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Guidelines for Integrated Border Management in European Commission External Cooperation

November
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About this document:

The Guidelines are intended for staff in EU Delegations and EC Headquarters, as well as for the EC's partners and other donor agencies working and supporting EC projects in the field of Integrated Border Management. It has been prepared by the EuropeAid Co-operation Office with the support of the International Centre for Migration Policy Development (ICMPD).

This document should be seen as a contribution to the ongoing efforts to strengthen the quality of the EC's work in the area of external cooperation. Any comments, questions or suggestions are welcome and should be addressed to: EuropeAid-E3-social-human-development-migration@ec.europa.eu

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List of Acronyms

AEO	Authorised Economic Operator
API	Advance Passenger Information
BCP	Border Crossing Point
BIP	Border Inspection Post
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CoE	Council of Europe
C-TPAT	Customs Trade Partnership Against Terrorism
CVED	Common Veterinary Entry Document for the entry of live animals and products of animal origin
DPE	Designated point of entry for checks on food and feed of non-animal origin
EC	European Commission
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
IAWG	Interagency Working Group
IBM	Integrated Border Management
ICMPD	International Centre for Migration Policy Development
ICS	Inland Control Station
ICT	Information and Communication Technologies
IHR	International Health Regulations
ILO	Immigration Liaison Officer
Interpol	International Criminal Police Organization
IOM	International Organization for Migration
IPPC	International Plant Protection Convention
IT	Information Technology
MoU	Memorandum of Understanding
MS	Member State
MSR	Monthly Statistical Report
NCP	National Contact Point
OIE	World Organisation for Animal Health
SECI	South-East European Cooperative Initiative
ToR	Terms of Reference
TRACES	Trade Control and Export System
UNCAC	United Nations Convention against Corruption
UNHCR	United Nations High Commissioner for Refugees
UNDP	United Nations Development Programme
UNODC	United Nations Office on Drugs and Crime
WG	Working Group
WCO	World Customs Organization

Glossary on Integrated Border Management

Action plan: a work plan indicating which specific actions have to be taken by which actors in order to reach the goals as defined in the strategy.

Benchmark: in the context of the EU monitoring, "benchmark" means a comparison of working methods based on significant figures concerning number of cases, number of staff, average time for single working cases and quality of output.

Border control: an activity carried out at a border in response exclusively to an intention to cross that border or the act of crossing that border, regardless of any other consideration. It covers: (a) checks carried out at authorised border crossing points to ensure that persons, their means of transport and the objects in their possession may be authorised to enter the territory of the country or authorised to leave it; and (b) surveillance of borders between authorised border crossing points and the surveillance of border crossing points outside the fixed opening hours to prevent persons from circumventing border checks. Also see **Customs control** below.

Border crossing point (BCP): any crossing point – at land, sea, river, lake or air borders – authorised by the competent authorities for crossing a state border.

Border guards / border police: any public agency officially assigned in accordance with national law to border crossing points or along the border or the immediate vicinity of the border to perform checks and surveillance. Throughout the document, the term "border guard" is used in an equivalent way also for border police.

Border Inspection Post (BIP): any entry point – at land, sea, river, lake or air borders – which has been authorised by the competent authorities at a BCP, with facilities and equipment for a) veterinary checks on commercial consignments of live animals and products of animal origin and/or b) phytosanitary checks on plants and plant products.

Bottom-up and top-down information flow: describes the information flow within a given organisational unit starting at either the central or the operational level, as well as within hierarchical structures from operational to political level (bottom-up) or from political level to operational level (top-down).

Carrier: any natural or legal person whose profession it is to provide passenger transport.

Contingency plan: an organised and coordinated set of steps to be taken in case of an emergency or disaster at the border in order to help the government quickly recover from serious incidents at minimum cost and disruption. Contingency plans can also include a monitoring process and "triggers" for initiating planned actions. Contingency planning is an integral part of **managing** potential or actual **risk.**

Customs control: specific acts performed by the customs authorities in order to ensure the correct application of customs legislation and other legislation governing the entry, exit, transit, transfer, storage and end-use of goods in the territory of a country.

Customs procedure: any of the following procedures under which goods may be placed in connection with their movement over the border: import, export, transit or special procedures in accordance with the customs legislation of a country.

Database: comprehensive collection of data organised for convenient access, generally automated for electronic analysis.

Delimitation/demarcation: Delimitation is the "physical" line that indicates a state boundary; demarcation is the act of setting and marking limits or boundaries.

Early warning system: a system used to receive information or alert other stakeholders about expected or current risks or threats related to, e.g., movements of persons or goods, or information on animal, plant and public health risks.

EU *acquis*: all legal instruments of the European Union, which have to be legally and/or operationally implemented by Member States as well as by accession countries according to an agreed plan before accession or within a certain timeframe after accession.

External borders: specifically refers to the EU Member States' land borders, including river and lake borders, sea borders and airports, river, sea and lake ports, provided that they are not internal borders (of the EU).

Frontex: The European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) was set up in response to the need to improve integrated management at the external borders of the EU.

Gaps and needs analysis: analysis of the state of affairs and ongoing activities, with the aim of detecting areas where further action is considered necessary in order to reach given objectives and standards.

IBM strategy: a catalogue of the political and operational objectives a country wants to achieve in order to establish a more comprehensive, effective and efficient system of border management.

Mobile unit: control unit composed – in accordance with foreseen tasks – of representatives of one or more agencies to carry out inland control (frequently referred to as migration control within the territory) and/or surveillance between border crossing points.

Operational objectives: defined outcome to be achieved by a specific action or set of actions.

Operational plan: detailed plan for specific tasks of organisations and units.

Personal data: any information relating to an identified or identifiable natural person ("data subject"); an identifiable person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his physical, physiological, mental, economic, cultural or social identity.

Processing of personal data ("processing"): any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or making available, alignment or combination, blocking, erasure or destruction.

Process analysis: evaluation of work and information flows within an organisational unit, an administration or between agencies.

Risk analysis: a structured process that assesses the likelihood or probability of a threat to the security and integrity of the border

Routing slip: numbered checklist for cargo vehicles at customs offices at the border with boxes to be ticked off for every completed control measure (border guards, customs, veterinary and phytosanitary services and possibly the authorities of the other country) and signed by the controlling officer. This document is handed to the driver at the entrance point and then collected and controlled at the exit point to ensure that the driver and the truck have undergone all the necessary controls.

Schengen agreement: The signatory states to the Schengen agreement have abolished all internal borders in lieu of a single external border, where border control for the Schengen area is carried out in accordance with harmonised legislation and identical procedures. Schengen cooperation was incorporated into the EU legal framework by the Treaty of Amsterdam of 1997.

Schengen area: represents a territory where the free movement of persons is guaranteed in accordance with the Schengen Agreement of 1985. The Schengen area has gradually expanded to include nearly every EU Member State and also includes three non-EU member states: Iceland, Norway and Switzerland. Please see Annex 1 for more information.

Task force: organisational unit established solely to carry out tasks to reach a specific objective, usually within a given time frame.

Third country: Non-EU Member State (EU terminology)

Training curriculum: education/training plan designed for specific target groups and specific fields of work. For example, the EU "common core curriculum" for border guards is a plan agreed upon at EU level and consists of a set of modules considered necessary for the training of border guard officers.

Training manual: document designed on the basis of relevant curricula in order to ensure proper implementation of the goals and objectives in the corresponding training curriculum.

Visa Information System (VIS): consists of a central information system, of an interface in each Member State, and of a communication infrastructure between the central system and the national interfaces. The main purposes of the VIS are to improve the implementation of the common visa policy, and to strengthen consular cooperation and consultation between the central visa authorities of the EU Member States.

CHAPTER

CHAPTER 1
INTRODUCTION

THIS CHAPTER ANSWERS THE FOLLOWING QUESTIONS…

- What is the purpose of this document?
- Why were they developed?
- How are the Guidelines structured?

1.1. Purpose and target group

The *Guidelines for Integrated Border Management in European Commission External Cooperation* (hereinafter the Guidelines) have been drafted to support European Commission (EC) staff when formulating and implementing nationally owned and anchored Integrated Border Management (IBM) policies in third countries. The IBM concept described in these Guidelines was originally developed for EC cooperation in the Western Balkan region and has been fine-tuned in cooperation with international experts and practitioners during more than seven years of practical implementation in a wider geographic area.

At the basis of this IBM concept lies the realisation that irrespective of the national system and its level of development the results of the individual border management agencies generally improve when their level of cooperation is enhanced. Border management becomes smoother and more efficient, which, for example, can

lead to shorter waiting periods at the border crossing points and, consequently, higher customer satisfaction. At the same time, cooperation between agencies will contribute to increased detection rates of illicit cross-border activities and thus increases security. IBM works towards achieving the goal of having open, but controlled and secure borders, by enhancing the coordination and cooperation among all the relevant border authorities at national and international levels.

The Guidelines have been developed with two target groups in mind. They are intended to provide guidance on IBM for EC staff in Headquarters and Delegations involved in the implementation of border management activities as well as for their national counterparts: border management practitioners worldwide. Through its practical examples and recommendations, the Guidelines serve as a concrete and operational tool for programming and project implementation of EC external assistance as well as support to countries and other actors preparing and implementing projects related to IBM, with the final aim of developing an overall effective IBM system.

Many countries have already taken measures that fall under the scope of IBM. The aim of the Guidelines is not to alter any existing successful practices, but rather to offer examples of how to complement and enhance these. The Guidelines do not claim to be exhaustive in regard to the possible objectives of a national IBM strategy, nor will the principles presented in this document have the same applicability and relevance in each country concerned. The Guidelines should be viewed as a working tool, providing suggestions on how to improve cooperation and coordination at various levels. They should not be seen as detailed technical specifications covering all aspects of border management in individual countries; rather, they should be regarded as a background document on cooperation and coordination aspects of border management that should be taken into account, along with other relevant sources, when developing national IBM systems. Furthermore, it should be stressed that although the Guidelines contain a wide range of examples, including on commercial cross-border traffic, the overall emphasis lies on private cross-border traffic[1]. Last but not least, the Guidelines should be seen as a "living document".

1.2. Background

IBM has been confirmed as a priority area for cooperation with third countries in the EC's Global Approach to Migration, where partner countries are encouraged to upgrade their border management systems. The IBM concept for EC external cooperation was first mentioned in the EC 2002-2006 planning programme for the Western Balkans by pointing out that "a more integrated and all encompassing approach to border management is the only way forward because the problems are so interlinked that they cannot be effectively tackled separately".[2] Following several years of experience in implementing the IBM concept in the Western Balkans and Central Asia, this document was updated in 2007[3] by the International Centre for Migration Policy Development (ICMPD), which had already been cooperating with the EC during the development of the original version. In the framework of the EC funded Border Management Programme in Central Asia (BOMCA, implemented by UNDP), ICMPD has also developed specific IBM guidelines for this region.

[1] For further information (including on commercial cross-border traffic) please see the EC Customs Blueprints, which are a set of practical guidelines on EU best practices in the area of customs operations

[2] This echoes the conclusions of the Laeken European Council of 14 and 15 December 2001, which called for "better management of the [EU's] external border controls" through working out "arrangements for cooperation between services responsible for external border control and [examining] the conditions in which a mechanism or common services to control external borders could be created".

[3] In the framework of the Community Assistance for Reconstruction, Development and Stabilisation (CARDS) Programme "Support to and Coordination of IBM Strategies (contract n 81242)

Parallel with the development of IBM in the EC's cooperation with third countries, the concept of IBM *within* the EU has seen significant progress. In 2006, the Justice and Home Affairs Council of the EU concluded that IBM is a concept that consists of coordination and coherence (harmonisation of standards on border surveillance, border checks, and risk analysis), inter-agency cooperation (better combat cross-border crime and irregular migration, and facilitate the movement of legitimate traffic) and international cooperation, which according to the "four-tier access control model" entails cooperation with both neighbouring and third countries.[4] In 2008, IBM was referred to in the Lisbon Treaty by calling for the adoption of any measure necessary for the gradual establishment of an integrated management system for external borders with respect for the movement of persons.[5]

The Guidelines incorporate this IBM concept. However, the integrated management of the external borders of the EU does not lend itself to a "one-size-fits-all" model that can be copy-pasted as such by other countries. Therefore, this document includes good practices on the cooperation aspects of IBM of both EU Member States and non-EU countries, as well as expert advice on how to establish a functional system. Please see Chapter 2 for more information on key elements of the concept of integrated management of the external borders of the EU.

Apart from Eastern Europe and Central Asia, other regions that are currently starting or further expanding cooperation on border management with the EC include the Southern Caucasus, North and West Africa, Asia and Central America. Developing generic Guidelines that are not country or region-specific was therefore considered a priority by EuropeAid, which tasked ICMPD with drafting them. In order to analyse the border management settings and good practices in different parts of the world and in different geographical and political settings, three fact-finding missions were conducted in Nigeria, Bolivia and Peru, Indonesia and the Philippines. The present document integrates the experience of the Western Balkans and Central Asia with the findings of these missions.

1.3. Structure of the Guidelines

Following the introduction, Chapter 2 of this document explains the concept of IBM as it is applied within the EU. Chapter 3 briefly introduces the three "pillars" of IBM as defined in these Guidelines: intraservice, inter-agency and international cooperation and coordination. Chapter 4 presents the main agencies in the field of IBM: agencies in charge of border surveillance, agencies in charge of border checks, customs agencies, and the agencies in charge of inspection of plants and plant products, inspection of live animals and products of animal origin and inspection of food and feed of non-animal origin respectively, as well as agencies in charge of human health checks.

The essence of the Guidelines, i.e. the concept of IBM – cooperation and coordination in practice – is outlined in chapters 5, 6 and 7. Each chapter offers theoretical and practical examples grouped by topic into the following subchapters:

- **Legal and regulatory framework** describes the necessary legal basis for cooperation and information exchange
- **Institutional framework** provides the recommended organisational setting for introducing IBM
- **Procedures** for cooperation
- **Human resources and training** deals with recruitment and educational/training issues in the framework of coordination and cooperation.
- **Communication and information exchange** provides guidance on how best to create standardised and efficient flows and exchanges of information.

[4] Council Conclusions of 4-5 December 2006 on Integrated Border Management (2768th Justice and Home Affairs Council meeting in Brussels)

[5] See OJ 2008/C 115/01, Consolidated Version of the Treaty on the Functioning of the European Union, Chapter 2 Policies on Border Checks, Asylum and Immigration, Article 77 1(c) and 2(d).

- **Infrastructure and equipment** complements each chapter by recommending how equipment and facilities can support cooperation and coordination at all levels.

Cooperation with other state actors, such as those not directly involved in border management tasks, and non-state actors is addressed in Subchapter 6.7, focusing on cooperation and coordination with the police force, prosecutors, authorities involved in trade facilitation, carriers/operators and the public.

Important cross-cutting issues have been included in the chapters following the three pillars. Chapters 8 and 9 illustrate asylum and visa management in the context of IBM. Risk analysis and information management, which are relevant to each of the three IBM pillars, are dealt with in Chapter 10, and Chapter 11 highlights connections between anti-corruption measures and IBM.

The last part of the Guidelines, Chapter 12, describes how to develop a national IBM strategy and action plan for cooperation and it includes forms and templates. A subchapter on evaluation and review adds information on how best to monitor the implementation process.

Practical examples are presented after each chapter to illustrate how certain components of IBM are already implemented by various countries. The practical examples included here should be regarded as a non-exhaustive list.

A list of key reference documents and annexes, including sample templates and practical information sheets, complete the Guidelines. Annex 7 provides a questionnaire where practitioners can assess to what degree cooperation and coordination aspects of IBM are already implemented in their agency or country and to identify strengths and weaknesses in their border management systems - a first step towards finding suitable solutions.

CHAPTER

CHAPTER 2
IBM IN THE EUROPEAN UNION

THIS CHAPTER EXPLAINS THE KEY ELEMENTS OF THE IBM CONCEPT AS IT IS APPLIED IN THE EUROPEAN UNION

IBM in the EU is based on having common legislation, operational cooperation and financial solidarity between the Member States. The overall objectives are to:

- → Protect internal security and manage migration flows so as to prevent irregular migration, related crime and other cross-border crime;
- → Allow for smooth and fast border crossings for legitimate travellers.

An overall model for European border management is important for safeguarding internal security, for preventing irregular immigration and other cross-border crime and for ensuring smooth border crossings for legitimate travellers. The concept of IBM has therefore been developed to ensure efficient, extensive and cost-effective management of the external borders of the European Union as concerns controlling the movement of persons. The policy is and will continue to be developed on the basis of the three main blocks in place: common legislation, operational cooperation and financial solidarity.

The EU IBM concept includes all the measures relating to policy, legislation, systematic cooperation, the distribution of the burden, personnel, equipment and technology tak-

en at different levels by the competent authorities of the Member States, acting in cooperation and, where necessary together with other actors, utilising *inter alia* the four tier access control model and integrated risk analysis.

Border management must meet three objectives, which are equally indispensable and fully compatible with each other:

- Protection of internal security and management of migration flows to prevent irregular migration, related crime and other cross-border crime;
- Smooth and fast border crossings for the vast majority of travellers who do meet the conditions laid down in relevant Regulations; and
- Full respect of fundamental rights, including treating each individual with full respect for human dignity and allowing access to international protection to those in need thereof.

In its meeting on 4-5 December 2006, the Justice and Home Affairs Council of the EU concluded that integrated border management (within the EU) is a concept that consists of the following dimensions:

- Border control (checks and surveillance) as defined in the Schengen Borders Code, including relevant risk analysis and crime intelligence;
- Detection and investigation of cross-border crime in coordination with all competent law enforcement authorities;
- Coordination and coherence of the activities of Member States and Institutions and other bodies of the EU;
- Inter-agency cooperation for border management (border guards, customs, police, national security and other relevant authorities) and international cooperation; and
- The four-tier access control model (measures in third countries, cooperation with neighbouring countries, border control, control measures within the area of free movement, including return).

Simply put, the first two of these dimensions describe **what** should be done (border control, risk analysis, crime intelligence, detection and investigation of cross-border crime), whereas the following two dimensions describe **how** this should be done (through coordination, coherence, inter-agency cooperation and international cooperation), and the last dimension states **where** it should be done.

As already mentioned in Chapter 1 and in light of the development of IBM within the EU, these Guidelines do not aim to provide detailed technical specifications on all aspects of border management.[6] Rather, the focus lies on providing practical examples and recommendations on how to improve cooperation and coordination, i.e. the "how" and "where" dimensions mentioned above.

2.1 The four-tier access control model

Based on the need for both inter-agency and international cooperation (local, bilateral and multinational), the four-tier access control model is described as the core of IBM in the EU Schengen Catalogue on External Borders Control and Return and Readmission[7]. This model consists of a set of complementary measures to be implemented in four different tiers: 1) Measures in third countries; 2) Cooperation with neighbouring countries; 3) Border control (at the external border); and 4) Control measures within the area of free movement, including return.

1. **First-tier** measures are taken in **third countries**, especially in countries of origin and transit. These measures include advice and training by liaison officers and document experts with regard to the visa process for consular officials at

[6] Please see the EU Schengen Catalogue on External Borders Control, Return and Readmission - Recommendations and best practices, Council of the EU, 7864/09, which further describes the EU IBM concept and also provides recommendations and best practices on border management.

[7] Updated EU Schengen Catalogue on External Borders Control, Return and Readmission - Recommendations and best practices, Council of the EU, 7864/09

consular posts and for carrier company personnel in third countries of origin or transit, which are the source of the risks generated by irregular immigration.

2. The **second tier** consists of cooperation with **neighbouring countries**. Agreements with neighbouring countries on cooperation in the field of border management are an efficient tool for increasing border security. Cooperation should be realized by establishing appropriate working mechanisms such as exchange of information, appropriate communication channels, central, regional and local contact points, emergency procedures, handling incidents in an objective manner in order to avoid political disputes, etc. Regional cooperation structures across external borders should also be established in maritime areas. These initiatives should bring together all countries in the region.
3. Border control, as the **third tier** of the model, guarantees systematic border checks for every person **entering or exiting the Schengen area**.[8] It also ensures an adequate level for exposing illegal border crossings in areas between border crossing points or via sea, using false documents or hiding inside various modes of transport. Border control is part of national crime prevention, as it detects and reveals human smuggling, stolen property and other cross-border and border-related crimes as well as contributing to the detection of serious crime.
4. The **fourth tier** comprises control **measures within the area of free movement**, including return. These measures prevent irregular immigration and cross-border crime inside the territory of the Schengen States by enhanced searches, checks and surveillance measures in accordance with national law. Irregular immigrants detected inside the Schengen territory shall be taken under the control of the authorities. They should be registered and if no grounds for residence exist and if there are no obstacles based on compelling humanitarian grounds or international law, they should be repatriated to their country of origin. Member States should define minimum standards for control measures within their territory together with other relevant authorities, of places known to be critical for third-country nationals staying illegally, cross-border traffic connections, etc.

[8] Please see Annex 1 for more information on the Schengen area and cooperation.

CHAPTER

CHAPTER 3

COOPERATION IN THE CONTEXT OF INTEGRATED BORDER MANAGEMENT

THIS CHAPTER EXPLAINS COOPERATION AND COORDINATION IN THE CONTEXT OF INTEGRATED BORDER MANAGEMENT

IBM calls for **cooperation and coordination between all actors involved in border management.** By improving communication, information exchange and mutual assistance of and between the services, the state border can be managed more successfully.

In the framework of these Guidelines, IBM should be understood as:

> *"national and international coordination and cooperation among all the relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and coordinated border management, in order to reach the objective of open, but well controlled and secure borders."*[9]

This cooperation and coordination should take place on three levels, also called the **three IBM pillars**, which will be further explained in the subchapters below:

[9] Adapted from the "Guidelines for Integrated Border Management in the Western Balkans", EU Commission Staff Working Paper, Updated version, January 2007. It must be stressed that there is no universally agreed upon definition of IBM.

1. Intraservice cooperation (within a service or ministry),
2. Inter-agency cooperation (between different ministries or border management agencies), and
3. International cooperation (with other countries and international organisations).

3.1. Intraservice cooperation

Intraservice cooperation refers to procedures, exchange of information and resources within one ministry or agency. This includes (a) vertical cooperation: between central, regional and local levels and (b) horizontal cooperation: between different units of the same levels.

Intraservice cooperation thus refers to interaction between:

- A ministry and its respective border management agency;
- A border management agency and other services within the same ministry;
- Different units at headquarters
- Different local units: border crossing points (BCPs), border inspection posts (BIPs), designated points of entry (DPEs) and inland control stations (ICSs);
- Headquarters, regional units and the local BCPs and ICSs.

Figure 1: Intraservice cooperation

3.2. Inter-agency cooperation

Inter-agency cooperation refers to cooperation and coordination between different ministries or border management agencies, as well as between the operational officers of the different agencies active at the border or ICSs. It starts at the ministry/central level where mid- and long-term strategies are discussed and extends to the operational contacts at the level of regional directorates and day-to-day operations at the BCPs.

Coordination at the strategic level helps avoid policy inconsistencies; at the local level, inter-agency cooperation should lead to more efficient workflows, shortened processing times and higher detection rates of illicit cross-border activities such as irregular migration and smuggling of goods and animals.

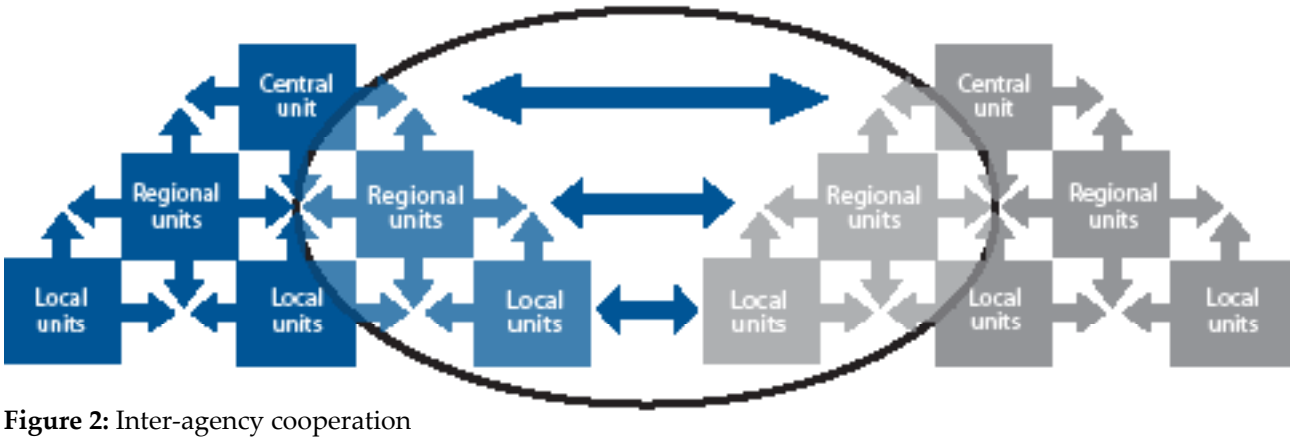


Figure 2: Inter-agency cooperation

3.3. International cooperation

Closer international cooperation in the field of border management with neighbouring and other relevant countries is an effective tool to facilitate legitimate cross-border travel and trade and, at the same time, to fight cross-border crime and irregular immigration. Operational support can be sought from relevant regional/international organisations, such as Frontex, Europol and Interpol, while institution and capacity building support is provided by a variety of other international organisations such as FAO, ICAO, ICMPD, IOM, OIE, OSCE, UNCTAD, UNHCR, UNODC, WCO or WHO. Whereas the central level focuses on coordination of strategic aspects such as joint protection and surveillance of the border sections most at risk, cooperation at the regional and local levels focus on day-to-day operational issues.

International cooperation thus refers to cooperation:

- Between neighbouring states covering various issues, such as the organisation of joint patrols or coordination of border surveillance, joint border crossing points, information exchange, joint training, common contact offices and focal points;
- At the multilateral level to better approach common fields of work such as trans-border crime, irregular migration, trafficking in human beings, terrorism and smuggling of goods, through cooperation with international stakeholders, participation in regional/international fora and signing international agreements;
- At the local level between officials on both sides of the border.

CHAPTER

CHAPTER 4
MAIN AGENCIES IN THE FIELD OF IBM

4

THIS CHAPTER INTRODUCES THE MAIN AGENCIES IN THE FIELD OF IBM

The names and the precise scope of tasks of the main border management agencies may vary from one country to the next, but the most important functions are essentially the same: the surveillance of the state border as well as the control of persons and goods. Irrespective of their tasks, all border management agency officials must observe human rights and freedoms in fulfilling their duty.

4.1. Agencies in charge of border surveillance

The surveillance of the state border is at the very core of border management as it is closely linked to the notion of national sovereignty. The concept of border surveillance refers to the border line between official BCPs, as well as the BCPs themselves when outside the fixed opening hours. In many countries the agencies involved in surveillance face a very difficult task as they have to deal with hundreds or even thousands of kilometres of sea, desert, mountain or jungle borders which are difficult to survey.

The box below lists the agencies that typically are involved in implementing border management tasks:

BORDER SURVEILLANCE AND BORDER CHECKS	CUSTOMS AGENCIES
Border guard/police (EU)	Customs (EU)
Coast guard	Customs and border protection service
Immigration service	Fiscal and customs police
Customs	Fiscal police/financial guard
Customs and border protection service	Specialised law enforcement agency (e.g. on drugs smuggling)
Armed forces (army, air force, navy)	
Specialised law enforcement and intelligence agencies	Border guard
INSPECTION OF PLANTS AND PLANT PRODUCTS	**INSPECTION OF LIVE ANIMALS AND PRODUCTS OF ANIMAL ORIGIN**
Phytosanitary inspection (EU)	Veterinary inspection (EU)
(Plant) quarantine service	Health and food safety agency
Plant health inspection service	Animal inspection service
Customs	Quarantine service
	Customs
HUMAN HEALTH INSPECTION	**INSPECTION OF FOOD AND FEED OF NON-ANIMAL ORIGIN**
Sanitary inspection	Sanitary inspection/Veterinary inspection
Public health agency	Health and food safety agency
Health and food safety agency	Customs
Quarantine service	

Agencies responsible for border surveillance usually deploy officials:

- Along the border line: land border (green border), rivers, lakes and maritime border (blue borders);
- In the vicinity of the border (border zone);
- At land BCPs, seaports and international airports; and
- At regional or central headquarters.

Officials may be authorised to:

- Carry out border surveillance at the BCPs and along the border and checks at the BCPs;
- Prevent persons from circumventing border checks that are performed at authorised BCPs;
- Take preventive or enforcement measures at the border to protect it against illegal activities;
- Conduct investigations into facts observed in the course of checks or surveillance at the border and inform/refer to relevant agencies whenever necessary; and
- Maintain national security in compliance with national and international legislation.

In the framework of their operations, border surveillance agencies may also perform the following tasks:

- Prevent, identify, discover and investigate trans-border crime, either as part of their regular tasks or in cooperation with other relevant law enforcement authorities;
- Provide support in cases of emergency and conflict situations directly endangering public order at the state border;
- Provide support to vulnerable persons and asylum seekers, for example temporary shelter;
- Provide support for or lead search and rescue operations in the border areas; and
- Prevent illegal fishing or hunting activities, illegal exploitation of natural resources and marine pollution.

Some countries involve the armed forces, auxiliary or semi-military forces (for example, gendarmerie) in border surveillance. In such cases, the responsibility falls to the armed forces or the ministry of defence, ideally under operational control of the ministry of the interior. Either way, staff must receive specific training for border control tasks in order to ensure compliance with international legislation. The European Union (EU) recommends, particularly in the EU candidate countries and in line with security sector reforms, a gradual hand-over to civilian control. Many states with military engagement in border management are already in various phases of transition. In this regard, appropriate training for all staff concerned is a key issue to support the transition process from military to civilian service.

4.2. Agencies in charge of border checks

Names and methodology of agencies responsible for border checks may vary. Nevertheless the core task remains the same: to determine whether persons are authorised to enter or leave the territory of a state, including checking their means of transportation and the objects in their possession and processing them accordingly. Border checks and border surveillance are closely linked and often conducted by the same agency.

Agencies responsible for border checks usually deploy officials:

- At land BCPs, seaports and international airports (entry and exit);
- In the vicinity of the border (border zone);
- At regional or central headquarters;
- At embassies, consular departments abroad;
- At locations within the country (inland mobile units); and
- To international/regional organisations or centres dealing with border issues.

Officials may be authorised to:

- Establish the identity of the person crossing the border based on their travel documents;
- Check the validity and authenticity of travel documents or documents authorising them and/or their pet animals to cross the border (passports, I.D. cards, visas etc.) and supporting documents (letters of invitation, certificates etc.), including stamping the documents as necessary;
- Search persons;
- Interview travellers/passengers/drivers and conduct investigations to ensure that the reasons and motives for travel are authentic;
- Check that passengers have sufficient means of subsistence (access to finances) for the duration of their stay;
- Take necessary procedural measures when persons or their pet animals do not fulfil the conditions of entry or exit, including refusal of entry, apprehension, detention and/or removal;
- Gather and analyse information in order to identify and counter risks to border security;
- Conduct investigations and operations to fight irregular immigration;
- Search and apprehend persons wanted by national or international arrest warrant;
- Consult relevant databases for alerts (on persons and objects);
- Receive asylum applications and refer the applicants to the responsible authority;[10] and
- Collect statistical data on regular and irregular cross-border movements of persons.

Agencies responsible for border checks may also:

- Have a general responsibility as a law enforcement agency to prevent, identify, discover and investigate cross-border crime, either as part of their regular tasks or in cooperation with other relevant law enforcement authorities;
- Conduct the entry/exit check of the means of transportation and objects/animals in the possession of persons;

- Apply basic customs control on behalf of other services (e.g. at BCPs where Customs is not present on a permanent basis);
- Assist in border surveillance; and
- Receive and process visa applications and issue visas at the border.[11]

4.3. Customs agencies

Customs agencies assume the lead in the control of goods, which includes the inspection and checking of goods/animals themselves, often on behalf of other authorities that are not physically present at the border, and in most cases also the collection of duties and other revenues. As a result, customs agencies operate closely with a wide range of other government and private sector actors.

Traditionally, the most important role of customs has been collecting duties and taxes, and implementing commercial policy measures in relation to trade in goods.. While the revenue collection and commercial policy functions remain, customs agencies worldwide are increasingly responsible for a far more complex set of tasks, in particular related to ensuring security and safety of the supply chain, as well as the facilitation of trade flows in the process of monitoring and managing international trade.

Customs agencies usually deploy officials:

- At land BCPs, seaports and international airports;
- At ICSs; and
- At regional or central headquarters.

Officials may be authorised to (*inter alia*):

- Inspect vehicles and persons crossing the border to ensure that all goods/animals transported are declared and compliant with legislation and prohibitions and restrictions protecting the safety and security of citizens and the environment;
- Check validity, authenticity and accuracy of documents (bills of lading, invoices, certificates etc.);
- Issue documents/certificates;
- Collect revenues and duties;
- Take required action when breaches of legislation have occurred including the apprehension of persons, imposition of fines and the seizure/destruction of goods;
- Conduct investigations and operations to combat smuggling and fraud; and
- Collect statistics, gather and analyse information in order to identify and counter risks to the security of the border.
- Apply basic human health, plants and plant product, animal and food and feed checks on behalf of other services (e.g. at BCPs where these services are not present on a permanent basis);

Customs agencies may also:

- Assist in the surveillance of the border;
- Provide support for search and rescue operations; and
- Take part in the fight against irregular migration.

4.4. Plants and plant products inspection agencies

Plants and plant products destined for import or transit through a country are inspected in order to prevent the spread and introduction of harmful organisms. Such phytosanitary inspections should be carried out in close coordination with the customs control agency.

[10] The national refugee authority and/or UNHCR

[11] It is recommended to routinely issue the visa at Diplomatic Missions and Consular Posts

Agencies inspecting plants and plant products usually deploy officials:

- At a land, sea or air border crossing point or further inland and
- At regional or central headquarters.

Officials may be authorised to:

- Check the accuracy and validity of phytosanitary certificates and, in accordance with the check, grant or refuse the entry of goods;
- Assess the state of health of consignments arriving at the border;
- Check the means of transportation, such as pallets or the wooden floor of trailers and packing material for harmful organisms and, in accordance with the check, grant or refuse entry;
- Take samples and have them analysed by an accredited laboratory and, according to the results of the check, grant or refuse entry of the consignment or order its destruction;
- Notify the relevant agencies of involved countries about the interception of contaminated consignments; and
- Issue phytosanitary certificates for plants and plant products for export.

Procedures relating to the inspection of plants and plant products should be in line with customs control, and therefore a clear coordination mechanism between these two agencies is necessary. Customs officers should be aware of the tasks of plant and plant product inspectors so that they know which products have to be controlled, which species are safe-guarded under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and which (small) amounts of regulated plants or plant products are exempted from control.

In some countries, certain tasks relating to the inspections of plants and plant products are under the responsibility of the customs agency, which usually has more human resources and normally is present at each BCP. The plant protection agency would still be involved in complex cases but would not have to maintain staff at the border.

4.5. Live animals and products of animal origin inspection agencies

Live animals and foodstuff and other products of animal origin (so-called animal by-products) are inspected to prevent outbreaks of animal or food-borne illnesses since these are both harmful to consumers and live animals, and can have negative effects on trade, tourism and the national fauna.

The responsibility of the service inspecting live animals and foodstuff and other products of animal origin (veterinary border inspection service) covers consignments that are intended for import as well as consignments in transit, with or without temporary storage. This also goes for foodstuff of animal origin intended for ship supply. The inspection service controls free and customs warehouses and ship suppliers and is responsible for animal welfare inspections at BIPs. They are also responsible for arranging checks on non-commercial consignments, such as pet animals and for checking products of animal origin for personal consumption carried by the traveller. If not performing the checks themselves, they need to delegate these checks to other services responsible for border checks.

Inspections should be carried out by border inspection veterinarians at specially designated veterinary BIPs, although customs officers usually assist in controlling consignments of animal origin and live animals introduced into the country. An important part of the tasks is to detect and prevent illegal imports (such as wildlife protected under CITES and fraudulent imports of products of animal origin or live animals) through manifest checks at the ports and airports together with customs. Consignments should be allowed to enter a country only at specifically designated BIPs that have the necessary staff, equipment and facilities. Usually the veterinary border inspection service is only present at the main BCPs and all relevant traffic is channelled to those locations.

Agencies responsible for inspecting live animals and products of animal origin usually deploy officials:

- At border inspection posts situated at land, sea or air border crossing points;
- At regional or central headquarters; and
- At warehouses permitted to store products of animal origin that do not fulfil the country's public health requirements (for transit or for ship supply).

Officials may be authorised to:

- Check documents (veterinary certificates or other documents accompanying a consignment) and, in accordance with the check, grant or refuse entry of animals or animal products. More specifically, officials may reject, withhold, change the use of or destroy the consignment;
- Perform identity and physical checks of animal products and live animals, which include checks on packaging/labelling, temperature and defrosting and which may include sampling for laboratory testing and identity and physical checks of animals at BIPs and identity checks on animal products in designated warehouses;
- Issue the CVED for veterinary release of the consignments;
- To collect fees for the checks; and
- Notify the relevant authorities about the detection of a public or animal health risk.

4.6. Food and feed of non-animal origin inspection agencies

Certain food and feed of non-animal origin considered to be a high risk product are underlying increased levels of inspection to prevent outbreaks of food-borne illnesses, since these are harmful to consumers, and can have negative effects on trade and tourism.

The responsibility of the agency inspecting food and feed of non-animal origin (health and food safety agency) covers consignments that are intended for import. Inspections should be carried out by at designated points of entry (DPEs) by sanitary inspection staff.

Agencies responsible for inspecting food and feed of non-animal origin usually deploy officials:

- At designated points of entry situated at land, sea or air border crossing points;
- At regional or central headquarters.

Officials may be authorised to:

- Check documents and, in accordance with the check, grant or refuse entry of food and feed of non-animal origin. More specifically, officials may reject, withhold, change the use of or destroy the consignment;
- Perform identity and physical checks of food and feed of non-animal origin,;
- Issue the CED for sanitary release of the consignments
- To collect fees for the checks; and
- Notify the relevant authorities about the detection of a public health risk.

Procedures relating to the inspection of food and feed of non-animal origin should be in line with customs control, and therefore a clear coordination mechanism between these two agencies is necessary. Customs officers should be aware of the tasks of food and feed of non-animal product inspectors so that they know which products have to be controlled.

4.7. Agencies in charge of human health check

Communicable diseases do not respect national borders and can quickly spread via airports, harbours and land border crossings through persons, baggage, cargo, containers, goods and postal parcels if no appropriate actions are taken to combat them.[12]

[12] For example, outbreaks of bird flu and H1N1 have shown how quickly a regional problem can become an international one – airports and harbours being of particular concern. The "classic" diseases raise less media attention but are nonetheless relevant for all types of BCPs, especially at airports and along transit routes for migration.

State parties to the International Health Regulations (IHR) are obliged to strengthen their public health capacities at designated airport, harbour and land BCPs in both routine circumstances and when responding to events that may constitute a public health emergency of international concern. The methods used to strengthen those capacities vary from one country to the other, depending on the size and type of BCPs as well as on the international epidemiological situation.

Agencies in charge of public health protection should exist at regional or central headquarters but do not necessarily have to be deployed constantly at each BCP. Basic tasks like surveillance or reporting can also be delegated to agencies that are continuously present at the border, like customs or border guards. Nevertheless, a back-up team of specialised medical personnel should be available in case of emergencies at the border. No matter how the agency is set up, the institutional framework should allow for a prompt assessment of possible public health risks and rapid response to contain and manage the risk.

Agencies responsible for checking human health at the border should have the authority to:

- Carry out surveillance on the health of incoming passengers;
- Report any disease outbreak and alert competent authorities at national, regional and international levels in a timely manner; and
- Take safeguarding measures for the protection of public health, including quarantine.

CHAPTER

CHAPTER 5
INTRASERVICE COOPERATION

THIS CHAPTER DESCRIBES INTRASERVICE COOPERATION

This is the first of three chapters describing the three pillars of IBM, the other two being Inter-Agency and International Cooperation. Each of these pillar chapters is subdivided into the following topics:

- → Legal and regulatory framework,
- → Institutional framework,
- → Procedures,
- → Human resources and training,
- → Communication and information exchange, and
- → Infrastructure and equipment.

Intraservice cooperation is the IBM pillar that is usually implemented most quickly because changes are more easily introduced by an individual ministry or agency when they relate solely to their own operations.

Intraservice cooperation describes the cooperation and coordination between different agencies or units within one ministry. The concept is similar to many existing business-orientated efficiency models: effective use of resources, efficient communication, coherent and standardised compliance with streamlined operating procedures. As already mentioned in Chapter 3.1, it

should take place at all levels of the agency or ministry both horizontally and vertically and should cover the following six fields: legal and regulatory framework; institutional framework; procedures; human resources and training; communication and information exchange; infrastructure and equipment. Although each of these fields is considered separately in the following subchapters, it is important to note that they are closely interlinked in reality. For example:

- Procedures cannot be implemented effectively without sufficient legal and regulatory framework;
- Communication and information exchange is useless if no functional institutional framework is in place; and
- Good quality infrastructure and equipment serve no purpose if there is insufficient training.

Intraservice cooperation is also the basis for the other two pillars of IBM: inter-agency and international cooperation. Without each individual agency internally communicating and cooperating effectively, the ability for a state to implement the IBM concept as a whole is limited. If an individual agency is underperforming, its ability to effectively cooperate with other agencies is reduced. Lastly, measures to improve intraservice cooperation should take corruption prevention into consideration; see Chapter 11 for more information.

5.1. Legal and regulatory framework

The purpose of the legal and regulatory framework is to ensure that each agency involved in border management is legally empowered to fulfil its mandate. It determines its authority, tasks and responsibilities on central, regional and local level, including internal communication and cooperation.

All border management agencies need to operate within a legal framework, (according to laws and sub-laws, decrees, orders, regulations, instructions and agreements), that fits the policies of the country and the operational needs of the agency and that clearly defines:

- Areas of responsibility and concrete tasks of the agency;
- Powers and authorities the agency is vested with to implement its tasks;
- Definitions of offences and description of penalties and actions to be taken and which jurisdiction they fall under;
- Databases of the agency and access to databases of other agencies;
- Data protection rules and principles; and
- Delegated responsibilities: tasks which are carried out by other agencies on their behalf (or vice versa).

Matters related more directly to procedures and organisation should also be regulated:

- Implementation of operational procedures, such as the links to other units/teams/sectors for routine tasks and the steps that need to be taken in case of unforeseen developments;
- Gathering and exchange of information, including routine reporting. Regulations should clarify what data should be gathered, from whom and how; how the data should be stored; and what information can be disseminated, to whom and how;
- Documentation, e.g. templates and forms an agency should use; and
- Instructions should also determine accepted standards and good practices of border management and trade facilitation, such as the one-stop control concept, transparency and accountability.

It is essential that legislation is applied and enforced coherently and reviewed regularly to ensure that it remains relevant and effective. Such a legal review should aim at identifying overlaps or gaps in relation to other national legislation. Care should be taken to ensure that amendments are compliant with related or superior legislation (for example, international conventions).

Selected legal reference documents at both EU and international levels have been listed at the end of this

document in Annex 6 "Key Reference Documents". The subsequent sections highlight some key issues to be taken into consideration for the various border management agencies.

Border surveillance/Border checks

Border surveillance and border checks are often performed by the same agency. The national legal acts should give clear instructions on how to fulfil these two tasks in a coherent and transparent way throughout the given country. In many states these duties are regulated in a police act, a border control or border guard act, asylum and migration laws, a data protection act, laws regulating the issuance and control of travel documents and visas, laws on air, sea and train traffic and general laws regulating the status of civil servants and law enforcement officers.

The main legal act of the border management agency should describe the authority and the scope and the limits of the agency's competencies at the local, regional and central levels and it should clearly specify the tasks to be fulfilled. Since border management duties may affect basic rights of individuals being subjected to control, the respective legislation should also provide guidance on how to fulfil the tasks while at the same time fully respecting human rights and dignity. Internal orders or regulations should fine-tune the division of responsibilities and intraservice cooperation.

Customs agencies

As regards customs agencies, legislation should support the development, organisation and powers of a transparent administration that demonstrates accountability and responsibility. The legal basis should provide authority for the agency to make decisions on administrative matters, effective powers for customs officers, customs penalties, support mutual assistance and flow of information with other border management agencies, and appropriate data protection.[13]

Regarding border and inland control, the following points are particularly relevant:

- Customs legislation needs to provide customs officials with adequate authority for questioning, examining and searching of persons, goods, means of transport, documents and commercial records at the border and inland.
- Conditions under which customs officers' powers are to be used should be clearly defined.
- Customs offences and penalties have to be determined by law, as well as by the jurisdiction of bodies administrating offence procedures. Penalties should be sufficiently strong to combat irregularities and fraud and to protect the national border from smuggling and organised crime.
- Customs controls should be exercised to allow facilitation of legitimate trade, with the possible use of inland rather than border controls, where appropriate.

Customs legislation should be reviewed with the goal of having a modernised and simplified legislation, reduced administrative burden and enhanced legal security for businesses and citizens.

Inspection of plants and plant products

The Food and Agriculture Organization of the United Nations (FAO) International Plant Protection Convention (IPPC) regulates the movement of plants and plant products and their protection against harmful organisms. For the national administration this means that plant health legislation should be laid down in accordance with the IPPC. In addition, working procedures should be developed and subsequently reflected in detailed working instructions for inspectors, relating not only to import, export or the single market but also to all other official duties of the national service.

Internal cooperation should be anchored in laws or by-laws and the type or level of the involved officer(s)

[13] For detailed EC recommendations for developing the legal and regulatory framework on customs control see the Customs Blueprints 2007 (for use in external in EC assistance); Legal reference documents by the WCO including the Guidelines for the Development of National Laws for the Collection and Transmission of Customs Information; the Model Bilateral Agreement; and the International Convention on Mutual Administrative Assistance in Customs Matters (Johannesburg Convention)

should be defined in an agreement or in the legislation. A transparent and solid legal framework on the collection of information, creation of databases and work procedures should form the basis for intraservice cooperation.

Inspection of live animals and products of animal origin

Legislation on veterinary border inspection needs to define all areas of responsibility including those of the ministry in question, the central competent authority, the border inspection veterinarians and the local veterinarians outside the BIPs, as well as clear procedures for the enforcement of the import/transit requirements. Transparency and accountability should be granted by asking the opinion of relevant stakeholders (governmental and private sector) before new legislation enters into force. At the very least, the following key areas should be covered by regulations:

- Import and transit conditions for commercial consignments of products of animal origin intended for human consumption or not for human consumption and live animals, including animal welfare questions;
- Import and transit conditions for non-commercial movements of pet animals as well as animal welfare questions;
- Import conditions for small consignments of products of animal origin for personal use;
- Responsibilities of the importers at BIPs and designated customs warehouses and ship suppliers as well as the responsibilities of the warehouse keepers; and
- Responsibilities of the customs service and possibly other authorities, especially concerning the checks of transit consignments, consignments for designated customs warehouses and ship suppliers, checks of pet animals and personal consignments. These responsibilities should be clearly defined.

Cooperation should also be regulated between the BIP and the inland veterinarians, for example, with the veterinarians responsible for designated inland customs warehouses in cases of storage of consignments in transit or intended for ship supply. A similar form of cooperation takes place between border veterinarians and inland veterinarians responsible for quarantine stations, slaughterhouses, research institutes, certain animal-by-product establishments and other special destinations.[14] Please see Practical Example 2 on the TRACES-system.

The World Organisation for Animal Health (OIE) develops normative documents relating to rules that Member States can use to protect themselves from the introduction of diseases and pathogens. OIE standards are recognised by the World Trade Organization as international reference rules for live animals.[15]

Inspection of food and feed of non-animal origin

Legislation on the inspection of certain food and feed products of non-animal origin needs to define all areas of responsibility including those of the ministry in question, the central competent authority, the services responsible at the designated entry points and the local officials outside the DPEs, as well as clear procedures for the enforcement of the import requirements.

Transparency and accountability should be granted by asking the opinion of relevant stakeholders (governmental and private sector) before new legislation enters into force. At the very least, the following key areas should be covered by regulations:

- Import conditions and their procedures for checks on certain food and feed of non-animal origin at

[14] EU legislation contains several further elements relevant for intraservice cooperation, both horizontal and vertical. The regulations on vertical cooperation divide the responsibilities between the different levels of the veterinary inspection service while the regulations on horizontal cooperation divide the tasks between veterinarians at the same level. Regulations on vertical cooperation should include provisions concerning the reporting duties and flow of information between the different authority levels.

[15] The main relevant documents of the OIE are: The Terrestrial Animal Health Code and the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals and The Aquatic Animal Health Code and the Manual of Diagnostic Tests for Aquatic Animals.

the DPEs as well as responsibilities of importers and other authorities involved in these checks;
- Regular update of the list of food and feed products for which increased levels of control is applicable.

Overall border and inland control policy and strategy

Each border management agency should develop an overall border and inland control policy and strategy to be implemented through headquarters. The border control policy and strategy should determine and include the standards for risk analysis and selective, systematic, comprehensive and flexible controls; information flow, both top-down and bottom-up; the bodies responsible for planning (at the central, regional and local levels); cooperation with other border management agencies; cross-border cooperation; relations with trade and the public; management; personnel (human resources, required competencies and codes of ethics); training; facilities, equipment and information technology.

The starting point should be to identify those controls that can be moved inland from the border without negatively affecting the security of the country and those which have to be carried out at BCPs/BIPs/DPEs. The objective is to ensure that priority is given to security and that controls are carried out where they are most effective. All staff need to be familiar with the content of the border control policy and strategy, in particular with those parts of the policy that concern their particular BCP/BIP/DPE/ICS. The application of the policy should be monitored by the management on a regular basis.

5.2. Institutional framework

The purpose of an institutional framework is to ensure that the agency has the necessary organisational structures to support effective implementation of the agency's tasks as well as efficient intraservice cooperation and communication.

When setting up a border management agency, the following needs to be taken into account:
- The current situation at the border and in the field of border management;
- The specific tasks of the border management agency; and
- The means through which these are to be achieved (including work force, infrastructure, equipment and required standards).

Most countries distinguish between tasks at the central, regional and local levels:
- The central level is where senior management is placed, which is responsible for policy development, legislation, high level communication and operational oversight and, in some cases, also the management of specialist units.
- The central (and sometimes also at the regional) level is where the 24/7 operational coordination centre should be placed. It should have 24/7 capability for situation monitoring, coordination and facilitation of operational activities, as well as launching actions in urgent situations. All local level duty officers should have direct access to the operational coordination centre.
- The regional level (sometimes excluded in smaller countries) has the oversight over all border management activities in a specific area and all BCPs/BIPs/DPEs of a particular border section. Special unit operations, border surveillance activities or inland controls may be organised at the regional level.
- The local level refers to BCPs, BIPs and DPEs and the practical work done there including border surveillance.

Each agency should ensure that a clear chain of command exists. This means the creation of policy and strategy at the highest executive levels, which is then implemented by all operational levels in a standardised and accountable manner. All staff should understand their own and their unit's position within the agency as well as their specific roles and responsibilities.

An example of centralised planning is to have a rolling multi-annual planning programme, and annual work programme and an annual plan of activities and use of resources at the central and regional levels, whereas the local level has an annual work programme and an annual or monthly plan of activities and use of resources.

Internal control unit and external audit

Internal control and reporting units should be in place at the central level to monitor not only performance and the coherent implementation of operational instructions but also the efficient use of resources. These units should also prevent and investigate cases of corruption (see Chapter 11). In countries with a high number of BCPs or countries with developing structures, the need to monitor performance and compliance is higher, therefore internal control units could also be placed at the regional level. The internal control units do not only monitor and assess performance but can also provide guidance, for example, to newly recruited staff. Regular performance evaluation helps to detect irregularities of any form and provide feedback for the quality management system of the organisation.

In addition to this, an external audit should take place on a regular basis in order to independently evaluate the effectiveness of the agency's operations and provide an assessment of the agency's internal control mechanism. Transparent procedures have to be established for corrective action to be taken in case of irregularities, including punishment for perpetrators.

Risk analysis unit

All border management agencies should have a risk analysis and statistical unit at the central and sometimes also the regional level. This risk analysis unit should be provided with all relevant information from the field, starting from embassies and diplomatic missions through the pre-frontier area and all the way inland. The central unit should ensure that an accurate analysis of the information as well as suggestions for operational adjustments are made and forwarded to all relevant units at central, regional and local levels. Please see Chapter 10, which deals with risk analysis in more detail.

Mobile units

Mobile units are deployed to different locations depending on fluctuating needs and based on the use of risk analysis. They should be used to carry out border surveillance and to support BCP staff in times of high cross-border traffic, for example during peak times (start/end of school holidays or tourist season) or in case a BCP may temporarily need particular specialists to respond to a specific need. Mobile units should also conduct targeted checks (based on the results of risk analysis) of persons and/or goods inland and at the border along known smuggling routes.

There should also be a possibility for Mobile units to carry out unannounced operations independently of local management in areas where corruption is a common phenomenon.

Cooperation and coordination with other governmental mobile surveillance units as well as with mobile units of neighbouring countries should be sought. (Please refer to Subchapters 6.2 and 6.3.)

Border surveillance/Border checks

The responsible agency for border surveillance/border checks should be located at the ministry of the interior or home affairs (or comparable) and can either be organised as a distinct structure within the ministry (i.e. reporting directly to the minister or deputy minister) or as a part of the national police force (reporting to the head of the national police forces). Either way, it has to be kept in mind that the task of border surveillance and border checks differs significantly from normal policing duties and needs specialised staff. This does not necessarily mean that a parallel structure has to be developed; however there should be at least the following:

- A budget must be specifically allocated for border duties, including for salaries, infrastructure, equipment (including maintenance), training and other activities.

- The head of the (border guard) agency at central level needs to have decision-making power over all operational and strategic aspects of border control. At regional level, staff responsible for border management issues can be placed at regular police premises, but the chain of command and reporting lines to the border guard director should not be broken. The responsibility for this staff (hiring, training, deployment, supervision) should remain at central border guard level and not with, for example, the regional border guard or the district police commander.
- Since the agency is responsible for border security, its staff must be at each BCP, but it does not necessarily employ the same number of staff at each BCP. Depending on the size and category of the BCP as well as the number of different types of passengers (own nationals, visa required, etc.), the number of staff on duty should vary.
- Border guards at the local level should be tasked with patrolling the border line between BCPs.
- The agency should, in principle, be centralised with a direct chain of command between responsible units at all levels (central, regional and local); however, over-centralisation is counterproductive. The unit at local level must have enough autonomous power to react quickly and effectively in unforeseen situations and should also be able to make small-scale purchasing decisions (e.g. office material).

Border management under military command: The elements listed above also apply when border surveillance and border checks are carried out by a military unit. It is important that all officers and commanders are properly trained on how to perform their border control tasks while, at the same time, respecting the rights of the individuals they control. The strict chain of command and restricted decision-making powers within the armed forces can be conflicting with border management tasks, which often demand that staff take relatively independent decisions. Since staff are essentially performing a civilian task, border management tasks should be transferred to a civilian authority.

Customs agencies[16]

Customs agencies must be present both at BCPs and within the country. The structure of the organisation and allocation of resources should be determined primarily by operational demand; decentralisation, for example, increases the flexibility to react to changes in the flow of goods and other traffic. The organisational structure should also allow the agency to interface efficiently and effectively with key national and international counterparts. The roles, responsibilities and links between central, regional and local levels of the administration and the regional offices must be clearly defined and communicated to all staff (for example, with the help of an organisation chart).

- The institutional framework and organisation should be reviewed regularly to ensure that it remains appropriate. A quality management system and evaluation of results can help to achieve continuous high standards.
- There should be a system for regular internal auditing to ensure efficient use of resources and an evaluation on how customs officers at all levels in the organisation are carrying out their duties.
- BIPs and ICSs should be supplemented by mobile customs units and laboratories. The human and financial resources as well as adequate training programmes, equipment and ICT for such mobile units need to be reflected in management and investment plans.

Although customs officers remain present at BCPs, there is a trend towards moving detailed cargo control further inland. Border checks should focus on the security aspects, while commercial and fiscal checks can be carried out elsewhere. The major advantage of inland cargo clearance is the shorter waiting time at the BIP, allowing for smoother traffic flows. In addition, appropriate facilities and infrastructure for customs control do not have

[16] Please see the Customs Blueprints 2007 for more detailed guidelines on the institutional framework of customs agencies.

to remain at the border, where the terrain may be unsuitable or the geopolitical situation difficult.

Inland clearance facilities can be shared by various BCPs, which leads to more effective use of resources. Coordination with veterinary, food and feed hygiene and phytosanitary inspection services is needed as their inspections are, to a large extent, carried out at the state border. It is recommended that consignments from which samples for a laboratory test are taken should be held under customs supervision and the goods stored in designated warehouses (either at the BIP, DPE or inland). In addition, the destruction, transformation or the return of a consignment in the case of an unfavourable test result should be executed under customs supervision.

Inspection of plants and plant products

There are various ways of organising phytosanitary border inspections. A two-tier system, where the work is carried out by two different levels and the second (local) level is accountable to the first (central) level, is very effective. Other systems have an additional regional level, but too many layers run the risk of inconsistently applied regulations and slow information flow.

In the recommended two-tier system, the central level carries out strategic planning, including risk assessment, and the operational level takes responsibility for risk management.

It is not recommended that the phytosanitary border inspection service is present at each BCP. Instead, the service should focus its activities at selected land, sea and air BCPs and all traffic which requires phytosanitary inspection or certification should be channelled accordingly. DPEs (including harbours and airports) along the main trading routes should be chosen so as not to unnecessarily impede international trade. In some countries, the phytosanitary inspection service delegates some responsibilities to the customs agency, particularly at BCPs where it is not or not permanently present (see Subchapter 6.1 on inter-agency agreements).

Inspection of live animals and products of animal origin

The veterinary inspection may be organised in many ways, as long as it is able to fulfil its mandate in an efficient and effective way. The two-tier system described above is one model of an institutional framework.

The veterinary inspection must first determine at how many BIPs to have and at which BCPs they should be situated as well as the number of staff to be deployed. This should be determined based on the demands of the import flow and in coordination with the other border management agencies, especially the customs service. Usually at least at one seaport BCP, at one road BCP and at one airport BCP a BIP is needed, and possibly also at one rail BCP, depending on the geography of the country and the trade flows. Opening hours of BIPs may vary from 8 to 24 hours per day; usually longer opening hours are needed in the case of live animal entry since animal welfare requirements have to be respected and unnecessary waiting hours should be avoided.

In countries where inland checks are not allowed (for example in the EU), facilities must exist at the BIP where consignments can be offloaded and, if needed, stored or housed overnight, for example, until results of relevant laboratory analyses are available.

Appropriate resources for checking pet animals should be established at airports, road and rail entry points, including possibilities for food and water facilities for detained animals.

Inspection of food and feed of non-animal origin

Increased levels of control on certain food and feed products of non-animal origin may be organised in many ways, as long as the agency is able to fulfil its mandate in an efficient and effective way. The two-tier system described above is one model of an institutional framework.

The food and feed hygiene inspection must first determine at how many DPEs to have and which BCPs they should be situated as well as the number of staff to be deployed. This should be determined based on the de-

mands of the import flow and in coordination with the other border management agencies, especially the customs service.

The competent authority may authorise onward transportation of consignments pending the test results and in such cases must ensure that there are appropriate arrangements in place to keep the consignment under control and not released for free circulation.

5.3. Procedures

Procedures define how the work of an agency is done by identifying responsibilities and giving a step-by-step description of how to implement a specific task.

Procedures **describe what should be done by whom, when and how** and come in many different forms: decrees, instructions, circulars or manuals that should be available for reference to all staff at all times. Procedures should cover all relevant tasks at all levels of a border management agency for all types of borders and comprise:

- Control procedures, focusing on regular workflows, including guidance on what controls are to be conducted, their frequency, extent and methodology. The obligations of those crossing the border should also be stated (required documentation, fees etc.) as well as steps to be taken when a violation occurs. Control procedures need to be consistent throughout the organisation, but not necessarily identical at each BCP/BIP/DPE. Measures should be taken to ensure control procedures do not constitute a barrier to trade and social and cultural interchange.
- Contingency procedures for incidents or unexpected developments; early warning.
- Documentation, including standard forms and templates, the collection of statistical data, etc.
- Information flow at and between the central, regional and local levels. Here, it is important that not only information sharing from the bottom to the top is covered but also from the top-down and from the central level back to the local level.

Responsibilities should be clearly assigned: the person in charge should be identifiable at each step in the workflow through the use of stamps or signatures or in the case of electronic processing, through user names and passwords. See Chapter 11 for more information regarding anti-corruption measures.

The procedures for information exchange are important; a gap in this field can mean that necessary information is unavailable because it arrives incomplete, late or not at all. The consequences might be that responses to emergencies are delayed, that operational planning is based on an incomplete picture of the situation on the ground and that statistical data, which is necessary for risk analysis, is incomplete and therefore unreliable. Please refer to Practical Example 1 at the end of this chapter.

The regional and local levels also need to be kept up to date about new developments, expected events, a new modus operandi of smugglers, traffickers, irregular migrants, new types of document forgeries, etc. supported through the use of risk profiles and operational profiles (see Chapter 10 for more detail). Information exchange procedures should therefore cover the following topics:

- Daily/weekly/monthly reports (from local/regional to central level and from central to local/regional level): format, timelines, responsible person;
- Analytical reports (from central level to regional and local level);
- Collection of statistical data
  - Local level: responsible person, which data, how to collect, reporting template, when to pass it on and to whom
  - Central level: responsible persons, reporting template, when to pass it on and to whom;
- Early warning: responsible person, types of events.

The central level units should develop procedures, defining which information should go where, in which form and how often. To be included are issues such as:

- Which information has to be gathered at the border;
- Necessary templates or a central system (database);
- Which documents are needed at the border and by whom, which information is provided to which departments of the service;
- What happens to the documents (forwarded/copied/entered into a database);
- What method of communication is to be used in which cases (such as encrypted IT systems for certain types of sensitive data).

Border surveillance/Border checks

In general, procedures have to be established for:

- Patrolling (border line, border zone), scheduled and ad hoc, and according to the type of border and means of transport;
- Checks of persons and, if necessary, their pet animals
  - First-line (minimum and thorough) check including routine profiling and interrogation
  - Second-line check (carried out in a special location away from the location of the first line check)
  - Interrogation and physical search
  - Refusal of entry, detention and removal procedures (especially in cases of sea- and airports)
  - Asylum-seekers (also see Chapter 9);
- Communication (equipment, calls);
- Cooperation with air support (helicopters, fixed-wing aircraft);
- Use of infrastructure and equipment, including portable technical surveillance systems;
- Reporting, communication and information exchange on all levels;
- Documentation at all levels;
- Apprehension and handling of irregular migrants, investigations;
- Deployment of staff;
- Procedures for cases which pose a threat or would constitute a crime (responsibilities, workflow and exchange of information with e.g. the regular police force, traffic police or other police patrols on duty in the event of a hot pursuit);
- Contingency procedures and procedures for cases requiring urgent action (including search and rescue);
- Profiling: in addition to routine profiling undertaken by each border guard, there should be a systematic structure for the use of risk profiles as well as a procedure for randomly selecting candidates for intensive checks (based on legal provisions).

It is the task of the commanding officer (such as the shift leader) to ensure common quality standards throughout the operations.

Customs agencies

Customs procedures should aim to strike a proper balance between ensuring collection of revenues and the protection of citizens and the need to facilitate the flow of trade

Customs control should be applied to imports, exports and goods in transit, the modes of transport as well as to persons carrying goods across borders. For commercial goods, they should be carried out prior to the goods arriving at the border, when they cross the border, or at a later stage, depending on the circumstances (mode of transport, private/commercial traffic, level of risk, availability of information, etc).[17] All control procedures should be based on the border control policy (for BCPs) and inland control policy (for ICSs) as well as the sector-specific border control strategy. They should, in addition, be based upon intelligence-led risk analysis and selectivity techniques.

[17] For detailed EC recommendations for developing customs controls, see the Customs Blueprints 2007 (for use in external in EC assistance).

One way to reduce waiting time at BCPs is to concentrate controls on security aspects only, while import and export (release) clearances take place inland.

For transit shipments, including goods entering at a BCP and destined for final clearance at an ICS, pre-lodgement/pre-clearance needs to be available and examinations should take place only if a risk of fraud has been identified.

Travellers need to have the opportunity to declare and finally clear non-commercial goods at BCPs; customs examinations are also mainly performed here if a risk of fraud has been identified.

Inspection of plants and plant products

Inspections should be undertaken by phytosanitary inspectors at BIPs and also in some cases at the point of destination or at any other location where phytosanitary consignments can be identified, provided that their phytosanitary integrity is maintained and that appropriate procedures can be carried out.

Samples may be taken from consignments for the purpose of phytosanitary inspection, for subsequent laboratory testing or for reference purposes. The information flow between inspection services and laboratory should be fast since the release of goods may depend on the test results and analysis by the laboratory.

It is important to define the whole sample-taking procedure in the form of written instructions, including the laboratory chosen to analyse the sample and the type of analysis to be performed. Laboratory tests should be carried out in accordance with recognised standards. For this, tests have to follow official testing schemes or official international standards to detect harmful organisms.

Inspection of live animals and products of animal origin

Manuals on veterinary border inspection procedures should contain the following instructions:

- Pre-notification of consignments and other duties of the importer or the responsible of the consignment with the first part of the Common Veterinary Entry Document (CVED);
- Original documents to accompany them;
- Identification and selection of consignments that should be checked;
- Type and frequency of checks to be carried out by BIP veterinarians both for animal products and live animals (documentary, identity and physical checks);
- Sample-taking procedures based on an annual monitoring plan and samples to be sent to the laboratory, including the communication and information flow between inspection services and laboratory;
- Special procedures regarding consignments intended for transit, storage in designated customs warehouses or ship supply both in entry and exit BIPs, storage and establishment of destination including the duties of the warehouse keeper and the competencies of BIP and inland veterinarians, canalisation of specific consignments to the designated destination and the communication and information flow between the BIP and inland veterinarians;
- The division of responsibilities with inland veterinary authorities (canalisation, re-imported consignments taken back to the establishment of origin, supervision of designated warehouses, supervision of destruction of catering waste);
- Checks of personal consignments;
- Checks of commercial and non-commercial movements of pet animals and animal welfare;
- Standardised documents (CVED) for the approval or rejection of consignments;
- Rejected, re-imported and re-dispatched consignments, including relevant information flow;
- Sanctions in case of infringements; and
- Fees to be charged.

Please see Practical Examples 4 and 5 at the end of this chapter.

An annual inspection and sampling plan should be developed on the basis of statistics on import flows, experi-

ence gathered through practice and information on risks to public and animal health received from other services, other countries and international organisations.

Inspection of food and feed of non-animal origin

Manuals on food and feed hygiene inspection procedures should contain *inter alia* the following instructions:

- List of food and feed products of non-animal origin to be checked and the relevant frequency of checks;
- Pre-notification with the use of the Common Entry Document (CED);
- Check procedures and sample-taking procedures, including rules for onward transportation in case of pending test results;
- The division of responsibilities with inland food and feed hygiene authorities;
- Standardised documents (CED) for the approval or rejection of consignments.

Devolved authorities

An institution works most effectively when staff at the various levels is empowered to make decisions with a certain degree of autonomy. This allows senior management to focus on their core tasks and not predominantly on administrative issues, and it also allows for faster and more relevant decisions to be made at an operational level (without the need to continuously refer decisions up the chain of command). Although policy and oversight is retained by senior management, micro-management of all units and staff is not practical since it causes delays in decision making.

5.4. Human resources and training

The competence of staff at the border is essential to the quality of the service delivered. It is therefore crucial that specific training on border-related tasks takes place, and that competent staff is recruited according to objective criteria.

Human resources

The human resources strategy of a border management agency should contain the following elements:

- Detailed job descriptions for all staff based on the terms of reference of the agency;
- Objective and transparent procedures (written) for merit-based recruitment, taking job-related skills and education into account, and transparent procedures for termination of employment;
- Well-established rules for a system of rotation within the border management agency, regarding both duty station and tasks, either through volunteering or on obligatory assignment. This exposes the border officers to different tasks and duties and thus increases their experience and their areas of expertise. This is considered especially useful at the beginning of a career. It may also serve to deter corruption because it makes it more difficult to create corrupt networks;
- Identification of the required numbers and categories of staff (management, operational, administrative, specialist, etc.);
- Deployment of the necessary numbers of staff, equipment and other resources for the agency as a whole and for each individual location (based on the use of risk analysis);
- Adequate salaries;
- Staff monitoring and evaluation mechanisms;
- Code of conduct (rights and duties);
- Training.

Through performance reviews and the use of a unified national form, the performance of individual officers at the local, regional and central levels should be analysed and assessed in line with professional standards. A transparent and merit-based promotion system is recommended so as to provide a clear career path for motivated officials. The required educational level and physical suitability of new recruits should be tested and recruits must meet moral and legal requirements (criminal/judicial records).

Training

Border management tasks are highly specialised, which should be reflected in the training plans, basic and advanced theoretical and practical classroom-based training as well as on-the-job training, complemented by coaching and mentoring in the field. Training should be a continuous element for staff throughout their careers (refresher, specialisation and new skills/information training) and be based on regularly updated curricula and manuals. The concept of IBM should be an integral part of the trainings.

In addition to direct border management training, courses on management skills, languages and computer skills are recommended. Joint training of officers with different profiles could be considered in order to encourage cross-fertilisation of ideas.

Border management agencies should have a centralised training facility and – depending on size and the resources of the country – several "satellite" training offices or centres. The introduction of a training of trainers system could be considered, through which more internal trainers would be available to quickly cascade knowledge down to the field level.

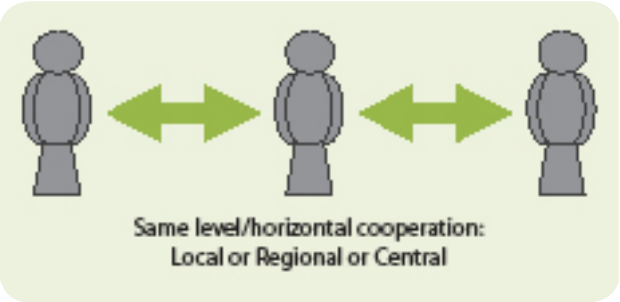
5.5. Communication and information exchange

The goal of communication and information exchange is to regulate and standardise an efficient and rapid flow of information and effective documentation.

Communication

Operational staff of a border management agency needs to have relevant and up–to-date information for properly fulfilling their duties and responding to threats and emergencies in an appropriate way. A central level unit, on the other hand, needs statistics and data as well as information about the activities of other units since this forms the basis for budget, resources, instructions, planning and strategy formulation and helps monitor the work of the regional and local level.

The information flow within each border management agency therefore needs to be **horizontal** and **vertical**.

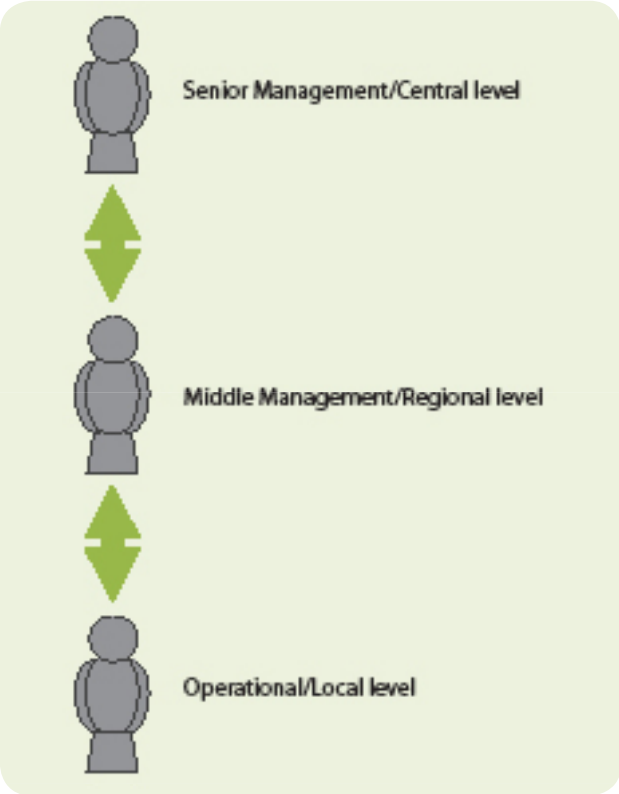


Horizontal flow is the exchange of information between different individuals, departments or units at the **same organisational level**. This should take place at all organisational levels of an agency: at headquarters, regional centres and local units.

Vertical flow is the exchange of information between different individuals, departments or units at **different organisational levels**.

Effective communication is provided through several methods:

- Meetings: routine team meetings in the same organisational unit; interdepartmental meetings; individual staff/management meetings; ad hoc meetings;
- Circulars/briefing notes: written information to be distributed via IT systems, email, hard copies; notice boards, etc.;
- Databases: hard copy or electronic reference sources, which can be checked by staff for operational information;
- Reports: regular and ad hoc reports;
- Joint activities (e.g. training): awareness of other units' tasks and activities improves the overall effectiveness of the agency (if staff understand the



overall workflow of the agency, they can implement their component more effectively);

- Staff exchanges: placement of staff in a different unit temporarily to give them a clearer understanding of the tasks and activities of other units.

Information exchange

The system of information exchange should be described in **operational instructions or a manual,** which should also include standardised forms and templates for the reporting of statistical data or information. Having a harmonized system of collection also facilitates data exchange and cooperation with other services.

Regardless of the method used (tailor-made or a basic **IT system**, exchange of information via hard-copies or phone), **data protection** must always be assured.

Where electronic networks between central, regional and local levels can be established, the IT system should:

- Ensure automated information exchange and communication within the border management agency through a unified system, for example, through database, intranet and emails;
- Provide for a system of collecting, processing and distributing data and information with real-time access for authorised users;
- Allow for data flow management;
- Allow for identification of users based on the access rights and passwords;
- Include a central alert system;
- Include the possibility of creating statistical/analytical summaries (it must be specified who has the right to create these);
- Ensure security and integrity of the system, e.g. through fire walls and cryptography;
- Allow links to electronic border protection equipment (sensors, radars, stationary thermal cameras, etc.) where feasible;
- Be interoperable with the IT systems of other relevant public authorities taking into account protection of personal data.

5.6. Infrastructure and equipment

Infrastructure and equipment support operational staff and should be adequate for performing their respective duties.

The equipment used by the border management agencies usually consists of basic and specialist items. It should be adequate and the available quantities should be sufficient for the proper surveillance of the borders and for processing the flow of passengers and vehicles at each BCP, DPE and BIP. Equipment standards should be formalised by each agency in connection with an overall investment policy, which takes volume and nature of the traffic at each BCP into consideration. Not every BCP or ICS needs to be equally equipped, but minimum standards should be met; also the needs of BCPs and ICSs des-

ignated to process high-risk goods should be taken into account.

As budget restrictions are common, investment plans are needed to ensure that adequate infrastructure and equipment can be procured in a timely manner, making use of economies of scale. Such plans should cover BCPs, border surveillance units, BIPs, DPEs, search equipment, infrastructure, communication tools, vehicles, roads, parking space, etc. The quantities of equipment to be procured should be decided upon at central level, but only after coordination with the local level to ensure that actual needs are met.[18] A suitable allocation of equipment is equally crucial.

Basic equipment

Basic equipment includes items such as:

- Appropriate uniforms and boots, adjusted to working conditions;
- Vehicles;
- Entry and exit stamps;
- Basic forgery detection equipment (ultraviolet lights, magnifiers and reference material);
- Basic search equipment (mirrors, lights, tools);
- Basic surveillance equipment (cameras, night-vision);
- Communication equipment (radio, mobile phone, fax, computer);
- Weapons;
- Personal safety equipment (e.g. bulletproof vest).

Specialist equipment

Because of the relative cost and the necessity for operators to be trained in their use, specialist equipment should be distributed according to need (based on the use of risk analysis) to locations such as BCPs with extensive traffic. It includes more advanced and usually more expensive items such as:

- Mobile or stationary x-ray machines,
- Document examination systems,
- Forensic laboratories,
- Canine units.

Adequate maintenance facilities for equipment are also essential and a certain budget needs to be reserved for either outsourcing the repairs or training and employing maintenance staff. When discussing the possible acquisition of new equipment with donors, involved agencies should take usage and maintenance costs into account. It is, for example, less costly to maintain a car fleet with the same brand of cars.

Infrastructure

Infrastructure refers to physical structures such as buildings and roads. This concerns central offices and administrative sections as well as BCPs/BIPs/DPEs at land, aerial and maritime borders. The specific standards employed will depend on the agency involved, the type of office and location and the assessment of their requirements based on risk analysis. BIPs, for example, have specific requirements regarding infrastructure and equipment. The same is applicable to some extent to DPEs (see Chapter 6). Please refer to Practical Example 3 below.

[18] Please see the EU Schengen Catalogue on External border control and Return and readmission for examples of equipment needed for minimum and thorough border checks; see the Customs Blueprints for more detailed information regarding infrastructure and equipment for customs agencies

Practical Examples

PRACTICAL EXAMPLE 1: Border guard manual for information exchange on irregular immigration

An operational manual for the collection and flow of information on irregular immigration, trafficking in human beings, trans-border crime and an early warning system for all border guard and police units performing border policing tasks that describes the following:

- Main definitions in the area of border management;
- Data to be collected (related to different types of illegal acts);
- Responsibilities and procedures for collecting and exchanging data and information at the local, regional and central levels, including ad hoc information exchange;
- Types of reports;
- Information dissemination: top-down and bottom-up intraservice, inter-agency and international exchange of information;
- Information analysis; and
- Templates.

PRACTICAL EXAMPLE 2: Trade Control and Export System

EU veterinary border inspectors use the internet-based TRACES-system (Trade Control and Export System), which sends information to other veterinary authorities, and also includes data on imported consignments inserted by the importer. Access to relevant information in TRACES should be granted to veterinary border inspection units and customs. TRACES can also be used for gathering information for audits, and the TRACES data warehouse covers most needs in terms of routine reporting. Importers only have access to their own input, and customs cannot enter any information, only check it.

PRACTICAL EXAMPLE 3: BCP infrastructure

This list summarises EU standards and good practices in terms of infrastructure at BCPs

- The number of control lanes (entry and exit) is adequate for the amount of traffic expected and the staff available;
- Separate control lanes exist for non-commercial and commercial traffic, including foot passengers, buses, trucks as well as heavy vehicles and exceptional cargo (e.g. hazardous material);
- There is adequate signposting;
- Radioactivity sensors are placed along entry lanes;
- The BCP and its immediate surrounding is technically monitored;
- BCP is fenced and lighting is provided;
- Secure interview rooms and detention space are available on site (to allow investigations to be conducted on site and secure offenders);
- Facilities for asylum seekers exist (only accessible for staff that is directly involved in the case);
- A communication network (telephones, IT, internet, etc.) is in place;
- Vehicle inspection facilities are available. These are separate and secure locations where suspect vehicles can be examined/searched closely; sheltered from rain and wind, and positioned on level and solid ground (to facilitate searches, for example, for the use of motion detectors);
- Separate, secure facilities for seized goods are large enough to hold vehicles;
- An incinerator for phytosanitary and veterinary requirements exists on site;
- Staff has facilities which are not shared with or accessible to the public;
- Specific facilities for travellers exist, such as a parking area and public toilets (separate from staff);
- Bank and/or money exchange offices and insurance companies; and
- Facilities for cargo forwarding/carrier agencies.

PRACTICAL EXAMPLE 4: Veterinary inspection procedures

The EU legislation on veterinary border inspection contains among others detailed regulations concerning procedures for documentary, identity and physical checks, on approval and rejection procedures, sample-taking and examination, fees, and information systems to be used. There are also regulations covering special procedures such as transiting, customs warehousing, ship supply and canalising. An important provision regulates that the customs service shall not allow the entry or handling in free zones or free warehouses of consignments subject to veterinary checks without the agreement of the competent authority.[19]

PRACTICAL EXAMPLE 5: Inspection of food and feed of non-animal origin

As of 2010, EU legislation stipulates that certain food and feed of non-animal origin are subject to increased levels of control at DPEs upon entry into the EU. The increased level of control means 100% documentary checks and a defined frequency of physical checks related to the risk identified. The list of these items is updated on a quarterly basis in order to ensure that it corresponds with the most recent information available, ensured through a reporting requirement to the European Commission for the Member State services.

[19] Art. 24 of Regulation (EC) No 882/2004

CHAPTER

CHAPTER 6
INTER-AGENCY COOPERATION

THIS CHAPTER COVERS COOPERATION AND COORDINATION BETWEEN DIFFERENT BORDER MANAGEMENT AGENCIES, MINISTRIES AND NON-STATE ACTORS

Although responsible for different aspects of border management, all border management agencies share the same core goals:

- → Protection against threats to national security, order, economy and public health;
- → Prevention of cross-border crime and irregularities;
- → Facilitation of legal cross-border movements.

In order to fulfil these goals, all of the involved agencies must **cooperate, share information and coordinate their work.**

Inter-agency cooperation refers to the cooperation and coordination between all agencies involved in border management, which can be an effective tool for increasing apprehensions of irregular migrants and seizures of smuggled goods (statistically verifiable), for more efficiently managing the flow of passengers and goods across the border and for making better use of human and financial resources. This chapter presents the main areas for inter-agency cooperation and coordination.

6.1. Legal and regulatory framework

The legal and regulatory framework for inter-agency cooperation determines the content and scope of the cooperation and information exchange between the involved stakeholders.

The legal framework for inter-agency cooperation should ensure the following:

- The agencies are empowered by law to cooperate with other actors and should be obliged to provide assistance to other agencies in specific cases or as requested.
- Ministries and agencies agree on the scope of their cooperation (including the delegation of authorities) through formal agreements or MoUs.
- National data protection law defines the standards which are to be applied for information collection, exchange and storage.

Where overlaps and areas of unclear competence exist between agencies, the relevant legislation should be reviewed and amended to ensure that these areas are clarified.

Inter-agency agreements

Inter-agency agreements should describe in detail the cooperation of two or more agencies.

Typical topics are:

- Information and data exchange obligations and mechanisms (e.g. focal points, common use of databases), including a reference to data protection (see subchapter 9.5). Officers should be clearly instructed to share relevant information with their counterparts;
- Joint risk analysis and/or sharing of risk assessment reports or intelligence;
- Day-to-day cooperation procedures at BCPs and inland, including joint operations and controls, e.g. detecting persons attempting to cross the border illegally; preventing or detecting customs crimes and offences; detecting smuggling of protected species, drugs and stolen vehicles, and illegal transportation of waste, harmful chemical substances, radioactive and nuclear material and other dangerous items across the border;
- Joint training;
- Sharing of equipment/facilities and joint procurement;
- Early warning and contingency plans.

Such agreements should include or be supplemented with precise **instructions** on how to implement them, and they should be made available to all staff of the signatory agencies.

Examples of inter-agency agreements are:

- Agreements between border guard and customs with regard to common controls ("hand-in-hand-controls") and joint facilities; mutual assistance; exchange of relevant information, data and documents; joint use of equipment; liaison officers;
- Agreements between border guard and traffic police concerning traffic management and cross-border traffic on special occasions (e.g. tourist season);
- Agreements between border guard, customs and railway authorities (ministry of transport/traffic) regarding controls of passengers and goods;
- Agreements between the phytosanitary, food and feed hygiene and veterinary inspection services and customs to coordinate procedures (e.g. concerning checks of personal consignments, pet animals, the transportation of rejected and re-imported consignments, transit consignments and consignments for ship supplying purposes) detailing responsibilities, competences, information exchange and order of inspection;
- Agreements of the border management agencies with the proprietor of the BCP infrastructure, regulating the use of the facilities.

The adoption of a national IBM strategy and action plan also belongs to the legal and regulatory framework; for more details please see Chapter 12.

6.2. Institutional framework

As far as the institutional framework is concerned, inter-agency cooperation is ensured through inter-agency working groups, the exchange of liaison officers and the common risk analysis offices.

Implementation of the IBM concept is a long-term process which makes the coordination of a variety of actors and numerous activities necessary. This can be facilitated through various means, for example, by:

- Establishing a formal coordination structure in the form of an inter-agency working group;
- The exchange of liaison officers;
- Setting up joint offices, e.g. for information sharing and/or risk analysis.

Most of these structures are covered in more detail in Chapter 7 on international cooperation.

Inter-agency working group on IBM

An inter-agency working group should meet at regular intervals and be composed of high-ranking officials from each ministry, supported by operational border management experts from each agency (lawyers, management, etc.) and controlled by a supervisory group or steering committee, which is directly under the auspices of the political leadership

The tasks of this working group are to resolve problems of cooperation and identify areas where increased cooperation, including information exchange, would be beneficial and where other joint interests exist. This is most easily done through the development of a national IBM strategy and action plan. The strategy defines the goals for improved border management while the action plan lists concrete activities to reach these goals, defines responsibilities and includes timelines as well as costs. Both the strategy and action plan should be based on an in-depth analysis of the current situation in the field of border management. Chapter 12 provides detailed information on how to develop these and Annex 7 includes an IBM self-assessment grid, which can be used to analyse the current situation.

Where a national IBM strategy and action plan exist, the inter-agency working group is also responsible for monitoring implementation and updating both documents at regular intervals. The relationship with any other inter-agency/inter-ministerial working groups should be clarified and procedures for resolving conflicts defined.

National coordination centre

In order to have a situational awareness of border management in a country, a national coordination centre could be established. This centre would need to coordinate the activities of all national border management agencies 24/7 and would be responsible for:

- Daily, weekly and ad hoc situational reports;
- Immediate factual information on situations and early warning messages.

All information should be exchanged electronically. Having a single national coordination centre on border management would facilitate and speed up contact and information exchange with other states and international agencies.

Joint specialist task forces

Specialist task forces should be organised upon need and based on risk analysis, for example, on searching and document examination. Their set-up depends on the location but is usually ad hoc and predominantly consists of staff from the agencies controlling persons and goods. These groups include officers who are responsible for conducting further, in-depth investigations of those passengers and goods which fail the cursory initial check.

The concept of specialist task forces is well established globally within many border management agencies

This idea of sharing skills and expertise can be implemented more widely than by merely creating joint teams. Individual staff members who have particularly

useful skills, such as document or vehicle examination, foreign languages or IT, can also be deployed to assist other agencies.

6.3. Procedures

The goal of inter-agency cooperation procedures is to have an overall workflow in which the activities of all relevant border management agencies are included, which ensures a smooth processing at the BCP and coordinated border surveillance activities.

To achieve the goal of streamlined and better-coordinated procedures, the existing **workflows** of each agency must be described and analysed at central, regional and local level, wherever the area of competence of another stakeholder is touched upon, especially with regard to responsibilities, sequencing and processing times at the BCP. Identified overlaps and delays should be jointly resolved and the relevant procedures amended accordingly. Please see Practical Example 2 at the end of this chapter for an example workflow.

A **routing slip** which lists the controls of goods performed by the customs and inspection services at the BCP and is stamped and signed after each step of the procedure has been completed, provides transparency and ensures that all required checks are completed. An example of a routing slip can be found in Annex 2.

All officers and inspectors at a BCP/DPE/BIP or in a mobile control unit should know how to act if they find items relevant for other services. This applies especially to the cooperation between the customs service and the border guard and also between customs and the inspection services, regarding items that fall under the authority of veterinary, food and feed hygiene or phytosanitary officials, especially when the latter are not present. Customs and border guards should, therefore, have lists of consignments that can only enter the country following veterinary, food or feed hygiene or phytosanitary inspection.[20] Relevant consignments should be forwarded immediately for the inspectors to carry out documentary, identity and physical checks. Controls of vehicles should be defined and standardised, determining where and by whom controls should be carried out, which service starts the procedure and which type of specialised equipment is needed.

Joint controls

Border management agencies should consider joint or coordinated controls to shorten processing times. The one-stop control[21] is an example of joint control at BCPs.

Joint checks of persons and goods should also be carried out by mobile units based on risk analysis. Intensive control at a single location should generally not last longer than two hours to be effective against smuggling and trafficking networks since they are usually rapidly informed about the checks and move to alternative routes. In most cases mobile units consist of border guard and customs service, but other law enforcement agencies, phytosanitary, food and feed hygiene, veterinary inspection services and human health inspectors should join them when needed.

Joint operations

Targeted, high-impact operations on specific groups of people, vehicles or cargoes can take place at the BCP, in the border zone or inland. A detailed operational plan should include leadership, responsibilities, objectives, timing, duration, risk profiles, operational profiles, available equipment and relevant contact numbers. Team members should be well briefed prior to the operation and the results should be evaluated systematically and used as a basis for risk analysis and future operations. Systems for joint evaluation by the agencies participating in the joint operation should also be established beforehand.

[20] In the EU, for example, the customs authorities have to be able to verify that imported/exported goods do not infringe on intellectual property rights, such as the Community Plant Variety Rights (Regulation 2100/94)

[21] This document uses the term "one-stop control" to refer to the concept of joint, physical controls performed by different agencies only once at the same time and at the same place. In the Customs Blueprints this is referred to as the "one-stop-shop" concept. This should not be confused with the single window concept, which allows all data required by the different border management agencies to be submitted (electronically, where possible) to the same access point, with the aim of avoiding duplication and facilitating trade.

In addition to customs and border guards, other agencies could be invited to participate, such as the phytosanitary, food and feed hygiene and veterinary inspection services, the police, the agencies responsible for market inspection, labour standards or illegal employment of foreigners. At the same time, other stakeholders, such as the police force, should be informed in case they need to be involved on short notice.

Contingency plans

Contingency and emergency plans should clarify the division of responsibilities in case of imminent threats to national security or public health or in extreme situations such as natural disasters, pandemic diseases, mass influx of irregular immigrants or refugees, terrorist activities or major accidents and fires in the border zone. These plans should be **developed at central level** based on risk analysis of identified threats, but they need to be **adjusted for the regional and local levels**. Staff at each BCP should be informed about the distribution of responsibilities and tasks among the services present. Basic issues to be addressed include the availability of contact details of the various local actors to approach in specific situations. Practical exercises involving all relevant services are recommended and should be used to further improve procedures.

6.4. Human resources and training

Inter-agency training contributes to a better understanding of the tasks and responsibilities and needs of other border management agencies.

Joint training

Joint training activities should involve staff from all border management agencies. Not only do these activities have a confidence-building and information exchange function, but they also result in more efficient use of resources.

Various forms of inter-agency training can be distinguished:

- Training on rules and procedures which deal with or involve cooperation with other actors;
- Joint training with other agencies on issues of common concern;[22]
- Training to familiarise staff with the tasks and activities of their counterparts and to raise general awareness about the importance and benefits of inter-agency cooperation.

These training activities should not only target new recruits but also form part of continuous, in-service training and include operational as well as management level of all agencies. A typical inter-agency training with the aim of introducing participants to the other agencies at the border would cover the following areas: organisational structure, legal framework, basic tasks and competencies, and areas of joint interest.

More details and further examples of IBM training courses can be found in the "Training Manual on Integrated Border Management in European Commission External Cooperation".

In addition to the abovementioned joint training session for all agencies, the following inter-agency training activities are possible:

- Staff from other agencies invited to attend training on a topic of relevance for more than one agency (e.g. on the tasks of liaison officers);
- Sharing of expertise and training materials between agencies, e.g. on-entry staff training for visa and consular staff on issues such as document examination and investigative interviewing; training by the inspection services for customs staff on procedures for preventing the introduction of harmful organisms or on anti-smuggling controls for products of animal origin, etc.

[22] For example, existing trends and modus operandi; travel documents, visas and residence permits; asylum and migration legislation; code of conduct/ethics; foreign languages; use of equipment/IT tools; detection and handling of irregular migrants; detection of smuggling of and trafficking in human beings; detection and processing of forged documents; detection and processing of stolen vehicles, narcotics, weapons, explosives and dangerous substances.

In some cases, the training units themselves can benefit from common national training centres. These are shared training centres used by several agencies. In addition to a reduction in costs for individual agencies and increased access to resources (see Subchapter 6.6. below), these also facilitate the cross-fertilisation of ideas, provide situations in which staff from different agencies can come into contact, informally and formally, and reinforce the concept of a nationally cohesive approach to border management.

Deployment of staff

The number of staff deployed to BCPs, green and blue borders should be commonly agreed on by the relevant border management agencies, based on risk analysis of identified threats and traffic volume. The working hours of the different agencies, including shift changes, should be harmonised at each BCP to make a common briefing of shift leaders possible. Shift changes, whether synchronised or not, should foresee at least 30 minutes overlap between two shifts to avoid disrupting any ongoing procedures and allow for a proper hand-over.

6.5. Communication and information exchange

Inter-agency information exchange should be laid down in writing to ensure that communication links are not broken when staff is exchanged.

Inter-agency communication is generally approached on three levels:

- **Local**: Shift managers/leaders in daily contact; BCP chiefs meeting regularly (e.g. on a weekly basis) and ad hoc (e.g. early warning or to deal with unforeseen cases);
- **Regional**: Heads of regional office conducting regular (e.g. monthly) meetings and ad hoc;
- **Central**: Representatives of all agencies meeting regularly, for example on a monthly basis as well as ad hoc; representatives of the IBM inter-agency working group meeting on a regular basis (e.g. twice yearly).

A formal agreement between all participating agencies should clarify what information will be shared and with whom. It should then be decided how the information will be exchanged; meeting protocols and minutes (also for ad hoc meetings) should be drafted, distributed and filed.

Methods for information sharing include:

- Briefings and **meetings;**
- Nomination of **contact persons** or focal points within each agency;
- Exchange of **hard-copy** reports and data;
- Exchange of **electronic** reports and data;
- Sharing of selected information from **databases** with authorised staff from other agencies, e.g. upon a written request or automatically for specific sets of data (such as in the field of statistics, when no personal data is concerned);
- Common databases.

When developing new or upgrading existing IT systems, the following should be taken into consideration:

- **Compatibility** with other systems in use and planned, not only within the own ministry but also within those of relevant counterparts. Complete compatibility is not necessary: the possibility of creating interfaces with other existing databases is usually enough;
- **Security** (data protection, access regulation);
- **Accountability** (records of access, usernames, etc.);
- **Adaptability** (adding/amending components/modules, users, etc.).

The creation of joint systems, such as one overall operating system with sub-modules allocated to each border management agency, would facilitate authorised information exchanges.

Early warning

An effective **early warning system** needs to be in place, be it through a system of contact points in individual agencies or through IT solutions. Please see Subchapter 10.4 for more details on early warning.

6.6. Infrastructure and equipment

Shared facilities and joint use and procurement of equipment reduce costs and enhance cooperation between agencies.

Selection of priority BCPs

Regular assessments of existing facilities and equipment are recommended as well as identification of new gaps and needs. This includes the selection of **priority border crossing points** in coordination with all border management agencies, where resources should be focused based on risk analysis and traffic volume.

Decisions on priority BCPs or the upgrading of BCPs should also be coordinated with other interested stakeholders, such as ministries of transport and freight operators, through the use of a systematic process of strategic and operational risk analysis (see Chapter 10). It is also important to consult the neighbouring state(s) and take their BCP development plans into account.

In some countries, infrastructure of the BCP/BIP/DPE is not actually owned by, and therefore not under the direct control of, the border management agency who uses it. In such cases, the agencies concerned should conclude contracts that formalise the agency's responsibility as regards use, maintenance and coverage of costs.

While for commercial consignments inspected in BIPs and DPEs detailed requirements in relation to the infrastructure and technical equipment have to be respected in order to avoid any cross-contamination between the goods checked, certain facilities can be shared for joint use in case the veterinary and food and feed inspections do not compromise themselves or are not compromised by other border checks. According to the infrastructure available for a BIP, it can be approved for certain animal products only or for the full range of animal products (at ambient, chilled and frozen temperature) as well as for different live animal types (Ungulates (U), registered Equidae (E) or other animals (O)).

For BIPs approved for checks on live animals, there should be a separate traffic lane to the BIP facilities to avoid unnecessary waiting periods for live animals to be checked.

Joint use of facilities and infrastructure

The extent to which infrastructure and facilities can be shared depends upon a variety of factors. Below is a list of infrastructure and facilities that could be used jointly.

- Central (and regional) level
  - Common database (joint access only to those files/data where common interest is granted by the law)
  - Harmonised radio-communication system
  - Common phone lines (internal phone system)
  - Vehicles for joint purpose

- Border Crossing Points
  - Joint inspection places:
    a. Traffic lane for passenger vehicles (personal vehicles and buses) at entry into the country (from the BCP to control spots)
    b. Traffic lane for passenger vehicles (personal vehicles and buses) at exit from the country (from control points to BCP)
    c. Traffic lane for cargo vehicles at entrance into the country (from BCP to control points)
    d. Traffic lane for cargo vehicles at exit from country (from control points to BCP)

[21] Examples of regional dialogues and expert meetings include the Bali Process, the Budapest Process, the Dialogue on Mediterranean Transit Migration (MTM), the International Border Police Conference and the Pompidou Group

    e. Adequate space for the control of vehicles outside of traffic lanes (passenger vehicles)
    f. Parking spaces
  - External infrastructure:
    a. Facilities where official dogs can be kept
    b. Fence of BCP
    c. Lighting
    d. External (video) surveillance system
  - Internal infrastructure:
    a. Room for telecom equipment/cabling
    b. Internal (video) surveillance system
    c. Central facility for coordination and video surveillance
    d. Interrogation room(s)
    e. Detention facilities
    f. Recreational/staff premises (common room, lounge, shower)
  - Technical infrastructure:
    a. Air conditioning, heating, etc.
    b. External telecommunication capacities and telephone lines
    c. Backup telecommunication line
    d. Copy machine
    e. Computers (servers, PCs, laptops, printers, networking equipment, telecom equipment, radio-communication equipment, faxes, etc.)
- Clearance posts
  - Warehouses for storage
  - Joint inspection points/locations
  - External/internal and technical infrastructure as listed above
- Mobile units for inland control
  - Joint procurement of vehicles (mobile communication offices, etc.)
  - Radio communication system

Placing the offices/inspection facilities of all agencies within **one building** can be beneficial since it enhances informal communication. Where this is not possible, it is advised that agencies be accommodated in offices in close proximity to those agencies they work most often with.

Joint use of equipment

In addition to sharing facilities, the possibility of sharing **equipment** should be explored. Consideration should be given to standardising types and brands with other agencies. Joint procurement of equipment (e.g. weapons, uniforms, cars and gasoline) can significantly reduce costs and should be undertaken whenever possible.

The establishment of an inter-ministerial joint procurement office could help to save costs by making use of economies of scale. Where this is not possible, one of the border management agencies could, upon request and for particular goods of common interest, take on the responsibility of issuing the tendering procedure on behalf of all border management agencies.

6.7. Cooperation with other stakeholders

Besides the main border management agencies there are additional governmental and private sector stakeholders whose activities and interests need to be taken into account and who should also be involved in the IBM coordination/cooperation structures, be it ad hoc or on a more permanent basis.

Cooperation and communication with both groups of stakeholders should be regulated by legislation or through bilateral/multilateral agreements and procedures.

Cooperation with state actors

While the agency responsible for controlling persons is responsible for the checks at the BCPs and surveillance of the border line and immediate border zone, the **police**[23] and immigration authorities are responsible for the inland control. This can lead to overlapping responsibilities concerning the fight against trans-border crime, where both agencies are involved. Apart from a

[23] In those countries where the border police/ border guard is a directorate or department of the state police, this cooperation actually falls under intraservice cooperation.

clear division of responsibilities for such cases and precise procedures for cooperation, information sharing and follow-up activities are necessary. Both authorities have to agree on which data they should have joint access to, such as data on persons to whom entry has been denied. Special attention has to be paid to the issue of data protection, rights and obligations of those officers who have been authorised to access the data.

Since one of the main tasks of border management is to prevent trans-border crime, close cooperation with the **state prosecutor's office** (ministry of justice) is necessary. With respect to extradition, both agencies need to cooperate closely. Written instructions and ad hoc information sharing on return and related issues must, therefore, be agreed upon.

The border guard should check and may accept, refuse or revoke visas and should, if the BCP is not directly connected, establish a consultation mechanism with the consular department of the **ministry of foreign affairs**. Even if different IT systems are used at the BCP and in the consulates, the border guard should have access to the visa register so that they can check issued visas at the border.

An agreement between the border management agency responsible for controlling persons and the national office responsible for issuing and controlling labour permits (such as the national labour office, **ministry of labour**) could be considered, foreseeing joint controls and information exchange about foreigners staying or working in the country illegally and people who employ foreigners without permits or organise illegal stay.

MoUs should be signed with **port** and **airport authorities** or the **ministry of transportation** since information exchange and coordination regarding working hours and the use of infrastructure are needed.

Cooperation with non-state actors

The cooperation of border management agencies with non-state actors includes airlines, ferry and cruise operators, air and sea cargo carriers, railway companies, postal companies or services, freight forwarders and importers in countries of origin and destination of goods, as well as civil society organisations and non-governmental organisations.

In order to **facilitate trade**, relevant procedures should be as simplified as possible whilst still maintaining adequate control. Updates in procedures should be routinely communicated to all trade companies. Waiting times at borders affect business, so when an individual BCP – due to inadequate infrastructure or lengthy procedures – has significantly longer waiting times, this may motivate transport companies to look for alternative routes, which in turn eventually may lead to downgrading the BCP and loss of local jobs.

Whereas the state border management agencies need information on cross-border movements regarding persons and goods (such as time-tables, passenger lists, information on cargo), non-state actors require information on procedures and requirements for crossing the border, including opening hours, guidance on tariffs, rules and procedures for import, transit and export, documentation to be provided and fees to be paid. This information can be disseminated via public notices, internet publications, newsletters, leaflets or as a handbook. Urgent information should be displayed on public notice boards. To facilitate communication, appropriate structures (for example, local networks, information points/desks in customs offices) should be created where operators and other appropriate persons can obtain relevant information. In addition, standards for services offered to trade and the public, and also for complaint procedures, should to be set.

Carriers/operators transporting passenger and goods by air, sea or land (rail or road) have access to data and information which is of importance for the operational work of the border management agencies. This includes arrival times, cargo inventories, passenger and crew lists from the carriers, which should be compiled and shared in advance.

The carriers, on the other hand, need access to detailed information on relevant legislation procedures and fees or duties to be paid, visa requirements, the opening hours of the BCP and the working hours of the relevant border management agencies. Whether this information is disseminated through brochures, posters or via a web site is secondary, as long as the information is up-to-date and easily accessible for its target group.

In certain cases, customs can expedite the movement of trusted carriers, which means that specific enterprises can receive preferential treatment on the condition that they forward all information about their operations in advance and have maintained a positive and correct working relationship for a certain period of time. However, also these carriers should be supervised and randomly evaluated. Carriers can lose their privileges in case of violations and may also be subject to carrier liability sanctions in accordance with the respective national legislation.

Railway companies may provide premises for officers from border management agencies at train stations in neighbouring countries since these companies profit from the time saved from in-train border checks (instead of stopping at the border).

Cooperation between border guards and **civil society** representatives is encouraged due to the important role they have in supporting those in need of protection (asylum seekers, unaccompanied minors, victims of trafficking). In many countries, civil society representatives also offer training to border management agencies on *inter alia* international human rights and refugee law, including the principle of non refoulement, intercultural awareness and communication with asylum seekers with special needs. In some countries, the border guard have concluded MoUs with non-governmental organisations outlining specific modalities for cooperation, for example allowing regular access to and monitoring rights of reception facilities and detention centres. Please see Practical Example 6 at the end of this chapter for two examples of cooperation agreements between the border guard and non-state actors.

Cooperation with the public

Easily understandable, accessible and up-to-date information on issues relevant for crossing the state border should be provided to the public, including standards, statistics on border crossings, relevant regulations and procedures as well as information on offences. This can take the form of public notice boards at BCPs or brochures, posters, and websites.

Where feasible, communication with the general public should be encouraged with the provision of toll-free (free call) telephone numbers and simplified internet contact methods. This also increases the chances of receiving intelligence from the public, which could be channelled to the appropriate internal unit, operational/tactical intelligence or risk analysis unit.

A joint web portal of several border management agencies could be considered to inform the public about BCPs opening hours, visa regulations, car insurance requirements, vaccination certificates for animals and other relevant information, explaining the tasks and responsibilities of all the agencies present.

Practical Examples

PRACTICAL EXAMPLE 1: Central management of all blue border activities

The Federal Coast Guard of Germany (Küstenwache des Bundes) coordinates the federal law enforcement activities at sea and is – among other duties - in charge of the protection of the national borders and Customs. Even though the Coast Guard has its own logo and uniform, it is not an independent agency but only a coordination body whose members are the Federal Border Guard (Border Guard), Customs, the "Federal Waterways and Shipping Administration" and the Federal Institute of Agriculture and Food (Food/Fisheries Protection). While in principle each agency is responsible for their respective duties, in practice Customs and Border Guard have authority to act on behalf of each other when required. If suspects are apprehended or illegal goods are found, they are handed over to the competent agency at the end of the shift, which then assumes the responsibility for the case. Instant support can be requested from the partner agencies at any time should the need arise. Two Coast Guard Centres coordinate all activities to ensure that the whole coast is covered and that ships are not checked several times by different agencies. The federal government pays for the acquisition of the ships, which are then assigned to the involved ministries. The boats are manned by the respective agencies with officers who own a navigation patent and are experienced seafarers. This system requires a high level of trust and well-established cooperation between the agencies involved, but it has the advantage of an optimised allocation of resources at minimal cost.

PRACTICAL EXAMPLE 2: Common basic workflow in the EU

A description of a common basic workflow, which shows the sequence of operations at BCPs and includes all agencies responsible for checks of persons and goods, is standard in all EU Member States. Systematic border checks is the third tier (measures at the external borders) of the four-tier access control model in the EU; please see Chapter 2 for an explanation of this border model.

On entry and exit, the first service in contact with passengers and drivers is usually the border guard service responsible for the border checks. As a result of their observations and checks, a first set of measures is taken, which could range from clearance to refusal of entry or even apprehension. All persons and goods crossing the border undergo a minimum check that can be carried out in the traffic queue. Based on risk analysis, officers may decide to carry out intensive checks of certain documents, the vehicle or other items related to the crossing of the border. These "second line" controls – to use EU- and Schengen terminology – are carried out in a separate lane, place or room in order not to hinder the border crossing of persons and vehicles in the "first line". In both cases, customs and border guard cooperate as closely as possible in order to speed up procedures. The focus in this regard is increased efficiency and effectiveness of the work of both services, not economies of staffing. While each service is concentrating on its basic tasks, close information exchange with the other services involved is ensured, taking into consideration the possibility of joint controls. Especially if intensive checks are carried out, other services are given the opportunity to take part in order to avoid duplication and inconvenience for all involved.

After the veterinary border inspection has been carried out, the border veterinarian issues a document containing his decision on the consignment – in the EU a document known as the common veterinary entry document (CVED) by using TRACES. The original CVED document is then passed on to the customs officer by the border veterinarian, the importer or the shipping agency as a proof that the veterinary clearance of the consignment has been completed. Customs only allow customs clearance of the consignment in accordance with the border veterinary decision stated in the document. Comparable procedures also apply for phytosanitary and food and feed hygiene inspection.

PRACTICAL EXAMPLE 3: Passenger data

In the EU, carriers must transmit information concerning the passengers they will carry to an authorised BCP, and through which these persons will enter the territory of a Member State.. Carriers which, as a result of fault, have not transmitted data or have transmitted incomplete or false data are subject to sanctions or even confiscation of the means of transport, temporary suspension or withdrawal of the operating licence.

The information shall comprise:

- Number and type of travel document used,
- Nationality,
- Full names,
- Date of birth,
- BCP of entry into the territory of the EU,
- Code of transport,
- Departure and arrival time of the transportation,
- Total number of passengers carried on that transport,
- The initial point of embarkation.

Passenger lists, including names as well as places of embarkation and destination, have to be carried by every aircraft, as required in Article 29 of the Chicago Convention. However, due to increasing air traffic and enhanced security checks, the processing of such information can cause significant delays. Advance Passenger Information (API) is one way of speeding up this process by forwarding the required information to the airport of arrival while the aircraft is still in flight and by reducing administration upon arrival, for example, by making the completion of visa liberalisation forms unnecessary. Although participation in the API entails additional costs for the operators and control authorities, they may be persuaded to cooperate by the advantage of quicker passenger clearance. The costs for installing such a system include establishing the electronic data interchange system and training staff on the new procedures.

PRACTICAL EXAMPLE 4: Seafarers in transit

Cooperation with carriers may facilitate the issue of visas to seafarers in transit. In the Schengen area, the Visa Code (Regulation No 810/2009) allows for transit visas to be issued at the border to seafarers when signing on a vessel berthed or expected at a Schengen port, when leaving service from a vessel that has entered a Schengen port or when transferring from a vessel that entered a Schengen port to a vessel that will sail from a port situated in another member state of the EU applying in full the Schengen acquis. For that purpose, the shipping company or its agent is required to inform the competent authorities and to sign a guarantee in respect of the transiting seafarers. The competent authorities then verify the information received and the seafarer's compliance with all other conditions for entry. However, visas shall be issued at the border only in exceptional cases, which in this case means that seafarers did not have possibility to apply for a visa at the consulate.

PRACTICAL EXAMPLE 5: Integrated migration management system

Hungary has established a unified countrywide in-depth control system that harmonises the tasks and measures (on municipal level) of all responsible law enforcement agencies and labour organisations. This migration filter system, known as CHECKNET, has been developed as a network, which ensures that executive units of the involved authorities implement their tasks in a coordinated manner as regards time, territory and method. Cooperation between these authorities includes joint aliens policing, control of labour policy and protection of public order, exchange of information and experience related to irregular migration and joint training of staff of the partner authorities. The authorities perform their activities at the main points and routes used for irregular migration, such as cities, railway stations, bus stations, places providing accommodation, highways, building operations, markets and agricultural regions. This type of integrated system should only be introduced after countries have achieved an advanced and stable stage of inter-agency cooperation and coordination through other means.

The Integrated Management Centre, which is managed by the Hungarian National Police, coordinates the tasks related to the fight against irregular migration by the Police, the Office of Immigration and Nationality, the Customs and Finance Guard and the National Labour Inspectorate through its virtual liaison officer network at the central and regional levels.
Key benefits achieved as a result of this good practice:

- Enhanced effectiveness of the fight against irregular migration;
- Improved border surveillance and border traffic control;
- Cooperation and mutual assistance between agencies; and
- More effective management of human resources.

PRACTICAL EXAMPLE 6: Border guard cooperation with non-state actors

UNHCR, Lithuanian Red Cross and the State Border Guard Service in **Lithuania** have signed a Memorandum of Understanding on mutual cooperation resolving issues related to asylum applicants. The cooperation modalities in the MoU will make it easier to keep track of asylum-seekers arriving at the border and to gain knowledge about the accommodation and possible return of the applicants. Assigned monitors will be able to contact the asylum-seekers at border crossing points, advise the authorities and discuss application and implementation of international and EU standards as well as national legislation. In its aims to ensure that international standards are fully respected UNHCR provided training to the Lithuanian border guards already before the agreement was signed.

In **Hungary**, the Hungarian Border Guard, the Hungarian Helsinki Committee (HHC) and UNHCR concluded a tripartite Memorandum of Understanding in 2006, which formalizes the cooperation, roles and responsibilities as well as working methodologies of each party. Under the MoU, monitors of HHC regularly visit short-term detention facilities and talk to the foreigners found there. They also look into case files which have been rendered anonymous to comply with data protection laws of those who were sent back to a third country. A Working Group composed of the senior representatives of the parties reviews the implementation and discusses the problems that need to be addressed. The Working Group also conducts ad hoc field visits and proposes training activities for the border guard. Training activities are designed and undertaken both at the senior/managerial and the field/expert level on intercultural awareness, the principle of non-refoulement and communication with asylum-seekers with special needs. The tripartite cooperation has contributed significantly to enhancing human rights friendly, protection sensitive border management in Hungary. The MoU, an example of a good practice cooperation framework amongst law enforcement agencies, UNHCR and NGOs, aims to ensure access to territory and to the asylum procedure for persons who need international protection.

CHAPTER

CHAPTER 7
INTERNATIONAL COOPERATION

THIS CHAPTER DESCRIBES INTERNATIONAL COOPERATION IN THE CONTEXT OF IBM

Areas of relevance for international cooperation:

- → Legal and institutional framework;
- → Harmonised procedures;
- → Joint operations, checks and patrols on international level;
- → Exchange of information and statistical data, early warning; and
- → Joint infrastructure: joint BCPs.

International cooperation refers to the cooperation with international organisations and forums, as well as with other states at the bilateral and multilateral level. Such cooperation can take place at central level (between ministries or agencies), regional level (between regional offices) and local level, involving BCPs on both sides of the border.

Border management agencies should facilitate international cooperation according to strategic risk analysis and in line with the national foreign policy strategy (usually prepared and coordinated by the respective ministries of foreign affairs).

7.1. Legal and regulatory framework

In addition to the delimitation and demarcation of the state borders and the designation of official border crossing points, the legal framework should also regulate the international cooperation related to the control of borders. This includes joint activities at BCPs, the border line and in the immediate border zone, information and data exchange and mutual assistance agreements (for example, sharing intelligence in the fight against organised crime), as well as participating in international organisations and signing international conventions. Although agreements are useful tools, it is always best to include stipulations in legislation.

When agreements are formulated in a general way, detailed implementing protocols are needed for the actual cooperation. A **border control agreement** can include:

- The possibility of establishing common border crossing points on the territory of one of the countries,
- Control/checks in trains departing from the territory of the neighbouring country,
- Common operational procedures at the BCP, and
- Handling of violations.

In addition to this and depending on the intensity of cooperation between the countries involved, **bilateral agreements** could cover:

- Designation of official contact points or liaison officers or establishment of contact offices,
- Establishment of joint contingency plans,
- Associated training/exercises,
- Joint patrols,
- Joint investigations,[24]
- Cross-border surveillance,
- Exchange of information and risk analysis,
- Harmonisation of day-to-day work practices at the BCP,
- A common routing slip covering the checks at both sides of the border,
- Re-admission procedures concerning persons and goods/consignments to which entry is denied,
- Controlled delivery, and
- Hot pursuit and the creation of rapid intervention units composed of national border guards with the right to support the neighbouring country within its territory in case of exceptional or urgent situations.

An agreement on **integrated border processing** should address the following:

- What, how and where the controlling authorities operate;
- The sequence of control (workflow);
- Who has what kind of competence and obligation (uniform, firearms);
- Definition of a particular area where each authority can perform its duties;
- Where and in what form intensive controls are carried out (jointly or independently), and what the content of these controls should be;
- What process should be implemented under which competence in the case of a detection of an illegal act;
- The order of entry, stay or return at the BCP (the area where the control is carried out determines which border control authority is responsible for the order of the BCP);
- The facilitation of priority goods and persons;
- If possible, separate control lanes should be established, e.g. one for nationals and another one for foreigners subject to visa requirements or thorough checks;
- Order of control at bus lanes; and
- Financial obligations (towards other agencies);

Border checks and customs control

An agreement between countries relating to border checks or customs control should stipulate:

[24] Joint investigations require a joint judicial procedure with a full understanding of legal limitations and areas of national sovereignty in respect of prosecution.

- The bodies responsible for its implementation;
- The designation of contact points;
- Areas of cooperation (e.g. day-to-day cooperation, preventing illegal border crossing, smuggling of merchandise, drugs, transportation of dangerous and poisonous substances across state borders);
- Form of cooperation (e.g. joint patrols and checks, meetings and regular information exchange, activities within the territory of the neighbouring state); and
- Technical issues: entry into force and termination of the agreement, possibility for other state parties to join, and regulation of disputes.

Inspection of plants and plant products

Bilateral agreements between plant inspection services should focus on practical issues related to consignments crossing the border, for example, the conditions for re-introduction of rejected consignments. This includes the use of standardised forms, documentation to be provided and of procedures to be followed when import conditions are not met.

Inspection of live animals and products of animal origin

Like the plant inspection service, the veterinary inspection service should conclude agreements with other states on rules for rejected and re-imported consignments in terms of the documentation and procedures required. Agreements should also establish the frequency of checks according to the health status of the country of origin to be followed at the BIPs.

Inspection of food and feed of non-animal origin

Like the plant inspection service, the food and feed inspection service should conclude agreements with other states on rules for rejected consignments in terms of the documentation and procedures required.

7.2. Institutional framework

The institutional framework of a border management agency should allow for active bilateral and multilateral relations including information and data exchange, participation in international organisations, forums and regional platforms, exchange of liaison officers, the assignment of national contact points or participation in common contact offices, international operations, trainings and exchange programmes.

Liaison officers

The deployment or exchange of liaison officers should be agreed upon with countries identified as specifically relevant (neighbours or countries of origin of significant flows of migrants or goods); this would contribute to improved information exchange and coordination both at the operational and the strategic level.

One can distinguish two types of liaison officers: the "specialists" and the "generalists". While the specialised liaison officers have a limited and well-defined number of tasks (for example, an immigration liaison officer), the generalist covers a whole range of topics and can represent other border management agencies as well. It is important that the function of a liaison officer is made clear to avoid later confusion or misunderstanding.

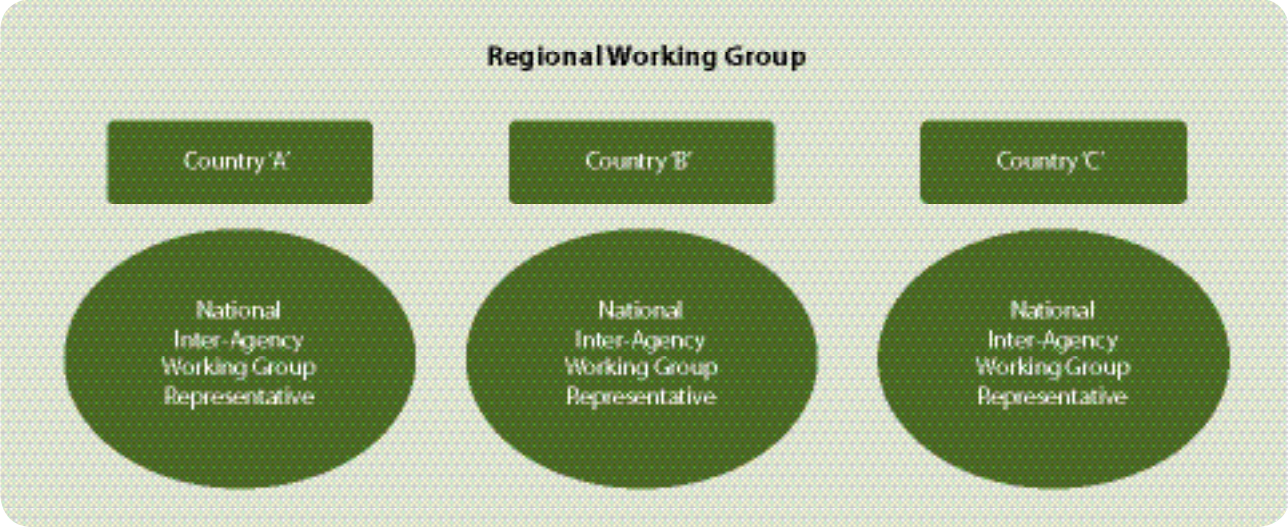
Common contact offices

Common contact offices, where officers from different countries work closely together while also sharing the same premises, demand a high level of integration and serve to speed up the exchange of information for routine cooperation as well as in the case of emergencies and violations of the law.

Such offices, which include two or more, usually neighbouring countries, could be established at strategically relevant BCPs or at an agreed-upon location in one of the participating countries.

The main task of the contact office is information exchange on daily operations and responding to direct requests. This can include:

- Documents: Forgeries of travel documents, visas and stamps of border controls;



- Personal data: owners of means of transport, residence and ownership of means of communication;
- Means of transport: license plates, serial numbers, etc.;
- Ascertaining the identity of a person;
- Re-admission of irregular immigrants;
- Special operations undertaken by border guard patrols for prevention and control ;
- General sharing of intelligence, e.g. on forms and methods of smuggling, on trafficking in human beings and other form of trans-border crime;[25]
- Information regarding cross-border hot pursuit.

The contact offices are not limited to border policing tasks and can also include customs services as well as prosecutors and other authorities. If it is not possible to deploy liaison officers or establish common contact offices, a network of contact points at the local, regional and central levels in neighbouring countries should be established. The tasks for such contact persons should be clearly defined.

Regional working groups

National inter-agency working groups (see Chapters 6.2 and 12) can also play a role in multilateral communication through the creation of **regional working groups** to work towards a common regional approach on border security, trade facilitation, infrastructure development, data exchange, and the discussion of other issues of common concern. The set-up of such groups changes according to the topic.

International organisations

Representatives of all border management agencies should regularly take part in meetings of relevant regional or international organisations or forums, such as Interpol, the United Nations Office on Drugs and Crime (UNODC), UNHCR, the International Organization for Migration (IOM), the WCO, the OIE and the various re-

[25] Sharing of other than tactical intelligence may prove difficult, however, since it is usually the central authority that authorises the transfer of intelligence to other countries. A suitable mechanism has to be established to permit a fast transfer of intelligence to a foreign partner agency. The central level also needs to ensure that it has oversight on joint operations instigated internationally as a result of shared intelligence.

[26] A regional plant protection organisation is an intergovernmental organisation providing coordination on a regional level for the activities and objectives of the IPPC as laid down in Article IX: Asia and Pacific Plant Protection Commission, Comunidad Andina, Comite de Sanidad Vegetal del Cono Sur, Caribbean Plant Protection Commission, European and Mediterranean Plant Protection Organization, Inter-African Phytosanitary Council, North American Plant Protection Organization, Organismo Internacional Regional de Sanidad Agropecuaria, Pacific Plant Protection Organization. RPPO membership and contact information are available at: https://www.ippc.int/id/13310.

[27] Frontex has the possibility to establish working arrangements in partnership with third countries and international organizations that share common goals in terms of border security with the EU.

gional plant protection organisations[26]. These and other organizations, such as Frontex[27], also offer assistance and support to governments in their particular fields of expertise. A map showing the world's current customs unions can be found in Annex 5.

7.3. Procedures

Harmonised procedures at the BCPs of neighbouring countries directly contribute to a smoother traffic flow and shortened waiting periods at the border, facilitate joint operations across several states and facilitate the gathering and analysis of standardised data.

They can cover, among others, the establishment of joint emergency/contingency plans and exercises, the synchronisation of activities and BCP opening hours, joint patrolling of green/blue borders and one-stop control, depending on how close the relation with the neighbouring countries is. Once bilateral cooperation has been well established, officers could under specified circumstances be allowed to perform duties within the territory of the second state (for example, based on agreements on carrying weapons, wearing the national uniforms, the use force).

Joint controls

Joint controls with the counterparts of the neighbouring country can range from general border controls, one-stop control, patrols, searches, forensic examination, to surveillance and special operations.

It is important that any such joint approaches are governed by written agreements and guidance, which include:

- Powers, authorities and competences of each agency;
- Workflow;
- Duty area;
- Where and how in-depth investigations/controls will be conducted;
- The responsibility for passengers and goods which have failed controls and for evidence gathered.

One-stop control

One-stop control, where all controls at a BCP are coordinated by the agencies of both countries and partly carried out jointly, demands a high level of coordination. Where it is introduced, the directives, requirements and restrictions of national laws and international agreements must be followed and enforced strictly in order to guarantee adequate cooperation. It is necessary to define the rights and obligations as well as the tasks of assigned staff and to agree on methods of communication. The actual implementation should be assessed every month at the local level, every half year at the regional level and annually at the central level.

One-stop control should be established – upon agreement between the neighbouring countries – on the side of the border where the facilities are more advanced or the improvement of the working conditions is less costly. The size of border control boxes and sanitary facilities should be adapted to respond to the increased requirements.

Joint and coordinated patrolling

In an advanced stage of bilateral cooperation, and only when neighbouring countries have taken confidence-building measures and the necessary legislation is in place should joint patrols at commonly agreed border sections should be considered. The selection of the border sections for joint patrols should be based on risk analysis and carried out where the pressure is the highest.

Coordination of border patrols is yet another option that contributes to a more efficient use of resources. Under this scenario, neighbouring countries inform each other about their planned border patrol activities to ensure that they do not duplicate efforts, but rather maximise the area covered. Ideally, the countries should divide the border into sub-sections and alternate border patrol (in a chequer-board pattern).

Joint contingency plans

Joint contingency plans and emergency communication mechanisms should be established to deal with cases which depart from normal operational activities such as: the transport of weapons, nuclear material, hazardous chemicals and hazardous waste; major security situations; environmental disasters; animal disease epidemics or serious risks related to food and feed hygiene as well as to animal and public health. Practical exercises involving all relevant services are recommended and should be used to further improve procedures.

Standardised documentation

The standardisation and simplification of documentation includes the harmonisation of forms required of and provided to those crossing the border. This should focus on using the same or similar templates for ease of reference and including the same data fields to facilitate analysis. Mutually agreed-upon lists of what official documentation is acceptable from those crossing the borders should be developed between neighbouring states. This is of particular importance to the inspection services.

Coordination of BCP status

Another facet of cooperation between the border management agencies of neighbouring countries entails coordinating the status of individual BCPs, prioritising and upgrading BCPs where appropriate, harmonising opening hours and agreeing on which border management agencies should be present at the BCP. This helps to avoid situations in which BCPs are upgraded or inspection services are represented on only one side of the border.

Not only should the facilities of the inspection services be built at the same BCPs on each side of the border, but their tasks and responsibilities should also be harmonised. For example, both sides should be authorised to inspect foodstuff or other products of animal origin requiring a certain storage temperature, or both should be authorised to inspect live animals. Common premises at the border are advisable.

7.4. Human resources and training

Joint training

Training events and workshops with international participation, study visits and exchange programmes for officers are means to learn about practices in other countries and foster contacts with counterparts. This aim could also be achieved by inviting counterparts from neighbouring countries to training sessions of national border staff, either at national training centres or directly at the BCP concerned.

The organisation of specific training courses on IBM should be considered in a multilateral context, allowing officials from various border services in different countries to learn about the concept of IBM as well as to share good practice and experiences.

Basic information on the equivalent authorities of the neighbouring countries, including general legislative background, institutional framework and operational procedures, as well as international cooperation, should form part of the curriculum for new officers and inspectors in order to increase mutual understanding. Wherever suitable regional fora exist, they can work towards regionalised training benchmarks, including regional training centres, common terms of reference and qualifications of trainers, as well as standardised training curricula and material.

Languages

In order to facilitate communication with international counterparts, relevant courses should be offered for priority languages (usually those of the neighbouring countries plus English) for those staff that require them for their daily work.

In general, staff should be encouraged – possibly also through the use of financial incentive schemes – to learn foreign languages. At the operational level, staff should ideally have sufficient knowledge of the most commonly used foreign language(s) to be able to conduct basic in-

terviews, understand basic documentation and explain relevant procedures to travellers. Management level should have access to staff with sufficient knowledge to comprehend relevant technical documentation.

7.5. Communication and information exchange

It is essential to set up effective external communication mechanisms in order to create functional interfaces between border management agencies in different countries. Emphasis should be put on neighbouring countries, countries of origin of significant flows of migrants, strategically relevant exporting and importing countries, industry representatives within these countries as well as relevant international organisations. Communication between border services can be enhanced at each level: between BCPs (local level), between regional headquarters, between ministry or agency (central level) and at multilateral/regional level.

The relevant institutional framework for information exchange, including liaison officers and common contact offices, has been described in subchapter 7.2. This subchapter covers tools for international communication, which can be employed irrespective of the institutional framework.

Regular meetings

Regular meetings between representatives of border management agencies from different countries should be held at all levels. Meetings arranged at central or regional level should address strategic issues, common planning and the evaluation of the respective border control systems.[28] Such meetings may also serve as fora for information exchange on legislative, institutional and organisational developments.

At the same time, heads of border posts should be instructed to maintain regular contact and establish day-to-day working relations with their counterparts at an operational level. The exchange of data and intelligence needs to be based on relevant agreements.

One specific form of cooperation could be a systematic exchange of national reports (for example, on a weekly or monthly basis) that are compiled and shared as one comprehensive report and allow a monitoring of the border situation in the whole region. Regional initiatives should be complemented by bilateral contacts. The exchange of statistical data with the authorities of neighbouring countries should also be institutionalised.

An additional recommendation relates to the analysis of BCP operations, which should be prepared annually. Neighbouring countries may find it valuable to discuss their key findings relating to shared BCPs, for example, on a yearly basis. This is a good opportunity to assess operational cooperation and to agree on organisational changes with the aim of increasing the harmonisation of border procedures, especially in terms of the traffic of goods.

Participation in international initiatives

Membership of relevant international networks should be pursued, especially as these fora also provide opportunities for formal and informal information exchange and the development of a contact network with counterparts in other states and agencies.

7.6. Infrastructure and equipment

The grading of border posts (see also Subchapters 6.6. and 7.3) should be coordinated not only with the border management agencies at national level, but neighbouring countries should also aim to reach an agreement to ensure that a similar level of control is in place at both sides of each BCP. Priority BCPs should be identified jointly, and short-, mid- and long-term needs should be taken into account as regards the investments into infrastructure and equipment.

[28] Examples of regional dialogues and expert meetings include the Bali Process, the Budapest Process, the Dialogue on Mediterranean Transit Migration (MTM), the International Border Police Conference and the Pompidou Group

The joint use of facilities and equipment should also be considered. Potential financial savings should, however, be carefully weighed against operational effectiveness. Facilities can be wholly or partially shared depending on the situation. Options include sharing of search/inspection areas and shared use of specialised equipment. Mobile x-ray scanners, usually mounted on minivans or trucks, can for example be easily shared among agencies on one or both sides of the border. The same goes for specialised document examination devices, detectors of nuclear and hazardous material, number plate recognition devices and video surveillance systems. In some cases, even dogs for the detection of drugs, persons, explosives, products of animal origin, etc. can be used on behalf of other agencies.

Shared equipment for search and inspection should be placed at designated areas outside of the second line control area, and, based on an agreement or MoU, these locations (garage, hall, etc) can be used by all agencies.

For BCPs, especially those on highways and other international transit routes, it can be useful to separate the road haulage according to direction and to establish common infrastructure for export and import traffic of trucks, respectively.

Technical aspects

Direct and fast internet access in all BCPs/ICSs/BIPs/DPEs is recommended to provide access to international data available on the internet, for example, on the web pages of the OIE and the FAO in the case of veterinary inspection. Any IT system used should ensure compatibility with other systems and must provide adequate security of data.

Phone connections between the BCPs on both sides of a border make direct and informal information exchange possible and facilitate the solution of practical problems. Direct radio communication at the operational and regional level with neighbouring countries should be made possible (attention should be given to the compatibility of the systems).

Practical Examples

PRACTICAL EXAMPLE 1: International Customs and Police Cooperation Centres

France has concluded six international agreements with Belgium, Germany, Italy, Luxembourg, Spain and Switzerland that form the basis for 10 international customs and police cooperation centres. Their role is to facilitate the exchange of operational information regarding trans-border cooperation, including the identification of foreign registration plates, authenticity checks of administrative documents and judicial assistance, especially in the field of small and medium trans-border criminality. The advantage of such a centre is the full access it provides to bi-national files and databases (mostly available 24 hours a day, 7 days a week).

These centres provide a platform for information exchange (upon request) in real time without the need of using official communication channels; all data and information shared must be registered in compliance with national data protection regulations. Information relevant for police cooperation can also be shared with other EU MS agencies by special request.

PRACTICAL EXAMPLE 2: Immigration liaison officer network

The EU Member States operate an Immigration Liaison Officer (ILO) network. These ILOs are posted to relevant countries where they contribute to the prevention and combating of irregular migration and management of legal migration. This is done through the collection and exchange of relevant data as well as the provision of specific assistance to the host country (such as establishing the identities of migrants) and/or advice.

PRACTICAL EXAMPLE 3: MoU on information exchange on irregular migration

The countries of the Western Balkan region have concluded an MoU on regional exchange of statistical data on irregular migration through a national contact point in each country. Data is exchanged electronically in the form of standard templates, based on commonly-agreed definitions. Please see Annex 4 for more details.

PRACTICAL EXAMPLE 4: Regional Centre for Combating Trans-Border Crime

The Southeast European Cooperative Initiative Regional Centre for Combating Trans-Border Crime (SECI Centre) consists of seven task forces: human trafficking and migrant smuggling, drugs trafficking, fraud and smuggling, financial and computer crime, stolen vehicles, terrorism and container security. These task forces exchange information on relevant topics, hold regular meetings and carry out regional operations as well as joint investigations.

PRACTICAL EXAMPLE 5: Cooperation between the Customs, Immigration, Quarantine and Security agencies

The countries that form part of the East ASEAN Growth Area – Brunei Darussalam, Indonesia, Malaysia and the Philippines – have drafted a Memorandum of Agreement for the simplification, streamlining and harmonisation of customs, immigration, quarantine and security formalities, including rules, regulations and procedures. The agreement applies to all cross-border movement of goods and people through designated BCPs either by land, sea or air. Wherever it is feasible to do so, the aim is to carry out joint inspections and controls of people, goods and conveyances. And where the local environment does not allow for physically adjacent back-to-back border control posts, officials from one country are allowed to perform their duties on the territory of the other country. The parties to the agreement also agree to exchange information about cross-border movements of people and goods.

CHAPTER

CHAPTER 8
VISA POLICY AND PROCEDURE IN THE CONTEXT OF IBM

THIS CHAPTER EXPLAINS THE LINKS BETWEEN IBM AND VISA POLICY AND PROCEDURES

As a general rule, possession of a valid visa is one of the entry conditions for foreigners (third-country nationals in EU/Schengen context) when crossing borders. Border guards must therefore be familiar with the visa policy, legislation and procedures of their own country. Since staff members of the authority responsible for issuing of visas (consulate) are not represented at the border, there should be well defined cooperation structures between the visa issuing authorities and the border management agencies. The aim of this chapter is to highlight some issues in the field of visas that relate directly to procedures at the border, not to provide insight into visa policy and procedure per se.

The visa issuing procedure might be considered as the first-tier of the four-tier access control model (see Chapter 2 for more information). Checks shall be carried out systematically at each stage when travellers are coming to the EU/Schengen Area or to any third country:

- At consulates,
- At arrival,
- Inside the territory, and
- At departure.

Legal, regulatory and institutional framework[29]

How matters relating to foreigners are regulated is for each country to decide in accordance with its international obligations, administrative tradition, foreign and security policy considerations and any other national preferences. In some countries, all provisions related to asylum, migration and visas are contained in one main legal act and implemented by one central migration agency. In the EU, a common legal framework covers short stay visas whereas the issuing of long stay visas are governed by national legislation. Alternatively, entry and admission and other issues relating to foreigners are contained in one act, while issues related to the asylum procedure are treated separately and the competences are split between different agencies. Regardless of the solutions chosen, cooperation between the authorities responsible for these areas is vital when it comes to day-to-day implementation, as well as to the development and assessment of laws and by-laws in this field.

In the field of visas, it is obvious that the consulates play the most important role. As a general rule, visa applications are lodged at the consulates. Consular officials are responsible for the examination of and decision on an application; however, there are cases when consultation of the central visa authority and/or other authorities is required. There may be cases when the central visa authority makes the decision on the application. The central visa authority as such can be a Directorate in the Ministry of Interior or in the Ministry of Foreign Affairs. However, a separate central agency (Immigration Board) may act as a central visa authority.

Procedures

Border guards verify the entry conditions, including the possession of a valid visa. First and foremost, border guards must be familiar with the lists of countries whose nationals must be in possession of visas and those whose nationals are exempt from that requirement. Moreover, in most of the countries there are several derogations and exceptions from the general rule (visa obligation). In the EU, for example, MS may derogate from the general rules in specific cases foreseen by the legislation; exceptions may be based on the nationality of the person, but also on the type of the travel document (for example, diplomatic passport) and on different documents that can be considered equivalent to visas (residence permit) or in other special circumstances, such as in the case of *force majeure* or the specific status of third country national concerned (refugee, sea crew, etc.). In addition, border guards must be aware of the forms and types (including the security features) of visa stickers and residence permits that are issued by their own country. To this end they should be trained and equipped to be able to verify that the visa/residence permit is genuine against document security standards. Special attention shall also be paid to the rules on the purpose and the duration of stay. It is highly recommended to provide direct IT access for the border guards to the national visa registry so that, in case of doubt, they could have an additional tool to verify specific conditions to be fulfilled by the visa-obliged third country national.

As far as the Schengen Area is concerned, once the Visa Information System (VIS) is operational, if a third country national holds a visa the thorough checks on entry shall

[29] As far as the Schengen Area is concerned the most important provisions on short stay visas and the related tasks of border guards are set out in the following (legal) instruments: Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (and its subsequent modifications); Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code); Regulation (EC) No 81/2009 of the European Parliament and of the Council of 14 January 2009 amending Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code; Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code); Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation); Commission Recommendation of 06. 11. 2006 establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons; Commission Decision of 19. 3. 2010 establishing the Handbook for the processing of visa applications and the modification of issued visas.

also comprise verification of the identity of the holder of the visa and of the authenticity of the visa by consulting the VIS. For a maximum period of three years after the VIS has become operational, the search may be carried out using only the number of the visa sticker. After this, the number of the visa sticker shall be used in combination with verification of fingerprints of the visa holder. This will be a major improvement from a security point of view, but it is a great organisational challenge.

Travel documents must be stamped upon entry and exit. In the case of entry and exit of third country nationals submitted to the visa obligation, the stamp shall, if possible, be affixed so that it covers the edge of the visa without affecting the legibility of the indications on the visa or the security features of the visa sticker. If several stamps have to be affixed (for example, in the case of a multiple-entry visa), this must be done on the page facing the one on which the visa is affixed. Irrespective of stamping, it is recommended to register the entry and exit of foreigners electronically as well.

It should be noted that a valid visa does not confer an automatic right of entry. There are several reasons why third country nationals should be refused entry even though they possess a valid visa. For example:

- They do not have appropriate documentation justifying the purpose and conditions of stay,
- They lack sufficient means of subsistence in relation to the period and form of stay, or in order to return to the country of origin or transit,
- They are persons for whom an alert has been issued for the purpose of refusing entry.

During checks at the border, it may become evident that the conditions for issuing the visa were not met at the time when it was issued, in particular if there are serious grounds for believing that the visa was fraudulently obtained. In such cases, according to the Schengen provisions, the visa shall be annulled. If the annulled visa has been issued by another Member State than the one annulling the visa, the central authorities of the issuing Member State must be informed. In cases where it becomes evident that the conditions for issuing the visa are no longer met, the border guard shall revoke the visa. Failure of the visa holder to produce one or more of the supporting documents or failure to prove the possession of sufficient means of subsistence when presenting him/herself at the border shall not automatically lead to a decision to annul or revoke the visa, but entry should be refused. Once the VIS is operational, annulment and revocation shall be registered in the system.

As a general rule in the EU, third country nationals who are subject to the visa requirement must apply for a visa at the consulates in their country of origin or residence. However, under certain exceptional circumstances, visas may be issued by the border guards/immigration officers at BCPs. The applicant must justify that s/he was not in a position to apply for a visa in advance and should submit, if required, supporting documents substantiating unforeseeable and imperative reasons for entry. Usually humanitarian reasons are taken into account. In any case, the applicant's return to his country of origin or residence should also be assessed as certain. The reason behind these strict provisions is fairly simple. At the border, there is no time, knowledge (assessing the socio-economic situation of the applicant, for instance) and capacity to carry out the necessary in-depth checks and consultations required by the rules for issuing visas.

In any case, the decision to issue a visa should be made by a senior officer or official of a higher authority. The general rules for examining and taking decisions apply when the application is submitted at the border. However, given the circumstances (i.e. the element of urgency) under which visas are applied for at the border, certain rules become irrelevant as the various steps of the processing are taken in swift succession, while other rules may be interpreted in a flexible manner. According to the provisions of the Visa code, visas issued at the border must have a maximum validity of 15 days).

Technical requirements and manuals

There should be a general implementation manual/handbook (Visa Code Handbook in the EU) valid for all BCPs describing the procedures to be carried out for verifying the entry conditions, including the tasks related to visas. All of the relevant legislation shall be easily accessible as well.

Ideally, BCPs have access to relevant parts of the IT-system used by the central visa authority and the consulates during the course of visa procedures (national visa database). The IT-system and the necessary technical equipment (such as inkjet printers) should also support the visa-issuing procedure at the border as widely as possible. On-line consultation and electronic exchange of data between the consulates, the central authority and the BCPs is highly recommended. When building or improving IT systems, care should be taken that the systems, if not the same, are compatible and inter-operable and in line with (inter)national data protection rules. A national visa database and facilitation of data transfer between all of the respective authorities contribute considerably to raising the level of efficiency regarding prevention of irregular migration and facilitate procedures for frequent travellers. Regardless of the technique chosen the data exchange should be carried out via secure channels between all of the users. The IT-system of the border guard should be capable of registering machine-readable documents (including visas) quickly by reading the machine-readable zone (MRZ) and it should assist the border guards by calculating the length of previous stays within the country.

All BCPs must have the necessary equipment for recognising document forgeries. Following a risk assessment, those BCPs that require more advanced equipment should be identified. In addition, border guards should have access to a manual of documents (hard copy and electronic version) that provide samples of documents accepted for entry (or to which a visa could be affixed), specimens of visas, residence permits, stamps and even signatures of consular officials. A database with specimens of foreign travel documents (authentic documents as well as false and falsified documents, iFado in the EU) would be useful and should be set up in cooperation between the relevant ministries. The framework of cooperation and a plan on how to add information to the database and access rules should be specified. In this regard, regional cooperation and information exchange would be beneficial in order to share both authentic and false and falsified documents.

Inter-agency cooperation, information sharing and training

The effective implementation of the four-tier access control requires well-established inter-agency cooperation. Smooth information flow and structured communication must be set up between all of the authorities involved in visa matters (consulates, MFAs, MoIs, central visa authorities, BCPs, etc.). They are dependent on each other. There should be a common understanding of the relevant legislation. Therefore, circulars, manuals, internal instructions concerning entry and stay should be defined jointly or at least shared with each other. Up-to-date contact lists can be compiled and hot-lines might be created in peak (holiday) seasons or before the start of application of important new provisions or the start of using new IT-systems. Emphasis should also be made on communication towards the third country nationals; harmonised information on entry and stay shall be provided on the different websites (MFA, Border Guard, etc.), since travellers check various sources.

Joint training sessions for staff members of the respective authorities can be organised. Training in detection of false and falsified documents (as well as use of equipment for this purpose) is of particular relevance for both border guards and consular officials. The relevant ministries should cooperate closely on training; a cost effective way to provide training is to invite trainers from the other ministry on different relevant topics. Exchange of personnel for shorter or longer intervals might be also considered.

Practical Example

PRACTICAL EXAMPLE 1: Issuing of visas at the border as a consequence of the closure of the European airspace (case of force majeure)

The closure of the European airspace for several days in April 2010 due to a volcanic ash cloud had meant that the travelling of a number of third-country nationals subject to the visa requirement for staying in or transiting through the territory of the Schengen Area was disrupted. Urgent measures were taken to address the situation. There were persons who could not return to their country of residence by air and who had to transit by land (for example, a person holding a return flight ticket from Belgrade to Kiev, but finally he had to return by bus via Hungary). It was recommended that these persons be issued visas at the external borders in a flexible manner by, for example:

- Waiving the visa fee,
- Providing facilities for cargo forwarding/carrier agencies,
- Entering all the relevant data of the application directly into the national visa database, rather than asking the exhausted traveller to fill in the application form,
- Waiving the requirement that the applicant be in possession of travel medical insurance.

Moreover, consulates and border guards were invited to cooperate closely in order to properly inform passengers and to facilitate their trip to the intended destination.

CHAPTER

CHAPTER 9
ASYLUM IN THE CONTEXT OF IBM

THIS CHAPTER EXPLAINS THE LINKS BETWEEN IBM AND ASYLUM AND OTHER FORMS OF INTERNATIONAL PROTECTION

The authorities responsible for asylum issues are not necessarily represented at the border, so there should be well-defined cooperation structures between the responsible authorities and the relevant border management agencies. The aim of this chapter is to highlight the areas that relate directly to procedures at the border, not to provide insight into asylum management per se.

Border control and surveillance agencies are regularly the first authority receiving asylum applicants and persons in need of protection in the context of mixed migration flows arriving at the state borders of a country. It is thus up to this agency to identify, mostly in a brief interview those migrants that are in need of international protection and to swiftly refer them to the relevant agency (national refugee authority) for examining the claim for international protection.[30] National asylum systems are only effective if the access to the asylum procedure is guaranteed. Border management agencies therefore need to

[30] In the EU, MS may provide for refugee status determination procedures directly at the border or transit zones in order to reach decisions on asylum applications made at these locations.

be aware of the principles of international refugee law and the possibility of claiming international protection at the border to avoid breaching international law.

Legal, regulatory and institutional framework

The basic instrument developed in international law derives from the Geneva Refugee Convention from 1951 and the Protocol from 1967, which define who is a refugee and which rights and obligations a refugee has. The Convention, however, does not foresee procedural provisions, which are left completely to the discretion of the signatories of the Convention.[31] How matters relating to foreigners are regulated, therefore, is for each country to decide in accordance with its international obligations, administrative tradition and national preferences. In some countries, all regulations related to asylum, migration and visas are contained in one main legal act and implemented by one central migration agency. Alternatively, entry and admission and other issues relating to foreigners are contained in one act, while issues related to the asylum procedure are treated separately and the competences are split between different agencies. Regardless of the solutions chosen, cooperation between the authorities responsible for these topics is vital when it comes to day-to-day implementation and the transfer of cases between the various migration processes as well as the development of laws and by-laws in this field.

Besides the border authorities, the police, NGOs or lawyers providing legal advice may also be involved in procedures at the borders. A consistent and transparent referral system should be put in place to effectively refer the asylum-seeker to the asylum agency competent to accept the application and to process the request.

Procedure

Asylum-seekers and persons in need of protection[32] should be given access to the refugee status determination procedure and to reception facilities regardless of whether the request for asylum is made at the border or within its territory. Border officials are responsible for facilitating the application procedure and expeditiously transferring the claim to the proper decision-making authorities. It is recommended that administrative instructions and operational guidelines are issued to border guards and immigration officials on how to deal with asylum claims and persons in need of protection.[33] To prevent *refoulement* and to ensure access to the asylum procedure, officials who first come into contact with asylum-seekers, in particular at the border, should have training on how to identify requests for asylum and how to refer asylum applicants to the appropriate authority.

Asylum procedure at airports

Different procedures are also foreseen by countries with regard to asylum applications at the air BCPs. Against the background of the carriers' liability[34] to take back passengers who do not fulfill the requirements to enter the country of destination, countries foresee special procedures to determine whether a person arriving without the appropri-

[31] The EU has been harmonising its Member States' asylum systems by introducing a number of EU legal acts, forming the EU Asylum acquis, which should ultimately support the development of a Common European Asylum System. The first phase of this process introduced (among others) provisions to determine the responsible MS for processing asylum claims (Dublin Regulation: 343/2003) supported by a system to compare finger prints (EURODAC Regulation: 2725/2000), the Temporary Protection Directive regulating how to deal with a mass influx of asylum seekers if this would paralyse national asylum structures (2001/55/EC from 2001), the Reception Conditions Directive regulating the reception of asylum seekers (2003/9/EC); the Qualification Directive describing who qualifies for international protection (2004/83/EC) and the Asylum Procedure Directive formulating a number of minimum standards for asylum procedures (2005/85/EC). The second phase of harmonisation is dedicated to adapt and improve the existing asylum acquis to develop common training of EU asylum case workers (European Asylum Curriculum – EAC) and to establish a European Support Office (EASO) comprising of experts from EU MS that should support EU MS in case of need.

[32] The provisions of the EU Schengen Borders Code "shall apply to any person crossing the internal or external borders of Member States, without prejudice to: (…) (b) the rights of refugees and persons requesting international protection, in particular as regards non-refoulement".

[33] UNHCR's Handbook on Procedures and Criteria for Determining Refugee Status and its complementary Guidelines on International Protection are not legally binding documents but they are considered to be authoritative interpretations of the refugee definition in Article 1 of the 1951 Convention relating to the Status of Refugees.

[34] See Annex 9 to the Convention on International Civil Aviation; Annex V to the Regulation (EC) No 562/2006 (Schengen Borders Code) together with Article 26 of the Schengen Convention and Council Directive 2001/51/EC.

ate documentation should be admitted to the territory or to make the carrier responsible for taking back the inadmissible person. Nevertheless, access to the asylum procedure must be ensured. Some countries might even conduct the refugee status determination procedure at the airport.

In all described cases inadmissible persons or potential asylum seekers need to be accommodated at the airport in the international transit zone. Countries thus need to provide necessary accommodation of inadmissible persons at the airport, access to food and necessary life products. Due to the possible irreversible effects of the enforcement of a return of inadmissible persons to a country where s/he might be subject to torture or inhumane treatment, it has to be ensured that applicants for asylum have the right to an effective remedy before a court or a tribunal and are allowed to consult recommended legal adviser or counselor.[35]

National authorities might hold the airport operator accountable to provide necessary space for accommodation of persons that need to await the decision on admission to the territory or return to their country of origin (or country of transit) in the international transit zone.

Information on the procedure

Asylum applicants should be informed that the request will be treated with confidentiality and subject to rules on data protection. As a way of implementing this provision, it is recommended that the asylum authorities develop materials and procedures to disseminate relevant information to all asylum seekers, both at the border and within the country, taking into account the principal languages of the asylum-seekers and varying degrees of literacy and education of the asylum seekers who are received. Information should be disseminated in a variety of ways, including: through written text and illustrations on posters or information leaflets as well as through counselling by qualified government staff at the border and elsewhere. The information should address:

- Eligibility criteria for refugee status;
- The rights and responsibilities of asylum-seekers and refugees including access to social and legal counselling and accommodation possibilities, access to legal adviser and UNHCR;
- Procedures that must be followed to apply for refugee status determination, including the appeal procedures and available assistance for asylum applicants;
- The supporting documentation that should be presented at the time of registration;
- Confidentiality in the refugee status determination process;
- The legal and practical consequences of recognition/rejection decisions;
- Any information about the host country's laws and procedures that may affect the rights of refugees and asylum-seekers; and
- Information on how to report improper conduct by government staff, security guards, interpreters, or legal counsel.

Reception conditions

The legal and physical protection of the asylum-seeker begins at these initial stages of the application process. Ports, borders, transit zones, or other in-country locations approached by persons wishing to lodge an application for asylum should ensure access to basic standards in line with the right to dignity and privacy of the asylum-seekers as well as family unity[36]. Material reception conditions such as food, clothing, basic health care and access to information should be in place for asylum-seekers. There should also be registration facilities, interview facilities and an archive[37] for file management.

[35] As set out in the Asylum Procedure Directive as well as Article 3 of the 1950 European Convention on Human Rights and Article 33 of the 1951 Refugee Convention.

[36] See also the minimum standards as regulated under the EC Directive 2003/9/EC on minimum standards for the reception of asylum seekers in the Member States of the European Union.

[37] Because of the highly sensitive nature of the information provided by asylum-seekers, the protection of data is of utmost importance throughout the procedure. It is therefore recommended that the security of data is ensured by providing strong and lockable cabinets for paper files and controlled access to keys and by protecting electronic data with passwords and also preferably using computers which are physically lockable. Files and databases should remain the property of the Government irrespective of where they are held and there should be restricted access to confidential information.

Practical Example

PRACTICAL EXAMPLE: Asylum telephone hotline

The Asylum Affairs Division of the Lithuanian Ministry of the Interior has a 24-hour mobile duty telephone. The telephone number is distributed to all state border guards (also under the Lithuanian Ministry of the Interior) and may be used if a foreigner has been apprehended by border guards and has applied for asylum. The border guard calls the asylum authority, which then further coordinates and decides on the next steps to be taken. Legal basis: internal instruction on the asylum procedure adopted by the Lithuanian Ministry of the Interior.

CHAPTER

CHAPTER 10
INFORMATION MANAGEMENT AND RISK ANALYSIS

THIS CHAPTER ADDRESSES INFORMATION MANAGEMENT AND RISK ANALYSIS

Four inter-connected areas of information management and information sharing are described:

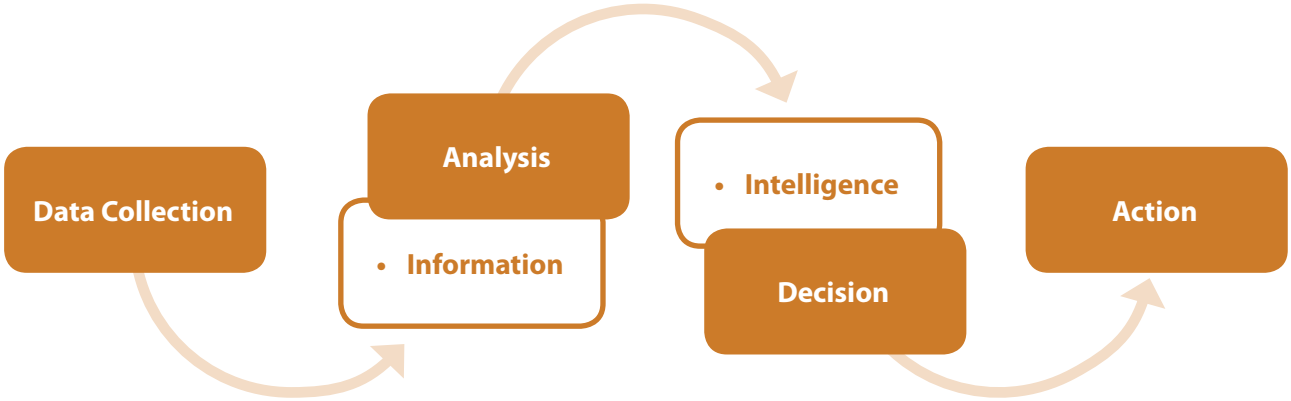
- → Information management
- → Risk analysis
- → Early warning
- → Data protection

10.1. Information management

Managing the border is a continuous task of managing **threats** and their varying levels of **risk**. It is, therefore, essential that the processes for managing the flow and use of information focus on managing those **threats** that pose the highest **risk** first. The use of risk analysis to inform management decisions is a central part of the process used to manage the border. This can be assisted both by ensuring that there are clear and consistent processes for collecting, recording and analysing information and that effective processes are in place to take appropriate action on the basis of that information. This includes the regular exchange of statistical data, operational information and early warning data with other border management agencies, both in your own

country and also internationally. This chapter does not deal with information related to administrative matters (office management, equipment and maintenance, etc.).

The primary goal of information gathering is to systematically collect data for the purpose of making informed decisions. Information is needed for monitoring the operations of border management agencies, exchanging statistical data or information on arriving goods with other border management agencies and for risk analysis and/or early warning. This can be also explained as follows:



Border management requires information to be collected on a wide range of activities. This information will come from various sources and will be received in different ways. As a result, information collected for one purpose may need to be related to information collected elsewhere for a different purpose. An example would be that information from the investigation of a forged passport can later assist in building a risk profile. This requires consistent processes to be in place at all levels of activity in order to manage information as a corporate resource for border management agencies as a whole.

This management of information involves the task of linking together information from a wide range of sources – from open sources and publicly available information to that obtained covertly by law enforcement agencies – in order to build up a composite picture. This will help to highlight links between people, objects, locations and events that are essential in supporting the overall analysis of border-related threats. Identifying these links enables decisions to be made about priorities and the resources needed to manage those highest risk issues.

All border management agencies should be able to collect and analyse statistical and informative data and information. Staff at the local and/or regional offices should be trained to gather relevant data and information, to analyse it locally and to pass it on to the regional and central levels for further processing. The central level should compile all relevant information, process it into a usable form and feed it back to the local level as a strategic tool for tactical risk analysis/profiling and operational planning. See Annex 4 (article 5) for examples of migration data.

A clear methodology for the collection and dissemination of data and information should be provided for each border management agency in the form of a detailed and practical operational manual. Such a manual can take many forms but always needs to be tailored to the specific needs of the administration it is for.

As a general practice used world-wide, most of the local offices work 24 hours a day, which allows for immediate recording of any unlawful activities exposed. To ensure a harmonised and continuous flow of information there should be a technical connection to the central level to be able to maintain the direct, fast and secured delivery of data.

There are a number of stages in the management of information:

- Collection;
- Recording;
- Evaluation;
- Decisions;
- Sharing; and
- Review, Retention and Disposal.

There should be clear policies and procedures covering each of these different stages, taking into account as well the relevance of data protection issues and human rights aspects as detailed below.

10.2. Threats and risk analysis

A **threat** is anything that leads to a violation or disruption of the border control regime or has a potential negative impact either directly or indirectly. The **risk** is the likelihood or probability of that threat being realised. **Risk analysis** is a structured process that assesses that likelihood or probability of that threat being realised and consists of three separate but inter-linked stages: risk assessment + risk management + risk communication.[38]

The level of risk is always determined in the context of the national and international priorities set for the border management agencies. These responsibilities are a main feature of the strategic context, i.e. **what** is the agency expected to achieve? Mission statements, long-term visions or strategic objectives can provide the answer to this question. It is within these documents that the future direction is set and which leads to consideration of the organizational and risk management context. The organizational and risk management context can be defined by thinking about **how** the agency can achieve the strategic objectives? Senior managers, technical and analytical experts provide the answer to this question; they assess and understand the strategic context in the light of the agency's capability to deliver the strategic objectives. They consider the possibility to manage risks by calculating costs, benefits and opportunities, resources and equipment. The key issue here is an accurate assessment of the **capability** to deliver the strategic objectives.

Strategic, tactical and operational risk analysis

Different levels of border management require different priority settings. Most times this can be divided into two parts: strategic and operational; the tactical level can be seen as a specific part of the operational level. Strategic analysis focuses on identifying and assessing threats and risks, generating knowledge for decision makers or creating the necessary knowledge base for adjusting the agency's capability to meet future challenges in to answer to specific questions.

The purpose of operational risk analysis at BCP/BIP/DPE level[39] is to **apply selective but effective controls**, based on identification of the areas where the greatest risks are located. Based on risk profiles, the limited resources, (both in terms of staff and facilities/equipment), can thus be concentrated in fields where unintentional or deliberate breaches of the regulations are most likely to occur, while at the same time minimising the disruption to trade and traffic flow. One criterion for evaluating the effectiveness of a risk analysis system at BCPs/BIPs/DPEs is the correlation of the number of checks with the number of detected cases: the aim is to keep the difference between these figures as small as possible.

The figure below shows operational at the lowest level, nevertheless, there are also organisations that place tactical at the lowest level.

[38] Several models for risk analysis exist. For example, within the Taxation and Customs Union of the EU (TAXUD), the term risk management process is used to describe the entire process of collecting data and information, analysing and assessing risk, prescribing action and monitoring outcomes. More precisely, **risk management** is defined as a technique for the systematic identification and implementation of all the measures necessary to limit the likelihood of risks occurring. For more information please see the *Standardised Framework for Risk Management in the Customs Administrations of the EU*

[38] EU legislation, a certain percentage of checks is fixed for consignments of live animals, animal products, certain food and feed of non-animal origin, as these are considered to be high risk consignments per se. Therefore the role of BIPs and DPEs for carrying out risk assessments to choose the consignments they are checking is rather limited and restricted to those for which a physical check has to be carried out.

Risk assessment

Risk assessment is about identifying the main threats and prioritising activity based on an assessment of the actual or potential harm they could cause. The process of risk assessment described refers not only to intraservice risk analysis but also to joint analysis with other services at the national or international levels.

Once the main threats have been identified, it is essential to identify the key factors that will influence the level of risk (i.e. the probability of the threat being realised). These influencing factors are a combination of both strategic and operational issues. The **strategic factors** (often referred to as push and pull factors) are those factors over which the border management agency/agencies have no direct control. The acronym STEEPLEG is sometimes used as an *aide memoire* in order to recall those external factors which can directly and indirectly influence the situation at the border both positively as well as negatively:

- Socio-demographic,
- Technological,
- Economic,
- Environmental,
- Political,
- Legal,
- Ethical, and
- Geographical.

The **strategic information** used in assessing the level of risk should also include:

- A description of the routes and methodology of regular and irregular migration and modalities in modus operandi in cross-border crimes,
- The environment,
- Trends and profiles of regular and irregular migrants,
- A description of the efficiency of the border management system, and
- A description of the current standards and resources of the border management system.

The **operational factors** refer to trends of activity at the border, both in terms of general movement of people, goods and vehicles as well as details of border infractions and violations. The latter act as the source of risk **indicators** which form the basis of risk **profiles**. These operational factors can include:

- The level of control exerted by the authorities at different parts of the border sections and inland,
- Geography,
- The total number of cross-border crime and irregular immigrants to and from the country, and
- Identified and potentially emerging gaps and deficiencies in the border management system.

The next step involves assessing the probability of the threat being realised and the possible resulting consequences. This requires a careful balancing of how each factor could influence the level of risk either positively or negatively, in order to determine whether or not the identified change in circumstances may lead to the potential risk to the border being realised.

Clearly, for this to take place, agencies must ensure that the necessary data processing structures for the preparation of the risk assessment are in place:

- A system that gathers information, processes it and generates a relevant output;
- The system must be able to process data of a very general nature, as well as very specific data gathered by the relevant authorities on individual cases; and
- The system must be able to deliver an output that meets the demands on tactical and operational (field) levels.

It should be remembered that risk analysis never is 100% accurate, although the use of structured and standardised techniques increases the probability that any assessment is correct.

Risk management

Risk management is about systematically taking all measures necessary to prevent or limit the likelihood of risks occurring; it is the process of coming up with solutions to deal with the identified threat. In managing risk a balance must be struck between costs and benefits, as clearly it is not cost effective to address all risks equally. Criteria are needed to decide what constitutes an acceptable or unacceptable level of risk. The choices available fall into one of four categories:

- The threat can be **removed**,
- The threat can be **avoided**,
- The threat can be **reduced**, or
- The threat can be **accepted**.

The reduction or acceptance of a threat can include contingency measures. Analysis does not look only at managing issues or problems of criminality but can be applied to any decision requiring the allocation of resources, be they people, finances or other. It could be anything from the issue of an identified training gap to the supply of consumables (fuel, IT equipment, etc) or infrastructure-related issues.

Risk communication

Risk communication is the process of ensuring that an awareness of an identified threat is communicated to all interested stakeholders, particularly other border management agencies, both internally and internationally.

A clearly defined process for managing information needs to be understood by all staff in order for it to be effective and to ensure that it is coordinated efficiently and effectively with other law enforcement activity.

Effective risk communication and coordination of processes are essential elements of successful border management, as they:

- Ensure that decisions about priorities and resources are made based on the best available assessment of threats,
- Enable managers to weigh competing demands, and
- Establish a rational basis for and a clear audit trial of decision making.

Risk profiles

Profiling of risks is the most important application of risk analysis in day-to-day border management. It is a simple but very effective method of targeting resources based on existing knowledge (including analysis of statistical data) and operational information. It is used to focus and make best use of available resources against known and predicted threats via **risk profiles** at BCPs/BIPs/DPEs and **operational profiles** at the green/blue border.

In both cases, the profiles are based on risk indicators. **Risk indicators** are trends or patterns that have common distinguishing features and these indicators relate to issues that can be measured or observed, such as time, frequency and age.

The application of risk profiles is designed to support the process of a **selective or more thorough control**. The aim of a selective control is the faster clearance of passengers, vehicles and freight and a more effective targeting of cross-border violations and offenders. The end result is less inconvenience to travellers and trade. It is important to realise that risk profiling is not discriminatory as long as it is based on a structured process of risk analysis. However, this requires an open and transparent methodology based on known facts rather than speculation. Therefore, it is essential that all staff understand the process and their part in it.

Risk profiling is a tool for officers from all border management agencies, assisting them in the operation and management of their respective office, station or region. It helps to ensure that actions carried out by border management agencies are justified and proportionate.

A **profile** should be tailored to regional or local circumstances and cover a number of aspects:

- Identify the risk areas at a given location;
- Evaluate the level of risk: high (H), medium (M), or low (L) probability. **High** risks are generally likely to arise and have severe effects. **Medium** risks may be less likely to arise, or have less severe effects, but not necessarily both. **Low** risks are acceptable risks that can be assessed by standard or routine procedures or even where no action is necessary; and
- Test the effectiveness of preventive or counter-measures taken.

There is no standardised **format** for risk profiles or operational profiles, as long as they are comprehensive and of relevance for the location in question. They can be shared in hard or electronic copy and can have a variety of sections. A profile should always contain:

- A description of the threat including details of recent cases as examples;
- An assessment of the likelihood of the risk: high (H), medium (M), or low (L);
- A list of risk indicators;
- Counter-measures to be taken; and
- A section to record the results of any control based on the profile and evaluation of the effectiveness of the action taken.

The profile is a **dynamic record**, which ensures that all risks perceived and all intelligence collected (either locally or disseminated from the central analysis unit) are evaluated and processed and that certain actions in relation to them are implemented. The profiles should be developed by specialised intelligence officers. It is the responsibility of the ranking officers to operate and manage the profile and it is recommended that they involve staff from their own stations when they need to define local risks and action plans.

To remain effective, the profiles must be **flexible** so that new threats are identified and the risk assessed. Likewise, previous profiles identified as being high risk may be reviewed and found to subsequently be low risk. Therefore, it is essential to **keep the profiles accurate, relevant and up-to-date**. This includes cleaning the system of outdated information. The relevant manager together with the intelligence officer must, therefore, **review** the profiles at regular intervals, for example, every three months. Officers at all levels should be asked to take part and to contribute to the review.

Joint risk analysis unit

The border management agencies should consider a multi-dimensional approach to risk analysis by establishing an inter-agency body for this task. The preconditions for such a body are existing functional risk analysis systems for each involved agency, with experienced and qualified officers dealing with threat and risk assessment on a daily basis. Since not all actors have a similar weight in border management, the responsible body should be one of the main (law enforcement) agencies, whose authority could be set forth in an MoU between the competent agencies, which covers the operation of all organisational units and personnel involved in border control risk analysis.

As a more comprehensive solution and reaction to border security threats, countries should consider joining their (human and technical) resources to develop bi- or multilateral risk assessments as a general support to their operational activities on national, bi- and multilateral

level. The physical establishment of such units could be considered at common contact offices already in place. For multilateral cooperation a centre should be established in one of the participating states. Already existing multilateral cooperation agreements can be used for the implementation of joint risk analysis, if applicable.

Common risk management

A common risk strategy that identifies and addresses the strengths and weaknesses of the current border management system can be developed. As an outcome of a common risk strategy, specific activities can be implemented: for example, identifying adequate inland control points on major transit routes or joint mobile units of customs officers and border guards.

Controls at BCPs/BIPs/DPEs should be coordinated, which means that all authorities concerned should work together to define priorities and establish common **risk profiles**. It is vital that all agencies share information, in particular, information related to smuggling and trafficking practices. Traders have to declare their goods to customs officers who carry out an initial risk analysis. This allows for centralisation of data collection and simplifies administrative procedures for the traders. Relevant information/intelligence is shared between the agencies at the central and regional levels, as well as at the BCP/BIP/DPE.

10.3. Early warning

The aim of early warning is to allow for rapid response to extraordinary situations relevant for both sides of the border. Early warning procedures are designed to warn of an impending problem that may affect a country's migration/border situation and therefore needs an immediate reaction from other BCPs/BIPs/DPEs, partner agencies and/or countries.

Early warning information contains the first indications of an extraordinary situation faced in a country or by a border management agency. New developments in the area of irregular migration, for example, would require immediate counter-measures to be taken. These include changes in modus operandi, itineraries or modes of transport, new types of large-scale travel document forgery, significant increase in irregular immigration and infiltration of large groups by facilitator networks.

The implementation of an early warning system requires a complex and comprehensive approach with a decentralised system. The border management agencies should establish a horizontal and vertical structure to rapidly inform other agencies. The local, regional and central levels should make sure that relevant information is disseminated in due time. Responsibilities should be described in standard operational procedures where, in addition, the tasks of the person/unit in charge of network maintenance are detailed.

At national level, there should be a harmonised approach based upon existing risk assessment/profiles and officers (at each level) should be aware of which information is relevant to counterparts in the other border management agencies at inter-agency and international level.

General training for officers involved in running the early warning system should be complemented by a specialised training component, focusing on filtering received information and on methodology.

Annex 4 gives an example of a regional early warning system on irregular migration established through an MoU, including an early warning template.

10.4. Data protection

Individuals enjoy the fundamental right to have their personal data protected in accordance with national and international legislation and principles.

Issues of personal data protection arise at all levels of border management where a balance between the human right for privacy[40] and the use of personal data or

[40] For example, as regulated in Article 8 of the European Convention on Human Rights

databases to fight crime and related unlawful activities needs to be found. Natural persons have the right to legal protection of their personal data. Consequently the use, allocation, sharing and storage of personal data have to be regulated by national data protection laws.

The competent authorities must be able to implement appropriate technical and organisational measures to protect personal data against unlawful use, accidental or unlawful destruction or against accidental loss, alteration, unauthorised disclosure or access, in particular where processing involves transmission over a network or is made available by granting automated access, and against all other unlawful forms of processing.

Legal aspects

In addition to the national law on data protection, the laws regulating the tasks of the border management agencies should identify the following:

- **Types of data that the agency may collect**: the data should be adequate, relevant and not excessive in relation to the purposes for which they are collected and/or further processed.
- **Purpose for which data might be used**: the purpose should be specified, explicit and legitimate in the framework of the tasks of the competent authorities. Data must not be processed for any other purposes or in a way incompatible with the specified purposes.[41]
- Data must be accurate and, when necessary, kept up to date; every step must be taken to ensure that **data which are inaccurate or incomplete** (with regard to the purpose for which they were collected or processed) **are erased or rectified**.[42]
- Appropriate **time limits** shall be established for the erasure of personal data and for periodic reviews (e.g. within three years) of the need for the storage of the data.[43] Procedural measures shall ensure that these time limits are observed.
- Rules should be set on how data may be forwarded to a **third party** (both internally and internationally) and who has a legal interest as a third party.
- Access to data by other authorities (e.g. direct access or the possibility to send a request for certain data in connection with its task stated by law) should be established.
- Specific rules concerning law enforcement issues on data processing, which differ from the general data protection regulations, should be determined.
- A requirement to draw up a law or an internal instruction setting out the policy on the collection, handling, review, retention and disposal of data collected, with the policy itself being subject to a set review period

Bilateral agreements containing the authorisation for the exchange information involving personal data should also always clarify the required level of protection of data and rules on the procedure in case of misuse of such data. As a matter of principle, data should only be exchanged with countries which guarantee the same level of data protection as foreseen in the national law.

[41] The competent authorities may further process personal data for historical, statistical or scientific purposes provided that the data is made anonymous, which means that it is modified in such a way that details can no longer be attributed to an identified or identifiable natural person.

[42] For example, Regulation No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the Establishment, Operation and Use of the Second Generation Schengen Information System (SIS II), which establishes the conditions and procedures for the entry and processing in SIS II of alerts in respect of third country nationals, the exchange of supplementary information and additional data for the purpose of refusing entry into, or a stay in, a EU Member State. This regulation stipulates that "any person has the right to have factually inaccurate data relating to him corrected or unlawfully stored data relating to him deleted".

[43] In the EU, Regulation No 1987/2006 on SIS II (see footnote above) stipulates that personal data held in files as a result of information exchanged shall be kept only for such time as may be required to achieve the purposes for which they were supplied. The data shall in any event be deleted at the latest one year after the related alert has been deleted from SIS II (the country issuing an alert shall, within three years of its entry in SIS II, review the need to keep it). Another example is the Council Regulation No 2725/2000 of 11 December 2000 concerning the Establishment of 'Eurodac' for the Comparison of Fingerprints for the Effective Application of the Dublin Convention which says that each set of data relating to an alien shall be stored in the central database for two years from the date on which the fingerprints of the alien were taken. Upon expiry of this period, the Central Unit shall automatically erase the data from the central database.

Operational aspects of data protection

Security measures should be introduced both at the premises where databases are kept as well as at the end-users' premises. Internal security rules must take into consideration at least the following aspects:

- There should be a national body responsible for data security which may comprise one or more authorities.
- The security policy for IT systems should be an integral part of the overall security policy of the relevant authorities and has to be documented in writing.
- Internal data protection officers should be appointed to those bodies that process personal data.
- It is vital to allocate resources for the establishment and maintenance of data security measures.
- Procedures and responsibilities should be determined to ensure that all security measures are followed and continuously updated and revised.
- The levels of security need to correspond to the nature and confidentiality of the data stored.
- A register of relevant IT equipment should be maintained and updated following serious incidents or system changes that have an impact on data security.
- Responsibilities of persons involved in data security should be defined, possibly in connection with the respective job specifications.
- Only persons with specific authorisation (of different levels) may have access to data and to equipment used to process data, and their access needs to be recorded.
- Each database may only be accessed when this is required to carry out the tasks for which the user is responsible.
- Chains of command and procedures need to be defined, ensuring that security incidents or suspected security incidents are reported as quickly as possible.
- All personnel must take part in the necessary training programmes, which should include all current rules on data security.
- Any contravention of security rules should be disciplined to the extent necessary.

Practical Examples

PRACTICAL EXAMPLE 1: Analytical centre for the monitoring and analysis of migration

The Analytical Centre of the Czech Republic is a permanent analytical office on inter-ministerial level, focusing on monitoring and analysing migration. The objective of this Analytical Centre is, among others, to contribute to the creation of a comprehensive picture of migration trends in the Czech Republic.

The Analytical Centre is coordinated by the Asylum and Migration Police Department of the Ministry of the Interior. In addition to relevant bodies and offices of the Ministry of the Interior and the Czech police, the following ministries and offices are involved: the Ministry of Foreign Affairs, the Ministry of Labour and Social Affairs, the Ministry of Finance (Directorate General of Customs), the Ministry of Industry and Trade, the Ministry of Justice, the intelligence services, and the Office of the Vice Prime Minister for European Affairs.

Findings of the Analytical Centre serve as basis for adopting long-term, medium-term planning and ad hoc measures. Activities carried out by the centre are divided into four forums, distinguished by the topics they cover:

- The Migration Forum monitors the situation pertaining to the residence of foreign nationals, including the provision of recommendations and proposals to adopt measures in the area.
- The Security and Operations Forum focuses on an operative evaluation of security risks relating to border protection and irregular migration and formulates recommendations and proposals for measures to be adopted in this area.
- The Strategy Forum concentrates on formulating comprehensive opinions concerning border protection and migration. The overall direction of the Analysis Centre is also being discussed within the Strategy Forum.
- The Visa Forum monitors visa policy and practice by formulating recommendations and proposals for measures to be adopted in this field

PRACTICAL EXAMPLE 2: Exchange of information on risk consignments

In the EU, the border veterinarians identify and select the veterinary consignments to be checked together with customs. The identification of the consignment of products and live animals is based on CN-codes listed in the Annex to Commission Decision 2007/275/EC. Customs should have the CN-codes of that decision linked in their own electronic system in a way which makes it possible to identify the consignment requiring veterinary border control. In order to find the consignments for which the importer has not sent any pre-notification to the relevant BIP, possibly aiming at smuggling, the risk analysis centre of the customs agency randomly checks the suspicious consignments (like containers including frozen products) based on documentary checks (for instance suspicious country of origin or country or the seal number does not tally with the documents) and according to the directions given by the veterinarian. The suspicious container is x-rayed and, if needed, opened and unloaded in order to check that the content is according to the customs declaration. The container should be sent for veterinary checks at the BIP. The final decision of approval or rejection by customs is based on their findings and the results of the veterinary checks; information on the customs decision is sent to border veterinarians and the customs and ministries in question both locally and centrally and, when needed, internationally to neighbouring countries and the EC. In case of smuggling, the consignment is always rejected and destroyed in an incinerating establishment.

In order to be able to cross-check that the veterinary consignments really have been pre-notified and checked, the BIP staff have direct access to all relevant information available in the electronic system of customs and/or to commercial databases of port and airport operators containing information on arriving consignments. In case access is not possible directly via the internet, the border control veterinarians should have access locally at the BCP to the customs database and/or the databases of commercial operators containing information on arriving consignments. The border veterinarians check in these databases and/or in the manifests (basically a list of consignments unloaded at a specific entry point) which consignments have arrived in their BIP-area and compare if a pre-notification has been provided for each of them. If the veterinarian, based on database or manifest check, finds a consignment which according to the product description and the CN-code should have been checked but has not been pre-notified or taken to the BIP, they can ask customs to find out where the consignment is located. The importer must present the consignment to the BIP for veterinary checks and the veterinary decision will be issued in the CVED. The importer must clarify the problem to customs and, based on the clarification, the customs procedure continues and the decision taken by customs including possible sanctions (rejection, criminal charges etc.) should be forwarded to the border veterinarians, customs and ministries in question both locally and centrally and, when needed, internationally to neighbouring countries and the EC.

Customs and the veterinary border inspection service can exchange information concerning risk consignments and illegal imports to each other via the Community Risk Management system. When needed, the BIP staff also receive (in addition to the specific system RASFF for veterinary consignments) information on upcoming public or animal health risks or illegal imports of products of animal origin or live animals via the Anti Fraud Information System (AFIS) and the WCO Framework of Standards to Secure and Facilitate Global Trade (SAFE). Because this information is sent to Customs, the veterinary service should have mutual agreements with the customs agency for receiving this information. The agreement should include all the details for both the services for receiving and sending information to each other.

CHAPTER

CHAPTER 11
FIGHTING CORRUPTION

11

THIS CHAPTER REGARDS FIGHTING CORRUPTION

Actions which can be taken to fight corruption in the context of IBM are addressed through the following:

- Legal and regulatory framework,
- Institutional framework,
- Procedures,
- Human resources and training, and
- Equipment.

Corruption is a worldwide phenomenon which is not limited to specific regions or political systems. It exists in industrialised and developing nations alike and the fight against it is a challenge for all government agencies. The agencies active at the border are no exception: crossing the state border illegally, fraudulently obtaining a visa, trafficking in human beings, smuggling of persons, goods, weapons or drugs are all activities facilitated by corruption.

Definitions and forms of corruption

Corruption can take many forms. Bribery, fraud, extortion, embezzlement, abuse of discretion and favouritism are among the most common ones. While there is no universally accepted definition of corruption, the one

most frequently used is shared by the World Bank and the UN, describing corruption as "the abuse of power for private gain".[44]

Usually a distinction is made between petty or small-scale corruption (unofficial charges and bribes) and political or grand corruption (use of position and influence, embezzlement). The most dramatic form is state capture, a systematic high-level corruption which is strong enough to undermine the functioning of the state.

11.1. Fighting corruption in the context of IBM

Due to the nature of their tasks and their frequent interaction with the public, border management agencies are particularly vulnerable to corruption. Still, a number of preventive actions can be taken within each agency – many of these at little or no cost and in most cases also without high-level political support.

The starting point for fighting corruption is normally a thorough and objective analysis of the current situation, where the risk for corruption within a border management agency is assessed. This analysis

- Identifies the areas and positions most targeted by attempted bribery,
- Searches for loop holes in existing laws and procedures,
- Analyses recent breaches of rules and laws by staff as well as court cases where corruption played a role, and
- Takes the public image of the border management agency into account.

The results provide the basis for developing an anti-corruption strategy, either individually for each border management agency or as part of the national IBM strategy, and a concrete action plan, which specifies activities, responsibilities, timelines and costs. The subchapters below list a set of actions which can contribute to reducing corruption; however, it is important to note that this list of activities is by no means complete and it must always be adapted to specific national circumstances. Still, there are general principles which are relevant for every administration:

- A clear anti-corruption policy: the distinction between a legitimate gift and a bribe needs to be clear to all staff and the consequences of a violation must be specified.
- The tasks for the individual positions must be clear and the performance of staff needs to be evaluated in more than one way, also through independent and unannounced controls.
- Salaries must be adequate and cover actual living costs.
- A transparent and merit-based process for hiring and firing staff must be established.
- Quality introductory and regular in-service training on anti-corruption awareness, motivation and the consequences of corruption should take place.
- Procedures should be transparent and proper documentation should make *ex post* performance analysis possible.
- BCP/BIP/DPE/ICS chiefs should be rotated.
- There should be rotation between shifts from time to time.
- Four-eye principle needs to be applied for all sensitive decisions.
- The collection of duties, fees and fines in cash should be avoided to the greatest extent possible.

Legal and regulatory framework

The very basis for fighting corruption is its criminalisation in the penal code[45], which should include a clear definition of the crime in a national context, a comprehensive listing of which activities constitute corruption,

[44] Other organisations promote much more detailed definitions, which however carry a similar message. The Council of Europe for example defines corruption as "requesting, offering, giving or accepting, directly or indirectly, a bribe or any other undue advantage or prospect thereof, which distorts the proper performance of any duty or behaviour required of the recipient of the bribe, the undue advantage or the prospect thereof.

[45] The penal code should be accompanied by a law on asset declaration and asset recovery, which regulates the confiscation of the gains of corruption and can even include a reversal of the burden of proof for the proceeds of crime.

and effective, proportionate and dissuasive sanctions for corruption offences. If an officer is found guilty of corruption, s/he should not only be dismissed from his/her current position but also completely banned from civil service.

A law on self-reporting, which foresees some forms of lenience for officers who admit having been involved in corruption and now cooperate with law enforcement (*before* an investigation has been launched against them) is recommended. This not only helps to identify corruptors, but it also provides an exit strategy for officers who want to go clean but would otherwise be afraid of being blackmailed by their former corruptors.

Each border management agency should have a code of conduct specifying the duties of its respective officers and providing guidelines on:

- What constitutes a conflict of interest (depending on the national and cultural context), what are its forms (incompatible functions and activities, restriction on auxiliary activities, acceptance of gifts, etc), how to avoid it, with whom to consult, whom to report and what the consequences are;
- What in practical terms constitutes corruption in the specific context of the agency, and how to react when a bribe, for instance, is offered;
- Which cases raise doubts where a supervisor should be involved; and
- Legal and disciplinary consequences in case of violating the anti-corruption rules.

The core parts of the code of conduct should be published to make clients aware of the agency's anti-corruption policy. All partner agencies at the BCP/BIP/DPE/ICS and local level of the neighbouring countries should also be informed.

Institutional framework

There is an ongoing discussion among practitioners over whether institutional centralisation or decentralisation offers better opportunities for fighting corruption, since there are advantages and disadvantages to both. What experts agree upon, however, is that each unit has to take care of internal anti-corruption issues first (for agencies forming part of law enforcement, an office for internal affairs should be responsible for corruption investigations).

Since the public is an important ally in the fight against corruption, a toll-free telephone line or website should be established to receive complaints and information about corrupt practices. Technical solutions, such as allowing the placement of an anonymous complaint online or giving access to a mailbox where a response from the contacted authority can be collected and follow-up messages exchanged, can keep the identity of the informant protected at all times.

Procedures

The procedures that determine the activities of the border management agencies need to be described in a manual available to all staff. These procedures should be as simple and transparent as possible, and they should include an adequate amount of checks (signing in and out at the beginning and end of a shift, logging on and off computers, incident reports, shift leader supervision, etc.) to ensure that the actual work of each officer can be verified *ex post*. A review and update of the procedures is recommended at regular intervals.

Since the collection of fines and fees offers many opportunities for corruption, procedures should be organised in such a way that the handling of cash at the BCP/BIP/DPE/ICS is avoided whenever possible. In some countries, customs duties or inspection fees are not collected directly, but rather they need to be paid at a bank with a branch office at the BCP/BIP/DPE/ICS. When this is not possible, the four-eye principle should at least be introduced, which requires that all sensitive financial decisions are also checked or co-signed by a second person. A particularly delicate chapter is the procurement of goods and services. The majority of countries have, therefore, enforced strict procurement rules with several layers of controls, including public tendering, anonymisation of all tenders, selection of the winning tender

through a panel and personal division of functions between ordering of goods and services and the control of their quality.

The work of each border management agency should be audited at regular intervals, financially and operationally. In this context, the statistical data collected should be used not only to analyse overall development and regional trends but also to identify differences in the performance of specific BCPs/BIPs/DPEs/ICSs or individual shifts since these can be indicators of irregularities. Care should be taken to identify possible irregularities both during routine controls and unannounced checks.

There should be a possibility for mobile units to carry out unannounced operations, independently of local management, in areas where corruption is a common phenomenon.

A procedure for whistle blowing for staff members, which describes whom to contact and how and also guarantees protection and anonymity for the whistleblower, usually leads to an increase of reported cases. Also the reporting of misconduct within partner agencies should be possible.

It should also be noted that transparency towards the public about their rights and duties, prices and services pays off, considering it helps to reduce processing times and a well-informed customer is less ready to pay a bribe. This can be achieved, for example, through leaflets, the website and folders, posters, stickers at the BCP/BIP/DPE/ICS, which should be available in all relevant languages.

Human resources and training

While high wages do not necessarily prevent corruption, it is uncontested that an inadequate income leads to an increase of corruption – especially if it does not cover actual living costs. It goes without saying that increasing the salary level of a whole institution is an extremely costly reform project, which can take several years of preparation and may need political support. It is, nevertheless, essential: without adequate remuneration, officers simply cannot afford to stay honest.

However, corruption prevention work should start long before the first salary is paid during the recruitment phase, which should be used to make thorough background checks on potential employees, including their performance in previous jobs and personal property. Some agencies also use psychological tests to assess the personality of those who apply for particularly sensitive positions, to get an indication of their sense of duty and their general susceptibility to corruption.

Once a person is hired based on merit and chosen by a panel according to transparent criteria, their actual work should be based on terms of reference which provide a precise description of the tasks and responsibilities for his/her position. The criteria for ending an employment contract should be equally transparent and adhered to: first of all, to ensure that employees are aware of the consequences of misconduct or abuse of office and second, to protect officers who are fulfilling their duty based on arbitrary decisions from above.

While anti-corruption training (with practical exercises) and corruption-awareness raising should be part of the general training of staff, some countries consider regular rotation of staff and a gender balance at the various duty stations useful to make the development of corrupt networks less likely.

Equipment

There are numerous technical solutions to enhance transparency in border management and to render corruption more difficult, for example: computerised systems for the border guard, which are linked to Interpol or national databases of search warrants, or specialised customs systems, which give an automatic alert when trucks from blacklisted companies arrive. While it is al-

ready standard in most countries that such databases are password protected and access is only granted according to need (not rank!), it is often overlooked that these systems can only enhance transparency if every person/truck at the border is actually entered in the system. In some countries, the introduction of the CCTV (closed-circuit television) at BCPs/BIPs/DPEs/ICSs has improved the situation.

Relatively simple technical systems are available to randomly select persons which should undergo intensive checks, reducing the possibility for an officer on duty to give preferential treatment to people of his/her choice.

Furthermore, booths for border checks could have shaded windows so that passengers cannot choose lines depending on the identity of the booth officer.

CHAPTER

CHAPTER 12

DEVELOPING A NATIONAL IBM STRATEGY AND ACTION PLAN FOR COOPERATION

THIS CHAPTER PROVIDES INSIGHT INTO DEVELOPING A NATIONAL IBM STRATEGY AND ACTION PLAN FOR COOPERATION

A methodology and tools provided in this section have proven useful in the process of establishing a national IBM strategy and action plan for cooperation in several parts of the world. The following topics are covered:

- Identifying key stakeholders and setting up IBM inter-agency working groups;
- Planning and implementation tools
  - Developing a national IBM strategy for cooperation,
  - Developing a national IBM action plan for cooperation,
  - Implementing the action plan;
- Monitoring, evaluation and review; and
- Overview of the IBM implementation process.

In today's interconnected world, no single state administration could claim to be able to solve cross-border issues on its own. Border management covers a wide range of topics and tackles complex and sometimes controversial issues that warrant efficient and effective cooperation and coordination between all relevant stakeholders to:

- Address problems in a multidisciplinary way;
- Identify overlaps or omissions, while respecting each agency's area of competence;
- Help reduce divisions between different sectors of work, foster joint decision-making and, in the longer term, ensure coherence in the work carried out by the different agencies; and
- Conduct better resource planning and make optimal use of the expertise and competence of each agency involved.

All relevant stakeholders should therefore jointly develop:

- A **national IBM strategy for cooperation**, where the strategic and operational objectives are listed that should lead to improved cooperation and
- A **national IBM action plan for cooperation**, which describes concrete actions that have to be taken to reach the objectives of the strategy. Timing, costs and responsibilities are identified as well.

These documents not only ensure a unified approach to IBM among all stakeholders, but also help to identify priorities and obtain the political and administrative support for their implementation. Furthermore, both documents can be used to support the request for financial and technical assistance from partner countries and international donors. With reference to Chapters 1 and 2, it should be kept in mind that a national IBM strategy and action plan for cooperation complements but does not compensate for having annual/multi-annual strategies and action plans outlining the strategic objectives and operational actions for each of the individual border management agencies.

12.1. Setting up a coordinating body for IBM

Since the development of the national IBM strategy and action plan for cooperation needs to include all agencies that have a role in border management, coordination at ministerial level is needed. As a first step, a **national coordinator** for IBM should be nominated and provided with the necessary political, administrative and financial support to facilitate the IBM process and to include other ministries, institutions and agencies upon need.

This coordinator needs to identify the key stakeholders in the area of border management which should constitute the core team for the development of the IBM strategy and action plan for cooperation. This is best done through the establishment of

- **A decision-making body**: a high-level inter-agency working group at political/decision-making level for defining the overall goals and
- **An implementing body** consisting of inter-agency working groups at operational/expert level for the translation of the overall goals into concrete activities.

If a body with a similar profile already exists in a country, it could take on the tasks of the high-level or operational-level working group.

Both bodies should consist of representatives from all institutions who have a role in border management in the country. State bodies that are only peripherally involved in border issues, as well as non-state actors such as industry and business associations, can be involved in discussions on specific questions. The national coordinator for IBM should coordinate the activities of the implementing body and submit the results of its work and regular reports to the decision-making body.

See Annex 3 for an example of the terms of reference for an inter-agency working group. The following figure shows a possible structure for the working groups.

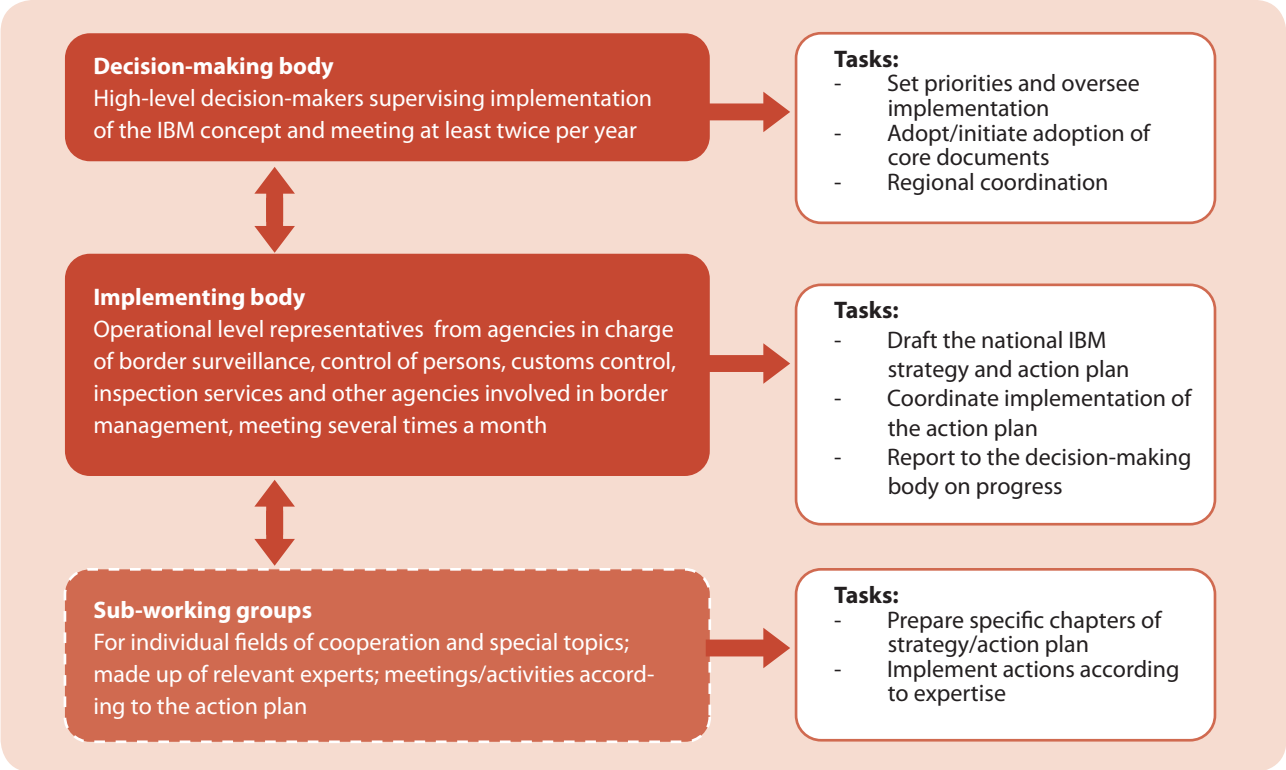


Figure 3: IBM coordination mechanism

The decision making body

The main tasks of the **decision-making body** are to ensure **political commitment** to the strategy and to oversee its implementation. Regional coordination also falls under its responsibilities. Its members therefore need to be of a sufficiently senior level, such as heads of agencies, under-secretaries of state or deputy ministers. The **responsibilities** of the decision-making body include:

- Identification of priorities in the area of IBM cooperation;
- Securing sufficient budgetary means – from the national budget or through external funding – for the implementation of IBM cooperation;
- Adoption of official documents related to IBM or initiation of legal procedures for the adoption (depending on the national legal system and the level of participants in the body);
- Monitoring and guidance for the drafting and implementation of the strategy and action plan and regular updating of the strategy in line with national priorities;
- Coordination of the development and implementation of the strategy and action plan with neighbouring countries and other high-level coordination bodies in the region;
- Synchronisation of the work of all bodies of the state administration involved in border management as well as with legal persons involved in border traffic at the national, regional and local levels;
- Supervision of the work of the implementing body; and
- Cooperation with and provision of guidance to all bodies of the state administration and regional and local bodies in matters related to IBM and providing suggestions for resolving issues of contention.

Given the nature and number of its tasks, the decision-making body should be supported by a secretariat for the organisation of meetings and for administrative work as well as for the preparation and dissemination of relevant documents.

The implementing body

Made up of practitioners and experts, the **implementing body** at a more **operational** level drafts the national IBM strategy and action plan for cooperation, coordinates implementation and reports to the decision-making body on its progress. It may decide to establish sub-working groups or invite experts on specific topics at any time during this process. Depending on national preferences, members of the implementation body can either be relieved of their regular duties to work in a permanent IBM office or, alternatively, remain in their position and meet at short intervals for the IBM working group.

The **tasks** of the implementing body shall be as follows:

- Drawing up a detailed work plan and timeline for the development of the strategy and action plan;
- Conducting of a thorough gaps and needs assessment on the national border management situation;
- Drafting of the strategy as well as an action plan for the implementation of the strategy;
- Implementing the sections of the action plan related to inter-agency cooperation;
- Periodically reviewing and updating the IBM strategy and action plan for cooperation;
- Providing recommendations for improved cooperation and coordination between agencies;
- Providing assistance to the bodies of the state administration in matters of IBM cooperation, including in the coordination of individual activities/projects;
- Creating and coordinating expert sub-working groups where necessary;
- Sending regular reports to the decision-making body, which should include monitoring, evaluation and review results, based on terms of reference for the frequency and timeframe of reporting; and
- Other tasks as requested by the decision-making body.

It is crucial that the members appointed to the decision-making or implementing body are available for regular meetings. Substitutes should be named in case a member is not able to join a meeting.

12.2. National IBM strategy for cooperation

The national IBM strategy for cooperation should provide the government with:

- A comprehensive overview of the current border management situation,
- Information on ongoing border-related initiatives and projects, and
- Clear strategic and operational objectives for cooperation and coordination in the field of IBM.

The strategy document itself should be **concise** and **openly formulated**, not going into details that may need frequent updates. It should focus on the goals to be achieved, while the concrete activities, the timeline and the resources necessary to reach them should be covered in the action plan.

Once a consolidated draft of the national IBM strategy and action plan for cooperation exist, they should be submitted for adoption to the IBM decision-making body, which forwards it to the **government for official adoption**. Once adopted, the documents should be sent to all relevant stakeholders for reference.

Since the governmental adoption can take up to several months, it is recommended to start with the development of the action plan immediately after the completed strategy is approved by the IBM decision-making body without waiting for the government approval. Since the action plan complements the strategy, it is also possible to submit both documents together for governmental adoption.

Drafting the IBM strategy for cooperation

All relevant stakeholders need to be **involved** in the process of drafting the strategy in order to ensure broad commitment, swift adoption and effective implementation. While the main responsibility for developing the document lies with the border management agencies, other interested parties should be consulted where appropriate.

It is important to keep in mind that only certain chapters of the strategy (and action plan) can be compiled through inputs from individual agencies; significant parts have to be drafted jointly in order to ensure that the document reflects a commonly-agreed view of the involved agencies. Strategies that only respond to the needs of one of the border management agencies may be considered useful sector-specific strategies.

Parts of the strategy to be developed jointly by all relevant border management agencies:

- General outline of the document,
- Introduction and basic information about the border management situation in the country, and
- All sections referring to inter-agency cooperation.

Parts that can be drafted by individual agencies:

- Description of the main actors in the field of border management,
- Chapters on intra-service cooperation, and
- Chapters on international cooperation.

But even in these cases coordination and peer review are recommended to identify additional areas where inter-agency synergies could be made use of. It is important that the parts that are developed by individual agencies follow the same structure and also contain a comparable level of detail. Once a draft of the strategy is completed, it should be circulated to all relevant stakeholders for comments and then officially accepted in a joint meeting.

Before the actual drafting of the strategy document can start, the main strategic objectives in the field of IBM cooperation must be clearly identified and formulated. The Guidelines can serve as a basis in this regard. Subsequently, a thorough **situation analysis** regarding all fields of cooperation and coordination should be conducted, including:

- A thorough gap and needs assessment[46] and
- An inventory of all ongoing and planned, national and international activities in the area of border management.

This analysis serves as a starting point for the IBM strategy and action plan for cooperation[47], based on which specific objectives for all services and fields of cooperation (legal and regulatory framework, institutional framework, procedures, human resources and training, communication and information exchange, infrastructure and equipment) need to be developed. When drafting the objectives, it should be kept in mind that they need to be balanced: if too ambitious, they run the risk of damaging the overall credibility of the strategy. On the other hand, if the goals are set too low, they run the risk of being seen both locally and internationally as a token effort.

Since the terminology may differ not only from country to country but also between the border management agencies within one state, it is advisable to attach a glossary to strategies and action plans. An example of such a glossary can be found at the beginning of these Guidelines.

Outline of the IBM strategy for cooperation

It is recommended that a national IBM strategy for cooperation includes the following chapters:

Chapter 1 Introduction/background/context/preamble

- Overall purpose of the strategy
- Expression of commitment to implementation

Chapter 2 Summary of geographical and political characteristics relevant for border management

- Length of the border line, number of BCPs/BIPs/DPEs/ICSs
- Border traffic flow (passengers, goods, etc.), in comparison to previous years
- Main challenges in the field of border management and existing needs (based on the gaps and needs assessment)

[46] Please see Annex 7 which provides a self-assessment grid on IBM cooperation

[47] More detailed analyses may have to be conducted during the implementation phase, for instance, on the legal framework, workflows or specific data that could be exchanged between agencies. Wherever this is the case, these analyses should be mentioned in the IBM strategy for cooperation as objectives and in the action plan as actions.

Chapter 3 Institutional framework/actors

- Main actors involved in border management and their organisational structures, main tasks
- Presence at BCPs/BIPs/DPEs/ICSs

Chapter 4 Coordinating structures

- Inter-ministerial coordination mechanisms (IBM decision-making body and implementing body): composition and main tasks
- International and regional coordination mechanisms (when applicable)

Chapter 5 the core of the document: goals for intra-service, inter-agency and international cooperation, covering the following fields of cooperation:

- Legal and regulatory framework,
- Institutional framework,
- Procedures,
- Human resources and training,
- Communication and information exchange, and
- Infrastructure and equipment.

For each field of cooperation, a short description of the existing situation should be given, followed by the strategic objectives. It should be mentioned in the text if the goals are short-, medium- or long-term.

Chapter 6 Reviewing, monitoring and evaluation of the strategy

The task of regularly reviewing the strategy and monitoring and evaluating its implementation through the action plan should be described here.

Annexes

In order to keep the strategy document short and concise, all information that is not strictly necessary for the formulation of the strategic goals should be included in an annex, such as lists of relevant laws or organisational charts.

12.3. National IBM action plan for cooperation

The national IBM action plan for cooperation translates the objectives identified in the strategy into specific activities; in the interest of continuity, the same persons who were involved in developing the strategy should work on the action plan. When drafting the action plan it must be ensured that practitioners' concerns are adequately reflected. Whereas legal amendments take place at the central level, most of the implementation will ultimately take place at an operational level, that is, directly at the BCP/BIP/DPE/ICS or in a regional directorate.

The document should be seen as a flexible working tool that can be modified to reflect changing requirements and new situations. Therefore a regular update is required.

Developing a national IBM action plan for cooperation

The individual **objectives** of the strategy need to be extracted to serve as the basis for the action plan. This document is ideally drafted in the form of two tables which can be adapted to national needs but should at least include the following information. **Table 1** should:

- Describe each of the objectives which were transferred from the strategy, by including a brief explanation of its context: the current situation, requirements and, if applicable, good practices to be followed;
- List the necessary actions to fulfil the objective; and
- Provide a set of indicators which help to identify when the objective has been completed. The indicators should be "SMART":

S pecific	What is actually expected to change?
M easurable	How will it be known if the goal has been reached?
A ttainable	Is it realistic and likely to be achieved?
R esult-oriented	Are the results set meaningful?
T imed	By when can the goals be expected to be achieved?

Proposed template for Table 1:

INDICATORS: Typical indicators for reaching an objective are: Drafted or adopted laws, implemented activities, a certain percentage of people trained, equipment procured, statistics showing increased detection/apprehension rates, shorter processing times, etc. (More on the indicators further below.)

CONTEXT	PROPOSED ACTION	STAKEHOLDERS
CURRENT SITUATION What is the current situation in relation to the objective? **REQUIREMENTS AND GOOD PRACTICES** Which requirements need to be met, for example, regarding national and international obligations, and which related good practices should be incorporated?	List of the actions necessary to fulfil the objective. Details on each action listed here will be elaborated upon in **table 2**	Which state or non-state agencies, international organisations, etc. should be included in the discussions on this objective? Again, details per action will be given in **table 2**.

It is useful to number both the objectives and the actions as they will be referred to in discussions among working group members and experts.

Table 2: For each action identified in Table 1, a second table (Table 2) needs to be completed, detailing:

- Practical activities necessary for the implementation of the action;
- Expected results and indicators which are held in order to verify whether they were reached;
- Stakeholders: responsible agency(ies) and other actors involved;
- Time needed for completion of the action, as well as its place in the overall timeline of the action plan; and
- Financial and human resources.

Proposed template for Table 2:

ACTION 1.1. (COPIED FROM TABLE 1)
ACTIVITIES Practical activities to be implemented for the completion of the action referred to in this table; important remarks/clarifications and issues to be kept in mind
PRIORITY of the action: High/medium/low
EXPECTED RESULT OF THE ACTIVITY could, for example, be: a changed situation on the ground, the completion of analyses and reports, proposals submitted to the decision-making body for decision on further steps to be taken
INDICATORS to measure the results achieved
RESPONSIBLE AGENCY : Agency/body responsible implementing the action
ACTORS INVOLVED Agencies, other bodies or specific experts to be involved in the activity. It should be indicated if they are only associated in order to provide their expertise or also to be involved in the decision-making process. It is also possible to indicate if the support of international experts should be requested and attempts will be made to seek funding from international donors.
COSTS FOR THE MAIN STAKEHOLDERS
DURATION: 1 month, 1 year, continuous, etc.
PROPOSED TIMELINE: Starting March 2002; continuous; ongoing, etc. Or: After activity 1, after technical discussions, etc. Timelines need to be realistic as the agencies responsible should not be overburdened, and it should be logical and coherent not only regarding a certain objective but throughout the whole action plan.
LINKS Objective Action, activity and a short explanation for the link (If the start or completion of this action is dependent on another objective or the completion of another action/activity, this should be indicated here in order to keep it in mind while drafting and later updating the timeline.)

CHECKLIST

Below is a list of questions that the developers of the action plan should ask themselves in order to assess the coherence of the action plan before it is finalised:

- Do the objectives in the action plan match the objectives in the national IBM strategy?
- Are clear, transparent, realistic and time-related indicators available for all objectives?
- Do the actions match the objectives?
- Do the activities match the actions?
- Are all relevant activities mentioned?
- Are clear, measurable and verifiable indicators attributed to each action?
- Are responsibilities clearly defined?
- Have all relevant stakeholders mentioned been involved in developing the action plan?
- Is the timeline realistic and consistent throughout the action plan?

Obtain financial and implementation commitment from key stakeholders

While it may not be possible to attribute detailed human and budgetary resource needs to each activity, the decision-making body should nevertheless be provided with an estimate of the costs for the main stakeholders. This could be a rough calculation of the manpower and other resources needed. The cost estimate can be revised and detailed resource requirements established after an in-depth analysis as part of the implementation of the action plan.

The need for support from international organisations or experts should be indicated in order to allow for the initiation of discussions with donors and possible project partners at an early stage. One needs to keep in mind, however, that no obligation can be created for agencies that have not been involved in the development of the action plan.

12.4. Implementing the action plan

The **implementing body** is responsible for the implementation of the action plan under the supervision of the decision-making body. Throughout implementation, it should be in contact with experts in all relevant fields, be it on legal issues, procedures, technical solutions or other matters.

Experts could be called upon on an ad hoc basis to provide input on specific questions, or their support could

SUB-WORKING GROUP TERMS OF REFERENCE

- Context and problem statement
- Expected outcome
- Participants and division of responsibilities
- Tasks
- Methods of work, coordination, reporting and communication
- Decision-making practices
- Monitoring procedures

be institutionalised in **sub-working groups on specific topics**. Each of these groups should have clear terms of reference, develop a work plan and regularly report to the implementing body on their progress.

12.5. Monitoring, evaluation and review

In order to determine the success of the action plan and adjust it to changing priorities and situations, all elements should be subject to monitoring, evaluation and review on a regular basis. Based on the results of this analysis, actions and activities may be adapted or objectives reformulated or added. Likewise, the strategy should be reviewed at regular intervals.

Table showing monitoring, evaluation and review of IBM action plans and strategies

	Monitoring	Evaluation	Review
Who?	IBM implementation body	IBM implementation body with external expert support	IBM implementation body and decision-making body
When?	Ongoing	Periodic: mid-term after completion and upon request	Strategy: 5 years or more Action Plan: 2 years
Why?	Check progress, take remedial actions, update plans (sub-objectives and activities)	Draw conclusions, input for policy review (action plan and strategy update)	Adapt the strategy and action plan to changing realities
Relevant parts of action plan and strategy	Expected results, activities, indicators, costs	Objectives and results of the action plan, overall objectives of IBM strategies	Whole documents

Monitoring

It is advisable to produce regular **monitoring reports** summarising the progress that has been made. The implementing body should monitor how successful the action plan is in terms of the implementation of activities, delivery and achievement of results, expenditure and resources used, and possible risks. This is achieved through a continuous, systematic collection and analysis of information and data (meetings, activity reports, etc.) from the involved border management agencies. This helps to assess whether the goals set have been achieved or are likely to be and thus supports effective decision-making.

At an **operational** level, the input (human and financial resources) and output (measurable changes) of each action should be accounted for. At the **strategic** level, the information on monitoring should be presented in a concise way and should include suggestions for necessary adjustments.

Evaluation

Evaluation entails an assessment of the efficiency, effectiveness, impact, relevance and sustainability of the action plan and strategy. When evaluating, the same information that was used for monitoring is relevant, but with a different focus and complemented with additional information. The purpose of evaluation is to obtain a more global view of the progress made in the implementation. This is achieved by comparing the results with the objectives of the action plan and strategy, not only looking at the number of objectives that were implemented but also at the quality of the results. Evaluations should be carried out at periodic intervals, for example, midway through and then after the completion of activities. It is recommended to include independent, external experts in this process.

GUIDING QUESTIONS FOR MONITORING

- Have activities been implemented on time?
- Are the necessary human resources and financial and technical means available to carry out the activities?
- Have the required results been achieved? What results have been achieved?
- Which objectives have not been reached? Why? What additional actions/activities would be necessary for reaching the objective?
- Should the timeframe for the implementation of the activities be extended?

The results of the evaluation should be used to include lessons learned in the ensuing implementation, to indicate possible amendments and to take a changing policy environment into account. **Evaluation reports** may serve as the basis for future decision-making.

Review

Both the evaluation results and the monitoring data are needed for the review of the action plan and strategy. The strategy document does not have to be reviewed as frequently as the action plan since national strategies are normally established to cover a longer term of up to five years. However, if the situation in a country or the national policy on border management changes drastically, some of the objectives in the strategy (and consequently the action plan) may have to be reviewed. The strategy should be reviewed periodically, for example every three to four years, and amended accordingly to reflect national priorities and developments. The action plan should be reviewed preferably annually, but at the latest every second year.

If the evaluation shows that some activities have not led to the expected results, there may be a need to review also the actions or the objectives. The first step for the implementing body is to list any necessary additions or deletions from the strategy and action plan. This document should be agreed upon by the decision-making body, which can then ask the implementing body to elaborate a new version of the two documents.

Actions which have already been implemented and objectives that have been reached can be deleted from the action plan and included in a list of achievements.

12.6. Summary of the strategy and action plan process

The following summary complements Figure 4 further below, which offers a schematic overview of the process of developing and implementing national IBM strategies and action plans. The main steps in the process are listed on the left. Keywords next to each step recall details or activities related to these steps.

The following steps are necessary for setting up national IBM coordination bodies:

GUIDING QUESTIONS FOR EVALUATION

- Have the activities led to the anticipated results?
- Has the related objective been achieved? If not, has there been any progress towards achieving it?
- What factors influence the achievement of the results and objectives? Are the necessary human resources and financial and technical means available to carry out the activities?

GUIDING QUESTIONS FOR REVIEW

- Which objectives have been achieved? Which activities completed? Are follow-up activities necessary?
- Are the objectives and activities still relevant? Should any objectives or indicators be reformulated?
- Are there any new challenges?
- Were the set goals too ambitious? Why?

- Designate a national coordinator.
- Identify and contact all key stakeholders.
- Establish coordinating bodies (decision-making body and implementing body) with clear terms of reference.

The following steps are necessary for developing a national IBM strategy for cooperation:

- Identify overall aim of the strategy.
- Analyse the current situation (gap and needs analysis).
- Define the strategic objectives.
- Draft individual strategy chapters.
- Circulate the draft strategy paper for input from all stakeholders.
- Approve the final strategy document at the IBM decision-making body.
- Adopt the strategy at the political/governmental level.
- Review and amend regularly.

The following steps are necessary for developing a national IBM action plan for cooperation:

- Extract objectives and indicators from the strategy.
- Identify concrete actions, activities and related indicators for each objective.
- Decide on responsibilities for implementing the activities.
- Draw up a timeline.
- Obtain commitment to the action plan and the resulting activities from key stakeholders and approval from the IBM decision-making body.
- Adopt the action plan at political/governmental level.

The following steps are necessary for implementing a national IBM action plan for cooperation:

- Draft terms of reference for the monitoring, evaluation and review of the action plan.
- Implement activities according to the action plan.
- Regularly collect and analyse data regarding the success of implementation and check if the timeline is being observed or needs to be reviewed.
- Evaluate the impact of the action plan according to terms of reference.
- Review and update every 1 or 2 years.

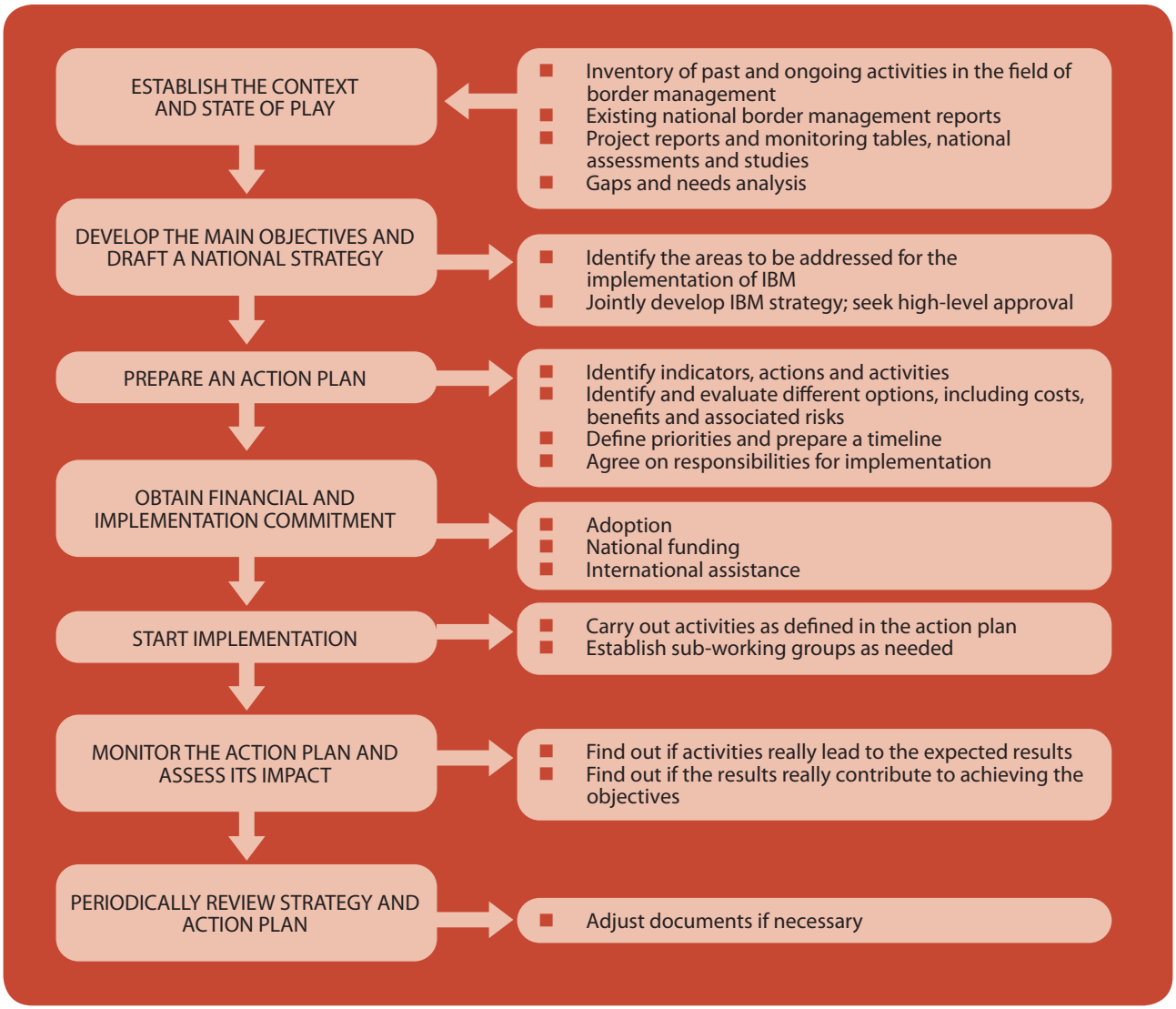


Figure 4: Overview of the process of developing and implementing the IBM strategy and action plan for cooperation

ANNEXES

ANNEXES

ANNEX 1.

THE SCHENGEN AREA AND COOPERATION[48]

IN SHORT:

The Schengen area and cooperation are founded on the Schengen Agreement of 1985. The Schengen area represents a territory where the free movement of persons is guaranteed. The signatory states to the agreement have abolished all internal borders in lieu of a single external border. Here common rules and procedures are applied with regard to visas for short stays, asylum requests and border controls. Simultaneously, to guarantee security within the Schengen area, cooperation and coordination between police services and judicial authorities have been stepped up.

Schengen cooperation has been incorporated into the European Union (EU) legal framework by the Treaty of Amsterdam of 1997. However, all countries cooperating in Schengen are not parties to the Schengen area. This is either because they do not wish to eliminate border controls or because they do not yet fulfil the required conditions for the application of the Schengen acquis.

During the 1980s, a debate began over the meaning of free movement of persons. Some Member States felt the concept should apply to European Union (EU) citizens only, which would involve keeping internal border checks in order to distinguish between citizens of the EU and non-EU nationals. Others argued in favour of free movement for everyone, which would mean an end to internal border checks altogether. Since Member States could not reach agreement, France, Germany, Belgium, Luxembourg and the Netherlands decided in 1985 to create a territory without internal borders. This became known as the "Schengen area", after the town in Luxembourg where the first agreements were signed. Following the signing of the Treaty of Amsterdam, this intergovernmental cooperation was incorporated into the EU framework on 1 May 1999.

Development of Schengen cooperation and extension of the Schengen area

The first agreement between the five original group members was signed on 14 June 1985. A further convention was drafted and signed on 19 June 1990. When it took effect in 1995, it abolished checks at the internal borders of the signatory states and created a single external border where immigration checks for the Schengen area are carried out in accordance with identical procedures. Common rules regarding visas, right of asylum and checks at external borders were adopted to allow the free movement of persons within the signatory states without disrupting law and order.

Accordingly, in order to reconcile freedom and security, this freedom of movement was accompanied by so-called "compensatory" measures. This involved improving cooperation and coordination between the police and the judicial authorities in order to safeguard internal security and, in particular, to fight organised crime. With this in mind, the Schengen Information System (SIS) was set up. SIS is a sophisticated database used by authorities of the Schengen member countries to exchange data on certain categories of people and goods.

The Schengen area gradually expanded to include nearly every Member State. Italy signed the agreements on 27 November 1990, Spain and Portugal joined on 25 June 1991, Greece followed on 6 November 1992, then Austria on 28 April 1995 and Denmark, Finland and Sweden on

[48] Source: European Union, "Summaries of EU Legislation", accessed on 14 June 2010 http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/l33020_en.htm

19 December 1996. The Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia joined on 21 December 2007 and the associated country Switzerland on 12 December 2008. Although Denmark has signed the Schengen Agreement, it can choose whether or not to apply any new measures taken under Title IV of the EC Treaty within the EU framework, even those that constitute a development of the Schengen *acquis*. However, Denmark is bound by certain measures under the common visa policy. In accordance with the protocol to the Treaty of Amsterdam, Ireland and the United Kingdom can take part in some or all of the Schengen arrangements, if the Schengen Member States and the government representative of the country in question vote unanimously in favour within the Council. Bulgaria, Cyprus and Romania are not yet fully-fledged members of the Schengen area; border controls between them and the Schengen area are maintained until the EU Council decides that the conditions for abolishing internal border controls have been met.

Measures adopted by the Member States as part of cooperation under Schengen

Key rules adopted within the Schengen framework include:

- Removal of checks on persons at the internal borders;
- A common set of rules applying to people crossing the external borders of the EU Member States;
- Harmonisation of the conditions of entry and of the rules on visas for short stays;
- Enhanced police cooperation (including rights of cross-border surveillance and hot pursuit);
- Stronger judicial cooperation through a faster extradition system and transfer of enforcement of criminal judgments;
- Establishment and development of the Schengen Information System (SIS).

Relations with third countries: common principles

The gradual expansion of the Schengen area to include all EU Member States has led third countries that have particular relations with the EU to take part in Schengen cooperation. The precondition for association with the Schengen *acquis* by non-EU countries is an agreement on free movement of persons between those states and the EU (this is provided for by the Agreement on the European Economic Area in the cases of Iceland, Norway and Liechtenstein and by the Agreement on the free movement of persons in the case of Switzerland).

For these countries this participation involves:

- Being included in the area without checks at internal borders;
- Applying the provisions of the Schengen acquis and of all Schengen-relevant texts adopted pursuant to it;
- Being involved in decisions relating to Schengen-relevant texts.

In practice, this involvement takes the form of mixed committees that meet alongside the working parties of the EU Council. They comprise representatives of the Member States' governments, the Commission and the governments of third countries. Associated countries therefore participate in discussions on the development of the Schengen *acquis*, but do not take part in voting. Procedures for notifying and accepting future measures or acts have been laid down.

Treaty of Lisbon[49]

The Treaty of Lisbon entered into force on 1 December 2009. It puts freedom, justice and security at the centre of its priorities. The European Union is now able to deal better with criminal gangs who smuggle people across frontiers, promote and support action in the area of crime prevention and help to tackle terrorism through the freezing of assets. It confirms the EU commitment to the development of a common immigration policy. The Treaty of Lisbon also contains a "solidarity clause" indicating that the Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the target of a terrorist attack or the victim of a natural or man-made disaster.

Article 77 in Chapter 2 on Policies on border checks, asylum and immigration says that:

1. The Union shall develop a policy with a view to: (c) the gradual introduction of an integrated management system for external borders.

2. For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures concerning: (d) any measure necessary for the gradual establishment of an integrated management system for external borders.

[49] Consolidated version of the Treaty on the Functioning of the European Union

ANNEX 2.
ROUTING SLIP

Name of BCP to be filled by Boarder Guard Service……. Unique Number……..

A. To be filled by driver Time when filling the form: Vehicle/trailer registration No: Name and family name of driver: (capital letters)						
Is vehicle carrying any load:	Î NO	Î YES				
If any load, are any dangerous goods included:	Î NO	Î YES				
B. To be filled in by Border Guard Service				Start time	Finish	Signature
1. Person – checking of: - travelling documents, driving licenses, ID and visa	Î NO	Î YES		(1 + 2)	(1 + 2)	(1 + 2)
2. Vehicles – checking of:						
registration, insurance, vehicle safety standards, international transport authorization	Î NO	Î YES				
illegal person (not in depth)	Î NO	Î YES				
C. To be filled in by Customs				(1 + 2)	(1 + 2)	(1 + 2)
1. Person – Customs: - checking the luggage	Î NO	Î YES	Î Rdm (complete if yes)			
2. Vehicle – Customs:						
- checking the technical conditions (for customs purposes, sealing etc.)	Î NO	Î YES				
- search for concealed goods, incl. explosives, weapons, weapons of mass destruction and narcotics	Î NO	Î YES	Î Rdm (complete if yes)			
3. Vehicle – Border Guard Service						
- search for concealed explosives, weapons incl. weapons of mass destruction and narcotics	Î NO	Î YES	Î Rdm (complete if yes)	(3)	(3)	(3)
D. Reserved for Veterinarian inspection						
E. Reserved for Phyto-sanitarian inspection						
F. Reserved for Food and feed inspection						
G. Reserved for Market inspection						

H. To be filled in by Customs				(1)	(1)	(1)
1. Load – Customs:						
- handling and check of documentation	Î NO	Î YES				
- physical inspection, incl. search for explosives, weapons, weapons of mass destruction and narcotics	Î NO	Î YES	Î Rdm (complete if yes)			
- sampling	Î NO	Î YES				
2. Load – Border Guard Service						
- search for illegal persons, explosives, weapons incl. weapons of mass destruction and narcotics	Î NO	Î YES	Î Rdm (complete if yes)	(2)	(2)	(2)
The vehicle is not permitted to depart from BCP before this "Routing slip" is handed over to Customs and departure has been approved by Customs.				(Time & stamp)		

ANNEX 3. TERMS OF REFERENCE FOR AN IBM INTER-AGENCY WORKING GROUP

These Terms of Reference (ToR) detail the composition and tasks of the high-level IBM Inter-Agency Working Group (IAWG), as well as the procedures ensuring the smooth functioning and effectiveness of its work.

Permanent Members:

- Chair (upon agreement between all partners, possibly Ministry of the Interior)
- Ministry of Foreign Affairs - Visa-regimes
- Ministry of the Interior – Border Guard
- Ministry of Finance – Customs Directorate
- Ministry of Agriculture – Veterinary Inspection
- Ministry of Agriculture – Phytosanitary Inspection
- Ministry of Agriculture – Food and feed Inspection

Associated Ministries and State Institutions:

- Ministry of Health

If one of the members of the IAWG cannot attend a meeting, s/he shall nominate a representative who will take decisions on his/her behalf.

Tasks:

- Coordinates the national task forces;
- Reviews and adopts the reports of the task forces, as well as the consolidated reports;
- Ensures commitment at higher level and continuous communication with the responsible decision-makers within the government;
- Ensures communication with and involvement of other relevant institutions upon need (e.g. Ministry of Tourism, Transportation, Development, Justice, Foreign Affairs, Finance, Labour, Regional Integration, Environment, and Chamber of Commerce).

Focal points in each of these institutions will be responsible for distributing information about the ongoing activities of the project and channelling input and comments of their organisation to the work of the IAWG. The Focal Points will be asked to join the meetings of the IAWG.

Decisions of the high-level IBM Inter-Agency Working Group are reached unanimously.

ANNEX 4. MOU ON INFORMATION EXCHANGE AND EARLY WARNING

MEMORANDUM OF UNDERSTANDING

between the Ministry A of Country X, the Ministry A of Country Y and the Ministry A of Country Z on establishing a system of statistical information exchange on irregular migration and the participation in a regional early warning system

The Ministry A of Country X, the Ministry A of Country Y and the Ministry A of Country Z (hereinafter referred to as the Signatory Parties),

DESIRING to contribute to the overall goal of having a more effective and efficient management of regional irregular migration flows;

RECOGNISING that, in order to combat irregular migration effectively, there is a need for the Signatory Parties to receive early information on threats and risks as they emerge, so that they can better prepare suitable counter-measures;

TAKING INTO CONSIDERATION the existing bilateral agreements of the Signatory Parties on (police) cooperation;

ACKNOWLEDGING the Signatory Parties' respective national regulations regarding the national and international exchange of migration-related statistical data, as well as the provisions on information exchange contained in their national Strategies and Action Plans for Integrated Border Management (IBM);

TAKING INTO ACCOUNT that among the competent bodies of the Signatory Parties currently no system for the exchange of statistical information and early warning on irregular migration exists;

HAVE AGREED as follows:

Article 1
Purpose of the Memorandum of Understanding

The purpose of this MoU is to establish an efficient data exchange system among the competent bodies of the Signatory Parties containing statistical data on irregular migration and human smuggling, as well as a regional early warning system.

The exchange of statistical data on irregular migration shall contribute to the general cooperation among the Signatory Parties, support the planning and implementation of national and international activities related to combating irregular migration and human smuggling, and contribute to joint or individual risk analysis.

The regional early warning system shall contribute to the timely sharing of information among all concerned Signatory Parties, without prior request, to allow the recipient(s) to take preventive measures before any illegal act can be committed.

Article 2
National Contact Point (NCP)

Early warning and the exchange of data subject of this MoU shall be conducted through a National Contact Point (hereafter: NCP) who has to be identified (newly appointed or in the form of an already existing contact point) by each Signatory Party. The NCP should be operational 30 days after signature of this MoU.

Once the NCP is identified, the other Signatory Parties shall be notified immediately about the name of the NCP, phone and fax number, email address as well as other relevant information. In case of any changes of the contact points other Signatory Parties should immediately be informed thereof.

On a rotational basis one of the Signatory Parties shall be in charge of the collation of information received from individual countries, used for drafting of the overall monthly and annual report (see Article 3). The rotation takes place in alphabetical order every twelve months,

starting with Country X from the 1st of the month following the signature of the MoU.

I. Establishment of a system of statistical information exchange on the topic of irregular migration:

Article 3
Reporting formats

The Signatory Parties should exchange statistical status reports on irregular border crossings and smuggling of human beings once per month as well as ad hoc, on the initiative of one signatory party or upon request by one of the Signatory Parties of this MoU. Once per year an overall analysis should be made, carried out by the national body of the state responsible for the collation of all national reports.

Article 4
Data exchange: format and procedure

The data shall be exchanged electronically in the form of templates. The reporting language is English. Each NCP completes the relevant templates for its national report and forwards it to the NCP of the state in charge of the overall monthly, ad hoc, requested and annual reports, which are based on the national reports.

Article 5
Monthly Statistical Report (MSR)

For the monthly data exchange among the Signatory Parties a reporting system should be established consisting of a **monthly statistical report** (hereafter: MSR) on the following topics:

- Number of persons detected crossing the border illegally outside of a border crossing point
- Number of persons attempting to cross the border illegally at the border crossing point
- Number of persons detected as facilitators
- Number of persons detected staying illegally in the country
- Number of persons refused entry into the country
- Number of submitted asylum requests (inland and at the border)
- Number of detected false or falsified travel documents according to their type and country of issue, at border crossing points

The nationality of the perpetrators should be described with 3-letter ISO codes.

Article 6
Timelines for the submission of data

Information regarding each state, collated for the purpose of submitting data for the MSR**,** should be prepared by each Signatory Party and sent to each other's national contact points via e-mail by the **10th working day of the following month.**

The state responsible for the overall report shall collate all national MSR and forward the overall MSR to the National Contact Points of Signatory States via e-mail by **the 15th working day of the following month.**

The annual overall analysis of the previous year will take place on the 15th working day of March in each year, and will provide a statistical overview over all relevant events, following the same format as the monthly reports.

Article 7
Review

The Authorities of the Signatory Parties should closely monitor the process of data and information exchange and provide a platform for the involved experts to gather each year to jointly develop a common analysis based upon the exchanged information.

II. Development of a regional early warning system:

Article 8

For the purpose of the establishment of a regional early warning system the Signatory Parties agree to transmit information on:

- first indications of irregular migration and facilitator networks, particularly in the states in which migration originates;
- events which constitute new trends in the field of irregular migration and facilitation and which

represent such a threat that requires immediate counter-measures;
- changes in the modus operandi observed in the context of irregular migration;
- newly detected forgeries of travel documents, visa stickers and residence permits that can be used for illegal entry or illegal stay;
- disappearance of blank travel documents, visa stickers and residence permits and the serial numbers thereof;
- unusual increase of the monthly figures for persons entering a specific border sector illegally (land, air, lake, river and sea borders);
- occasional events (sport, cultural, tourist) that may cause a significant increase of passenger traffic entering the Signatory States;
- an increase in the number of dubious visa applications or of established cases of abuse which may be used for entering the Signatory States illegally;
- facilitation in the case of large groups of persons;
- new methods of facilitation or new facilitator networks;
- adoption of new amendment of legislation on visas, border control, conditions for entry and stay that might have effect on the other Signatory States concerning migration flows;
- other cases which a Signatory Party considers to be of special importance for the other Signatory Parties in combating irregular migration or facilitator networks.

Article 9

If a Signatory Party is aware of the occurrence of any of the above-mentioned cases of irregular migration, it should immediately inform the Signatory Party concerned thereof by the means of the Early Warning Information Form.

Every contact point that is informed of any of the above-mentioned cases of irregular migration, especially a threat at its borders, should immediately and on its own initiative take the measures it requires and should immediately inform other relevant organisations of the Signatory Party.

Article 10

This reporting system shall be without prejudice to the existing procedure for forwarding statistical data or bi- or multilateral agreements for the exchange of information.

Article 11

This MoU shall be applied by the Signatory Parties in accordance with their national legislation.

The transmission of information may be suspended if deemed appropriate on grounds of national or public security. In the case of suspension, all Signatory Parties shall be duly informed and by doing so, no reason for the suspension has to be given.

Article 12
Final provisions

The MoU is concluded for an undefined period of time, and it shall come into effect on the date it is signed by all Signatory Parties (or, in the event that the designated Signatory Parties sign on different dates, it will come into effect on the date it is signed by the last Party).

Amendments or supplements to this MoU may be introduced with the mutual written consent of all Signatory Parties, through diplomatic channels, pursuant to the procedure envisaged for its adoption.

Each Signatory Party may terminate the application of the MoU by prior submission of a written notice to another Signatory Party three months following the day when one of the Signatory Parties receives such notice.

This MoU is open for other states to join with the written consent of all the Signatory Parties through diplomatic channels.

Signed in XX, on XX, in English. Courtesy translations into all relevant languages will be provided by the respective signatories.

(signatures)

Annex
Early Warning Information Form

Reference No.: Reporting Party:

Date: Recipient Party:

Subject area:
- ■ Illegal border crossings
- ■ Facilitation
- ■ Forgery
- ■ Disappearance of blank documents
- ■ Other (specify) .....

Subject detail: .....

1. Place and date of detection / suspected entry: (delete as applicable).....

At the border: □ Land □ Sea □ Air □ Lake □ River
Inside the country: (place) .....
Other (specify) .....

2. Nationality (nationalities) and numbers of third country nationals detected: (ISO code)

Nationality …. Number …. Nationality …. Number …. Nationality …. Number….

3. Illegal border crossing using facilitators: □ Yes □ No

Nationality/ies and number of facilitators: (ISO code)
Nationality …. Number ….

4. Means of transport: □ on foot □ car □ minibus
□ bus/coach □ lorry □ aeroplane
□ passenger train □ goods train □ ship
□ other (specify).....

5. Route:
From..... via..... to.....

6. Travel or Identity documents used:
□ Ordinary passport □Services passport □ Diplomatic passport
□ National Identity document
□ Convention travel document (1951 Geneva Convention)
□ Non-convention Alien's Identity Document
□ Residence permit □ Other (specify).....

Country by which travel or identity document issued (ISO code): .....
Place of issue: .....

7. Type of visa used: □ Short stay □ Transit □ Long stay □ None

Date and place of issue: ..... Country issuing visa (ISO code): .....

8. Types and numbers of forgeries detected: Total number: .....

□ Photograph substituted (number. .....)
□ Counterfeit (number. .....)
□ Entries altered (number. .....)
□ Stolen blank (number. .....)
□ Pages replaced (number. .....)
□ Use of foreign official documents (number. .....)
□ Other (specify). ..... (number. .....)

9. In case of stolen/disappeared blank travel or identity documents used or found:

Type of the document:
□ Passport □ Visa □ Residence Permit
□ Other travel document (specify).....

Serial number of the document: .....
The issuing state of the document: .....

10. Date, duration and location of an event that may cause a significant increase of passenger traffic:
□ Sport □ Cultural □ Tourist □ Other

date/duration. .....
location. .....
means of transport used. .....

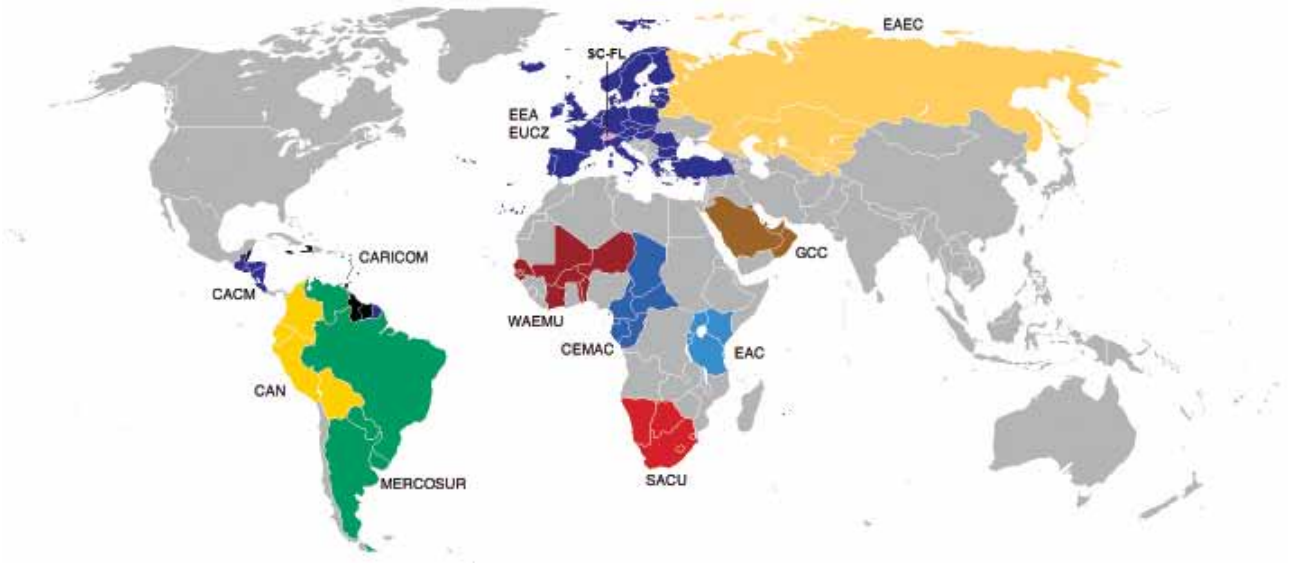
11. Feedback information is required: □ Yes □ No

12. Comments/Action taken:

.....
.....
.....

Total pages in report: .....
Accompanying sheet with additional information: □ Yes □ No

ANNEX 5.
MAP OF CURRENT CUSTOMS UNIONS[50]



Central American Common Market (CACM), Andean Community (CAN), Caribbean Community (CARICOM), Economic and Monetary Community of Central Africa (CEMAC), East African Community (EAC), Eurasian Economic Community (EAEC), European Economic Area (EEA), Gulf Cooperation Council (GCC), Southern Common Market (MERCOSUR), Southern African Customs Union (SACU), West African Economic and Monetary Union (WAEMU)

Proposed customs unions: Economic Community of West African States (ECOWAS), Common Market for Eastern and Southern Africa (COMESA), Arab Customs Union (ACU), Southern African Development Community (SADC), Economic Community of Central African States (ECCAS), Arab Common Market (ACM), African Economic Community (AEC)

[50] Current: 6 June 2009

ANNEX 6.
KEY REFERENCE DOCUMENTS

Please note that the lists below are not exhaustive.

Border control

EUROPEAN UNION
Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data
Council Directive 2004/38 of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States
Council Regulation 2007/2004/EC of 26 October 2004 establishing a European Agency for the Management of Operational Co-operation at the External Borders of the Member States of the European Union
Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ 2004 L 349/1 of 25 November 2004), (Frontex).
Regulation No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community code on the rules governing the movement of persons across borders (Schengen Borders Code)
Regulation 81/2009 of the European Parliament and of the Council of 14 January 2009 amending Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code
Regulation 1931/2006/EC of 20 December 2006 of the European Parliament and of the Council laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen convention
Commission recommendation of 06/XI/2006 establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons
Council Conclusions of 4-5 December 2006 on Integrated Border Management (2768th Justice and Home Affairs Council meeting in Brussels
Regulation 863/2007/EC of 11 July 2007 of the European Parliament and of the Council establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation No. 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers
Council Conclusions of 5-6 June 2008 on the management of the external borders of the Member States of the European Union (2873rd Justice and Home Affairs Council meeting in Luxembourg)
INTERNATIONAL
Convention of 7 December 1944 on International Civil Aviation (ICAO Convention, Annex 2, 9)
Convention on Facilitation of International Maritime Traffic (FAL, 9 April 1965)
Convention against Transnational Organised Crime (UN, Palermo Convention, 15 November 2000, including two protocols)
UN treaties against international terrorism can be found on the following portal: http://www.un.org/News/dh/latest/intreaterror.htm

Customs control

EUROPEAN UNION
EU Customs Blueprints - Pathways to modern customs (2007)[51]
Community Customs Code: Council Regulation (EEC) No. 2913/92 (valid until the end of the transitional period, 2013)
Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code
INTERNATIONAL
Revised International Convention on the Simplification and Harmonisation of Customs Procedures (WCO, revised Kyoto Convention 3 February 2006)
International Convention on the Harmonisation of Frontier Controls of Goods (UN, 21 October 1982)
International Convention on Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences (WCO, Nairobi Convention, 21 May 1980)
International Convention on Mutual Administrative Assistance in Customs Matters (WCO, Johannesburg Convention, 27 June 2003, not yet in force)
SAFE Framework of Standards to Secure and Facilitate Global Trade (WCO, 23 June 2005)

Inspection of plants and plant products

EUROPEAN UNION
Directive 2000/29/EC codifies the whole range of Community measures against the propagation and introduction of organisms harmful to plants or plant products
INTERNATIONAL
The International Plant Protection Convention (IPPC) regulates the movement of plants and plant products and their protection against harmful organisms
Other international standards related to the inspection of plants and plant products can be found on the following portal: http://www.ipfsaph.org/En/default.jsp
Convention on International Trade in Endangered Species of Wild Fauna and Flora (UN, CITES Convention, 3 March 1973, amended 22 June 1979)
Phyto-Sanitary Convention for Africa (OAU, 13 September 1967)

Inspection of live animals, products of animal origin and food and feed of non-animal origin

EUROPEAN UNION
Directive 91/496/EEC laying down the principles of veterinary checks on animals
Directive 97/78/EC laying down the principles of veterinary checks on products
Commission Decision 2007/275/EC of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC
Regulation (EC) No 136/2004 on the Common Veterinary Entry Document (CVED) for products of animal origin
Regulation (EC) No 282/2004 on the Common Veterinary Entry Document (CVED) for live animals
Commission Decision 2001/812/EC on requirements for the approval of border inspection posts
Trade Control and Expert System (TRACES) set up in accordance with Commission Decision 2003/24/EC and introduced by Commission Decision 2004/292/EC
Commission Decision 2009/821/EC listing approved border inspection posts in Annex I and veterinary units in TRACES in Annex II
Commission Decision 97/794/EC on detailed rules for veterinary checks on live animals
Commission Decision 94/360/EC on the reduced frequency of physical checks for certain animal products at border inspection posts

[50] The EU Customs Blueprints have been used as guidelines for countries acceding to the European Union. They have also been used as a guide by partner countries of the European neighbourhood policy wanting to strengthen their administrative and operational capacity and to align and simplify procedures on EU standards. The customs blueprints have also been used to help third countries from other regions, like Asia and southern Africa, to develop and implement customs reform and modernisation projects.

Commission Regulation (EC) No 206/2009 of 5 March 2009 laying down measures with regard to imports of products of animal origin for personal consumption
Regulation (EC) No 998/2003 on the animal health requirements and controls applicable to the non-commercial movements of pet animals
Commission Decision 2000/25/EC of 16 December 1999 establishing detailed rules on checks of consignments of animal products transhipped in border inspection posts
Commission Decision 2000/208/EC of 24 February 2000 establishing detailed rules for the application of Council Directive 97/78/EC concerning the transit of products of animal origin from one third country to another third country by road only across the European Community
Commission Decision 2000/571/EC of 8 September 2000 laying down the methods of veterinary checks for products from third countries destined for introduction into free zones, free warehouses, customs warehouses or operators supplying cross border means of sea transport
Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules
Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 as regards the increased level of official controls in imports of certain feed and food of non-animal origin
INTERNATIONAL
The OIE develops normative documents relating to rules that Member Countries can use to protect themselves from the introduction of diseases and pathogens, without setting up unjustified sanitary barriers. The main normative works produced by the OIE are: ■ The Terrestrial Animal Health Code and the Manual of Diagnostic Tests and Vaccines for Terrestrial Animals ■ The Aquatic Animal Health Code and the Manual of Diagnostic Tests for Aquatic Animals
Other international standards related to the inspection of live animals and foodstuff can be found on the following portal: http://www.ipfsaph.org/En/default.jsp

Human health check

EUROPEAN UNION
Decision 2119/98/EC of the European Parliament and the Council establishing a Network on Communicable Diseases (started work in 1999)
Commission Decision 2000/96/EC of 22 December 1999 on the communicable diseases to be covered by the Community network
Commission Decision 2003/542 of 17 July 2003 amending Decision 2000/96/EC as regards the operation of dedicated surveillance networks
Regulation (EC) no 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for Disease Prevention and Control (ECDC)
Decision 2008/426/EC of 28 April 2008 amending Decision 2002/253/EC laying down case definitions for reporting communicable diseases to the Community network
Commission Decision 2000/57/EC of 22 December 1999 and the amending Decision of 28 April 2008 on the Early Warning and Response System (EWRS) for the prevention and control of communicable diseases
European Centre for Disease Prevention and Control (ECDC) Code of good administrative behaviour
INTERNATIONAL
The second edition of the International Health Regulations (IHR) (WHO, 15 June 2007)
International Classification of Diseases (ICD) (WHO, May 1990)

Asylum and other forms of international protection

EUROPEAN UNION
Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (OJ L 31, 6.2.2003, p. 18–25) ("Reception Conditions Directive")
Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ L 304, 30.9.2004, p. 2–2 , OJ L 304, 30.9.2004, p. 12–23) ("Qualification Directive")
Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (OJ L 326, 13.12.2005, p. 13–34, OJ L 175M, 29.6.2006, p. 168–189) ("Asylum Procedures Directive")
Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 50 of 25 February 2003), ("Dublin Regulation")
Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 316 of 15 December 2000)
Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212 of 7 August 2001)
INTERNATIONAL
Universal Declaration of Human Rights (UN, 10 December 1948)
Declaration on Territorial Asylum (UN, 14 December 1967)
Geneva Convention relating to the Status of Refugees, (UN, 28 July 1951, amended 31 January 1967
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), (UN, 10 December 1984)
Convention on the Rights of the Child (UN, 20 November 1989)
Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms and additional protocols (CoE, 4 November 1950)
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and additional protocols (CoE, 1 February 1989)
Arab Charter on Human Rights (Council of the League of Arab States, 15 September 1994, 23 May 2004, 15 March 2008)
Universal Islamic Declaration of Human Rights (Islamic Council of Europe, 19 September 1981)
African Charter on Human and Peoples' Rights (OAU, 21 October 1986)
African Union Convention Governing the Specific Aspects of Refugee Problems in Africa (AU, 10 September 1969)
Guidelines and Measures for the Prohibition and the Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (OAU, 2002)
Inter-American Convention to Prevent and Punish Torture (OAS, 28 February 1987)
Organization of American States Convention on Political Asylum (OAS, 28 March 1935)
Organization of American States Convention on Territorial Asylum (OAS, 28 March 1954)
Organization of American States Convention on Diplomatic Asylum (OAS, 28 March 1954)

Migration

EUROPEAN UNION
Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification entered into force on 3 October 2003. Member States' legislation had to comply with this Directive not later than 3 October 2005.
Council Directive 2003/109/EC of 25 November 2003 on a long-term resident status for third country nationals who have legally resided for five years in the territory of a Member State entered into force on 23 January 2004.
Directive on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service was adopted by the Council on 13 December 2004 (Directive 2004/114)
Directive for the facilitation of the admission of researchers into the EU was adopted by the Council on 12 October 2005 (Directive 2005/71)

Directive 2008/115/EC of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals as published in the Official Journal (L 348 of 24.12.2008). The transposition deadline for the Member States is 24.10.2010.
Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals
Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air, (OJ L 321 of 06 of December 2003)
Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorized entry, transit and residence (OJ L 328 of 5 December 2002)
Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States of third-country nationals who are subjects of individual removal orders (OJ 261 of 6 August 2004).
Council Framework Decision 2002/629 of 19 July 2002 on combating trafficking in human beings (OJ L 203 of 1 August 2002)
Council Framework Decision 2002/496 of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (OJ L 328 of 5 December 2002)
INTERNATIONAL
International Convention on the Protection of the Rights of All Migrant Workers and Their Families (UN, 18 December 1990)
Convention concerning Migration for Employment (ILO, Revised 1949)
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, UN, 25 July 1951)
Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nation Convention Against Transnational Organized Crime, 15 December 2000
Protocol to Prevent, Suppress, Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nation Convention Against Transnational Organized Crime, 15 December 2000
Ethical and Safety Recommendations for Interviewing Trafficked Women (WHO, 2003)
Inter-American Convention on International Traffic in Minors (OAS, 18 March 1994)
Council of Europe Convention on Action against Trafficking in Human Beings (CoE, 16 May 2005)

Visa and ID documents

EUROPEAN UNION
Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS) (OJ L 213 of 15 June 2004)
Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (and its subsequent modifications)
Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)
Regulation (EC) No 81/2009 of the European Parliament and of the Council of 14 January 2009 amending Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code
Regulation No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation)
Commission Decision of 19 March 2010 establishing the Handbook for the processing of visa applications and the modification of issued visas
Commission Recommendation of 6 November 2006 establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons
Regulation no 810/09 of the European Parliament and of the Council establishing a Community code on Visas (Visa Code)
INTERNATIONAL
ILO Convention on Seafarers' Identity Documents (No 185) 19 June 2003

Information gathering

EUROPEAN UNION
Decisions adopted jointly by the European Parliament and the Council Decision No 1578/2007/EC of the European Parliament and of the Council of 11 December 2007 on the Community Statistical Programme 2008 to 2012
Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199 of 31 July 2007)

Data protection

EUROPEAN UNION
Treaty of the EU, Article 6 (European Convention for the Protection of Human Rights and Fundamental Freedoms, Article 8)
Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data
Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector
Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters
INTERNATIONAL
Council of Europe Convention 108/81; additional protocol for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and transborder data flows
Universal Declaration of Human Rights (UN, 10 December 1948), Article XII
UN Guidelines concerning computerized personal data files
OECD: Guidelines on Security of information Systems
OECD: Guidelines on Privacy

Anti-corruption

EUROPEAN UNION
EU Convention on the protection of the European Communities' financial interests (OJ C 316, 27/11/1995)
EU Protocol to the Convention on the protection of the European Communities' financial interests (OJ C 313, 23/10/1996)
2nd Protocol to the Convention on the protection of the European Communities' financial interests (OJ C 221, 19/07/1997)
INTERNATIONAL
United Nations Convention Against Corruption (2005)
The UN Declaration against Corruption and Bribery in International Commercial Transactions (1996)
The UN Convention against Transnational Organized Crime(2003)
UN: International Code of Conduct for Public Officials (GA resolution 51/59, 12.12.1996)
Council of Europe: Civil Law Convention on Corruption (European Treaty Series No. 174, Strasbourg, 04.11.1999)
Council of Europe: Twenty Guiding Principles of the Fight against Corruption (Resolution (97) 24).
OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1999);
OECD: Revised Recommendation of the Council on Combating Bribery in International Business Transactions (1997)
OECD : Recommendation of the Council on the Tax Deductibility of Bribes to Foreign Public Officials (Council of the OECD on 11 April 1996)
WCO: The Arusha Declaration (July 1993)
OAS: Inter-American Convention against Corruption (29/03/1996)

ANNEX 7.
IBM COOPERATION SELF-ASSESSMENT GRID

This self-assessment grid can be used by practitioners to assess to what degree cooperation aspects of IBM are already implemented in their agency or country and to assess strengths and weaknesses in their border management systems - a first step in identifying suitable solutions. The first three sections are divided according to the three IBM cooperation pillars; the last section assesses anti-corruption measures.

Name:		Exists		Appreciation					Comments, explanations and/or measures to be taken
				1. Weak, 2. In development, 3. Medium, 4. Developed, 5.Excellent					
INTRASERVICE COOPERATION		**yes**	**no**	1	2	3	4	5	
Legal and regulatory framework	What actions the agency is empowered to do have been clearly described in a legal act.								
	Legislation is compliant with related legislation, such as international conventions/ protocols.								
	There is a clear division of tasks between your agency and the other border management agencies.								
	Acts defined as offences are clearly defined and corresponding penalties and jurisdiction have also been clearly stated in a legal act.								
	The structure of the agency and its place in the government institutional framework has been clearly outlined in a legal act.								
	Exactly what tasks that staff at all different levels of the agency should perform are defined.								
	Agency documentation is defined.								
	Access and ownership of databases relevant to the work of the agency have been clearly described.								
	How individual units/departments should cooperate and communicate has been clearly described, including monitoring thereof.								

Institutional framework	The chain of command between the policy and operational levels has been formalised.								
	All staff members understand their own and their unit's role and responsibilities within the agency.								
	There exist monitoring mechanisms to ensure compliance and effectiveness.								
	The agency has its own management strategy.								
	The agency routinely monitors the implementation of policy.								
	Decision-making powers are devolved within the agency.								
Procedures	The agency has written standard operating procedures (SOPs) or similar internal instructions describing working procedures, work flow, etc.								
	All staff members have access to manual(s) that describe and provide guidance on all procedures in their area of responsibility.								
	The written control procedures clearly describe the workflow at the BCP/ICS/BIP/DPE, including the types, frequency and methodology of the control procedures.								
	There are clear instructions and objectives for risk analysis, including the procedure for sharing of RA results with other agencies.								
	All staff is aware of contingency/emergency situation procedures and their role therein.								
	The agency has a code of conduct (and ethics)								
	All staff knows their individual responsibilities as well as the procedure for disciplinary action in case of irregularities.								
	Disciplinary or corrective actions are taken by a unit specialised in external auditing.								
	The persons/passengers/carriers crossing the border have easy access to information about their rights, obligations and procedures for crossing the border and the consequences of any breaches.								

Human resources and training	The agency has a clear human resource policy (recruitment, training, deployment, performance evaluation, promotion policy, etc.).								
	The human resource policy is regularly evaluated and updated.								
	The agency has a unit/department solely dedicated to human resource management.								
	There are detailed job descriptions available for and accessible to all staff.								
	The procedure for recruiting staff is objective and transparent and applied uniformly throughout the agency.								
	The agency has its own training strategy.								
	Staff are regularly trained and monitored on complying with the agency's code of conduct.								
	The agency has its own training academy/centre.								
	The agency has its own training curriculum.								
	The agency has its own trainers.								
	Trainers receive regular training (pedagogical and specialist courses).								
	Trainers have sufficient resources and skills to carry out their training.								
	Staff training is both theoretical (classroom-based) and practical ('on-the-job').								
	Refresher and specialist training courses are available to all staff on a regular basis.								
	Inter-departmental/unit training activities are held.								
	Foreign language training is provided.								

Communication and information exchange	The agency has operational instructions on information management, including the flow and exchange of information.								
	The type of information that has to be gathered at the border and the methods for doing so have been clearly defined.								
	Standardised forms and templates are used throughout the agency.								
	The agency has an IT system.								
	Authorised users have real-time access to information on relevant border activities.								
	Information is exchanged through regular reports circulating upwards in the agency (vertical communication).								
	Instructions and information are regularly passed down through all levels of the agency (vertical communication).								
	Units at all levels in the agency have access to the right information when they need it.								
	Regular (weekly/monthly) meetings, agreed in advance, take place within the same unit (staff/management) at the local, middle management and senior management levels (horizontal communication).								
	Regular (weekly/monthly) meetings, agreed in advance, take place between different units at all levels (horizontal communication).								
	Regular (weekly/monthly) meetings, agreed in advance, take place between the different levels of the agency (vertical communication).								
	Staff working in different units meet regularly for joint activities.								
	Staff are sometimes exchanged between different units in order to improve their understanding of the other unit's function.								

Infrastructure and equipment	All staff have uniforms and associated personal equipment.								
	All locations have the basic furniture and office supplies needed to function properly								
	All locations have the basic equipment needed to carry out their tasks.								
	The agency owns/has regular access to a sufficient number of specialist equipment needed to carry out its tasks.								
	There is a sufficient number of staff who know how to operate specialist equipment.								
	The agency owns the infrastructure (buildings, roads) of the BCPs/ICSs/BIPs.								
	In case the agency does not own the BCP/ICS/BIP infrastructure, the agency has a functioning agreement with the owner.								
	The infrastructure at all BCPs/ICSs/BIPs includes an adequate number of building(s) for the agency to conduct its work in.								
	The infrastructure at all BCPs/ICSs/BIPs includes an adequate number of control lanes.								
	The infrastructure at all BCPs includes secure interview room(s) and detention space.								
	The infrastructure at all BCPs includes adequate facilities for asylum seekers.								
	The infrastructure at all BCPs/ICSs/BIPs includes adequate communication equipment (e.g. phones).								
	The infrastructure at all BCPs/ICSs/BIPs includes secure facilities for seized goods.								
	The infrastructure at all BCPs/ICSs/BIPs includes separate and adequate facilities for staff (accommodation, leisure room).								
	The agency has an investment plan for buying necessary equipment and/or developing necessary infrastructure.								
	Baseline equipment and infrastructure standards for the agency have been formalised in a regulation.								

Name:		Exists		Appreciation					Comments, explanations and/or measures to be taken
				1. Weak, 2. In development, 3. Medium, 4. Developed, 5.Excellent					
INTER-AGENCY COOPERATION		**yes**	**no**	1	2	3	4	5	
Legal and regulatory framework	Tasks, competencies and areas of responsibility of all border management agencies are clarified in law.								
	There are no duplications, overlaps or loopholes between the above legislation.								
	Legislation at all levels is reviewed and revised to ensure harmonisation and compliance.								
	Your agency is empowered by the law to cooperate with other actors.								
	Details of how and when inter-agency cooperation will occur are defined in legislation.								
	Your agency has formalised cooperation with other agencies through formal agreements or MoUs (Memorandums of Understanding).								
	National data protection law defines the standards which are to be applied for information collection, exchange and storage								
Institutional framework	There exists a centralised inter-agency working group which meets regularly.								
	Your agency meets regularly with the other border management agencies at both the central and local levels.								
	Your agency coordinates with the other border management agencies on upgrading or downgrading any BCPs/ICSs/BIPs/DPEs								

Procedures	Your agency's workflow at the BCP/ICS/ BIP/DPE has been synchronised with the other border control/inspection agencies.								
	Existing workflows are documented and assessed.								
	Procedures are in place for your agency to inform and to be informed by other agencies of necessary information								
	The agency can delegate authorities to other agencies and be delegated to act on behalf of others.								
	Joint controls, such as the one-stop control and single-window concepts, or joint inland control, are practiced.								
	Joint operations are conducted, for example, at the border, in the border zone or inland through mobile units.								
	Joint expert/specialist units exist.								
	Joint contingency plans that clearly define individual agency tasks and responsibilities exist.								
Human resources and training	Training Needs Analyses are regularly conducted.								
	Training on inter-agency cooperation takes place.								
	Joint training with other agencies takes place.								
	Staff members are sometimes exchanged between different agencies in order to improve their understanding of the other agencies' functions.								
	Staff with certain skills (languages, IT etc.) is available for use by other agencies.								
	Trainers have a full and common understanding of integrated border management and transfer standardised knowledge.								
	Different agencies' trainers have common terms of reference and qualifications.								
	Shared training facilities are used.								
	Training curricula and material which are common to all agencies are used.								

Communication and information exchange	Your agency has a contact person(s) for information exchange with the other border management agencies.								
	Your agency exchanges data with other border management agencies on a regular basis								
	Non-routine/ad hoc information is exchanged promptly with the relevant border management agencies.								
	Your agency shares one or more databases with other border management agencies								
	Your agency's IT system is compatible with the IT systems of other agencies.								
	Your agency takes part in an early warning system with other border management agencies (e.g. through contact points)								
	Your agency shares risk analysis, risk indicators and intelligence with other agencies								
Infrastructure and equipment	Priority BCP/ICS/BIP/DPE locations have been identified in cooperation with other agencies.								
	Facilities and infrastructure are shared with other agencies.								
	Equipment is shared with other agencies.								
	Joint procurement of facilities and equipment is used.								
Name:		**Exists**		**Appreciation**					**Comments, explanations and/or measures to be taken**
				1. Weak, 2. In development, 3. Medium, 4. Developed, 5.Excellent					
INTERNATIONAL COOPERATION		**yes**	**no**	1	2	3	4	5	
Legal and regulatory framework	Delimitation and demarcation of national borders are clarified.								
	Readmission agreements exist with neighbouring and other relevant countries.								
	The basis for cooperation and communication exists in relevant legislation.								
	Legislation at all levels is reviewed and revised to ensure harmonisation and compliance.								

Institutional framework	Official border crossing points are adequately categorised with a neighbouring country (status of BCPs /BIPs/DPEs, prioritisation and related upgrading, as well as the coordination of opening hours).								
	Common contact offices or focal points exist (for example at strategically relevant BCPs /BIPs/DPEs).								
	Your agency has deployed (or is represented by) liaison officers to neighbouring/ strategically important countries.								
	The agency is represented on a regional inter-agency working group which meets regularly.								
	The agency is a member/observer of relevant international organisations.								
Procedures	Operational procedures are harmonised with other relevant border management agencies (in neighbouring countries).								
	There are joint controls, such as general border controls, patrols, searches, forensic examination, surveillance, operations, etc.								
	Joint contingency plans exist.								
	Documentation required of and provided to those crossing the border are standardised with other states/international organisations.								
Human resources and training	IBM training for all levels of staff is conducted jointly with other agencies and other countries.								
	Training on specific international cooperation subjects (such as language, IBM, IT and international standards/procedures) is provided to staff.								
	Joint training with border management agencies from other states occurs (including multi-agency/multi-national participants and/or trainers, and practical exercises).								
	Training standards and curricula are harmonised regionally.								
	The number of staff at BCPs/BIPs/DPEs is coordinated with the neighbouring country.								

Communication and information exchange	Regular meetings (agreed in advance), weekly/monthly, between representatives of border management agencies from different countries are held at the central level.								
	Bilateral, regular meetings (agreed in advance) between representatives of border management agencies from neighbouring countries are held at the local BCP/BIP/DPE level.								
	Your agency is involved in regional/international initiatives (conferences, meetings, seminars, etc.).								
	The agency exchanges information with other relevant border management agencies (in other states) on a regular basis and upon request.								
	Information is used and analysed in cooperation with other relevant border management agencies and other authorised bodies.								
Infrastructure and equipment	Priority BCP/BIP/DPE locations have been identified in cooperation with other states.								
	Facilities and infrastructure are shared with other states (joint use).								
	Equipment is shared with relevant border management agencies of other states.								
	Joint international procurement of facilities and equipment is used.								
Name:		**Exists**		**Appreciation**					**Comments, explanations and/or measures to be taken**
				1. Weak, 2. In development, 3. Medium, 4. Developed, 5.Excellent					
ANTI-CORRUPTION MEASURES		**yes**	**no**	1	2	3	4	5	
Legal and regulatory framework	Is corruption mentioned in the criminal law?								
	Is the sub-legal framework in place?								
	Is your country an UNCAC signatory?								
	Did your country sign and ratify any other international anti-corruption instrument?								

Institutional framework	Is there political will to fight corruption?								
	Does a national anti-corruption strategy and action plan exist?								
	Does an independent anti-corruption body with investigative powers exist in your country?								
	Is corruption acknowledged as negative for your agency?								
Procedures	Are officers of your agency required to handle money?								
	Is the need to prevent corruption reflected in your agency's procedures?								
	Is the four-eye principle in place for financial procedures?								
	Is your agency audited on a regular basis?								
	Is every person with decision-making power controlled?								
	Are border checks carried out on a random basis or based on personal profiling?								
	Does a procedure exist on how to investigate corruption?								
	Are there transparent procurement procedures and are they followed?								
	Does your agency have a black list of companies which tried to bribe?								
Human resources and training	Is the problem of corruption reflected in the training curricula of your agency?								
	Does your agency have a code of conduct?								
	Do clear terms of reference for each position exist?								
	Is there a selection panel for the hiring of a person?								
	Are background checks carried out before somebody is hired?								
	Do applicants pay for being hired for a position?								
	Is the entrance level salary for your service proportionate with actual living costs?								
	Are whistle-blowers from within your agency protected against retaliation?								
	Are sanctions in place for civil servants involved in corruption?								

	Are civil servants found corrupt banned from civil service for life?								
	Have any civil servants from your agency been brought to court and sentenced for alleged corruption?								
	Is there a regular turn-over of staff, to avoid corrupt networks from developing?								
	Is it legal for staff members of your agency to receive gifts or invitations from clients?								
	Is there a maximum amount for gifts staff members can receive from clients?								
	Is there more or less a gender balance among the staff of your agency?								
	Do staff members of your agency have to declare their assets and are these declarations verified? Does asset recovery exist?								
Communication and information exchange	Has your country moved up or down in recent years on the Corruption Perception Index of Transparency International?								
	Is the image of your agency predominantly positive or negative in the public mind?								
	Is the public well informed about the rights of your agents and the fees to be paid?								
	Do information brochures, signs, websites (in all national languages and English) exist, which inform the public about its rights and legal obligation not to bribe?								
	Does an ombudsperson for complaints against your service exist? Do people know about it?								
	Is it possible to lodge anonymous complaints against staff members of your agency?								
	Are your relations with the media on a positive footing?								

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