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This guidance is for border guards in EU Member States who work at the operational level. It primarily addresses staff working at first line checks. It aims to support a fundamental rights compliant operation of the Entry-Exist System (EES).

The guidance focuses on fundamental rights considerations related to the EES and covers four key areas:

1. Informing third-country nationals
2. Processing personal data
3. Supporting third-country nationals with specific needs
4. Treating overstayers

It complements FRA's 2020 guidance: [Border controls and fundamental rights at external land borders](#).

Safeguards in other EU legal instruments, such as the Schengen Borders Code, remain applicable. Nothing in this guidance restricts or adversely affects applicable fundamental rights standards and safeguards.

1. Inform third-country nationals in a dignified and respectful manner

1. **Be aware of the information** on the EES that third-country nationals must receive upon entry into the Schengen area.
2. **Attend regular training** on the EES, its fundamental rights implications and on communication skills.
3. Verify that the standard template with information on the EES and contact details of the controller, the data protection officer and the supervisory authorities is visibly displayed and always available in sufficient copies.
4. Systematically check if third-country nationals understood which personal data are processed and why, who will access and use it and how long their data will be stored and that they may access their data and request corrections.
5. **Be friendly and offer support** when third country-nationals appear to be struggling to understand what information they need to provide and why.
6. **Respond to questions** clearly and politely using a language that third-country nationals understand.
7. **Seek support of cultural mediators or other support staff** to facilitate communication or to identify and refer vulnerable persons, where needed.
8. **Provide clear and complete replies** to questions on how to have data rectified, corrected or erased and who to contact to complaints. Call a supervisor, if necessary.

Legal sources: [EES Regulation \(EU\) 2017/2226](#), Articles 38 (5) and 50.

2. Process personal data respecting privacy and dignity

9. **Limit interferences with privacy** when capturing biometric data, for example by applying protective screens or shielding third-country nationals requiring specific assistance, if appropriate.
10. **Be sensitive** to the person's age, sex and cultural background.
11. **Be vigilant when capturing biometric data from certain groups that may face data reliability challenges**, for example children, people with darker skin tones, or people with facial injuries, treating them with dignity when ensuring biometric quality standards.
12. **Consider using mobile equipment** to capture facial images or fingerprints, particularly for third-country nationals with reduced mobility, travelling by car.
13. **Quickly correct mistakes** (e.g. wrong dates or spelling mistakes) once detected or reported, according to the established procedure.
14. **Swiftly refer requests for corrections requiring further verification**, based on the established procedure, and inform the third-country national accordingly.

Legal sources: [Charter](#), Articles 1, 8, 21(1), 22, 24; [EES Regulation \(EU\) 2017/2226](#), Articles 10, 38 and 57; [Commission Implementing Decision \(EU\) 2019/329](#) of 25 February 2019 laying down the specifications for the quality, resolution and use of fingerprints and facial image for biometric verification and identification in the Entry/Exit System (EES); [General Data Protection Regulation \(EU\) 2016/679](#), Chapter 3; [Law Enforcement Directive](#), (EU) 2016/680, Chapter 3; [Interoperability Regulations 2019/817](#) and [2019/818](#), Articles 47-48.

3. Be sensitive to people with specific needs

15. **Stay alert to signs of distress or discomfort** and support third-country nationals with specific needs, such as children, older people, and people with disabilities.
16. Pay attention that persons with disabilities and those with limited digital skills can access and understand the information.
17. **Provide for additional time and/or assistance and use available alternative procedures** (e.g. postponing biometric enrolment to exit in case of temporary injuries; or extracting the facial image from the passport chip), when biometric data is impossible or difficult to capture due to injuries, disabilities, age or other physical features.
18. **Offer to collect data more discretely** to travelers who feel uncomfortable with the data collection process due to disabilities, religious attire, or other reasons.
19. **Use child-friendly language** when dealing with children.
20. **Follow established referral procedures** for third-country nationals requiring assistance, for example if third-country nationals require more privacy, time or interpretation.

Legal sources: [Charter](#), Articles 1, 21(1), 22, 24, 25 and 26; [EES Regulation \(EU\) 2017/2226](#), Articles 10 (2) and 17 (3).

4. Treat overstayers with respect and avoid automatic presumptions

21. **In a friendly manner inform** third-country nationals about the fact that they overstayed and about possible consequences.
22. **Allow third-country nationals to provide evidence** to rebut the presumption of past irregular entry or of overstay and inform them about this possibility to do so.
23. **Do not take the accuracy of EES data for granted.** Remember that the risk of errors may occur despite technological safeguards, i.e. the rate of false results will never be zero.
24. **Provide information about the right to appeal and on how to contact services to get support** when entry is refused, in line with Article 14(3) of the Schengen Borders Code.
25. Refer people expressing their wish to claim asylum, also if they overstayed or appear not to meet the conditions of entry, to the national asylum procedure and respect the principle of non-refoulement.

Legal sources: Charter, Articles 1, 18, 19(2), 21(1); [EES Regulation \(EU\) 2017/2226](#), Articles 2(3), 9(2), 10, 12(3), and 41; [Schengen Borders Code](#), Articles 2(16) and 14(3);

[Asylum Procedures Directive 2013/32/EU](#), Recital 18, Articles 31(2) and 43, as of July 2026; [Asylum Procedures Regulation 2024/1348](#), Articles 34(2) and 43; [Asylum Qualification Directive 2011/95/EU](#), Article 25, as of July 2026 [Qualification Regulation \(EU\) 2024/1347](#), Article 25; [Council Regulation \(EC\) No 1030/2002](#) of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, Art. 1(2) (ii).