Border Control Priorities: Freedom or Security?

We often take one of the EU's greatest achievements — freedom of movement — for granted, said discussion moderator Paweł Świeboda, introducing ED4BG's first ever 'youth debate.' But Europe is also in times of crisis and this has an effect on everything, not least on what he called the "Freedom and security nexus." How has this essential balance evolved, he asked.

"You have to ensure security on the outside in order to have freedom on the inside," emphasised the first speaker, Romain Foucart, a masters student at the College of Europe, Natolin campus in Warsaw. "Freedom and security go together and you cannot exclude one from the other." He went on to elaborate that while they are two sides of the same coin, Frontex is essentially security-oriented, being focused chiefly on "risks and threats" and that the mission of border control is to mitigate these risks. This remained the focus, though the two cannot be separated in his view.

Turning to looko at the same issue from a migratory perspective, fellow masters student at the College of Europe Denis Cenusa said there was a perception that the EU is "putting up obstacles" to migration and these can be seen as reinforcing the perception, by both economic migrants and "survival migrants," of a "Fortress Europe" that needs to be entered via a back door.

Turning to the subject of differing priorities in different Member States, Paweł Świeboda put the question to Tim Bohmann, a border police inspector at Cologne/Bonn International Airport, Germany, of whether of a common denominator in Europe could be found to the wide array of needs.

Drawing on his experience of working in Malta, Bohmann focussed on the fact that migrants arriving there by boat often seem to expect both freedom and security when they arrive in Europe and are disappointed by the reality. Lacking the capacity to handle the inflows, he said, Malta detains most migrants while their asylum claim is assessed and, if rejected, they are then returned.

By contrast, migrants to Germany see the country as a final destination rather than a point of entry; they are usually smuggled in and the main challenge for the authorities becomes detection:

"In Malta it's more about handling the situation with masses of migrants coming in and ensuring legal standards [...] In Germany it's more about detecting those migrants." This, he added, despite the fact that the systems, procedures and tools in use were much the same in both countries.

Laura Tihonova, a Latvian State Border Guard Inspector, gave listeners the benefit of her view from the Baltic Sea border. Laws and regulations to balance freedom and security are fine on paper, she argued, "but when you are on the border and have to deal with a flow of people and make a decision [...] it's all about experience, and of course training."

A question from the floor addressed the issue of data protection and privacy, particularly with regard to perceptions in the younger "Facebook" generation and whether new norms have changed the old balance, particularly with regard to biometric data.

Tim Bohmann pointed out that there is an ever-growing technical framework for data management, though this is not used to anything like capacity due to the legal environment. Regarding asylum-seekers and the new Schengen Information System (SIS II), a lot of data, including biometric, is taken and the role of border guards has changed. "It is no longer about standing in line and checking everybody," he said. "We have to be ahead of what is going on. [But] in Germany and in other parts of Europe we have a discussion about data storage, privacy and freedom." He added that migrants and facilitators are also increasingly sophisticated in their use of data and technology.

Romain Foucart, whose thesis is on Frontex and respect for Fundamental Rights, saw the subject in that light, pointing out that, "Agencies like Frontex have to respect data protection even if it is sometimes really difficult with [irregular migrants], and some screening practices have been criticised by Human Rights Watch."

Denis Cenusa also highlighted criticism of Frontex, by NGOs and others, about screening and the effects these processes have on deciding people's fates and the right to protection of personal data. The democratic controls necessary to govern these processes are not as strong as they could be, he believed, and this is a "weakness that needs to be addressed."

In response to a comment from the audience about the difference between data regulations on paper and the meaningful practicalities for migrants, Laura Tihonova offered the view that although Latvian and EU regulations are integrated, "there are no strict boundaries between EU and Latvian regulations so they interfere [with each other]."

Tim Bohmann made the point that although the German public are very aware of data-protection issues and take the subject seriously, migrants are often less concerned, however: "It is highly necessary that all European border guards act on the same legal basis. We have external borders to the EU and it is important that [people] crossing those borders are treated the same way."

As an example he gave the case of a Frenchman in Germany who was wanted in Italy for a crime committed there. "When we open our borders and we don't have those 'old-style' controls, we have to make sure the framework works."