THE USE OF THE NEW TECHNOLOGIES
IN IMMIGRATION SYSTEM

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Abstract
In this paper the author highlights the benefits of the technology applied in the management of immigration and the challenges that the competent authorities face using the computerized systems.

Also, the advantages and disadvantages of the technology applied to monitor the immigration are presented and analyzed, followed by the presentation of the author's point of view and the conclusions following the research.

Key Words: *immigration, administration, technology, digitalization*
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1. Introduction

The immigration is the movement of a person or a group of people, to settle in another place, often across a political or administrative boundary, for different reasons: to find a better job, for study, for family reunification or fear of persecution (people searching for asylum or international protection) (Avram, 2017, p. 1).

During the last ten years the phenomenon of immigration has become wider, which has turned into a crisis difficult to manage by the authorities. In order to cope with the large number of immigrants, various digital systems have been implemented at national and European level, which collect the Data of each person arriving at the border and centralize this Data to separate these people into different categories.

Following this idea, the paper highlights the fact that the new technologies play an important role in managing immigration.

2. About digitalisation in the administration of immigrants

The administrative field is represented by the governmental bodies of a country, of a state or a city and involves regulations, rules, licenses, applications, stay permits and all the decisions and information regarding the immigrants in the place where they are settled.

Digitalisation is important for all the administration spots to centralize the information and to avoid granting multiple residence permits. This is because there

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are cases when immigrants apply for a regular stay in several departments or several EU members states, hoping that at least one will accept.

The immigration was always well known in Europe but for the last ten years became a problem hard to solve for the EU member states[1] so they have invested in programs that improved the information gathering and sharing tools between the authorities and EU Home Affairs agencies[2]. The authorities are now able to provide information in real time, to advice and take decisions together and exchange and process operational information in a structured and secure automated way.

Having a centralized Data about the situation of the immigrants at EU level is an important challenge for the authorities but the benefits are necessary for its economic development and for the protection of the rights of people.

The development and the improvement of the technology is also one of the main points on the 2030 Agenda for sustainable development[3], which mention the importance of safe and responsible mobility of people through the well-managed and planned migration policies, work that needs to be done using the new technologies in order to keep the authorities connected. The Agenda proposed to increase, in national contexts, by 2020, the availability of high-quality, prompt, and strong data disaggregated by age, income, race, gender, ethnicity, migratory status and geographic location.

New technologies represent any set of productive techniques which offers a significant improvement over the established technology for a given process in a specific historical context.[4]

3. The advantages of new technology

As my family immigrated 24 years ago from Romania to Italy, I was able to see the development of the technology, to better understand its importance and to appreciate it maybe more that other people of my age. In 1996 the telephone was not affordable for every family, so, especially in the rural areas we had a central phone station. When people living in other cities or countries wanted to contact their beloved ones, they used to fix appointments, once per week or even once per month.

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[1] Apart from the well-known reasons for the mass departure of refugees who are in danger in their country, the reasons of immigration were the apartheid, the war in Libya, the Arab Spring Revolution, the poverty which affects most African countries, frustration and social exclusion of young people.

[2] The European Union Agency for Law Enforcement Training (CEPOL), The European Asylum Support Office (EASO), The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), EU Agency for large-scale IT systems (eu-LISA), The European Union Agency for Law Enforcement Cooperation (Europol) and The European Border and Coast Guard Agency (EBCGA/FRONTEX).

[3] "Fully operationalize the technology bank and science, technology and innovation capacity-building mechanism for least developed countries by 2017 and enhance the use of enabling technology, in particular information and communications technology." (UNO, n.d., p. 29), https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf.

[4]https://www.encyclopedia.com/social-sciences-and-law/sociology-and-social-reform/sociology-general-terms-and-concepts/new-0.

Later, from abroad started to be introduced the first cell phones in Romania, much heavier and bigger that the ones we can see today. But the connection points were weak and rare. Me and my grandmother, for example, had to climb a hill and wait under a tree for my father to call, every Sunday, at noon.

During the last five years Europe is facing an immigration crisis and European people are scandalized by the fact that most of the immigrants, on arrival, hold smartphones and take videos during disembarking, although they should be poor people and not afford such gadgets. Or, they need those phones to call their beloved ones and show them the situation as it is, it is their only way to keep in contact.

This is one of the most important aspect of the new technology, from a personal point of view.

From an administrative point of view, the new technology aloud authorities to see in real time what happens with immigrants, their location, and their situation in Europe. It is easier to monitor them; it is faster and no more need for waiting information. Today is all centralized and saved in the same program for all EU member state.

During the first months of 2020 the world have been locked down by the new Corona virus and the use of digital work became mandatory. We were lucky to have this option so the people could work from home and earn their salary while spending time with families.

So, people could understand the real benefits of the new technology, the fact that almost everything can be done online, from buying food to paying bills and solving most of the problems without losing time on queue lines.

4. The importance of new technologies from economical point of view

In the last ten years, most of the multinational companies, thanks to the legislation that allows them, prefer to move their services in the Est European countries or in the French-speaking African countries. They recruit people living in these countries, speaking foreign languages, paying a lower salary. The work is done remotely, through outsourced services, called internationally "outsourcing", without employees traveling for long periods but only for periods that do not require residence permits, to avoid costs and obligations, from employer. This type of activity benefits both the employer, because it involves lower costs but also for the state from which the services are provided, because the salaries are collected and consumed in the provider country, and people no longer leave the country.

Such procedures have allowed, for example, women in Arab countries to work without violating the rules and traditions that women should not be exposed to the public. This is convenient for employers because wages are lower and legal conditions are like those of nationals of host countries due to bilateral agreements between the EU and certain states.

Most of the time, when calling customer relations at certain companies, especially online commerce, mobile telephony, medical or law firms, a voice message informs the country from which the call will be taken, to avoid discrimination based on the language level that the operator may have. Very often, these calls are taken from Romania.

All the activities of multinational companies that work remotely and externalizes their services are using the most powerful and new technologies to provide the best services and the best quality.

This type of work is strongly related with the immigration because the companies need people from several countries, speaking several languages to work together as a team. This is possible or remotely, when each employee works from his one place and his country, or personally, in one selected place, where people from all over the world gather in the same place, reseting all the legislation and the immigration policy.

5. Digital Criminal Justice

In December 2018 Eurojust[1] recommended to the Council of the EU to initiate an EU-wide digital platform that facilitate the interaction and the exchange of critical information during criminal inspections between Eurojust and the European judicial community[2], named the Digital Criminal Justice. The concept was implemented in July 2019.

During the last years, considering the crisis caused by the mass immigration, it was clear the fact that authorities did not have appropriate and standardized tools to handle serious cross-border crime and it was not easy to cooperate and collaborate. So, the purpose of the digitalization was to ease communication and data exchanges and to help the practitioners to act promptly and precisely during time-sensitive investigations.[3] Digitalization is the integration of digital technologies into everyday life by the digitization of everything that can be digitized,[4] while digitization is the transformation of information[5] to digital form with relevant electronic device[6] so that the information can be processed, saved, and transferred through digital networks, equipment, and circuits.[7]

By collaborating with Eurojust, national authorities accomplished important on-the-ground results across large crime areas, including the freezing of a large sum of money from criminal assets, illicit drug trafficking and the arrests of many suspects, showing how important is to put forces together and use the new technologies.

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[1] Eurojust is an agency of the EU dealing with judicial cooperation in criminal matters among agencies of the member states. It is seated in The Hague, Netherlands. Established in 2002, it was created to improve handling of serious cross-border and organized crime by stimulating investigative and prosecutorial co-ordination. - http://eurojust.europa.eu/about/ background/Pages/history.aspx.

[2] A network of Contact Points within the EU designed to facilitate judicial cooperation across borders, focused on organized crime, corruption, drug smuggling and terrorism. It helps form and maintain contacts between agencies in member states. - https://www.ejn-crimjust.europa.eu/ejn/EJN_DynamicPage/EN/1.

[3] For example, by quickly issuing and responding to mutual legal assistance requests and other legal instruments.

[4] http://www.businessdictionary.com/definition/digitalization.html.

[5] Text, photographs, voice, etc.

[6] Such as a scanner or specialized computer chips.

[7] http://www.businessdictionary.com/definition/digitization.html.

Here are some cases regarding immigrants, successfully managed by the shared new technology and digital tools between the EU member states:

Case 1

Romania was successfully involved in several actions regarding the Digital Criminal Justice. In 2018 were started simultaneous operations against an organized crime group of 36 people suspected of trafficking at least 580 immigrants from the Middle East to the EU, gaining 2 million Euro for their assistance (Eurojust, 2019, p. 48).[1] A joint inspection team[2] was formed in the countries involved, with the participation of Europol and Eurojust. One year later, in November 2019, four people were jailed in Romania and one in Greece and were seized various pieces of identification and bank account documentation, two computers and 14 cell phones.[3]

Case 2

In 2018 the Romanian and Spanish authorities opened proceedings against a criminal organization which used to select young women in Romania (Eurojust, 2019, p. 51).[4] The women were frequently moved, making detection difficult, so the local authorities asked Eurojust for help. Eurojust coordinated a joint action day and implemented successful execution of several European Investigation Order, while Europol supported law application officers in the field. The joint work ended by arresting 14 suspects, 11 house searches, and the seizure of goods and 9 victims were saved.[5]

Case 3

In December 2019, Greek and Italian authorities held a joint action[6] to stop a migrant smuggling ring[7] that had been transporting immigrants, including minors under the age of 13 and gained around 6 000 Euro (Eurojust, 2019, p. 49). During the operation, Eurojust held two coordination meetings to exchange information and the national authorities were encouraged to set up a team to investigate the

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[1] At the action participated National authorities from Germany, Romania, Hungary and the UK. The smugglers travelled with the groups from Iran, Iraq and Syria, via Turkey and Greece, to Romania, where they were loaded into containers and transported on trucks bound for Germany via Hungary and the Czech Republic.

[2] With economic and logistical support provided by Eurojust.

[3] The last action was held by 65 police officers from Romania and 78 police officers from Germany, who searched 13 houses in Romania and Germany.

[4] These women were often drugged, threatened, or severely physically abused, and trafficked several times into other countries, including Spain and the Czech Republic, to work as prostitutes.

[5] Further coordination will be necessary to tackle jurisdictional issues.

[6] Coordinated from Eurojust's premises and supported by the European Migrant Smuggling Centre and Joint Operations Team MARE of Europol, which actively supported the operation by providing intelligence and sharing information.

[7] Since November 2018 had been transporting 140 migrants from the west of Greece via the Strait of Corfu to the southern Italian coast.

case.[1] The operation ended with the arrest of 8 suspects and were found 9 migrants, including minors, ready to be transported by the smugglers.

Case 4

In 2015 Belgian authorities discovered a doubtful increase of mixed marriages in the municipality of Ieper (Eurojust, 2019, p. 49). They suspected an organization of sham marriages, between Portuguese women and Pakistani men.[2] The couples usually travelled to Belgium to marry, then the women used to return to Portugal.[3] During the mission Eurojust held 3 coordination meetings between Portuguese and Belgian authorities, and set up a joint investigation team.[4] At the end of the mission, in January 2019, were found 43 irregular Pakistani immigrants in Belgium and were arrested 17 suspects in Belgium and 3 in Portugal and dozens of counterfeit documents and IT materiel were seized along with large quantities of cash.

6. Case-law on the application of new technologies in the granting of residence permits

In October 2019, the Court of Justice of the European Union (CJEU) ruled on a dispute between the Dutch authorities and three Turkish nationals.[5] This reference for a preliminary ruling concerns the interpretation of the provisions on employment and free movement of workers, which explicitly prohibit EU Member States and Turkey from adopting any new measure which makes the conditions for the free movement of workers within the national territory concerned more restrictive from the date of entry into force of these provisions.[6] On the other hand, the European Commission states that " The right of Turkish nationals to move to an EU country to work depends entirely on the laws of that country and they are entitled to the same working conditions as the nationals of that country."[7]

In the present case, the Netherland's 2000 Law on Foreign National involves the collection of biometric Data from Turkish and third-country nationals in the procedure for issuing a temporary residence permit, fact that the three Turkish applicants consider illegal. In this regard, the Dutch Supreme Court requests the CJEU

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[1] This was the first joint investigation team between the two countries.

[2] In return, the women received a cash payment.

[3] They occasionally returned to Belgium for police and immigration checks.

[4] The team was set up in December 2017, with the participation of Europol, and funding from Eurojust.

[5] Case C-70/18, *Staatssecretaris van Justitie en Veiligheid versus A., B., P.*, Judgment of the Court (First Chamber), 3 October 2019. http://curia.europa.eu/juris/document/document.jsf?text=&docid = 218617&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=7446967.

[6] Article 7 of Decision No 2/76 of 20 December 1976 adopted by the Association Council set up by the Agreement establishing an Association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 by the Republic of Turkey, on the one hand, and by the Member States of the European Economic Community (EEC) and the Community, on the other. And Article 13 of Decision No 1/80 of the Association Council of 19 September 1980 on the development of the Association.

[7] European Comission, "Employment, Social Affairs & Inclusion", accessed on 23 July 2020, available on: https://ec.europa.eu/social/main.jsp?catId=470&langId=en.

to rule on the introduction of this condition, after the entry into force of Decision no. 1/1980, if it can be considered a "new restriction" and, if so, if this limitation could be justified by the objective of combating identity and document fraud.

The CJEU points out that a national regulation which tightens the conditions for the reunification of the family of Turkish workers legally residing in the Member State concerned could make it difficult for a Turkish citizen to exercise freedom of movement. It must therefore be considered a new restriction within the meaning of those provisions.

However, such a restriction on the free movement of workers, which is normally prohibited, may be justified by an overriding reason in the public interest. The CJEU points out, *inter alia*, that the "objective of preventing illegal entry and residence" has already been considered in other judgments as an overriding reason in the general interest capable of justifying a "new restriction". It also emphasizes that the Union legislature itself recognizes, in various regulations, the importance of the fight against identity fraud. Based on these elements, the CJEU has reached the conclusion that the objective analyzed is legitimate and constitutes an overriding reason in the public interest.

As regards the ability of the measure to guarantee the desired objective, the CJEU confirms that the collection, recording and preservation of biometric Data (facial images and fingerprints) of third-country nationals in a central record system makes it possible to accurately identify the Data subject and detect identity and document fraud by simply comparing the Data in the file with that of the applicant for a temporary residence permit.

As regards the proportionality between the objective pursued and the observance of the fundamental right to privacy by the processing of personal Data, the CJEU indicates that the measure in question is not too incisive in the sense that it is limited to what is "strictly necessary" to combat fraud.

The fact that the Data collected are limited (fingerprints and images - exposed to the view of others anyway), that they are accessible only to a limited number of people who meet certain conditions (public institution workers) and that the storage period is expressly mentioned (five years), that the measures do not seem excessive, given the objective pursued by national law.

In conclusion, a measure establishing the collection, registration and retention of biometric data of foreign nationals as a condition for issuing a residence permit, making it more difficult to move freely and affecting the right to privacy, can be justified on the grounds of combating identity fraud and documents.

7. The disadvantages of the new technology

The problem with the ease of using the technology instead of classic paper and classic means of treating every situation is that the digital creates dependence and is hard to go back on classical once people are used to it.

At the beginning it is difficult to learn how every program works and all the commands that we must give to computers to execute what we need to. It is easier

for children, because they learn fast, and it became automatically for them to figure out how works a gadget at the first sight but is difficult for older people to understand the logic behind technology.

When different agencies and different departments, especially the public ones begun to implement the digital, there were working mostly older people, used to do all manually. They had to go to different trainings and learn to adapt to the new situation, to not lose their jobs. And was very frustrating to take lessons from young people to do the same work they have always been doing, but in a different way.

Computers are only machines and it happens to bug sometimes. Especially when is on remote control or shared services and there is only one point of contact, in one foreign country and for getting help needs time and the knowledge of an international language, mostly English.

In certain cases, while the technical problem is solved the work can continue but most of the time nothing can be done without electricity or computers and workers just should wait an unknown period.

Conclusions

New technologies are important in all the fields and influence our everyday lives. Technology is used to track immigrants, to save lives using medical machines or administration tools.

The technology is used right now to write this article and will be used to be published and will also be used to be read by the people that are interested in this subject, no matter the place from which does it.

The Emergency Services all over the world track the critical situations on live, thanks to the new technologies and the international application available on Smartphones that sends the position of the person in need.[1]

In conclusion, nowadays is very hard to live without technology and we are all connected and related to the digital world and we need to respect the legislation in order to take just the advantages from the technologies and to not become a victim of it.

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[1] Exemples: Apel112 – apps available in Romania; ALARMPHONE - Hotline for boatpeople in distress, https://alarmphone.org/?fbclid=IwAR28Iwgr_bi6gXbSFiCl0 QyrbSerCtAGubHzIG6Y am3QcawjuO8FY7gpFCA.