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The Eurodac System after the New Pact on Migration and Asylum: A Fundamental Rights Assessment

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1 Introduction

What once was a discreet instrument for asylum coordination evolved into a formidable biometric surveillance instrument at Europe's borders. Initially designed to assist Member States in determining responsibility for asylum claims under the Dublin Regulation, the Eurodac system is now situated at the intersection of immigration control and internal security. Following the adoption of the New Pact on Migration and Asylum, the European Commission has indicated it is considering fundamental reform of Eurodac, expanding its purpose, augmenting its technological capabilities, and conceiving a radically different rationale for its operation before its application in 2026.

This paper will critically engage with the proposed Eurodac reform considering two provisions from the EU Charter of Fundamental Rights. The paper will examine the reform's implications for data protection, children's rights, non-discrimination, and procedural fairness, and it will further illustrate how a scheme originally envisaged for reasons of mere administrative cooperation faces the risk of being turned into a tool for surveillance and deterrence. The analysis starts from a survey of the legislative context, moves to a detailed evaluation of concerns in terms of fundamental rights, and arrives at a national case study of Portugal to situate the reform's possible impact at the level of practice. Because the European migration and asylum case is of a multidimensional, critical and difficult nature, which requires a decisive, sustainable and human-rights based solution.

2 Legal and Policy Background

2.1 The Current Eurodac Regulation

The Eurodac system was first established by Regulation (EC) No 2725/2000, later recast as Regulation (EU) No 603/2013, and forms a cornerstone of the Common European Asylum System (CEAS). Its primary function is to facilitate the application of the Dublin III Regulation by recording the fingerprints of asylum seekers and certain categories of third-country nationals using a centralized biometric database. This allows Member States to determine whether an applicant has previously lodged an asylum claim in another EU country or entered the territory irregularly.

Initially conceived as an administrative coordination tool, Eurodac's use was narrowly tailored to asylum procedures, with limited law enforcement access permitted under specific conditions for the prevention and detection of terrorism and serious crime. Over time, however, the system has become embedded within a broader trend of digital identity management and biometric surveillance in the EU's migration governance apparatus. As its technological and operational scope has grown, so too have concerns about its compliance with data protection, privacy, and fundamental rights particularly

with regard to proportionality and purpose limitation.

Building on this foundation but significantly departing from its original humanitarian rationale, the proposed reform seeks to embed Eurodac into a broader framework of migration control and internal security.

2.2 Reform Under the New Pact

The European Commission's proposal to recast the Eurodac Regulation, introduced as part of the New Pact on Migration and Asylum, aims to overhaul the system's legal architecture and operational logic. The proposal is explicitly designed to support a more "seamless" and "interoperable" EU approach to migration management and internal security. Among its most notable changes are:

2.2.1 Lowering the minimum age for fingerprinting from 14 to 6 years, raising questions about compliance with the best interests of the child principle;

2.2.2 Including facial images in addition to fingerprints, expanding the scope and sensitivity of biometric data;

2.2.3 Expanding the scope to include third-country nationals apprehended for irregular stay, potentially encompassing individuals who have never claimed asylum;

2.2.4 Prolonging the data retention period from 10 to 15 years, increasing long-term surveillance risks;

2.2.5 Integrating Eurodac into the EU's interoperability framework, linking it with other large-scale databases such as the Entry/Exit System (EES), the European Travel Information and Authorisation System (ETIAS), the Schengen Information System (SIS), and the Visa Information System (VIS)

These reforms reflect a paradigmatic shift in Eurodac's role from a tool of asylum coordination to a central node in the EU's biometric border infrastructure. They fundamentally reorient the system's original administrative function, aligning it more closely with a security- and return-oriented logic. This recalibration raises significant legal and normative concerns, particularly regarding purpose limitation, proportionality, and fundamental rights compliance under the Charter of Fundamental Rights of the European Union (CFR).

3 Fundamental Rights Challenges

3.1 Data Protection and Privacy (Articles 7 and 8 CFR)

The draft reform to Eurodac gives rise to substantial concerns within Articles 7 and 8 of the European Union Charter of Fundamental Rights (CFR), ensuring the right to respect for private life and right to data protection. Enlarging the categories of biometric data, covering third-country nationals apprehended for irregular stay, not necessarily having any intention to claim asylum, most considerably erodes the original objective of the system. It also promotes function creep, illegal profiling, and excessive surveillance. This aspect increases exposure to risks from function creep, illegal profiling, and excessive surveillance. The expansion of biometric data categories, covering third-country nationals apprehended for irregular stay, without necessarily having any intention to claim asylum, considerably erodes the original purpose of the system. This greatly undermines necessity, a requirement stressed under EU law repeatedly by the Court of Justice of the European Union (CJEU) in judgments like *Digital Rights Ireland* and *Schrems II*. The proportionality of such extensive surveillance in particular when targeted at non-criminal conduct is very suspect. In addition to this, integration within the European Union interoperability scheme enables data disclosure and matching with other mass-scale uses, including law-enforcement ones.

3.2 Rights of the Child (Article 24 CFR and UN CRC)

Among the most contentious provisions within the reform is a reduction from age 14 to age six to be fingerprinted, a provision directly at odds with the best interests of the child principle contained in Article 24 CFR and Articles 3 and 16 of the United Nations Convention on the Rights of the Child (CRC). In General Comment No. 6 (2005) by the UN Committee on the Rights of the Child, children in migratory situations are to be treated more fundamentally as children to be protected rather than security risks.

Registration through biometrics in highly stressful and unpredictable circumstances risks causing long-lasting psychological harm, instilling associations between state institutions and surveillance or punishment. Although reference to safeguards in the reform proposal, key procedural assurances are incomplete or non-specific. The prospect remains unclear whether children will be assisted by a legal guardian, whether informed consent can be effectively obtained, nor whether processes in this case would achieve EU and international law requirements for a child-sensitive approach. In addition, retention periods of up to 15 years extend beyond childhood, with little uncertainty over deletion rights or reparations. This permanence is inherently incompatible with the right to development and rehabilitation, and contravenes the CRC requirement for temporal sensitivity and evolving capacity. The lack of a definitive sunset clause, nor automatic deletion for minor children, enhances the fear that this measure values control above security.

3.3 Non-Discrimination and Criminalisation of Migration (Article 21 CFR)

Expansion of the scope of Eurodac also gives rise to significant questions under Article 21 CFR, forbidding discrimination by reason of race, ethnic origin, and other personal status. The reforms are mainly aimed at third-country nationals particularly those in irregular circumstances thus perpetuating a structure of ethnic over-surveillance. This becomes most problematic where biometric surveillance serves not at the level of suspected individuals, but for mass-level population control by reason of migratory status. The linking up of Eurodac with criminal data sets creates a grey area, where data collected by the administration for purposes of controlling immigration can feed into or initiate criminal justice. This overlap between administrative and criminal logic not only degrades the humanitarian nature of EU asylum and immigration law, but equates a systemic disadvantage against racialised persons, specifically Global South migrants. Empirical case studies have demonstrated that facial recognition technology, now included in the proposed biometric package, operates less effectively against non-white subjects, heightening concerns over algorithmic bias as well as discriminatory consequences. Migrants introduced into Eurodac can be subject to increased surveillance, limited service access, or reputational loss not due to any misdoings, but by virtue of a system design having its migratory category equate with threat. This aids in criminalising immigration, a trend growingly condemned by civil society, human rights committees, and legal experts.

3.4 Procedural Rights and Access to Remedies (Article 47 CFR)

The right to effective remedy and to a fair hearing, ensured by Article 47 CFR, is not adequately secured in this proposed reform to Eurodac. Whereas the General Data Protection Regulation (GDPR) and the Law Enforcement Directive protect individuals' right to access, correct, and erase their own personal data, effective exercise of those rights in practice, in a migration context, remains restricted. Migrants lack legal assistance, are hindered by language and bureaucracy, are not regularly informed about their rights, lack access to effective remedies, and are not communicated with in a language they understand. The proposal makes provision neither for ensuring legal aid nor for ensuring receiving information clearly, accessibly, in a language understood by them. The data subject thus has little effective capacity to correct inaccuracies in their data, challenge its inclusion, or request its erasure raising grave doubts about available due process. Oversight structures are also not adequately advanced. National Data Protection Authorities (DPAs) and European Data Protection Supervisor (EDPS) roles are not adequately reinforced in this proposal, nor are any independent complaint mechanisms envisioned. No binding requirements for training border guards and asylum officials in fundamental rights, data protection values, or in a child-sensitive approach are envisaged. This

absence of procedural infrastructure leaves a legal void where arbitrary, improper data processing can be carried out without penalty, compromising on accountability, as well as trust.

4 National Perspective: The Case of Portugal

Portugal has traditionally had a progressive and rights-compliant approach to asylum and immigration, grounded in constitutional safeguards (Article 35 CRP) and a relatively open public discourse. Its statutory regime, comprising Article 35 of the Portuguese Constitution (protection of personal data) and Lei n.º 27/2008 (Asylum Act), expresses a commitment to dignity, non-discrimination, and procedural fairness. Yet the ongoing reform of Eurodac under the New Pact presents a serious test for these principles, as it introduces obligations that could strain an already fragile system. These concerns have been repeatedly highlighted by civil society, including the Conselho Português para os Refugiados (CPR), the European Council on Refugees and Exiles (ECRE) and the Comissão Nacional de Proteção de Dados (CNPd).¹

In practice, Eurodac data collection in Portugal is managed by AIMA (formerly SEF), which records and transmits fingerprints of adult asylum seekers and irregular migrants. While fingerprinting adults is routine, children under 14 are generally excluded, reflecting a de facto national threshold. The new Eurodac rules will change this significantly: mandatory biometric collection, including facial images, will be required from the age of six. According to the Relatório Anual de Asilo 2023 by CPR, there are “no clear protocols in place to ensure that the best interests of the child are safeguarded during biometric collection,” and civil society warns that these measures risk “normalising a culture of surveillance over protection.”² Similarly, the 2023 update of the AIDA Country Report: Portugal, published by ECRE, highlights the absence of binding procedures on informed consent, legal guardianship, and the deletion of minors’ data once they reach adulthood.³ These concerns illustrate the risk that Eurodac reform could compromise the child-centred approach that has characterised Portugal’s asylum system for decades.

Portuguese law does not currently set a general minimum age for biometric data processing, but the threshold of 14 years in Article 15.º of Lei n.º 27/2008 for fingerprinting in national ID documents has become a de facto standard in other contexts, due to GDPR requirements and a conservative approach to processing minors’ data. Many institutions, public and private, have applied this as a protective practice to avoid infringing the rights of children. Changing this threshold will require legislative amendments, new protocols, and substantial investment in training staff in child-sensitive methods.

¹ Conselho Português para os Refugiados (CPR), *Relatório Anual de Asilo 2023* (Lisboa 2023).

² Ibid.

³ European Council on Refugees and Exiles (ECRE), *AIDA Country Report: Portugal – 2023 Update* (2024).

So far, there is little evidence that such preparations are at an advanced stage: NGOs have repeatedly underlined that no comprehensive guidance has yet been issued, and the necessary IT systems to handle the new requirements are still in development.

These structural weaknesses are compounded by administrative bottlenecks that have grown more serious since the 2023 restructuring of SEF into AIMA. That transition has been marked by disruption, staff shortages and IT difficulties. CPR documents numerous instances where Dublin “take charge” and “take back” requests have taken several months to process, with Portugal frequently failing to meet the strict time limits set out in Articles 29 and 30 of the Asylum and Migration Management Regulation (AMMR).⁴ These delays have also been noted by the European Union Agency for Fundamental Rights (FRA), which warns that missed deadlines undermine the effectiveness of Eurodac matches and create a domino effect of postponed transfers across the EU.⁵ The backlog also slows down responses to Eurodac hits, reducing the overall efficiency of the system. Unless significant investments are made in personnel and infrastructure, these bottlenecks risk becoming chronic, and the reform will add even more operational pressure to a system already struggling to meet its basic obligations.

Oversight and data protection represent another vulnerability. The CNPD, in its 2022 Activity Report, underlined the dangers of a “compliance before capacity” approach, warning that interoperability with other EU systems must not “come at the expense of national data protection standards.”⁶ It has called for independent audits, clearer protocols for data deletion, and a detailed impact assessment on how biometric obligations will affect minors and vulnerable applicants. NGOs and watchdogs argue that without strong procedural safeguards, the expansion of Eurodac risks pushing frontline authorities toward enforcement-first approaches, sidelining guarantees of dignity, consent, and due process. In recent public consultations and parliamentary debates, these organisations have urged the government to prioritise transparency and safeguards before integrating the new Eurodac obligations, warning that rushing compliance could result in harmful outcomes, particularly for minors and those with precarious legal status.

Ultimately, the expansion of surveillance practices, particularly beyond asylum procedures, threatens to erode Portugal’s traditionally humanitarian approach. While Portugal’s legal framework is protective, its administrative capacity remains fragile. Unless reforms are made to strengthen staff training, independent oversight, and child-protection protocols, the upcoming Eurodac reform risks

⁴ Regulation (EU) 2024/1351 of the European Parliament and of the Council of 14 May 2024 on asylum and migration management (Asylum and Migration Management Regulation) OJ L 2024/1351, arts 29–30.

⁵ European Union Agency for Fundamental Rights (FRA), *Fundamental Rights Report 2024 – Country Chapter: Portugal* (Luxembourg 2024).

⁶ Comissão Nacional de Proteção de Dados (CNPD), *Relatório de Atividades 2022* (Lisboa 2023) 90–95.

replacing Portugal's rights-based model with a reactive, security-driven approach and could leave the country in chronic non-compliance with EU obligations.

Nevertheless, these challenges also present an opportunity: with adequate investment in capacity-building and safeguards, Portugal could demonstrate that a rights-focused implementation of Eurodac is possible even within a stricter European framework.

5 National Perspective: The Case of Germany

Germany stands out as a key country when looking at the reform of the Eurodac system and wider EU asylum and migration policies. It has consistently recorded the highest number of immigrants among EU Member States, according to recent Eurostat data.⁷ It is also among the top three EU countries that are not on the external border but still receive a very high number of first-time asylum applications.⁸ This is especially significant given that, under the Dublin Regulation, asylum seekers are expected to apply in the first EU country they enter. The fact that so many end up applying in Germany highlights ongoing challenges in how responsibility for asylum claims is shared across the EU. In 2024, the largest groups of asylum seekers in Germany came from Syria, Afghanistan, Turkey, Iraq and Somalia.⁹ These patterns show that Germany plays a central role in the EU's migration landscape. It is both a major destination country and a political driver in shaping how digital tools like Eurodac are used within the Common European Asylum System.

The German Federal Ministry of the Interior has advocated for the reform of Eurodac as part of a coherent and enforceable asylum procedure. The Eurodac reform suggested under the New Pact will include expanding the scope of Eurodac to irregular migrants, reducing the age of biometric collection from age twelve to age six, collecting facial images as well as fingerprints, and longer retention periods. These initiatives are designed, among other things, to help identify individuals, implement the Dublin Regulation and the potency of return decisions. Interior Minister Nancy Faeser has stated the importance of these initiatives for enabling Member States to determine who has responsibility for the asylum claims and to return individuals down the appropriate channels more effectively. Public statements indicated the German government attaches importance to these technological

⁷Eurostat. 'Immigration (tps00176)' [22/07/2025]. Eurostat. <https://ec.europa.eu/eurostat/databrowser/view/TPS00176/default/table?lang=en> accessed July 2025.

⁸ Eurostat. 'First-time asylum applicants by citizenship, age and sex – annual aggregated data (oldid 558844)' [2024, Web page]. <https://ec.europa.eu/eurostat/statistics-explained/index.php?oldid=558844> accessed July 2025.

⁹ Eurostat. 'First-time asylum applicants by citizenship, age and sex – annual aggregated data (oldid 558844)' [2024, Web page]. Eurostat. https://ec.europa.eu/eurostat/databrowser/view/migr_asyappctza/default/table

developments and procedural improvements as a requisite for restoring public faith in the EU's ability to limit migration patterns effectively.

Germany is supportive of the Eurodac reforms, but its position is moderated by layers of legal and public concern about the potential impact of Eurodac on fundamental rights. Data protection issues rank as one of the most important concerns. German legal culture values informational self-determination highly and there continues to be worry that the expansion of Eurodac is in clear violation of the principles of necessity and proportionality, as required by Article 52 of the Charter of Fundamental Rights and the GDPR.

One controversial aspect regarding the Eurodac reforms is the requirement for mandatory biometric registration of minors from the age of six. Many German legal scholars, child protective organizations, and members of the Bundestag question whether mandatory biometric registration, in such a form, is necessary and justified due to the vulnerability of the individuals. The use of biometric technologies raises wider ethical questions of rights relating to surveillance, stigmatization, and mission creep, where data collected for one purpose is then repurposed into unknown and potentially rights infringing arenas.

Furthermore, the increased likelihood of detaining individuals at the borders to carry out the Eurodac checks presents further challenges to the right to liberty as it is expressed in Article 6 of the Charter and the right to asylum, enlightened in Article 18. All this was emphasized particularly by political opposition parties such as Bündnis 90/Die Grünen and die Linke, along with civil society organizations advocating for an asylum policy that is more rights compliant.

Germany's domestic political debate illustrates a tension between European solidarity and duty to satisfy domestic pressures for stronger migration policies. Although the current coalition - consisting of the Social Democratic Party (SPD), the Greens, and the Free Democratic Party (FDP) - has supported the New Pact and backed Eurodac reform, some opposition voices have emerged calling for a more clearly independent national response. Friedrich Merz, leader of the Christian Democratic Union (CDU), has called existing mechanisms at the EU-level "visibly dysfunctional" and called for Germany to exert firmer control over its border control.

This ongoing internal polarization creates obstacles for Germany to act as one voice representing a country of a Union consisting of 27 others and may affect the way Eurodac will be implemented nationally, including when it concerns ensuring protection of fundamental rights.

Going forward, Germany should carry out the reform of the Eurodac system both proportionately and principled. Operational efficiency remains a legitimate policy concern but not at the costs of fundamental rights afforded by the European legal order. The German government should ensure, and cooperate with relevant EU institutions, to continue to strengthen safeguards and

institutions (notably the BfDI) to supervise the treatment of biometric data, especially in relation to vulnerable groups. Furthermore, the collection of biometric data from children younger than six years old also requires re-examination, not only from the lens of proportionality under EU law but also under Germany's international obligations under the United Nations Convention on the Rights of the Child.

It is also important to better clarify legal meanings regarding the limitations, purposes, and duration of data in Eurodac, in particular that reuse of data is truly restricted with appropriate legal safeguards. Germany should encourage sending staff on national training programs regarding asylum and border issues of personnel involved to promote awareness with regards to data protection principles, non-discrimination and the rights of the child.

Lastly, Germany has the potential to be a normative leader on a rights-based dialogue on digital migration governance in the EU context to strengthen the legitimization and coherence of the EU's Common European Asylum System. In these respects, Germany can help create a Eurodac regime that is transparent to users (but with decision-making autonomy) and also agora-based for the Union's fundamental rights system.

6 The Eurodac Reform: Between Efficiency and Erosion of Rights - A Critical Evaluation

The suggested change of the Eurodac system, brought in under the New Pact on Migration and Asylum, is set up as an important update to the European Union's way of handling migration. First made to gather and keep fingerprints of people seeking asylum for the Dublin Regulation, Eurodac has grown into a many-use tool for checking identities, return steps, and law enforcement work. While this change is put forward as a fix to problems in the current system it brings up big worries about following basic rights; rule of law and democratic accountability.

Backers of the change point out the need for better ways to find people, especially to stop extra journeys and help with coming back. By adding wider groups of folks – like illegal travelers and denied asylum seekers – Eurodac is intended to ensure that responsibility under the Dublin system is more effectively enforced. The change is also shown as a key piece of the EU's work to make shared databases that connect Eurodac with things like the Entry/Exit System (EES) and Schengen Information System (SIS), so it helps safety inside and makes doing business smoother. But, the rules and moral risks tied to this larger use of face data are big. One of the most talked-about changes is the drop in the minimum age for face data gathering from 14 to 6 years.

This includes not only fingerprinting but also facial imaging. The routine collection of such data

from young children—without strict oversight or safeguards—raises serious concerns about proportionality, necessity, and the best interests of the child.¹⁰ These concerns are further amplified when children are unaccompanied or already vulnerable due to trauma, trafficking, or exploitation.²¹¹

The expanded access to Eurodac by law enforcement authorities is another critical point of concern. The goal is to make looking into terrorism and big crimes better, but letting cops see asylum databases can harm the privacy of the asylum process. It creates a chilling effect on those seeking protection and blurs the line between protection procedures and security enforcement.¹² Confidentiality is not a procedural technicality; it is an essential condition for trust in the system and for the safety of those fleeing persecution.¹³

The change also does not fix the absence of good ways to help people with their data rights. Many immigrants – mostly those in holding or with little access to legal help – can’t argue against choices about data gathering, handling, or keeping. Without access to legal aid, translation services, and independent oversight, the right to an effective remedy remains largely theoretical.¹⁴ In practice, this undermines key EU legal standards and opens the door to systemic rights violations.¹⁵

Additionally, the reform has proceeded without a robust human rights impact assessment, despite its sweeping implications.¹⁶ The growing reliance on automated, data-driven tools in migration control must be matched by equally strong safeguards for legality, transparency, and individual rights. Without this balance, the EU risks replacing a protection-based system with a risk-based one – where migrants are treated as objects of control rather than as rights-holders.

A more principled and lawful approach to migration data governance remains possible. First, biometric data collection from minors should be the exception, not the norm. Where it is absolutely necessary, it should be subject to judicial oversight and accompanied by independent guardianship and child-specific safeguards.¹⁷ Second, the right to effective remedy must be guaranteed through accessible legal aid, translation support, and independent redress mechanisms. Third, law enforcement access to asylum-related data should be permitted only under strict necessity and proportionality tests, with robust external oversight.¹⁸ Finally, migration and border officials should be thoroughly trained in fundamental rights, child protection, and data protection standards. No technical system can deliver

¹⁰ Regulation (EU) 2016/679 of the European Parliament and of the Council [2016] OJ L119/1 (General Data Protection Regulation), art 5(1)(c).

¹¹ Charter of Fundamental Rights of the European Union [2012] OJ C326/391, arts 1, 7, 24.

¹² *Case C-293/12 Digital Rights Ireland Ltd v Minister for Communications, Marine and Natural Resources* ECLI:EU:C:2014:238.

¹³ UNHCR, *Guidelines on International Protection No 8: Child Asylum Claims* (2009) HCR/GIP/09/08.

¹⁴ European Convention on Human Rights (ECHR), art 13.

¹⁵ Charter of Fundamental Rights of the European Union [2012] OJ C326/391, art 47.

¹⁶ European Data Protection Supervisor (EDPS), *Opinion on the Interoperability of EU Information Systems* (Opinion 4/2018).

¹⁷ Committee on the Rights of the Child, *General Comment No 16 on State Obligations Regarding the Impact of the Business Sector on Children's Rights* (2013) CRC/C/GC/16.

¹⁸ *Case C-362/14 Maximilian Schrems v Data Protection Commissioner* ECLI:EU:C:2015:650.

justice if it is implemented in a culture that prioritises control over care.

The Eurodac reform reflects a broader shift in EU migration policy: one that risks sacrificing fundamental rights for the sake of efficiency. A functional system is important, but not at the cost of the EU's foundational values. Migration governance must be rights-based by design, not merely adjusted after violations occur. If the EU is to maintain its commitment to the rule of law and human dignity, legality must come before logistics.¹⁹

7 Conclusion

The suggested change of Eurodac, under the New Pact on Migration and Asylum is a big shift from its first use as a helpful tool for asylum help. It shows a bigger change: moving from rights-based ways of managing migration to a more pragmatic method about biometric watching, collecting data, and safety working together. While called a way to make ID and return processes better, this change brings considerations to privacy rights, data care, fairness, and getting justice which are part of the Charter of Basic Rights in the European Union. These possible infringements may hit harder for weak groups like children, racial communities, and people without papers who already deal with much closer watch and hard times within EU migration systems. However,

The decrease in fingerprinting age, the increase in the retention of biometric information and the increase in access for law enforcement all present a risk of normalising a logic of control at the cost of one that ensures protection. To honour its legal obligations within the EU and maintain the legitimacy of its migration framework, Eurodac reform needs to be radically reconsidered. This would mean reinstating tight purpose limitation, bolstering independent oversight, limiting collection of biometric information, and providing procedural guarantees for all individuals whose data will be used. Member States, such as Portugal, who have a strong constitutional protection framework and civil society context, have a vital role to play in establishing models for rights-compliant implementation.

The credibility of the EU's asylum and migration framework will not only be measured in terms of operational efficiency, but also in terms of its ability to achieve justice, dignity, and legal accountability in the face of political and technological interests. A migration system that forgets the human beings it governs is at risk of undermining the values it claims to protect. A rights-based Eurodac is not just a legal necessity; it is also a choice and a test of the Union's democratic resilience.

¹⁹ Treaty on the Functioning of the European Union (TFEU), art 78.

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