



EN

COUNCIL OF  
THE EUROPEAN UNION

GENERAL SECRETARIAT

DG H

# EU Schengen Catalogue



*External borders control,  
Removal and readmission:  
Recommendations and best practices*

February 2002

# EU Schengen Catalogue

*External borders control,  
Removal and readmission:  
Recommendations and best practices*

**PREFACE BY MARIANO RAJOY BREY,  
FIRST DEPUTY PRIME MINISTER AND MINISTER FOR THE INTERIOR OF SPAIN,  
PRESIDENT-IN-OFFICE OF THE COUNCIL OF THE EUROPEAN UNION**

Spain, which has held the Presidency of the Council of the European Union since 1 January this year, is giving priority treatment to the enlargement of the European Union to include the candidate countries, which is the cornerstone of European integration.

The building of a common area of freedom, security and justice and the creation of the Schengen area occupy a prominent place in the process of consolidating and strengthening the Union and raising the profile of its institutions, not only internally in relation to the citizens of Europe, but also externally, in relation to the candidate countries, enabling them to acquaint themselves with the legal and institutional framework which constitutes the *acquis* in Justice and Home Affairs (JHA).

In the same effort to clarify and highlight the requirements which the candidate countries will be called upon to meet on accession, we are presenting to them today, at this Joint Council meeting, this "*Catalogue of recommendations for the correct application of the Schengen *acquis* and best practices*".

The Catalogue has been drawn up by the Working Party on Schengen Evaluation, at the initiative of Belgium and with the assistance of experts of various nationalities who have pooled their knowledge so as to achieve a result which can be pronounced highly commendable. At present the Catalogue refers exclusively to border control and expulsion and readmission procedures, without prejudice to the work which successive Presidencies carry out in other fields such as visas, SIS/SIRENE, police cooperation, etc.

The purpose of the Catalogue is explanatory and it has no legally binding status. It shows, set out in separate columns, on the one hand, the levels which may be required in order to comply with the *acquis* and, on the other, the best practices already being recorded in some of the Member States, although, however desirable, they are not mandatory at present.

It is with great satisfaction that the Council of the European Union presents this working tool, which is intended to dispel the uncertainties to which introduction of the Schengen *acquis* gives rise in practice. The Spanish Presidency is confident that the Catalogue will constitute an additional instrument for ensuring the successful integration of the Union's new members in due time and in the appropriate manner.

Mariano Rajoy Brey

Brussels, 28 February 2002

## TABLE OF CONTENTS

**INTRODUCTION** .....7

### ***PART ONE: BORDERS, BORDER SURVEILLANCE AND BORDER CONTROL***

**A. *Integrated border security model (a mechanism of different tiers/filters)***.....11

    1. **Introduction** .....11

    2. **The four tiers**.....12

    3. **Key elements for the correct application of the Integrated Border Security Model** .....16

**B. *Details of recommendations and best practices*** .....18

**Recommendations/Best practices** .....18

    1. **Strategy and organisational structure** .....18

    2. **Infrastructure**.....23

    3. **Staff**.....27

    4. **Training**.....28

    5. **Equipment** .....30

    6. **Internal coordination** .....33

    7. **Different kinds of international cooperation**.....34

    8. **Rules and procedures** .....36

    9. **Particular cases for certain types of border** .....38

### ***PART TWO: REMOVAL AND READMISSION***

    1. **Introduction** .....48

    2. **Removal measures** .....49

    3. **Persons concerned** .....50

    4. **Implementation of removal measures**.....51

## **SCHENGEN CATALOGUE**

### **INTRODUCTION**

1. At its meeting on 28 May 2001, the Council set as an objective for further work by the Working Party on Schengen Evaluation the identification of "... best practices, particularly as regards border controls, so that they can serve as examples for those States acceding to Schengen but also those fully applying the Schengen acquis. These evaluations and the identification of best practices shall serve as inspiration for the establishment of standards defining the minimum application of the Schengen acquis (e.g. essential equipment at each border post) in the relevant working groups" (mandate for the Working Party on Schengen Evaluation) (8881/01 – SCH-EVAL 17, COMIX 371).

On the basis of this mandate, the Working Party on Schengen Evaluation worked out the principles and procedure for drawing up the Catalogue of recommendations for the correct application of the Schengen acquis and best practices, hereinafter referred to as the Catalogue of recommendations and best practices, or Catalogue.

The purpose of the Catalogue is to clarify and detail the Schengen acquis and to indicate recommendations and best practices, in order to provide an example for those States acceding to Schengen and also those fully applying the Schengen acquis. With this in mind the Catalogue gives a good indication to the candidate countries for accession to the European Union (hereinafter referred to as the "EU") (at their request) as to what is expected of them, particularly in practical terms, regarding Schengen. The aim is not to give an exhaustive definition of the whole of the Schengen acquis but to put forward recommendations and best practices in the light of the experience gained by the Working Party on Schengen Evaluation in verifying the correct application of the Schengen acquis in Germany and in evaluating Greece and the Nordic countries.

The text of the Catalogue does not seek to introduce new requirements but should also make it possible to draw the Council's attention to the need where appropriate to amend certain provisions of the Schengen acquis so that the Commission and, where appropriate, the Member States take the recommendations and best practices into account when putting forward proposals or formal initiatives. This exercise is inter alia the first stage of the process of defining minimum standards by the Council.

Moreover, the Catalogue will serve as a reference tool for future evaluations undertaken in the candidate countries. It will therefore also serve as an indicator for these countries of the tasks which they will be assigned and in this respect should be read in conjunction with the Common Manual.

2. The Working Party on Schengen Evaluation adopted the following definitions to conduct this exercise:

recommendations: non-exhaustive series of measures which should make it possible to establish a basis for the correct application of the Schengen acquis and for monitoring it.

best practices: non-exhaustive set of working methods or model measures which must be considered as the optimal application of the Schengen acquis, it being understood that several best practices are possible for each specific part of Schengen cooperation.

3. Where the Catalogue mentions the Member States which apply the Schengen acquis, this is currently to be taken as meaning the thirteen Member States of the EU referred to in Article 1 of the Protocol integrating the Schengen acquis into the framework of the EU annexed to the Treaty on European Union and to the Treaty establishing the European Community (hereinafter the "Schengen Protocol"), to which must be added Iceland and Norway, pursuant to the Agreement concluded by the Council of the European Union, the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis, signed on 18 May 1999 (these 15 States are hereinafter referred to as the "Schengen States").

The United Kingdom and Ireland expressed the wish to participate in certain provisions of the Schengen acquis. The Council has not yet adopted a decision on Ireland's request to participate. The arrangements for the United Kingdom's participation were adopted in the Council Decision of 29 May 2000 (2000/365/EC). The Council has not yet decided on the implementation of the provisions in question.

The Schengen acquis and the other measures taken by the institutions within the scope of the acquis are, under Article 8 of the Schengen Protocol, regarded as an acquis which must be accepted in full by all States candidates for accession.

4. The Schengen acquis was integrated into the EU framework by the Schengen Protocol. The extent of the acquis is defined in Council Decision 1999/435/EC, published in OJ L 176 of 10 July 1999.

Since its integration into the EU, the Schengen acquis has undergone developments and amendments which lend it an evolutionary character.

The Schengen acquis has also taken on board the results of the evaluations which have been conducted within the framework of the Standing Committee for the application and evaluation of the Schengen acquis, now called the "Working Party on Schengen Evaluation". Under the Working Party's mandate, reports are submitted to the Council to establish whether the conditions required for the entry into force of the provisions of the Schengen acquis in a country wishing to participate in those provisions (or in some of them) have been met and, secondly, to monitor the correct application of the Schengen acquis by the Schengen States, in particular by detecting problems and proposing solutions.

5. The current Catalogue deals primarily with the issues of borders and removal. Free movement as introduced within the territory of the Schengen States (this term and the expression "Schengen States" refer to the territory of the Schengen States in which the Schengen acquis applies) is a freedom which as a counterpart requires the strengthening of the external borders of that area and a policy for the removal of illegally resident aliens which is effective and dissuasive. The fight against illegal immigration is a major preoccupation for the whole of the EU. It is indeed this double axiom which guides EU action in this sphere. Accordingly, the measures adopted in this context seek to strengthen European integration and in particular to enable the EU to become more rapidly an area of freedom, security and justice.
6. The Catalogue refers to ideas or concepts connected with the administration of borders, the terms of which are not uniformly defined or codified in the Schengen States. In the interests of ease of understanding, the following definitions apply to the terms used:
  - a. Integrated Border Security Model: name of the system covering all aspects of border policy. This system is spread over four complementary tiers (filters) which are: activities in third countries, countries of origin and transit, bilateral and international cooperation, measures at the external borders and further activities inside the territory.

- b. Border Management: this concept covers both the surveillance of borders and checks, the latter being defined in Article 6 of the Schengen Convention:
- Border checks: checks carried out at authorised crossing points. It should be noted that checks on persons shall include not only the verification of travel documents and the other conditions governing entry, residence, work and exit but also checks to detect and prevent threats to the national security and public policy of the Schengen States. Such checks shall also be carried out on vehicles and objects in the possession of persons crossing the border.
  - Border surveillance: surveillance carried out between authorised crossing points.
7. In the Catalogue the reader will find the following sections: the Catalogue currently comprises two main chapters, one on borders and the other on removal. A general section describes the basic concepts underlying the policy and is followed by recommendations and best practices presented in tabular form, with recommendations on the left and best practices on the right, alongside the relevant recommendations. Where one of these recommendations applies only to one or two types of border this is mentioned in the text.

\* \* \*

## **PART ONE : BORDERS, BORDER SURVEILLANCE AND BORDER CONTROL**

### **A. *INTEGRATED BORDER SECURITY MODEL (A MECHANISM OF DIFFERENT TIERS/FILTERS)***

#### **1. INTRODUCTION**

An overall border model is an important tool to safeguard internal security and in particular prevent illegal immigration. It means in simplified terms that a set of complementary measures has to be implemented on different tiers. In this respect four tiers can be identified.

- (1) Activities in third countries, especially in countries of origin and transit, including the collection of information by liaison officers as well as the key role of the consular post abroad in the process of issuing visas.
- (2) International border cooperation.
- (3) Measures at external borders: border management (border checks and border surveillance).
- (4) Further activities inside the territory of the Schengen States and between Schengen States.

The coherence between these measures and the way they are applied by Schengen States is a key to the success of the general border model.

## 2. THE FOUR TIERS

### 2.1. Activities in third countries, in countries of origin and transit

- (a) The first measure required in terms of time and place is advice from liaison officers and document experts in third countries of origin or transit which are the source of the risks generated by illegal immigration (Article 47 (4) of the 1990 Convention implementing the Schengen Agreement (hereafter the "Schengen Convention") and SCH/Com-ex (98) 59 rev). Officials working abroad for the Schengen States' consular posts and carriers will be trained by specialists in order to detect document forgeries before actual travel has started.

When visas are issued and when passengers are transported by air and sea, it is of great importance to detect false and falsified documents in order to prevent unauthorised entry into the territory of the Schengen States. The training given by document advisers makes a vital contribution to the detection of such forgeries by officials working for the Schengen States' consular posts and for carriers.

- (b) In the second stage, a thorough inspection of the application documents submitted should be carried out by the Schengen States' consular representations when issuing visas (see Articles 15 and 17 of the Schengen Convention and the provisions of the Common Consular Instructions on Visas). This includes inspecting documents and making database queries pursuant to Article 96 of the Schengen Convention. Consulates should guarantee that sensitive information and blank documents are adequately protected and stored.

The systematic implementation of EC/Schengen visa regulations should enable the phenomenon of illegal immigration to be effectively tackled at its roots. The importance of intensive consular cooperation should be stressed in that context.

- (c) Carriers are also obliged pursuant to national legislation on the basis of Article 26(1)(b) of the Schengen Convention to take all necessary measures to ensure that third-country nationals carried by air, sea or land, (see Article 26(3) of the Schengen Convention), have the travel documents necessary for entry into the territory of the Schengen States. If third-country nationals are set down in a Schengen State without the prescribed documents, the carriers will be subject to sanctions and compelled in principle to take back those passengers. Staff of carriers should be trained. This article of the Schengen Convention has been supplemented by Directive 2001/51/EC of 28 June 2001 – L 187, 10.7.2001, p. 45.

## 2.2. Bilateral and international border Cooperation

- (a) International co-operation in the field of border security can be divided into multilateral, bilateral and local cooperation. In this respect, agreements with neighbouring countries on the cooperation in the field of border management are an efficient tool to increase border security. This can be realised by establishing appropriate working mechanisms such as exchange of information, establishing appropriate communication channels, 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 sea areas. These initiatives should bring together all countries in the region.

- (b) As regards cooperation with adjacent states, it is considered necessary that transit states lend their active assistance by ensuring that their borders are thoroughly secure and by taking measures away from the border, i.e. consistent repatriation practice – if there is no right of admission and there are no impediments based on serious humanitarian grounds or international law (e.g. the Geneva Convention relating to the Status of Refugees, European Convention on Human Rights).

### 2.3. Measures at the external borders

The core area of general border strategy is a functioning border management consisting of border checks and border surveillance, based on a risk analysis. Article 6 of the Schengen Convention sets out clearly the framework to be implemented by the Common Manual, the two being complementary. Essential elements of border management are: (1) that all persons crossing the external borders are checked systematically and (2) effective border surveillance is ensured between border crossing points.

In this respect all appropriate measures should be taken in order to safeguard internal security and prevent illegal immigration:

Coherent **legislation** based on the EC/Schengen requirements in the area of border management is needed (for example: border guard act, data protection rules). With regard to **infrastructure**, appropriate facilities for carrying out border checks and surveillance have to be available. Officials carrying these tasks have to be professional and specially trained. Adequate human resources are required. Exact requirements depend on several factors (geographical situation, volume of border traffic, etc.). Moreover, a clear concept of **training** (basic and further) is required covering operational skills, knowledge of legislation, languages, etc.

**Equipment** should be appropriate to the border situation. Functioning **internal coordination** is needed at all levels (which authorities are competent for which task, no competence "black holes"). Information exchange between competent authorities (border guard, customs, police, judicial authorities, prosecutors) is essential, including a mechanism to solve possible disputes of competence between the authorities. Furthermore, operational issues should be covered (for example use of compatible communication equipment).

Agreed **international/bilateral cooperation** should be implemented in practice on the spot (examples: exchange of information, joint controls, handling of readmission situations). **The special requirements for the three different types of border** (air, sea, land) should be fulfilled (for example: at airports a separation of passenger flows – extra Schengen and intra Schengen flights – should be made by physical means or, for minor airports, by a systematically monitored and accompanied flow of passengers).

#### 2.4. Further activities inside the territory of the Schengen States

- (a) Measures to prevent illegal immigration and cross-border crime should be pursued inside the territory of the Schengen States by enhanced search, checks and surveillance measures based on national information and in accordance with national law, where possible on the basis of police cooperation agreements pursuant to Article 39(4) and (5) of the Schengen Convention. Given that the problems of migration and crime are not subject to geographical restrictions, international traffic routes should in future become main areas of activity for national police forces in accordance with domestic law. However, where public policy or national security so require, a Schengen State may, after consulting the other Schengen States, decide that for a limited period national border checks appropriate to the situation shall be carried out at internal borders.
- (b) The last stage in the geographical and time sequence is repatriation in accordance with national law (see Article 23 of the Schengen Convention and Directive 2001/40/EC of 28 May 2001 - L 149, 2.6.2001, p. 34) of third-country nationals who have entered the Schengen territory without authorisation, if no right to stay exists and if there are no obstacles based on compelling humanitarian grounds or international law (e.g. the Geneva Convention on Refugees, European Convention on Human Rights).

### 3. **KEY ELEMENTS FOR THE CORRECT APPLICATION OF THE INTEGRATED BORDER SECURITY MODEL**

Emphasis should be placed on the coordination of duties between the responsible government bodies in dealing with information, reports and training and in responding to irregularities. Coordination in these fields should extend to regional and local levels too.

Another key element of the method is to pay attention to the assessment of the situation. Thus, the performance of a border management system should be adjusted in accordance with the prevailing conditions along all its borders. Valid and reliable data should form part of a permanent evaluation which could be shared by other Schengen States. Where necessary, the allocation of resources should be adapted accordingly.

As a general rule, persons performing border police duties should be specialised trained professionals. Persons with less experience can be used only for auxiliary duties assisting professionals temporarily. No exception is allowed in respect of duties that require any use of personal data, making searches in confidential registers or decisions interfering with an individual's physical integrity or freedom.

To facilitate mutual trust, any Schengen State should be able to provide valid and reliable data concerning the situation at all its borders and also the border checks and surveillance measures applied. Knowledge of the situation at the border relies on knowledge of the performance of border management systems. Reliable estimates concerning border checks and surveillance measures should be based, among other things, on complete knowledge of regional and local circumstances. To attain the above aims and to facilitate cost-effective use of resources, various methodologies should be applied at the borders. Terms such as risk analysis, intelligence, data-flow management, situational awareness, reaction capability and information exchange with other Schengen States can be used when evaluating and developing these methods.

Risk analysis can be seen as a tool for optimisation of border management and a way of providing reliable information on the border situation. It should be adapted to the type of borders.

At practical level this means evaluation of the persons, vehicles, vessels or flights to be checked. This evaluation is made in the context of a real time tactical situation and thus the methods can be called **tactical risk analysis**. At the external border, all persons should be checked according to the Common Manual. To detect cross-border crime, extra emphasis should be placed on the checking procedure for suspect objects. Personnel should be provided with knowledge of risk indicators, risk profiles and typical modi operandi of cross-border crime. Named special targets of surveillance and checks should also be known to personnel. The risk analysis and management of borders need to be backed by systematic intelligence. Border management systems should be able to gather intelligence, analyse it and, finally, utilise the products in field work.

To have a realistic picture of prevailing irregularities for the **purposes of medium and long-term operative management**, estimates should be made of:

- the level of risk defined by the authorities in respect of illegal crossing of the border
- the level of detected irregularities
- the level of estimated undetected irregularities.

This is to ensure that resources will be allocated optimally along the border in order to maintain a reasonable risk level in respect of illegal crossing of the border. Further, at all managerial levels, the management system should be evaluated in order to find out shortcomings or gaps in the system. These exist where a border can predictably be crossed illegally with very low risk or no risk at all.

## B. DETAILS OF RECOMMENDATIONS AND BEST PRACTICES

### RECOMMENDATIONS/BEST PRACTICES

Recommendations	Best practices
<p><b>1 Strategy and organisational structure</b></p>	
<p><i>1.1 general strategy for border management + risk assessment</i></p> <ul style="list-style-type: none"> <li>- establishing a national plan defining the steps to be taken in the countries of origin and transit, at external Schengen borders and inside the individual Schengen States</li> <li>- border management is a task which requires a high level of professionalism</li> <li>- streamlined and functional ministerial competences for border management. Centralised supervision and instructions for border checks and surveillance under the auspices of a ministry working in the field of justice and home affairs.</li> <li>- effective border management is ensured by supplementing strategy with technology, equipment and staff; mobile and stationary, airborne or on land/sea, uniformed or plain clothed.</li> </ul>	<ul style="list-style-type: none"> <li>- the competent public authority is a specialised Police/Border Guard force (not a military force)</li> <li>- border checks and surveillance should be executed by professional officials of the same administration organising border management if possible under a single national ministry.</li> </ul>

Recommendations	Best practices
<ul style="list-style-type: none"> <li>- permanent analysis determines the allocation of personnel and technical resources;</li> <li>- an evaluation is to be made to ensure that border management matches the requirements of Article 6 of the Schengen Convention and to consider whether border management has to be adapted. Article 7 requires exchange of all relevant information.</li> <li>- at international level border management should be governed by bilateral agreements</li> <li>- cooperation and coordination of the responsibilities of the different bodies should be regulated by an official Act</li> </ul>	<p>These agreements/Acts should cover the whole spectrum of cross-border cooperation, i.e. joint risk analysis, exchange of experience, cooperation on training, cooperation on investigation</p>
<p><i>1.2 Intelligence and data-flow management</i></p> <ul style="list-style-type: none"> <li>- a two-way information exchange should be arranged between central and local levels of the border management authority.</li> <li>- the local authorities should be instructed to gather information on illegal immigration and other cross-border irregularities, analyse it locally, and pass it on to central level.</li> </ul>	<p>A secure database is established to exchange experience between units and to distribute information on intelligence objects. This database is available for use in border management.</p> <p>For specified analysis and exchange of information, a network of intelligence liaison officers is established to connect different units and different organisational levels.</p>

Recommendations	Best practices
<ul style="list-style-type: none"> <li>- the central level should compile all information country-wide, process it into usable form and deliver it to local authorities to be used as a tool for tactical risk analysis and operational planning.</li> <li>- data-flow management can be used as a means of evaluating the effectiveness of information exchange within and between authorities involved in border management. Availability of and access to vital data and data protection are also elements to be evaluated.</li> </ul>	<p>Information in the intelligence database is hidden, until a specific inquiry is made. The right to make searches is controlled by a supervisory unit.</p>
<p><i>1.3 regional or local strategy</i></p> <ul style="list-style-type: none"> <li>- where appropriate, establish regional plans based on risk assessment</li> </ul> <p>intensive cooperation between all law enforcement agencies in the national border region</p> <ul style="list-style-type: none"> <li>- cooperation with law enforcement agencies of neighbouring states</li> <li>- reception of information from the population should be encouraged and transformed into risk analysis and operational activities if necessary</li> </ul>	<ul style="list-style-type: none"> <li>- creating access points for information from and to the public (Internet, etc.)</li> </ul>

Recommendations	Best practices
<p><i>1.4 organisational (functional) structure</i></p> <ul style="list-style-type: none"> <li>- coordination of all activities at central, regional and local levels</li> <li>- establishing capabilities to fight successfully against illegal crossing of the border</li> <li>- the organisation should provide highly specialised services required for border checks/surveillance - for example on false documents</li> <li>- specify a lapse of time within which the squad should reach the border in the event of an alarm</li> </ul>	<ul style="list-style-type: none"> <li>- creating a local and regional coordination mechanism or organisation</li> <li>- establishing specialised officers/teams/units to fight illegal crossing of the border crime at different levels if needed</li> <li>- the organisational structure provides for a specialised officer for false and falsified documents and one with the necessary linguistic skills to be available on every shift or at every border crossing point (hereafter "BCP")</li> </ul>
<p><i>1.5 availability and permanency</i></p> <ul style="list-style-type: none"> <li>- <i>depending on the situation, ensure availability and permanency of staff</i></li> </ul>	
<p><i>1.6 Situational awareness and reaction capability</i></p> <p>In green and blue border management, terms of situational awareness and reaction capability can be used to define the level of risk to be confronted with illegal border crossings.</p> <p>Situational awareness measures how the</p>	<p>At land borders, the border is subject to constant monitoring (human or technical devices). Where this is not feasible, specialised sniffer dogs may extend surveillance time. The dogs should not be aggressive or uncontrolled when meeting</p>

Recommendations	Best practices
<p>authorities are capable of detecting cross-border movements and finding reasoned grounds for control measures.</p> <p>In practice, situational awareness depicts how the authorities define the lapse of time and area for three functions:</p> <ul style="list-style-type: none"> <li>- detecting movements that could possibly be attempts to cross the border illegally</li> <li>- identifying the detected targets</li> <li>- analysing the previous identifications in due time</li> </ul> <p>The reaction capability at sea or land measures the lapse of time required to reach any cross-border movement to be controlled and also the time and the means to react adequately to unusual circumstances. The latter also applies also to the situation at airports.</p>	<p>illegal border crossers.</p> <p><b>At sea</b> a VTMISS (or compatible) system covers the entire maritime area and ports under evaluation. All vessels are detected and identified by the system. Once identified, a vessel remains constantly known by the system. The system is backed up by offshore craft and airplanes. These mobile units make close identification, fill in gaps and retrieve information from outside the system. <b>At ports</b>, based on a risk analysis, the port area may be fenced off and monitored constantly. In such cases all persons entering or leaving the port area are checked.</p> <ul style="list-style-type: none"> <li>- deploy stand-by squads</li> </ul> <p>At sea, constant readiness to dispatch a mobile unit, in order to maintain any vessel trying to reach the coast under constant surveillance.</p>

Recommendations	Best practices
<p><b>2 Infrastructure</b></p>	
<p><i>2.1 entrance and exit checks</i></p> <ul style="list-style-type: none"> <li>- facilities should be in place to carry out the compulsory entrance and exit checks.</li> <li>- at land borders, entering and exiting cross-border traffic of all kinds should be separated. This applies also to sea borders between the vessel and the border checks.</li> </ul> <p><i>2.2 organisation of border surveillance</i></p> <ul style="list-style-type: none"> <li>- border surveillance can be carried out by human resources (supported by technical means) or mainly by highly sophisticated man-operated techniques. To ensure efficiency, the means are adapted to the density of population, number of personnel, equipment and migration risk.</li> <li>- deployment and spread of infrastructure facilities (buildings, etc.) adapted to mobility, number of staff, regional traffic infrastructure and migration risk</li> </ul>	

Recommendations	Best practices
<p data-bbox="188 215 695 300"><i>2.3 organisation of the border crossing point</i></p> <ul style="list-style-type: none"> <li data-bbox="161 376 687 573">- exchange of information with the neighbouring country on building a BCP, aiming at a certain degree of coordination (land)</li> <li data-bbox="161 651 746 1014">- constructing border crossing points, using common experience among Schengen States, depending on regional conditions, in perhaps two versions, one large model and another a small BCP. Travellers should be made familiar with similar procedures</li> <li data-bbox="161 1093 743 1234">- the delimitation of the BCP and the applicable regulations should be readily visible to all</li> <li data-bbox="161 1424 699 1621">- border checks to be carried out in special control booths or at desks or, where appropriate, with mobile equipment.</li> <li data-bbox="161 1700 740 1841">- inside buildings special dedicated desks or booths shall be provided for the different tasks and be built accordingly</li> </ul>	<ul style="list-style-type: none"> <li data-bbox="775 376 1350 573">- building BCP installations with the neighbouring country in a coordinated way to achieve adequacy of means (dimensions, lanes, installations) (<b>land</b>)</li> <li data-bbox="775 763 1345 1014">- signposts to provide information for users in different languages (depending on type of BCP and neighbouring country) or by internationally used drawings (pictograms)</li> <li data-bbox="775 1093 1241 1126">- a fence around the BCP (land)</li> <li data-bbox="775 1476 1334 1563">- these installations to be provided to all relevant national services/authorities</li> </ul>

Recommendations	Best practices
<p>Outside buildings, control booths containing the necessary equipment</p> <ul style="list-style-type: none"> <li>- unauthorised observation (especially of computer systems) should be prevented</li> <li>- to define standardised criteria for the manufacture of control booths (having regard to security; technical equipment)</li> <li>- control booth should be facing the passengers (<b>air, sea</b>)</li> <li>- <i>communication</i></li> </ul> <p>a suitable communication system should provide instant information on each important situation at any time for all units</p> <p><i>2.4 separation of passenger flows</i></p> <p><b>Structure</b></p> <p><i>Separation at ports</i></p> <p>Ferry passengers to be separated so that external border traffic can never mix with internal traffic between the vessel and the border check. As a general rule, this must be guaranteed by means of physical fixtures (walls, fences, etc.). In minor ports with only a limited amount of passengers, constructions can be supplemented by surveillance.</p>	<ul style="list-style-type: none"> <li>- control booth from which officers can oversee the queue of passengers waiting</li> </ul>

Recommendations	Best practices
<p><i>Separation at airports</i></p> <p>Airports should be (re-)arranged in order to avoid the possibility of persons or documents, passing from the non-Schengen zone to the Schengen-zone and vice-versa by physical separation.</p> <p>Aerodromes where the volume of traffic allows to do so may separate flows by organising systematically monitored and accompanied flow of passengers.</p> <p><b>Procedures</b></p> <p>Identify Schengen and non-Schengen flights</p> <p>Cooperate as closely as possible with third parties at airports, with special attention to connecting flights</p> <p>Provide the necessary information in due time for the border management authorities. Establish a link with the flight aviation information system</p>	<p>Separate terminals for Schengen and non-Schengen traffic</p> <p>Separate and dedicated levels for Schengen and non-Schengen traffic</p> <p>Watertightness may be obtained by walls, glass, metal grid, ..., reaching from the floor to the ceiling</p> <ul style="list-style-type: none"> <li>- checks at the gate for high-risk flights</li> </ul> <p>Monitor the flights accordingly through a real time system, agreed upon with the civil aviation authority</p> <p>Plan buses for transporting passengers from remote parking areas to the dedicated area of the airport.</p>

Recommendations	Best practices
<p data-bbox="188 212 446 246"><i>2.5 lanes for checks</i></p> <p data-bbox="150 322 734 465">Separation between (a) EU and EEA nationals and (b) non-EU/non-EEA nationals (airports and sea)</p> <p data-bbox="150 542 730 685">Number and capacity of lanes should fulfil the need for fluid and quick but Schengen-compliant checks and surveillance</p> <ul data-bbox="150 761 743 1402" style="list-style-type: none"> <li>- hand-in-hand management of traffic flows by all competent authorities of both neighbouring States.</li> <li>- flexible organisation of lanes for checks and securing a quick and effective reaction. Separate lanes for the different types of traffic crossing the border</li> <li>- organisation of border checks with priority on entry into the State</li> </ul>	<ul data-bbox="775 322 1369 739" style="list-style-type: none"> <li>- separate lanes for checks on EEA nationals, for third-country residents and, depending on the situation, a third lane for citizens of the neighbouring country can be provided in order to facilitate traffic. Where possible adapt the situation to the required checks on EEA and non-EEA nationals.</li> </ul> <p data-bbox="775 815 1362 1016">Lanes must be marked clearly for use of travellers (private cars, pedestrians, lorries, buses, CD/CC if necessary. Markings may be adapted to needs in a flexible way.</p>
<p data-bbox="150 1482 268 1516"><b>3 Staff</b></p>	
<p data-bbox="188 1594 367 1628"><i>3.1 Adequacy</i></p> <ul data-bbox="150 1704 743 1897" style="list-style-type: none"> <li>- effective border checks and surveillance require that the number of staff must be adapted to risk assessment, based on analysis</li> </ul> <p data-bbox="188 1973 699 2063"><i>3.2 selection criteria for recruiting new staff</i></p>	<ul data-bbox="775 1704 1362 1848" style="list-style-type: none"> <li>- study comparable situations in other Schengen States which could serve as an example</li> </ul>

Recommendations	Best practices
<ul style="list-style-type: none"> <li>- written rules for recruiting new staff</li> <li>- physical suitability</li> <li>- meet moral and legal requirements (criminal (judicial, legal) records, etc.)</li> </ul> <p><i>3.3 professionalism</i></p> <ul style="list-style-type: none"> <li>- high level of professionalism based on successfully completed training. (The requirements for this topic are presented under "Training", see 1.4)</li> <li>- provide for regular evaluation in which e.g. job satisfaction, effectiveness, social conditions and liability are measured</li> </ul>	<ul style="list-style-type: none"> <li>- provision for rotation of staff. This is considered most useful at the beginning of the career for reasons of effectiveness</li> </ul>
<p><b>4 Training</b></p>	
<p><i>4.1 basic training</i></p> <p>Operational staff should have successfully completed a training course covering their future tasks, which should include:</p> <ul style="list-style-type: none"> <li>- knowledge of relevant Schengen and EC/EU provisions</li> <li>- basic rules and procedures</li> <li>- document checks (valid, falsified documents)</li> <li>- rules for entry, stay and exit</li> </ul>	<ul style="list-style-type: none"> <li>- programmes should adapt flexibly to risk assessment</li> </ul>

Recommendations	Best practices
<ul style="list-style-type: none"> <li>- coordination and cooperation with other agencies</li> <li>- special cooperation between Schengen States in the internal border zone (Dublin, readmission, etc.)</li> <li>- police cooperation</li> <li>- Schengen Information System</li> <li>- judicial cooperation</li> </ul>	
<p><i>4.2 further continuing education</i></p> <ul style="list-style-type: none"> <li>- a training programme must be established with a regular training/briefing hours for officers as part of working hours</li> </ul>	<p>The organisation should provide programmes and facilities at central and local level to accompany officers during their career by offering them education and training on issues which are relevant to their work</p>
<p><i>4.3 linguistic training</i></p> <ul style="list-style-type: none"> <li>- ability to speak a foreign language useful for their work</li> </ul>	<p>encourage staff to learn other languages necessary for their work, languages of the neighbouring countries or the countries of origin</p>
<p><i>4.4 specialised technical training counterfeits and forgeries</i></p>	
<ul style="list-style-type: none"> <li>- specialised training in recognising false travel documents</li> </ul>	<p>Specialist officers should train officers at all BCPs</p>
<p><i>4.5 Specialised training for management levels</i></p>	<ul style="list-style-type: none"> <li>- international experience of a similar responsibility is an asset</li> <li>- participation in the CEPOL training programme will in future be advisable</li> </ul>

Recommendations	Best practices
<p><b>5 Equipment</b></p>	
<p><i>5.1 Recommended equipment</i></p> <p><b>5.1.1. Introduction</b></p> <p>The following paragraphs will mention equipment which is deemed necessary and should be permanently optimised in the first line and additional requirements in the second line, in trains as well as mobile equipment. It should be stressed that SIS connection and stamps are considered to be key equipment</p> <p><b>5.1.2. In the first line:</b></p> <p>Upon entry and exit at the BCPs access to the following equipment should be provided:</p> <ul style="list-style-type: none"> <li>- terminal for consulting SIS and national systems. There will be mobile terminals at ground checks on passengers in vehicles in sea ports with ferry traffic and in airports with limited traffic; otherwise fixed terminals.</li> <li>- document examination instrument, with UV light, white overhead light, transmitted light, etc.</li> <li>- magnifying glass x 8/10</li> <li>- retro-reflective lamp</li> <li>- stamps. Pursuant to the Common Manual, Schengen entry and exit stamps will be provided to all BCPs. Information on lost or stolen stamps must be given as quickly as possible to</li> </ul>	<p>Car numberplate imaging system</p> <ul style="list-style-type: none"> <li>- truck scanning facility</li> <li>- radioactivity sensors</li> <li>- mobile/stationary X-ray machine</li> </ul> <p>Number of stamps should be listed for the different officers</p>

Recommendations	Best practices
<p>Schengen States</p> <p><b>5.1.3. For in-depth checks in the second line</b></p> <p>Questioned Document Examination System for authentication of travel documents with infrared and ultraviolet light, filters, etc.</p> <ul style="list-style-type: none"> <li>- stereo magnifying glass, for example x 40</li> <li>- identification equipment and material (including template to compare stamps)</li> <li>- Common Manual</li> <li>- handbook containing genuine and false passports and ID documents</li> </ul> <p><b>communications equipment</b></p> <ul style="list-style-type: none"> <li>- availability of sets and telephones to communicate during border checks to consulates or other authorities in the Schengen States</li> </ul> <p><b>5.1.4. Mobile equipment</b></p> <p>Mobile equipment should be used at border crossing points where there are no fixed positions. The mobile equipment should contain:</p> <ul style="list-style-type: none"> <li>- hand-lamp with UV light</li> <li>- mini-microscope x 30</li> <li>- magnifying glass x 8/10</li> <li>- retro-reflective lamp (3M.laminate)</li> </ul>	<ul style="list-style-type: none"> <li>- image transmitting device</li> <li>- availability by electronic means of the Common Manual</li> <li>- availability by electronic means of images of genuine, false/falsified documents</li> </ul>

Recommendations	Best practices
<ul style="list-style-type: none"> <li>- hand-lamp for overhead light, transmitted light (Mini Maglite or similar)</li> <li>- template to compare stamps, etc.</li> <li>- stable access to SIS should be provided</li> </ul> <p data-bbox="188 600 494 631"><i>5.2 Border surveillance</i></p> <p data-bbox="150 707 718 904">Observation and detection material which provides adequate surveillance of terrain in all seasons and weather conditions (day and night)</p>	<ul style="list-style-type: none"> <li>- mobile SIS terminal</li> <li>- mobile document readable device</li> </ul> <p data-bbox="772 761 1366 1563">A highly centralised technical surveillance system that detects and identifies (camera) the target and enables immediate reaction (patrol). The system is based on sensor fields that consist of different types of sensors (stable and portable) such as active and passive IR-beams, radars, cameras, seismic sensors, etc. The sensor fields and/or individual sensors are installed in accordance with the existing local situation. The system itself is controlled centrally with or by a computer in the OP centre that is capable of commanding and controlling active patrols and requesting reinforcements when necessary.</p> <p data-bbox="772 1644 1347 1729">thermographic cameras (portable, stationary and/or vehicle-based)</p> <p data-bbox="772 1751 1308 1787">binoculars, short and long-range versions</p> <p data-bbox="772 1863 1347 2056">depending on the local situation, compatible devices based on radio transmission, telephone system and/or data connection are advisable with the neighbouring country</p>

Recommendations	Best practices
<p data-bbox="188 215 552 248"><i>5.3 Transportation/Mobility</i></p> <p data-bbox="150 327 724 517">Providing transportation depending on local infrastructure, regional conditions (weather, topographic situation, density of population) manpower and migration flows</p> <p data-bbox="150 595 708 685">Transportation services should be available day and night</p> <p data-bbox="188 763 644 797"><i>5.4 Communication and encryption</i></p> <p data-bbox="150 875 700 965">Make provision for procedures for secured communications between services</p>	
<p data-bbox="150 1043 496 1077"><b>6 Internal coordination</b></p>	
<ul style="list-style-type: none"> <li data-bbox="150 1155 639 1346">- <i>coordination between different national services</i> (police-customs-border guard, transportation authorities)</li> <li data-bbox="150 1368 724 1514">- direct and immediate interchange of information between BCPs and border surveillance force</li> </ul>	<ul style="list-style-type: none"> <li data-bbox="772 1368 1362 1626">- meeting between heads of services, at all levels especially at international airports, regular meetings between heads of services, including airport authorities and civil aviation authorities</li> <li data-bbox="772 1648 1011 1682">- joint database</li> <li data-bbox="772 1704 1059 1738">- joint risk analysis</li> <li data-bbox="772 1760 995 1794">- joint training</li> <li data-bbox="772 1816 1347 2063">- integrated approach involving all authorities for tackling the problems of illegal immigration agree on a decision-taking mechanism at the appropriate level</li> </ul>

Recommendations	Best practices
	<p>common operations with joint leadership</p>
<p><b>7 Different kinds of international cooperation</b></p>	
<p>According to the type of borders (land, sea, air) international cooperation can be shaped through bilateral or multilateral agreements, regional cooperation, liaison officers and networks as well as transportation authorities. These agreements should preferably be concluded in a written form.</p> <p>7.1.1 At international level, border management should be regulated in bilateral agreements (<b>land borders</b>)</p> <p>7.1.2 information exchange with other Schengen States on maritime borders (<b>sea</b>)</p> <p>7.1.3 information exchange with the immigration authorities at the <b>airport</b> of origin/transfer</p>	<p>- Document advisors/Liaison officers to detect false or falsified documents in the consulate or airports of origin and transit (cfr. SCH/Com-ex (98) 59 rev)</p> <p>Participation in the IATA Control Authority Working Group</p> <p>Build up a working group of specialised immigration officers at the main international airports for tackling illegal immigration by</p>

Recommendations	Best practices
<p data-bbox="188 1310 518 1346"><i>7.2 Regional cooperation</i></p> <p data-bbox="225 1368 703 1563">support the neighbouring border authority through exchanging information and transmitting facts of interest to it.</p> <p data-bbox="188 1641 448 1677"><i>7.3 Liaison Officers</i></p> <p data-bbox="225 1753 730 1948">establishment of a liaison office for the exchange of information on the basis of conventions or national law</p>	<p data-bbox="772 215 815 241">air.</p> <p data-bbox="772 324 1342 1070">In order to allow a better cooperation and a better exchange of information between the Border Guard services and the air travel companies, as well the services that have to ensure the security of the air space it is advisable that Airport Border Guard Units participate in the ECFALIS system (European Civil Aviation Conference Facilitation Information System on Illegal Immigration). In this context, it must be stressed that all information with police interest should be diffused to friendly agencies after sensitive or classified items have been erased.</p> <p data-bbox="772 1753 1302 1789">- cooperation between liaison officers</p> <p data-bbox="772 1865 1337 2007">Nordic cooperation between liaison officers could serve as an example for a future network.</p>

Recommendations	Best practices
	Use of EISICS is seen as a meaningful practice.
<b>8 Rules and procedures</b>	
<p><i>8.1 General aspects</i></p> <p>It should be stated that entry and exit checks are to be performed systematically.</p> <p>Exceptions to border checks are possible only under special circumstances (this applies only at sea and land borders)</p> <p>National legislation to allow the relevant authorities for border checks and surveillance the legal possibility of patrolling, surveying and investigating border-related crime, without limiting it to the close border area</p> <p><i>8.2 Rules for minor border traffic</i></p> <p>Bilateral agreements are the basis of minor border traffic between neighbouring countries; in any event, information should be communicated to other Schengen States.</p> <p><i>8.3 Rules for issuing visas at the border (B and C visas)</i></p> <p>Visas should in principle be issued at consulates. Only in exceptional circumstances may they be issued at BCPs.</p> <p>There should be a general manual valid for all BCPs describing the steps to be carried out</p>	<ul style="list-style-type: none"> <li>• decision to be made by a senior officer or official of a higher authority</li> </ul> <p>In addition to the compulsory use of SIS and the national database, recourse should be had</p>

Recommendations	Best practices
<p>for a visa to be issued at the BCP.</p> <p>all available national and Schengen State information should be used to make a proper decision</p> <p>the decision and the major reasons underlying it should be placed on file</p> <p>necessary contacts and participation involving other Schengen States to be carried through in a standardised way</p> <p><i>8.4 Seamen in transit</i></p> <p>The rules applicable for seamen in transit are described in Schengen Com-ex decision (96) 27</p> <p><b><i>Operational aspects of fighting cross-border crime</i></b></p> <p>The operational dimension in fighting cross-border crime is important in border management.</p> <p>It is therefore important to have legislation which affords all relevant authorities</p>	<p>to information from other services</p> <p>set up specialised multidisciplinary units for fighting border-related crime</p>

Recommendations	Best practices
<p>(Border Guard, police, customs, judiciary, etc.) the legal possibility of preventing and detecting border related crime, without limiting it to the close border area.</p> <p>Schengen States should describe the framework they have adopted to fight cross-border crime, which:</p> <ul style="list-style-type: none"> <li>- should be based on an analysis of the different types of crime and</li> <li>- should include an overview of all relevant factors, such as personnel, equipment and training as well as cooperation between national and international services</li> </ul>	
<p><b>9 Particular cases for certain types of border</b></p>	
<p><i>9.1 Maritime borders</i></p> <p>9.1.1 Risk analysis</p> <p>The volume of vessel movement is usually high in relation to the resources available for checks. Tactical risk analysis is therefore essential at blue border surveillance to meet the demands set out under the Common Manual Part II, point 2.2. Vessel movements should be monitored and vessels identified. Identifications (names of vessels) should be checked against background information</p>	<p>VTMIS or similar system is used to cover large maritime areas, where all major traffic remains as identified targets. The authority responsible for maritime border police duties has real-time access to VTMIS. For details, it is referred to the best practice described under 1.1.6. "Situational awareness and reaction capability"</p>

Recommendations	Best practices
<p>containing knowledge on risky vessels. The level of checks on each particular vessel should be decided according to this reference. The same procedure should be applied to crew and passenger lists.</p> <p>The command with operative responsibility for a defined area should maintain reasonable risk levels against known or possibly prevailing irregularities. This should take place in all areas and on all flows of traffic. To this end, the performance of border management authorities' duties should be adjusted in accordance with fresh knowledge of risk factors. This basically concerns medium-term planning in the operational command. Medium-term methods of evaluating the situation and adjusting countermeasures can be called <b>operative risk analysis</b>.</p> <p>The operational command should have a realistic picture of prevailing irregularities in the area of responsibility. To that end, figures or estimates should be arrived at for the following:</p> <ul style="list-style-type: none"> <li>• type and volume of all vessel movements between the open sea and coast</li> <li>• volume of actual checks directed at different types of vessel movement</li> <li>• (based on above) the level of risk of being caught illegally crossing a border</li> <li>• volume and type of detected irregularities</li> </ul>	<p>Formalise where possible cooperation with carriers in Memoranda of Understanding or in Agreements</p>

Recommendations	Best practices
<ul style="list-style-type: none"> <li>• volume and type of estimated undetected irregularities.</li> </ul> <p><b>Cooperation with third parties</b></p> <p>Cooperation with all type of carriers should be strengthened</p>	
<p>9.1.2 Cargo ships</p> <p>100% administrative checks should be carried out in advance. Based on these checks and available intelligence, a risk analysis should be made. High-risk vessels to be checked physically, immediately upon arrival. Control duties consisting of face-to-face checks of persons on board and/or physical search of ship.</p> <p>If information concerning the crew and passengers is not available in advance, the ship should be physically met immediately upon arrival.</p> <p>Passengers should always be checked face to face.</p> <p>In cases of special risk, vessel to remain under constant control of authorities during its stay in a Schengen port. All persons boarding and leaving the ship to be checked face to face. Information on high-risk vessels to be relayed to the ship's next Schengen port of destination through the CIREFI early-warning system.</p>	<p>Participation in the EISICS system</p>

Recommendations	Best practices
<p data-bbox="225 212 483 248">9.1.3 Cruise ships</p> <p data-bbox="150 322 732 741">In principle, the Schengen acquis requires a face-to-face check to be made for all passengers on board cruise ships at first and last port of entry. As a general rule, the passenger must meet all necessary entry or exit preconditions. However, the regulations concerning special circumstances will warrant a lower level of checks if:</p> <ul data-bbox="150 763 743 1077" style="list-style-type: none"> <li data-bbox="150 763 743 853">• there is a very large number of passengers on board,</li> <li data-bbox="150 875 743 965">• only limited time is available for checks, and</li> <li data-bbox="150 987 743 1077">• there are good grounds for believing the vessel with its passengers to be low-risk.</li> </ul> <p data-bbox="150 1151 743 1406">Under these conditions, administrative checks only in the first and last Schengen port are acceptable. This requires, at the very least, that an SIS query is made on third-country nationals and their passports stamped.</p> <p data-bbox="150 1480 743 2011">If the check shows on-board persons to be refused entry to the Schengen territory, special measures are necessary and in the mutual interests of Schengen States and shipping companies. The authorities should ensure that the person remains on board and leaves the port on the vessel. Information on such persons should be relayed to the next Schengen port of destination of the ship, where a similar procedure will apply.</p>	

Recommendations	Best practices
<p>If a cruise ship is a risk in terms of illegal crossing of the external border, special measures are necessary and in the mutual interests of Schengen States. Such a vessel should remain under constant control by the authorities during its stay in a Schengen port. All persons boarding and leaving the ship should be checked face to face. In order to embark or disembark, each passenger should meet all necessary preconditions of entry or exit. Information on such ships should be relayed to the next Schengen port of destination of the ship, through the CIREFI early warning system. In the next port, a similar procedure will apply.</p> <p>The lighter checks described above should in no way prevent authorities from carrying out more thorough checks anywhere in subsequent ports.</p> <p>Cruise passengers should hold a visa complying with the same rules as other persons when entering the Schengen territory.</p>	
<p>9.1.4 Fishing vessels</p> <p>Monitoring should be carried out to ensure that fishing vessels coming from third countries follow the correct procedure.</p> <p>The Schengen acquis allows administrative checks on crew members, if they can be regarded as seamen. Nevertheless, recourse</p>	<p>Exchange of information is arranged between Schengen States and neighbouring third states. The third state reports inter alia vessels that are leaving its territory and, especially, boats that have avoided exit checks when leaving Schengen territory.</p>

Recommendations	Best practices
<p>should be had to face-to-face checks and/or physical search of the vessel whenever deemed necessary by risk analysis.</p> <p>In addition, coastal fisheries mentioned in the Common Manual, Part II, point 3.4.4.4 should be checked occasionally in accordance with proper risk analysis.</p>	
<p>9.1.5 Pleasure boats</p> <p>Monitoring should be carried out to ensure that pleasure boats coming from third countries follow the correct procedure.</p>	<p>Exchange of information is arranged between Schengen States and neighbouring third states. The third state reports inter alia boats that are leaving its territory and, especially, boats that have avoided exit checks when leaving the Schengen territory.</p>
<p>9.1.6 Ships with a large number of illegal immigrants on board</p> <p>Emergency plans should be set in place to handle ships with a large number of illegal immigrants on board, covering the following aspects:</p> <ul style="list-style-type: none"> <li>• apprehending the persons responsible for illegal transportation with a view to further judicial measures</li> <li>• apprehending all persons on board in order to take responsibility for the immigrants with a view to repatriation and in order to guarantee their health and</li> </ul>	<p>A government body is nominated for inter-ministerial and inter-agency coordination. This body possesses the necessary parallel representative sub-bodies at regional and local levels to facilitate coordination and the clear division of responsibilities. Adequate powers and resources are made available to this structure and especially to those regional bodies responsible for carrying out physical measures.</p> <p>This structure is held in readiness to facilitate</p>

Recommendations	Best practices
<p>protection rights</p> <ul style="list-style-type: none"> <li>relaying information on high-risk vessels to other Schengen States by EISICS and the CIREFI early warning system</li> </ul>	<p>implementation of recommended practice.</p> <p>Local and regional authorities maintain consistent plans for their participation and cooperation. These plans are regularly tested and developed as instructed by the government coordinating body.</p>
<p>9.1.7 Stowaways</p> <p>In order to combat the phenomenon of stowaways, authorities should adopt preventive measures against unauthorised boarding/leaving of ships.</p>	
<p>9.1.8 Fake crews</p> <p>In order to combat fake crews as a means of illegal entry, authorities should carry out intelligence operations, exchanges of information, investigative measures and prosecution.</p>	
<p>9.1.9 Seamen's identity document</p> <p>When issuing seamen's identity documents, close attention should be paid to the security features of the document.</p>	<p>The security features of the document are as for national passports.</p>
<p>9.1.10 Transiting seamen</p> <p>Under the acquis, the captain or the shipowner's agent should inform the</p>	<p>The captain or the shipowner's agent should inform the border management authorities as</p>

Recommendations	Best practices
<p>authorities in charge of border management at the port of entry of the arrival of seamen in need of a transit visa and any other changes in crew composition.</p> <p>The border management authorities should check the accuracy of the data provided by the captain or the shipowner’s agent.</p> <p>The authorities can issue transit visas to seamen only after careful verification of the data provided by the shipowner and confirmation by the authorities of the place where the ship is moored or is expected to moor .</p>	<p>soon as possible and always at least three days prior to the arrival of the seamen, in order to expedite procedures for issuing transit visas.</p> <p>A unit on duty 24 hours a day will be set up to give swift, coordinated answers to requests for transit visas for seamen made at the border.</p>
<p>9.1.11 EISICS</p> <p>Vessels and their crew and passengers should be thoroughly checked in the first port of arrival in the Schengen territory. If the vessel's next stop will also be in a port of a Schengen State using the EISICS system, then the border management authority of the first Schengen State should, when the vessel is leaving that state, fax the EISICS form to the next port. The EISICS form should list all the relevant information gathered by the border management authority on the vessel. The border checks in the next port can be less thorough, based on the information received in the EISICS form.</p>	<p>All Schengen States should join the EISICS system, which should be computerised, in order to ensure that information is protected and sent on quickly to the relevant border management authority.</p>

Recommendations	Best practices
<p><b><i>Electronic data interchange</i></b></p> <p>Schengen States should encourage the use of electronic data interchange (EDI) at their maritime borders. Electronic data, inter alia to identify crew members, passengers, stowaways – as well as their travel documents – on board a vessel, transferred in good time, should act as a binding substitute for all paper documents in use at the border of a Schengen State.</p> <p>Use of EDI should be facilitated by harmonising and standardising legislation on binding force or consequences. Border authorities of the Schengen port where a vessel is leaving its berth should transfer the updated electronic data in good time to the authorities of the next Schengen port of destination.</p>	
<p><i>9.2 Air borders</i></p> <p>9.2.1 Crews</p> <p>Crews should be checked systematically</p> <p>9.2.2 Cargo flights</p> <p>Systematic check should also be applied for crews of cargo flights</p> <p>9.2.3 Procedure for transit passengers (airport )</p> <p>A separate transit area for non-Schengen passengers should be available</p>	<p>have a special facility for priority checks on crews</p> <p>officers should go to cargo flights to meet the staff</p> <p>Possibility to perform checks in the (international) transit zone</p>

Recommendations	Best practices
<p>9.2.4 General aviation</p> <p>-----</p>	<p>-----</p>
<p><i>9.3 Checking of trains</i></p> <p>Trains should be under proper and continuous surveillance from border to border check point. Actual border checks may be carried out on the moving train, or at the railway station either on board the train or in the fixed premises used specifically for those purposes. Border management authorities should have effective tools to check travel documents and consult online databases at their disposal in all cases. All passengers and crew (and train) should be checked according to Schengen rules (Art. 6 of the Schengen Convention).</p>	<p>Trains should be under continuous surveillance from border to border check point (e.g. patrols, technical surveillance, video).</p> <p>Platform area for external traffic trains to be physically separated from internal traffic ones. Possibilities of avoiding border checks should be prevented and arrival area should be under proper control.</p> <p>Pre-frontier checks together with border authorities of neighbouring third countries may be effective, if the relevant jurisdictional requirements are met and reciprocal trust exists between (a) neighbouring countries and (b) between the Schengen partners.</p> <p>Agree on cooperation with train carriers. This cooperation should, where appropriate, be formalised by providing a list of passengers to border authorities in good time beforehand.</p> <p>mobile SIS equipment on trains (checks before crossing the border and on hotspots)</p>

## **PART TWO: REMOVAL AND READMISSION**

### **1. INTRODUCTION**

The fight against illegal immigration is a major concern for all the Member States of the Union. Freedom of movement within the Schengen territory requires a corresponding reinforcement of the external borders around that territory, and an effective and dissuasive policy on the removal of illegal aliens.

Article 23(1) of the Schengen Convention states that third-country nationals (ie non-EU and non-EEA nationals) who do not fulfil or who no longer fulfil the short-stay conditions applicable within the territory of a Schengen State shall normally be required to leave the territories of the Schengen States immediately. When departure is not voluntary, or if the immediate departure of the third-country national is necessary for reasons of national security or public order, removal is to be carried out in accordance with the national law of the Schengen State in which he was apprehended.

Thus, while the Schengen Convention clearly states the need for removal, the Schengen acquis on the subject is very limited as the Schengen States are free to define the circumstances and implementation of such measures.

Some harmonisation of legislation has taken place in the context of Directive 2001/40/EC, cited above, on the mutual recognition of decisions on the expulsion of third-country nationals, the aim of which is to ensure more effective enforcement of these measures and better cooperation between Member States.

The method used to draw up the document was firstly to establish a snapshot of existing national practices and then to choose from this range those practices which seemed to be moving in the direction of greater effectiveness. The list thus drawn up is indicative and non-exhaustive.

<b><u>RECOMMENDATIONS</u></b>	<b><u>BEST PRACTICES</u></b>
<p><b>2. REMOVAL MEASURES</b></p>	
<p>These should comply with the rule of law and be based on law.</p>	<p>Effective removal from the territory.</p>
<p>These should be adopted in compliance with the provisions laid down in:</p>	<p>To achieve this, combine the measure, if appropriate, with a ban on the third-country national returning to the territory for a sufficiently long period and incorporated into the SIS in order to be dissuasive.</p>
<ul style="list-style-type: none"> <li>– the European Convention on Human Rights of 4 November 1950,</li> </ul>	<p>Failure to comply with a ban on returning to the territory could incur sanctions.</p>
<ul style="list-style-type: none"> <li>– the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984,</li> </ul>	
<ul style="list-style-type: none"> <li>– the Geneva Convention relating to the Status of Refugees of 28 July 1951 and the Protocol of 31 January 1967,</li> </ul>	
<ul style="list-style-type: none"> <li>– the International Convention on the Rights of the Child of 20 November 1989,</li> </ul>	
<ul style="list-style-type: none"> <li>– the Charter of Fundamental Rights of the European Union of 13-14 October 2000.</li> </ul>	
<ul style="list-style-type: none"> <li>– <u>Objective</u>: To achieve the return of the third-country national subject to the measure to his country of origin or to a country which will admit him.</li> </ul>	

<p>– <u>Two types of decision:</u></p> <p>– Administrative based on:</p> <p>the failure to comply with rules on entry or residence of third-country nationals,</p> <p>a threat to public order or national security.</p> <p>– Administrative or judicial sanction in connection with criminal offences of a certain level of seriousness.</p> <p><b>Guarantees granted</b></p> <p>Possibility for the detained third-country national to appeal against the measures imposed on him.</p> <p><b>3. PERSONS CONCERNED</b></p> <p><b>3.1. Illegal third-country nationals</b></p> <p>If the third-country national does not comply with this decision, he should be removed.</p>	<p>Allow the third-country national to exercise the rights granted to him.</p> <p>In this case the decision requesting him to leave the territory may be followed up with a check on departure from the territory.</p> <p>If the third-country national does not comply with the requirement to leave the territory, he should be placed on both the national and, if appropriate, SIS wanted persons lists.</p> <p>To ensure the credibility of the system, deliberate resistance to removal may be subject to specific sanctions, which will</p>
---	--

<p><b>3.2. Third-country nationals whose presence constitutes a threat to public order or national security</b></p> <p><b>(1-2): Particular case of unaccompanied minors</b></p>	<p>obviously not affect the initial removal order, which should be enforced.</p>
<p><b>The following recommendations or best practices are only applicable to the extent that they are allowed by the national legislation of each Schengen State.</b></p>	
<p>- The removal of unaccompanied minors while ensuring the best interests of the child and respect for the provisions of the International Convention on the Rights of the Child of 20 November 1989.</p>	<p>- The removal of unaccompanied minors as soon as possible while preserving the interests of the child. As far as possible ensure that minors are accompanied and taken charge of upon arrival.</p>
<p><b>4. IMPLEMENTATION OF REMOVAL MEASURES</b></p> <p><b>4.1. Identification</b></p> <p>- Identification, particularly by the fingerprinting of third-country nationals subject to a removal measure.</p> <p>- <u>Inclusion in a data file</u> of third-country nationals who apply for a visa or residence permit. To be implemented in the future. (Conclusions of JHA Council on 20 September 2001).</p>	<p>Establishment of a national third-country nationals file.</p>

- For the purposes of non-admission, complete the record by indicating grounds.

#### **4.2. Detention**

Third-country nationals who constitute a threat to public order or national security must be detained during the period preceding implementation of the removal order.

This is necessary when the person cannot be removed rapidly, in particular because he does not possess a travel document.

Detention may be used to prevent the third-country national avoiding a measure for his removal and to prepare for implementation of the measure.

- Need for specific premises

Third-country nationals subject to a removal order must in principle be held in special centres with a proper legal status distinguishing them very clearly from prison institutions, equipped with facilities which guarantee accommodation and hygiene conditions respecting human dignity. The facilities should also allow those detained there to exercise their rights (interpreters, visits, health care, etc.).

- Guarantees

Possibility for the detained third-country national to appeal against the measures imposed on him.

<p>- Minors They can be detained only in specific cases and in compliance with the International Convention on the Rights of the Child of 20 November 1989.</p> <p>- Duration The duration of the period of detention of third-country nationals is a decisive factor in the removal measure, the aim being to allow the service responsible for removal the time strictly necessary for practical organisation of the departure.</p> <p><b>4.3. Issue of consular laissez-passers</b> Laissez-passers obtained from consular authorities within time limits compatible with the periods of detention.</p> <p>To this end, strengthen consular cooperation</p> <p><b>4.4. Financing removals</b></p> <p>Examination of the possibility of the costs of removal being borne by:</p> <ul style="list-style-type: none"> <li>- the third-country national himself;</li> <li>- the facilitators.</li> </ul>	<p>It would be appropriate to provide for alternatives to detention for minors.</p> <p>This objective justifies an appropriate period of detention.</p> <p>Use all appropriate means, including consular authorities visiting detention centres.</p> <p>Examination of the possibility of the costs of removal being borne by:</p> <ul style="list-style-type: none"> <li>- the third-country national himself;</li> <li>- the person who provided accommodation for the third-country national or by whoever sponsored the third-country national in a sponsorship declaration when the third-country national was issued with a visa or residence permit;</li> <li>- the person employing the third-country</li> </ul>
---	--

<p><b>4.5. Escort</b></p> <p>Where necessary, escorts are provided by officials specially trained for the task.</p> <p>The removing State should conduct a risk assessment of the person being removed to determine whether the use of escort is required, and if so, the number of escorts necessary.</p> <p>The carrier involved in the actual execution of the removal should be informed about the results of the risk assessment in accordance with the Chicago Convention of 7 December 1944 and the standards and recommendations adopted by ICAO.</p>	<p>national illegally; - the facilitators.</p> <p>Possibility of charging the removal and detention costs to the abovementioned people.</p> <p>- Possibility of sanctions if they do not pay.</p> <p>The introduction of special European charters could contribute to improving the removal arrangements.</p>
<p><b>- Readmission</b></p> <p>Readmission agreements generally provide for two categories of persons who may be readmitted: the country's own nationals, and nationals of third countries. There may also be provisions on transit.</p>	<p>Develop cross-border cooperation between all of the competent authorities concerned.</p>

<p>Readmission makes the Member States and the third States responsible for controlling their borders efficiently.</p> <p>This special procedure consists of removing illegal third-country nationals in State A to State B which is their State of origin and/or transit, and of requiring the latter to receive them.</p> <p>Readmission takes place at particular points determined in each agreement. It is indispensable that the authorities of the readmitting State should be physically capable of accepting returnees as soon as the decision of acceptance is taken.</p>	<p>Introduce effective readmission policies using all means available whether in legal instruments (readmission agreements, introduction of readmission clauses into other kinds of agreement, etc.) or in practical terms.</p> <p>Response to the readmission request as soon as possible.</p>
---	---

