

GUIDELINES FOR INTEGRATED BORDER MANAGEMENT IN THE EUROPEAN COMMISSION EXTERNAL COOPERATION

Extracted version

March 2015

This extraction is based on the 'Guidelines for Integrated Border Management in European Commission External Cooperation' prepared by the EuropeAid Co-operation Office with the support of the International Centre for Migration Policy Development (ICMPD).

The views expressed in this publication do not necessarily reflect those of the European Commission.

Introductory note



This document is an extraction of the “Guidelines for Integrated Border Management in European Commission External Cooperation” published in 2010. The Guidelines are on the one hand 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 (IBM), while, on the other hand, serve as an excellent tool for practitioners from the national border agencies.

The latest version of the above referred Guidelines has been prepared by the EuropeAid Cooperation Office with the support of the International Centre for Migration Policy Development (ICMPD).

Published with the financial support of the European Union in the framework of the project “Eastern Partnership cooperation in the fight against irregular migration- Supporting the implementation of the Prague Process Action Plan”

(EaP-SIPPAP). The action seeks to contribute to strategic and operational cooperation in the EaP region in the area of cross-border crimes prevention with a special focus on irregular migration. The main beneficiaries of the project are National Security Service of Armenia, State Border Service of Azerbaijan, State Border Committee of the Republic of Belarus, Ministry of Internal Affairs of Georgia, Border Police Department of the Republic of Moldova, State Border Guard Service of Ukraine. Implementing partners are Hungarian Ministry of Interior (in lead), International Centre for Migration Policy Development (ICMPD), State Border Guard of Latvia, Border Guard of the Republic of Poland, Schengen Directorate of the Ministry of Internal Affairs of Romania and Bureau of Border and Aliens Police of the Presidency of the Police Force of Slovakia.

For more information visit www.eap-sippap.eu or contact us eap-sippap@icmpd.org.



Content

Introductory note	1
I. List of acronyms	3
II. Background	4
III. IBM in the European Union	6
1. The four-tier access control model	8
IV. Cooperation in the context of IBM	10
1. Intra-service cooperation	11
2. Inter-agency cooperation	12
3. International cooperation	13
V. Main agencies in the field of IBM	14
1. Agencies in charge of border surveillance	15
2. Agencies in charge of border checks	17
3. Customs agencies	19
4. Plants and plant products inspection agencies	21
5. Live animals and products of animal origin inspection agencies	23
6. Food and feed of non-animal origin inspection agencies	25
7. Agencies in charge of human health check	27
VI. Visa policy and asylum in the context of IBM	29

List of acronyms



BCP	Border Crossing Point	ICMPD	International Centre for Migration Policy Development
BIP	Border Inspection Post	ICS	Inland Control Station
CED	Common Entry Document	IHR	International Health Regulations
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora	Interpol	International Criminal Police Organization
CVED	Common Veterinary Entry Document for the entry of live animals and products of animal origin	IOM	International Organization for Migration
DPE	Designated Point of Entry	OIE	World Organisation for Animal Health
EC	European Commission	OSCE	Organization for Security and Co-operation in Europe
EU	European Union	UNCTAD	United Nations Conference on Trade and Development
Europol	Law Enforcement Agency of the European Union	UNHCR	United Nations High Commissioner for Refugees
FAO	Food and Agriculture Organization of the United Nations	UNODC	United Nations Office on Drugs and Crime
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union	WCO	World Customs Organization
IBM	Integrated Border Management	WHO	World Health Organization
ICAO	International Civil Aviation Organization		

Background

Integrated Border Management (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'. Following several years of

experience in implementing the IBM concept in the Western Balkans and Central Asia, this document was updated in 2007 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), ICMPD has also developed specific IBM guidelines for this region.

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.'



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 (to 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. In 2008, IBM was referred to in the Lisbon Treaty, which called for the adoption of any measure necessary for the gradual establishment of an integrated management system for external borders with respect to the movement of persons.

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 100% replicated as such by other countries.



IBM in the European Union

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 taken 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.

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. 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 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. 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.

Cooperation in the context of IBM

IV.

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:

1

Intra-service cooperation (within a service or ministry),

2

Inter-agency cooperation (between different ministries or border management agencies), and

3

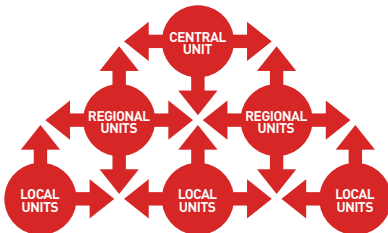
International cooperation (with other countries and international organisations).

IV. Cooperation in the context of IBM

Intra-service cooperation

1.

Intra-service 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.



Intra-service 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.

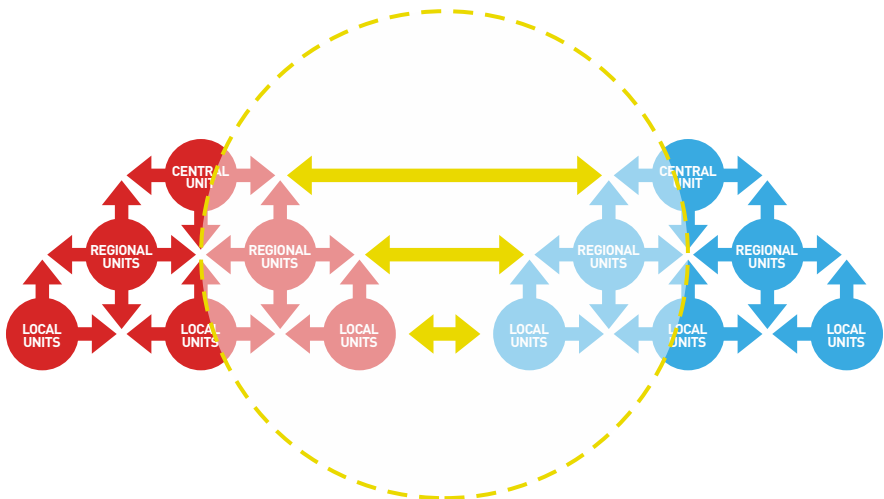
IV. Cooperation in the context of IBM

Inter-agency cooperation

2.

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.



International cooperation

3.



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.

Main agencies in the field of IBM

V.

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.

V. Main agencies in the field of IBM

Agencies in charge of border surveillance 1.

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.

V. Main agencies in the field of IBM

1. Agencies in charge of border surveillance

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.

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.

V. Main agencies in the field of IBM

Agencies in charge of border checks 2.

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.),

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.

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;

V. Main agencies in the field of IBM

2. Agencies in charge of border checks

- 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; 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.

Customs agencies

3.

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/ani-

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.

mals 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;

V. Main agencies in the field of IBM

3. Customs agencies

- 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.

V. Main agencies in the field of IBM

Plants and plant products inspection agencies

4.

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;

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.

- Notify the relevant agencies of involved countries about the interception of contaminated consignments; and
- Issue phytosanitary certificates for plants and plant products for export. 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.

V. Main agencies in the field of IBM

4. Plants and plant products inspection agencies

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.

Live animals and products of animal origin inspection agencies 5.

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

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.

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

V. Main agencies in the field of IBM

5. Live animals and products of animal origin insp. agencies

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.

V. Main agencies in the field of IBM

Food and feed of non-animal origin inspection agencies

6.

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 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;

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.

- 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.

V. Main agencies in the field of IBM

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

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.

Agencies in charge of human health check

7.

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.

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.

V. Main agencies in the field of IBM

7. Agencies in charge of human health check

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.

Visa policy and asylum in the context of IBM

V.


As a general rule, possession of a valid visa is one of the entry conditions for foreigners when crossing border. 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 authorities responsible for asylum issues are not necessarily represented at the border; therefore, there should be well-defined cooperation structures between the responsible authorities and the relevant border management agencies.

The border control and surveillance agency is regularly the first authority receiving asylum applicants and per-

sons 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, usually in a brief interview, those migrants who are in need of international protection and to swiftly refer them to the relevant agency (national refugee authority) for examining their claim for international protection. National asylum systems are only effective if access to the asylum procedure is guaranteed. Border management agencies therefore need to be aware of the principles of international refugee law and the possibility of claiming international protection at the border to avoid breaching international law.

The basic instrument developed in international law derives from the 1951 Refugee Convention and the Protocol from 1967, which define who is a refugee and which rights and obligations a refugee has. The Convention, however, does not include procedural provisions,



which are left completely to the discretion of the signatories of the Convention. How matters relating to foreigners are regulated, therefore, is for each country to decide in accordance with its international obligations, administrative practices and national preferences. 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 responsible for accepting and processing their application.



This extraction does not aim to touch upon all operational aspects of cooperation among the agencies. Instead, it aims to raise awareness that 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.



The full version of the 'Guidelines for Integrated Border Management in European Commission External Cooperation' further elaborates on the technical aspects of cooperation and provides recommendations on the development of the national concept and related procedures. It also offers a number of case studies that present good practices from various border management agencies in the EU. The full version of the document can be found at the link below:

http://www.icmpd.org/fileadmin/ICMP-Website/ICMPD_General/Publications/2010/IBM_Guidelines/Guidelines_for_IBM_in_EC_External_Cooperation_2010_-_EN.pdf

