



Home Office

Rt Hon James Brokenshire MP  
Immigration Minister

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Sir William Cash MP  
Chair of the European Scrutiny Committee  
House of Commons  
14 Tothill Street  
London  
SW1H 9NB

10 FEB 2016

*Dear Sir William,*

**Internal Border Controls within the Schengen Free Movement Area (13464/15)**

Thank you for your report of 27 January, in which you asked for more information about our request for an agreement with the Schengen States allowing us greater access to Schengen immigration data.

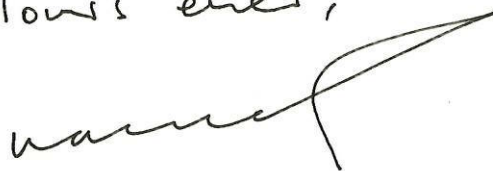
The agreement we are seeking would give us access to the kind of information contained in alerts issued under Article 24 of Regulation 1987/2006 (the Regulation on the establishment, operation and use of SIS II). These alerts are issued by the Schengen States in respect of third-country nationals who are subject to an "entry ban" from the Schengen area (e.g. because they have been removed from a Schengen State after breaching its immigration laws, or because they are deemed to pose a threat to public policy, public security or national security). It would also give us access to the type of information entered on the Visa Information System (VIS) under Articles 9, 12 and 13 of Regulation 767/2008 (the VIS Regulation), covering details of visa applications and of visas that have been refused or revoked by Schengen States.

In exchange for this, we would be willing to provide the Schengen States with details of our own immigration refusals, removals and deportations, so they could take this into account should the individuals in question apply to enter the Schengen area. We remain open minded as to the best way for such information to be shared, although any option that would require us to participate fully in Schengen and relinquish border controls will not be considered. It is worth noting that our non-participation in these parts of the *acquis* has not prevented us from being able, on a limited basis, to cooperate with FRONTEX or to exchange information with EUROSUR.

The Home Secretary raised this issue again at the Informal JHA Council in Amsterdam on 25 January, and we are continuing to engage with the Commission and other Member States on it. There is increasing recognition in the EU that information needs to be shared more effectively in order to strengthen the external border of the Schengen area, both to address the migration crisis and for security reasons. The conclusions of the December European Council support this approach, and it also draws support from some of the Commission's own recent communications (for example, the Action Plan on Return with its call for better information sharing on return decisions and entry bans). We believe that the sharing of information I have outlined above would be a sensible next step and that it would have benefits for both the UK and Schengen States.

I will update the Committee as this work develops

I am copying this letter to Lord Boswell, Chair of the Lords European Union Committee; and to Eve Samson, Clerk to your Committee; Chris Johnson, Clerk to the Lords Committee; Les Saunders (Cabinet Office); and Deborah Maggs, Departmental Scrutiny Coordinator for the Home Office.

Yours ever,  


**Rt. Hon James Brokenshire**