

Artificial Intelligence (AI) in Interoperable Large-scale IT systems

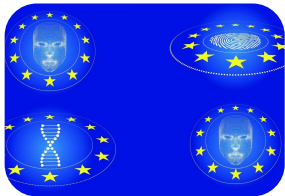
Dr Niovi Vavoula, Senior Lecturer (Associate Professor) in Migration and Security, Queen Mary University of London

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Overview of the presentation

- The (potential) use of AI in interoperable large-scale IT systems: What we know and we do not know
- Evaluation of interoperable and potentially AI-reliant IT systems
- Supervision of interoperable and potentially AI-reliant IT systems take place
- The proposed AI Act: Focus on Article 83
- Keeping in mind that human-centric AI requires:
 - **human agency and oversight**;
 - technical robustness and safety;
 - privacy and data governance;
 - **transparency**, diversity, **non-discrimination** and fairness
 - societal and environmental well-being; and
 - **accountability**

The (potential?) use of AI in interoperable IT systems



SIS



VIS



Eurodac



EES

Role of the
Common
Repository for
Reporting and
Statistics

**Facial
recognition
(sBMS)**

SIS
VIS
Eurodac
EES
ECRIS-TCN



ETIAS



ECRIS-TCN

**Algorithmic risk
assessments
(using AI?)**

ETIAS
VIS

**(Future) detection of forged
travel documents?**

Evaluation of interoperable IT systems

Article 1(3) of Regulation (EU) 2022/922: ‘Evaluations may cover in particular [...] large-scale information systems supporting the application of the Schengen *acquis*’

*****SIS, VIS, EES and ETIAS: part of the Schengen *acquis* BUT Eurodac and ECRIS-TCN are not*****

How to evaluate interoperable IT systems

1. when some of these do not fall within the scope of the SEMM?
 2. which fall within different fields of SEMM?
 3. some of which are less advanced than others (e.g. visas and data protection)?
- Need for a holistic approach to SEMM and large-scale IT systems with **meaningful** evaluations
 - Need for rectifying the already fragmentary evaluation (e.g. Eurodac)

Supervision of interoperable IT systems

- Supervision by national data protection authorities and the EDPS + Coordinated Supervision Committee

Irrespective of the *many* challenges of supervising interoperable IT systems (e.g. logs, lack of clarity on actors and roles under data protection law), the use of AI brings to the fore that

IT systems are not *just* a data protection issue

- *Ligue des Droits Humains* and non-discrimination, but also: right to effective remedies, right to good administration, rights of the child, right to human dignity
- Supervision cannot be just about compliance with data protection principles and safeguards
- Powerful tool but need for a more holistic supervision on fundamental rights compliance
- Specialised units on IT systems with trained officials doing supervision becoming an ongoing process and on the ground

The proposed AI Act: The curious case of Article 83

- Vulnerability of migrants and refugees v high risk AI systems, such as biometric identification, algorithmic risk assessments

Exclusion of large-scale IT systems from the scope of the AI Act

‘unless the **replacement or amendment** of those legal acts leads to a **significant change** in the design or intended purpose of the AI system [...]

WHY THIS EXCLUSION?

- Are EU initiatives beyond reproach? Why creating a divide between national and EU AI systems?
- Is it an implicit recognition that EU systems are discriminatory?
- What does ‘significant change’ mean?

The European Parliament addressed this issue by **bringing the systems within the scope of the AI Act** and requiring within 4 years of implementation of the AI Act compliance

- Trilogues start on 23rd July

Concluding remarks

- No adequate transparency, clarity, accountability and ultimately a defective 'human-centric' approach to AI in migration, asylum and border management
- Third-country nationals at a disadvantage due to their weak position: reduced to datafied individuals whose fundamental rights are at risk
- Data protection is vital, but cannot do all the work in the era of AI
- Opacity as to the future of AI in large-scale IT systems and interoperability
 - eu-LISA keeping an eye on the developments and already thinking the next steps?
 - detection of forged travel and supporting documents;
 - automated pre-processing of long-stay and residence permit applications;
 - AI supporting risk assessment by way of identification of irregular travelling patterns





Thank you very much for your attention!

Comments and/or queries are welcome!

n.vavoula@qmul.ac.uk

