric data. The European Union intends to replace the current visa system with VIS and is implementing VIS in phases by geographic region. Until VIS is fully deployed, the current visa system and VIS are simultaneously in operation. (U)

Visa Information System (VIS)

VIS poses a low identity threat for operational travelers because nonofficial US travelers do not require visas to enter the Schengen area. It is unclear whether US official- and diplomatic-passport holders traveling to France, Greece, or Spain will be required to provide biometrics when obtaining their visas. The identity threat for non-US-documented travelers required to obtain Schengen visas will increase as VIS is rolled out worldwide. (S//NF)

VIS has begun to replace the current Schengen visa system and became operational on 11 October 2011 for member states with consular posts in North Africa (Algeria, Egypt, Libya, Mauritania, Morocco, and Tunisia). The next VIS implementations will be in the Near East (Israel, Jordan, Lebanon, and Syria) and the Gulf (Afghanistan, Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates, and Yemen). (S//NF)

VIS facilitates the exchange of visa data between member states and is designed to prevent a practice known as "visa shopping," where an applicant who is refused a visa by one Schengen member state applies for a visa in another member state. VIS conducts a one-to-many (1:N) fingerprint search of the database to determine whether a person's fingerprints are already contained in the database, possibly under another identity. VIS also verifies that the traveler is the same person to whom the visa was issued by conducting a one-to-one (1:1) comparison of a traveler's fingerprint collected at a port of entry with the fingerprint stored in the database at the time of the visa application. (U)

Applicants for Schengen visas must go to an EU embassy or consulate and provide fingerprints and digital photographs. These data are valid for five years and are stored in the central VIS database. The data in VIS for each visa applicant will include biographic data, a digital photograph, 10 fingerprints, links to previous visa applications, and links to application files of persons traveling with the applicant (e.g., spouse, children). (U)

VIS consists of a central system (C-VIS) and a communications infrastructure connected to the national systems (N-VIS) developed by each member state. Member states are responsible for connecting their embassies and consulates, border-crossing points, and other authorities to the central VIS via their national systems. An encrypted network is specifically dedicated to VIS data and the exchange of data between the central and national systems. (U)

Entry/Exit System (EES)

The implementation of EES is dependent on the deployment of SIS II and VIS and is scheduled to become operational by 2015. The European Commission proposed in February 2008 the establishment of an entry/exit system to better confront irregular immigration, specifically individuals with short-term visas who overstay the three-month limit. **EES is an automatic system that will record and store the time and place of entries and exits by non-EU travelers, including those who do not require visas.** Travelers who require visas would register their biometric data (fingerprints and digital photographs) when applying for visas under VIS. How long the biometric data would be held is not yet clear. Holders of local border permits, national long-stay visas, or residence permits would be exempt from being processed by EES. (S//NF)

The European Commission is one of the main institutions of the European Union. It represents and upholds the interests of the European Union as a whole. It oversees and implements EU policies by: proposing new laws to the European Parliament and the European Council, managing the European Union's budget and allocating funding, enforcing EU law (together with the Court of Justice), and representing the EU internationally, for example, by negotiating agreements between the European Union and other countries. The 27 commissioners, one from each EU member state, provide the Commission's political leadership during their five-year terms. Each commissioner is assigned responsibility for specific policy areas by the European Commission president. (U)

The European Commission is considering requiring travelers who do not require visas to provide biometric data at their first place of entry into the Schengen area, which would increase the identity threat level for all US travelers. (S//NF)

EURODAC

EURODAC poses a minimal threat to US operational travelers because its primary focus is irregular immigration and asylum applicants. EURODAC (European Dactyloscopie) is a fingerprint database that allows EU member states to identify asylum applicants and persons who have been apprehended while unlawfully crossing an external border. By comparing fingerprints, member states can determine whether a foreign national has previously claimed asylum in another member state or whether an asylum applicant entered the EU territory unlawfully. EURODAC consists of a central database in Luxembourg that can be queried by member states to compare fingerprints of asylum applicants. In addition to fingerprints, data sent by member states include the member state creating the entry, the place and date of the asylum application (if applicable), applicant's gender, reference number, the date on which the fingerprints were taken, and the date on which the data were forwarded to the central database. Fingerprints are stored for 10 years and then deleted, unless residency is granted in a member state, in which case the fingerprints are deleted immediately from the database. Data relating to foreign nationals apprehended when attempting to cross an external border unlawfully are kept for two years from the date on which the fingerprints were taken, unless the foreign national receives a resident permit, becomes a citizen of a member state, or has left the territory of the member state, in which case the data are erased immediately. (S//NF)

Other EU and Schengen Entities and Programs

FRONTEX

FRONTEX poses a limited identity threat to US operational travelers in Europe because it lacks operational authority and does not process personal data. The identity threat is further diminished because FRONTEX primarily focuses on illegal immigration and because EU and Schengen member states retain the responsibility for their own border security. (S//NF)

FRONTEX is the EU agency responsible for making travel between member states as easy and convenient as possible while minimizing the threat of illegal entry into the European Union. The name FRONTEX derives from the French phrase "frontieres exterieures," meaning external borders. The agency was established in 2005 and has approximately 300 personnel based in Warsaw, Poland. (U)

FRONTEX coordinates EU border-control strategies and facilitates border-management cooperation among member states. Its purpose and function are to identify risks to the European Union's external borders, act as a platform for border security research and development efforts, facilitate border-management cooperation among member states, and provide border-management training to member states. (U)

FRONTEX works with community and EU partners involved in securing EU external borders—including Europol, the European Police College, and customs bodies—and border-related law enforcement bodies responsible for internal security at the EU level. FRONTEX also facilitates cooperation with non-EU countries' border security authorities, focusing on countries identified as sources or transit routes of illegal migrants. (U)

Treaty of Prum

The Treaty of Prum is a multi-country agreement on cross-border police cooperation and would not typically affect operational travelers. The treaty—which was signed on 27 May 2005 by Austria, Belgium, France, Germany, Luxembourg, the Netherlands, and Spain—focuses on terrorism, cross-border crime, and illegal immigration. One goal is to improve the exchange of information to prevent and prosecute crime within the member states. Under the rules of the treaty, member states' law enforcement services have direct access to each others' databases and can access DNA, fingerprint, and vehicle registration information. In January 2007, the European Commission incorporated large parts of the treaty into the EU rule of law, making the treaty's policies applicable to all EU members. Iceland and Norway, non-EU members, signed onto the Treaty of Prum in 2010. (S//NF)

Appendix A: Schengen Border-check Guidelines for Foreigners

Schengen border-check guidelines for third-country nationals suggest that additional information or suspicious activity would be required to expose alias identities of tradecraft-conscious operational travelers, even those subjected to more thorough secondary screening. (S//NF)

The European Commission issues a handbook for Schengen area border guards to ensure uniform border-control processing of foreign visitors. The handbook specifies that to enter Schengen countries, third-country nationals must:

- Possess valid travel documents authorizing them to cross the border.
- Have valid visas, when they are required.
- Meet certain conditions for their stays, such as having sufficient means to pay for their time in the Schengen area, for returning to their countries of origin, or for transiting to countries to which they are certain to be admitted.
- Not be the subjects of SIS alerts for refusal of entry.
- Not be threats to public policy, internal security, public health, or the international relations of any Schengen member state. (U)

The handbook advises border guards on how to conduct border checks and describes the minimum entry checks for third-country nationals. Border guards must:

- Look at travelers' faces first when taking travel documents.
- Compare the travelers' features with travel documents' images to see if they match.
- Check travel documents to rule out possibilities they are counterfeit or forged.
- Talk to and observe the travelers while performing any database checks. (U)

The handbook stipulates that more thorough (second-line) checks may be carried out in areas separate from the primary inspections to avoid delays in processing other travelers. If third-country nationals ask for the checks to be conducted in nonpublic areas designated for that purpose and the facilities exist, border-control officials must comply. In such cases, they must provide the third-country nationals with information (poster or leaflet) explaining the purpose of the checks and the procedures involved. Second-line checks on third-country nationals call for border guards to:

- Scrutinize travel documents for evidence of falsification or counterfeiting, using comparisons with current specimens and various technical aids, as needed.
- Examine entry and exit cachets to ascertain whether or not travelers have exceeded their authorized periods of stay.
- Verify points of departure, destinations, and purposes for visits, checking supporting documents when necessary.
- Confirm that travelers have sufficient funds—determined by the reference amounts set by each member state—to pay expenses during their stays in the Schengen area. Confirmations may be based on the cash, traveler's checks, and credit cards travelers have with them or by authorized declarations of sponsorship. Border-control officials may contact the issuing

companies of the travelers' credit cards or exchange offices. They also may directly contact hosts of invitations. (U)

EU citizens undergo a minimum check to establish their identities based on their travel documents. The minimum check consists of a rapid verification of the validity of the document and a check for signs of falsification or counterfeiting. (U)

Appendix B: Schengen and EU Member Countries

Schengen vs. EU: Quick Reference to Membership

Schengen	European Union (EU)
Austria	Austria
Belgium	Belgium
Bulgaria (pending)	Bulgaria
Cyprus (pending)	Cyprus
Czech Republic	Czech Republic
Denmark	Denmark
Estonia	Estonia
Finland	Finland
France	France
Germany	Germany
Greece	Greece
Hungary	Hungary
Iceland	
Ireland	Ireland
Italy	Italy
Latvia	Latvia
Liechtenstein	
Lithuania	Lithuania
Luxembourg	Luxembourg
Malta	Malta
Netherlands	Netherlands
Norway	
Poland	Poland
Portugal	Portugal
Romania (pending)	Romania
Slovakia	Slovakia
Slovenia	Slovenia
Spain	Spain
Sweden	Sweden
Switzerland	
United Kingdom	United Kingdom

Schengen pending
Schengen only
EU only

This table is UNCLASSIFIED.