



## Immigration and Security European Challenges and International Perspectives

### Panel 3

#### Policing, Technology and Immigration

**Panelists :** **Jean Louis Bruguiere**, Premier Vice-President Charge de l'Instruction, Tribunal de Grande Instance de Paris, France  
**Richard Lewis**, Senior Fellow, Eurasyllum, Brussels  
**Sönke Hilbrans**, Hummel Kaleck, Berlin  
**Robert Cekuta**, US Embassy, Berlin

**Moderator :** **Ian Cuthbertson**, World Policy Institute

#### Judge Bruguiere

Judge Bruguiere focused on the importance of securing borders and collecting information on possible terrorists to allow them to be intercepted as they attempt to cross borders. He emphasized that borders are no longer the problem of individual states, but must be seen in the international context. Judge Bruguiere warned that all available intelligence indicated that there is a real risk that Europe will be struck by terrorist attacks in the coming months. He discussed ongoing recruiting efforts by radical jihad movements, including Al Quaida, the increase in the numbers of jihadists in Europe, and the impact Iraq has had on terrorist networks. The newest phenomenon is Islamist cells in Europe with Iraqi connections that are promoting jihad. These cells move quickly, have a transnational philosophy, lack centralized leadership, and tend to mutate rapidly. Judge Bruguiere compared these networks to a rapidly mutating virus with many microstructures.

Judge Bruguiere argued that the control of borders is crucial in combating this rapidly evolving threat. For political and technical reasons, European border controls are ineffective. Within the Schengen borders, each state is responsible for controlling its own borders. Emphasis must be placed on the more vulnerable, and hence more critical outer Schengen borders, not least because clandestine immigrants are using Spain, Italy and Turkey as points of entry to the rest of Europe.

The Judge said that UK's border controls are effective, but that its liberalism and tolerance have attracted many militants. In the US, immigration policy is a priority. The US is not in full control of its borders with Canada or Mexico, however, which creates many opportunities for terrorists to enter the country undetected.

Judge Bruguiere advocated a proactive strategy of ranking threats. He spoke for the harmonization of visa issuing policies within Schengen and for

biometric passports. He also advocated increased information gathering at borders.

### **Richard Lewis**

Lewis contrasted the approaches to immigration in European countries and in the US and the UK. In the Anglo-Saxon countries, borders are strictly controlled, but within the country one can do as one likes. On the continent, criminality is controlled through registration once one is within the country. Also, the US was constructed on the basis of immigration, with immigrants quickly acquiring first a US identity and then citizenship, while European nationality is largely based on jus sanguinis. This creates different historical contexts for immigration.

Mr. Lewis pointed out that the national security aspects of immigration encompass not only terrorism, but also such issues as drug running, trafficking in human beings, and even natural phenomena, such as floods, for example, which also trigger migration.

He argued for maintaining a sense of proportion about the use of technology and anti-terror laws. There must be a balance between the public interest in security and the private interest/rights of individuals.

As a former EU official, Mr. Lewis spoke about what the EU has done to meet the threat of terrorism and deal with migration in general. He maintained that the EU is not anti-identity or anti-nation-state. States are European and still retain their identity.

The basis has been laid for a European asylum policy, though not yet for legal migration. Mr. Lewis argued that you could only be strict towards illegal immigrants if there are proper migration laws for legal immigrants.

He pointed to the following EU measures:

- Fingerprinting of asylum seekers to prevent multiple applications
- Schengen information and visa systems that utilize advanced technology to share data
- Protection of data - EU laws are much stricter than those in the US
- Biometrics/computerized data

While agreeing with Americans that biometrics are needed, he insisted that data protection laws are crucial to avoid undermining democracy.

Mr. Lewis argued that any border protection measures will be porous and will not prevent illegal immigration. The war on terror is not one war, but several, and it will be won not just by fighting in Afghanistan. To win the war on terror, more time must be spent defending borders through intelligence. But the war will be won not only through hard, but also through soft action - by engaging with Muslims and winning hearts and minds.

### **Sönke Hilbrans**

Mr. Hilbrans, an immigration lawyer and expert on data protection, criticized the idea that security can be produced through technology. He pointed out in particular the dangers of compiling supranational databases. He described the new ability to store huge masses of biometric data and addressed the discriminatory effects of registration and the risks to civil

liberties through the racist application of technology, for example through profiling. He concentrated on the dangers of the overlap between criminal and immigration law, especially when information is exchanged between criminal and immigration authorities.

### **Robert Cekuta**

Mr. Cekuta, of the US Embassy in Berlin, addressed the tension between the traditional US openness to immigrants and the need for security. After 9/11, a mistake in national security would not be forgiven, but 100% security is not possible. We cannot take security for granted.

Comprehensive immigration reform and a temporary worker program are President Bush's priorities. The system must be modernized based on the need for temporary employees, who are now coming illegally - allowing people to work temporarily in the US, without moving towards naturalization.

A great deal of work goes into US efforts to police its long borders effectively. Mr. Cekuta described the US Visit program as a major aspect of border management - a continuum of security measures, including collection of biometric information from arrivals and departures. The program has also decreased processing time for visitors. He also described the establishment of a model airport program, with customized video messages, improved screening, and efficient movement of people. He said that the State Department and Homeland Security are increasing the lengths of student visas in an attempt to cut down on unnecessary paperwork.

Mr. Cekuta also described the new generation of travel documents -e.g.- passports that contain biometric information. A paperless, online visa system is being tested. He said that there is a great deal of room for input aimed at improvement of these new approaches and this was to be facilitated through discussions with the public, NGOs, etc.

Mr. Cekuta also discussed the US government's approach to dealing with Muslim populations in the United States. He mentioned that accusations of profiling have strained relations with some in the Muslim community. But he went on to point out that there are 5 or 6 million Muslims in the US and that the FBI has reached out to, and is working with, many different groups in Muslim communities and a range of Muslim leaders to improve communications and build relationships with all segments of the Muslim community.

For the US government there is a recognition that while it is necessary to take steps to ensure national security, the US must also keep its borders open to both immigrants and visitors.