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Manual

UN Border Policing

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DPO MANUAL
ON
UNITED NATIONS BORDER POLICING

ANNEXURES

A. PURPOSE AND RATIONALE

1. This Department of Peace Operations (DPO) Manual on Border Policing (hereinafter referred to as 'the Manual') highlights the fundamental principles and approaches to United Nations police's (UNPOL) border policing, management, and security activities.

2. The overall purpose of the Manual is to provide guidance to the UNPOL in the execution of border policing and management functions or in support of host-State counterparts in these efforts. The Manual is designed, as an integral part of the UNPOL Strategic Guidance Framework (SGF), to enhance the effectiveness of UN policing through more consistent, harmonised approaches to the provision of border policing and management. By defining a standardised set of principles and concepts the Manual assists mission planning and operations for United Nations' police operations amid an expanding portfolio of developing roles, responsibilities, and tasks.

B. SCOPE

3. According to the mandate UNPOL officers are frequently tasked with an operational support role to the host-State police and other law enforcement agencies in addressing the full spectrum of criminal threats including those posed by serious and organised crime, terrorism, and corruption, while supporting communities and facilitating their lawful conduct. On occasion, UNPOL officers are also mandated to provide border policing and management services either in substitution for the host-State border guard, police or other law enforcement agency on an interim basis or more frequently, UNPOL officers advise host-State counterparts on creating or strengthening their border policing to address issues related to transnational organized crime and human rights-based and gender-responsive measures to migration under capacity-building and development mandates.

4. Border management must find a balance between facilitating the legitimate movement of people and goods across international borders, while preventing activities that are criminal, to the extent that they are harmful for human rights. In peace mission settings good border management will facilitate the (re-)establishment of cross border trade, contacts between communities and families that may find themselves artificially divided by former political borders, transhumance migration by nomadic groups and the displacement of persons in need of international protection. At the same time, it needs to help address the human trafficking, ensuring protection, support and non-punishment of victims, or the illegal trafficking of weapons, drugs or unlawfully exploited natural resources. Protection-sensitive entry systems are necessary to ensure that border procedures do not adversely affect the ability of persons with international protection needs to seek asylum and to access other relevant mechanisms to address their needs. These are systems that consider the protection needs of individuals seeking access to State territory and the duty of States to respect their obligations under international human rights and refugee law, including the principle of non-refoulement. Protection-sensitive entry systems ensure that legitimate measures to control entry are not applied arbitrarily and that they allow asylum-seekers and other groups with specific protection needs to be identified and granted access to a territory where their needs can be properly assessed and addressed.[1] Border management also address transnational illegal activities facilitated or prompted by porous borders.

5. The scope of the mandate will determine to what extent UNPOL officers are involved in the processes and approaches contained herein. To offer an overview of the broad spectrum of tasks that UNPOL officers may be required to perform, this Manual assumes an interim executive mandate for border policing assigned to UNPOL.

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[1] UN High Commissioner for Refugees (UNHCR), *The 10-Point Plan in Action, 2016 Update, Chapter 3: Protection-Sensitive Entry Systems*, December 2016, available at: https://www.refworld.org/docid/5841835c4.html

C. GUIDING PRINCIPLES

6. **Respect for Human Rights**

   6.1. All UNPOL activities of crime prevention, detection and investigation, protection of persons and property, maintenance of public safety and law and order – shall be guided by the obligation to respect and protect human rights, norms, ethics and standards in crime prevention and criminal justice, human rights, international refugee law[2] and international humanitarian law. In all aspects of their operations, United Nations personnel shall comply with human rights standards and shall be prepared to intervene, including the use of force where mandated, to stop on-going human rights violations and to protect civilians. There shall be a clear agreement and understanding of the responsibilities of the UN police and the host-State authorities and in the provision of support to host-State police and other law enforcement agencies and their operations in adherence to the United Nations Policy on Human Rights Due Diligence on UN Support to non-UN Security Forces – HRDDP (Human Rights Due Diligence Policy 2013)

7. **Gender Equality**

   7.1. UNPOL components shall ensure that gender equality and Women, Peace & Security (WPS) mandates are mainstreamed in all their activities and those conducted in support of the host-State police including the prevention, detection and investigation of crime, protection of persons and property, and the maintenance of public order and safety. UNPOL officers shall use a gender analysis and incorporate gender considerations into all aspects of their operations such as assessment, planning, management, budgeting, and capacity-development programmes. UNPOL officers shall promote a non-discriminatory and adequate representation of qualified women in the host-State police at all levels and work actively to ensure that women in the host-State police are ensured unencumbered access to equal capacity and career development opportunities. UNPOL officers shall ensure the adequate participation of women police officers in all decision-making processes.

D. THE BORDER POLICING CONTEXT

8. The goal of border control is the efficient and credible management of external borders as a part of internal and external security of the host-State. Border management enhances internal security and prevents cross-border crime. Integrated Border Management (IBM) is the modern template for border management[3]. Border agencies remain separate preferring instead to adopt a 'joint' approach to border management. The World Customs Organization (WCO) describes this as a Coordinated Border Management[4] (CBM) approach, that consisted of:

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[2] The 1951 Refugee Convention and 1967 Protocol, UNHCR
[3] The first tangible evidence of this appeared post 9/11, when in the US various border authorities merged to form the Bureau of Customs and Border Protection.
[4] Coordinated Border Management-A concept paper by Stefan Aniszewski, June 2009.

8.1. Border control (checks and surveillance) including relevant risk analysis and crime intelligence.

8.2. Detection and investigation of cross-border crime in coordination with all competent police and other law enforcement authorities.

8.3. Co-ordination and coherence of the activities of Member States.

8.4. Interagency cooperation for border management (border guards, customs, police, national security, and other relevant authorities) and international cooperation.

8.5. A four-tier access control model, namely:

    8.5.1. Measures in third countries (consular and visa services, advice and training of partner agencies)

    8.5.2. Cooperation with neighbouring countries (e.g. bilateral cooperation, visa or trade agreements)

    8.5.3. Border control (at the external border)

    8.5.4. Control measures inside the country or within an area of free movement (e.g., immigration controls, compensatory measures within the EU Schengen area)

9. There is a need to implement an approach which clearly recognizes the need for identified standards, enhanced cooperation, and coordination. This will only be possible if it sits in line with human rights standards, national affordability, fiscal self-reliance, and individual cultural post-conflict needs.

10. Maintaining secure maritime, land and airport entry/exit point is extremely challenging for many Member States. Land borders, for example, can be tremendously lengthy, porous, and difficult to monitor. Other challenges derive from the lack of financial and human resources, equipment and specialist skills, or the lack of intra-State and inter-State cooperation. UNPOL officers are usually deployed in conflict or post-conflict situations, often in areas with flows of refugees and migrants. Border control often functions poorly in such conditions, and may be further affected by socio-economic factors, widespread criminal activities, and weak host-State institutions. At the same time, corruption, bureaucracy, and political obstacles may hamper regular movement of persons and goods, with a negative impact on peace processes and reconstruction processes. In accordance with United Nations human rights standards, international refugee law and good practices, irregular migration should not be subject to enforcement measures which are disproportionate or inconsistent with international legal obligations, including with respect to people seeking international protection.

11. The basic principle of effective and efficient border policing is a system that is convenient enough to allow the legal movement of people and trade, including the entry of people seeking international protection, yet robust enough to protect the state from external threats as well as providing human rights protection to those in need. In the context of counterterrorism, effective border policing plays a significant role in combating the global terrorist threat and in preventing the movement of Foreign Terrorists Fighters (FTFs) across borders, including to and from conflict areas.

12. Good border policing prevents and detects trafficking in human being, illegal weapons, ammunition and explosives, drugs, and other illicit goods. It also acts as a deterrent and as a key link in the prosecution of local, regional, and transnational crime and terrorist groups members. Fair and effective border management also build trust among the population towards host-State institutions, thus contributing to the overall rule of law framework.

13. Border demarcation or delimitation issues between States may complicate border policing and management. Exercising sovereign authority through routine border operations at green (land) and blue (sea) borders may lead to an escalation of demarcation matters if they are under dispute. However, the failure to do so or exercising excessive caution in this regard could jeopardize the effective border controls and inadvertently assist criminal and/or terrorist organizations' members in crossing borders more easily. The improvement of cross-border law enforcement cooperation, supplemented by the implementation of effective operational practices, such as joint patrols, coordinated border surveillance, joint risk analysis and management and/or free movement agreements may help to pave the way for the confidence building and resolution of the demarcation or delimitation issues.

14. Corruption within border agencies frequently undermines efforts to counter cross-border organized crime, and terrorism (including the flow of foreign terrorist fighters (FTFs)), poses a significant risk to public safety and security, diminish the trust in law enforcement agencies and decimates the Customs incomes, that in many cases represents significant portion of State's GDP. Effective anti-corruption legislation and mechanisms are therefore required to prevent and combat this threat. Anti-corruption measures should be implemented, such as the development and provision of basic and managerial training courses, developing codes of conduct and ethics, protection of whistle-blowers, as well as elaboration of mechanisms to report border-related corruption.

15. The combination of inadequately paid and trained border policing staff employed at border crossings that are subject to extremely limited scrutiny, insufficient monitoring, oversight, and discipline is often accompanied with human rights violations being perpetrated upon the vulnerable groups and/or border communities. These include the denial of protection and/or health care, demand for bribes, harassment, physical violence, and sexual abuse in return for passage across the border5. Border management personnel may not be trained and equipped to perform, in compliance with human rights, standard operations like searches and seizures, identification and referral to appropriate channel of protection and support or ensuring that potential asylum-seekers and refugees are identified and referred to competent authorities in line with international refugee law obligations. The above may also fuel the terrorist narratives, alienate the individuals and communities from central government and lead to increased crime and support for terrorist groups.

E. COOPERATION AND COORDINATION

16. Cooperation and coordination take place at the following levels:

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[5] Council of the European Union; CIVCOM 483 (10.12.2013), p. 13. Detailed information is also available at UNOCT Handbook on Human Rights and Screening in Border Security and Management (https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/englsih-human-rights-booklet_un_13.pdf)

16.1. Intra-service level: interaction between different units within one ministry and its border management agencies/services.

16.2. Inter-agency level: interaction between different ministries or border management agencies.

16.3. International level: local cooperation on both sides of a border, bilateral cooperation with neighbouring countries and multilateral cooperation, including with international or regional organizations.

17. While border security and management, is a matter of national sovereignty and the responsibility of individual states, it is subject to the international law including international human rights, humanitarian, refugee, and trade law obligations of the State(s) concerned. National Agencies and their Officers must abide by the constraints of international law, in particular international human rights, refugee and humanitarian law, and may also consider international standards and recommendations laid down by Counter-Terrorism Executive Directorate (CTED), International Civil Aviation Organization (ICAO), International Organization for Migration (IOM), World Customs Organization (WCO), the Office of the High Commissioner for Human Rights (OHCHR), United Nations universal human rights mechanisms such as the Committee on the Rights of Migrant Workers, the International Labour Organization (ILO), the United Nations High Commissioner for Refugees (UNHCR) and other relevant international organizations. Therefore, at national, cross-border and international levels, cooperation and coordination are key to improving the management of state borders. While the agencies operating at borders are primarily border police, border guards, immigration services and customs, there are others that do not necessarily have a permanent physical presence including phytosanitary services, asylum authorities, migration services, animal and foodstuffs inspection services, human health, and safety inspection services. It is also important to note that the following may or may not be present: assistance and protection-related services, including for the purposes of referrals - child protection services, asylum agencies, psycho-social support, identification of migrants in vulnerable situations and adequate referral.

18. Additionally, other police and law enforcement agencies, ministries of foreign affairs (issuing of visas) or national security (counter-terrorism), transport or finance, port authorities, cargo vessel companies, ferries, coast guards, navy, armed forces, airlines, and railway companies may also be involved. Public-private sector/ industry cooperation /partnership can also play a key role in border policing by enhancing intelligence sharing and supporting enforcement efforts. Cooperation must therefore begin inside of each individual agency, as a lack of efficiency at that level will undoubtedly have a negative impact on both inter-agency, international co-operation, and public-private sector co-operation which in turn complicates overall international border management.

19. The police, border guard and customs services should all work together to prevent cross-border crime. To reveal and prevent cross-border crime, it is advisable for all pertinent authorities to establish joint intelligence and analysis unit or centre to keep a common situational awareness. Such units need to include all cross-border crime on land, sea, and air borders. This kind of cooperation enhances the efficiency of border checks, alien monitoring, and custom controls, and it ensures the common use and acquisition of technical equipment.[6]

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[6] More detailed in Good Practises in the Area of Border policing and management in the Context of Counterterrorism and stemming the Flow of "Foreign Terrorist Fighters", p. 13.

20. Effective border policing and management requires a clear division of tasks and responsibilities, streamlined processes and an efficient exchange of information. Therefore, being integrated and coordinated must be the priority. This concept was first applied in the context of supporting its activities in the Western Balkans during the period 2002-2006. It can therefore be summarized as, 'National and international co-ordination and co-operation among all the relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient, and integrated border management systems, to reach the objective of open, but well controlled and secure borders.[7]

21. For this model to be effective, there must be a reliable balance between the facilitation of legitimate movement of trade and travellers across borders and controlling those borders to identify and prevent cross-border crime. The attitude of UNPOL officers must be one of partnership to develop procedures to facilitate cooperation and coordination in line with the three pillars as mentioned earlier.

22. Border policing and management is delegated as an operational task under the Public Safety function for UNPOL. For developing the host-State capacities to perform this function, the Operations and Capacity-Building & Development pillars should coordinate delivery of operational support and training and reform activities. Also, UNPOL should ensure that host-State border guard/police service is legally competent to execute its tasks. In the host-State, the border guard/police service may fall under the justice, interior or defence ministry, while inspection services may be overseen by ministry or agency related to agriculture or food.

23. **Intra-service level**: Intra-service cooperation describes the cooperation and coordination of the various levels of a hierarchy within a border agency or ministry. Ineffectiveness in this area has a negative effect upon inter-agency cooperation and international cooperation. Intra-service cooperation is the basis for following two aspects in border management and security.

    23.1. Vertical aspect of intra-service cooperation, between the different administrative levels from the border agency headquarters to the units working at the borders (central, regional, and local level).
    23.2. Horizontal aspect of cooperation between the various border crossing points (BCPs) as well as inland control stations, airports and blue border units should be considered (different units of the same level).[8]

24. For national border services to effectively achieve their objectives, they must improve capabilities and increase capacities between and among their subordinate departments and units. To do this, national border services must share knowledge and introduce best practices for increasing performance of the entire organization, including enhancing efficient coordination of activities and effective cooperation among constituent parts. This requires building up relevant capacities inter-alia in the areas of communication, reporting, clear delineation of tasks and responsibilities, and workflow procedures and mechanisms.9

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[7] European Commission (2007), 'Guidelines for integrated border management in the Western Balkans – update 2007', [online], https://www.legislationline.org/documents/id/16809.
[8] Good Practices in the Area of Border policing and management in the Context of Counterterrorism and stemming the Flow of "Foreign Terrorist Fighters", p. 3-4.
[9] Ibid., p. 3.

25. **Inter-agency level:** Inter-agency cooperation describes and defines the cooperation at the central, regional, and local level (BCPs, border zones, green, air and blue borders) between and among key ministries and state agencies with different tasks related to BSM, thus minimizing overlaps and inconsistencies.

26. The goal of the inter-agency cooperation between different border management agencies, i.e., the border guard, customs, asylum authorities and police, is to improve each authority capability of carrying out its tasks in an appropriate, efficient, and cost-efficient way. These authorities can conduct authoritative actions in a cost-efficient way on behalf of each other and outside of their own area of responsibility. Furthermore, the effective broader inter-agency cooperation ensures that measures are rights-compliant / protection sensitive, helps in prevention of cross-border crime, and it enables collaboration in crime intelligence as well as the extensive common use of databases.

27. Inter-agency cooperation does not require agencies to build formal oversight structures, develop a centralized planning process, nor to homogenize agencies so that they function and react in the same manner. Rather, it is based on regular interaction and the timely exchange of information between agencies, including during their planning processes. Success is built on good relationships, established through early, broad, and multilevel interaction. Based on intelligence and risk analysis, different ministries and agencies may conduct joint operations to increase efficiency. An operational plan should include clearly defined tasks, responsibilities, communication, and reporting structure. Effective inter-agency cooperation sets the basis for better responding to large movements of people [or 'refugees and migrants'] across borders and combatting of cross-border crime and ensures the fluent cross-border traffic at the border crossing points *(Annex B).*

28. An essential factor of success in inter-agency cooperation is the common use of databases and the exchange of information between the authorities based on host countries data protection laws/regulations/rules. This enables the sharing of crucial border management information in real time while fully respecting data protection rules. Border guard, police and customs must cooperate closely to prevent and investigate crimes related to organized unlawful migrant smuggling, human trafficking, and goods smuggling. These agencies may have joint access to several databases, and the agencies' data should, as far as possible be interlinked to ensure the information flow.

29. An agreement for inter-agency cooperation between border management agencies should be drawn up covering areas such as information and data exchange obligations and mechanisms, including data protection; cooperation procedures at BCPs and inland, including joint operations and controls; joint training; guidelines for the sharing of equipment and joint procurement; and contingency plans.

30. A workflow description should be prepared for all forms of traffic and checks at BCPs, regulating the authorities of different agencies, i.e., which authority checks what and in which sequence. Procedures should include positive lists of consignments that require veterinary or phytosanitary checks to help officers determine whether to refuse or allow entry. To ensure transparency, detailed workflow, procedures, and manuals should be available for the entire staff of each agency. Inter-agency cooperation and coordination should be established among:

30.1. Different border units (green border surveillance, border crossing points, investigation units) if those are from different organisations (border guard, border police, customs, etc.)

30.2. Border guard and regular police units.

30.3. Border guard and criminal intelligence/analysis units.

30.4. Border guard and specialized units (organized crime, human trafficking, ID issuing authority, counter-terrorism, immigration/asylum etc.)

31. These Joint controls decrease the chance of duplicative or overlapping checks and reduce wait times. They can be performed during first-line or second-line control, but authorities and tasks should be clearly defined. The first line is usually border guards. Using risk analysis and observing for signs of suspicious activity, asylum seekers and possible victims of human trafficking. The first-line officer can subsequently divert the individuals or vehicles to a second-line check.

32. If a double check is necessary, border security officers should be aware of what to do if they find items relevant for other units, such as veterinary or phytosanitary inspection. Second-line control can be supported by search units and experts in different fields, e.g., stolen motor vehicles, falsified documents, smuggling of drugs, tobacco, weapons etc. Controls and procedures, including their sequence and the division of responsibility for the different tasks between various authorities should be clear for all parties. Without a clear definition/specification of activities, tasks, and responsibilities, the organization and provision of joint activities and operations, exchange of information, development of best practices (based on lessons learned), cooperation in training programmes and courses, common use of equipment and infrastructure (where appropriate), may cause friction, gaps, duplication, and rivalries at the working level.[10]

33. **Joint patrols/Inter-Agency** (border guard - customs) during green border surveillance or observation is also a useful tool to fight cross-border crime. This activity can be ad hoc or regular but should always be based on standard risk analysis. All border control efforts throughout the organization should be based on a unified control policy that is in accordance with relevant international conventions and trade agreements and clearly defines the tasks and authorities of different agencies and branches.

34. **Joint risk analysis:** There should be a realistic needs assessment regarding the type of information to be exchanged, as well as which agencies should be included in the exchange system. An important matter to take into consideration is cooperation among the various agencies regarding risk analysis, which needs to be based on reliable and up-to-date information.

35. **Joint investigations:** Given their common objective in fighting cross-border crime and protecting society from risks to safety and security, synergies between border guards and customs should be exploited as well as respective strengths by ensuring an active role for customs in police investigations, especially where fraud and the effective sharing of data and pooling of resources are concerned. For example, let us consider the ongoing worldwide phenomena of environmental crime and that of illegal logging. Effective cross-border, multi-agency community engagement models, linked to appropriate cross-border protocols and

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[10] Good Practices in the Area of Border policing and management in the Context of Counterterrorism and stemming the Flow of "Foreign Terrorist Fighters", p. 5.

locally diverse cultural dynamics can and should be encouraged. Border services should - where possible- cooperate with relevant non-state actors, who can provide help in border management. Close cooperation, mutual information exchange with passenger carriers (e.g., flight, railway, bus companies) can help increase the efficiency of border checks if sufficient oversight/mechanisms are in place and compliance with internal law obligations is ensured. The collection, analysis and/or sharing of advance passenger information and passenger name records (API/PNR) in advance (in a timely manner) by/with border services enables the execution of more complete checks before passengers arrive and additionally it can support travel facilitation by radically reducing waiting times and speeding up border checks at the border crossing point. The United Nations Countering Terrorist Travel Programme, led by the United Nations Office of Counter-Terrorism, provides comprehensive support to Member States under four key areas of work, namely legislative, operational, transport industry engagement and technical support to establish an effective API/PNR system in line with Security Council resolutions, international standards and recommended practices and human rights principles.

36. **Cooperation mechanism with trade organizations:** There is also a need to establish cooperation and two-way communication with trade carriers, trade organizations. To foster and to institutionalize cooperation, customs consultative committees should be established on a central and regional level and meet on a regular basis to discuss mutual issues. Members of committees must be representatives from trade, customs and other relevant bodies, companies. Memorandum/Note of Understanding (MoU) can be signed to establish the frame of cooperation on all levels therefore it can regulate the tasks of border crossing points, transport authorities (e.g., chambers of commerce), transporters, local freight forwarders and traders regarding to communication and information exchange. Information exchange can be various, can cover statistical figure exchange, information about cargos, new legislation, custom guidance, rules, and procedures for transit, import-export and so on. Information exchange can be helped and simplified by computerization, adequate IT infrastructure can facilitate real-time data exchange and paperless administration.

37. **International cooperation:** Land borders (as can be riverine and lake borders) are usually shared by two or more countries, so it is necessary to establish a comprehensive set of laws or agreements governing the modalities for international cooperation to facilitate trade and the sharing of information to address cross-border crime, terrorism, and irregular migration, in line with international human rights and refugee law. The institutional framework should encourage active bilateral and multilateral relations with neighbouring countries and international organizations and agencies. Enhanced international cooperation can be achieved through:

    37.1. Establishing regional inter-agency coordination platforms and communication channels.

    37.2. Establishing an institutional framework for information exchange.

    37.3. Participation in international operations and exchange programs.

    37.4. Coordination of the status (prioritization, upgrading, working hours) of BCPs to avoid one-sided inspection services and ensure the efficient use of resources.

    37.5. Establishing joint emergency plans or exercises and handling of incidents.

37.6. Establishing border guard-police-custom cooperation centres or a liaison officer system to speed up the exchange of information and to coordinate border-related activates (e.g., investigations of cross-border crimes or movement of terrorists including foreign terrorist fighters), developing ICT background to achieve a fast, real time information exchange.

38. While the central level will focus on the coordination of strategic aspects such as the joint organization of the protection of the most vulnerable border sections, cooperation at border crossings on operational issues should be carried out on a continuous day-to-day basis, including:

38.1. **One-stop shop:** One of the most effective ways to speed up the flow of traffic on the international level is the establishment of one-stop shop concept. The goal of a one stop shop arrangement is to offer customers (travellers) a convenient and efficient way to access multiple services or products in one place, reducing the need to visit multiple locations or providers. A legal framework can stipulate the tasks of different state authorities, sequence of control, use of force, rights/obligations for conducting police measures.

39. **Return, readmission, expulsion:** International cooperation and a robust system for ensuring procedural safeguards are required for the implementation of return, readmission, and expulsion procedures in accordance with international law. The main tasks are executed by the border guard who are authorized to:

39.1. Return foreigners who, after an individual assessment by the competent authority, have been found not to fulfil the preconditions for entry.

39.2. Execute transit operations of readmission and expulsion, after an individual assessment by the competent authority has been carried out.

40. **Joint patrols (International)**: International joint patrols are border-patrolling teams, which consist of two or more border officials from neighbouring States and consequently coming from different State border services (i.e., border police, border guards, customs service, coast guard), do carry out joint patrols in alignment with constitutional and national legislation. Joint patrols have long proved useful i.e., evidence-based example of good practice between Kosovo under UNSCR (UN Security Council Resolutions 1244) and Albania, particularly during the summer months) and at the same time are a visible sign of good cooperation and mutual trust.[11]

41. **Joint emergency and contingency plans:** Emergencies and contingencies can regulate standard operation procedures in case of large influxes of refugees and/or migrants, extreme security situations, environmental or public-health disasters, and the transport of weapons of mass destruction, hazardous chemicals, and waste. Plans should be reviewed and revised as needed on an annual basis. Additionally, border services should be prepared in the event it is necessary to conduct 'hot pursuit' activity across a border. A protocol or agreement and standard operating procedures signed by the concerned governments should include the detailed procedures, depth, sequence of the pursuit, means of communication, reporting

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[11] Good Practices in the Area of Border policing and management in the Context of Counterterrorism and stemming the Flow of "Foreign Terrorist Fighters" p. 15.

channels, guidance on the use of force and instructions for procedures after the apprehension of the perpetrator(s), in line with international human rights and refugee law.

F. LEGAL FRAMEWORK

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

    42.1. Areas of responsibility and concrete tasks of the agency.

    42.2. Powers and authorities, the agency is vested with to implement its tasks.

    42.3. Definitions of offences and description of penalties and actions to be taken and which authority they fall under.

    42.4. Databases and watchlists of the agency and access to databases of other agencies.

    42.5. Privacy and data protection rules and principles.

    42.6. Accountability, discipline, and oversight structures to prevent abuses, corruption and

    42.7. Delegated responsibilities: tasks which are carried out by other agencies on their behalf or vice versa (e.g., border police/ customs).[12]

43. Border surveillance and border checks are often performed by the same agency. The national legal instruments should give clear instructions on how to fulfil these two tasks in a coherent and transparent way throughout the given country. In many States these duties are regulated in a border control or border guard act, a police act, asylum and migration laws, a data protection act, laws regulating the issuance and control of travel documents and visas, laws on air, sea, rail, and road traffic and/or general laws regulating the status of civil servants, police, and other law enforcement officers.[13]

    43.1. The main legal instrument of any border management agency should describe the authority and the scope and limits of the agency's competencies at the local, regional, and central levels and it should clearly specify the tasks to be fulfilled. Since border management duties may affect basic rights of individuals being subjected to control and surveillance, the respective legislation should also provide guidance on how to fulfil the tasks while at the same time fully respecting human rights and dignity.

    43.2. While performing their tasks and exercising their powers, border police shall comply with international law and shall observe human rights and the national laws of the host-State. Also, they must fulfil obligations under international laws on the special needs of children, unaccompanied minors, persons with disabilities, victims of trafficking in human beings,

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[12] Guidelines for Integrated Border Management in European Commission External Cooperation (2010), p. 36.
[13]Ibid., p.37.

persons in need of medical assistance, refugees, and other persons in need of international protection, persons in distress at sea and other persons in a particularly vulnerable situation.

43.3. Internal orders or regulations should fine-tune the division of responsibilities and interservice cooperation within the agency[14]. Despite a clearly defined division of tasks, a host-State's national legislation should also enable smooth cooperation between their own national authorities and those of neighbouring countries.

43.4. The respective legal basis should ensure that border police are provided with adequate legal power to carry out their tasks in such a way as to prevent and discourage persons from circumventing the checks at ports of entry. The laws must ensure that border officials are vested with sufficient legal authority to conduct their duties and that the legal framework for mobile units is in place.[15]

43.5. Issues of return and asylum are of paramount concern for border management. The aim of border control is to control legal traffic and to detect illegal activities, while ensuring that people claiming or otherwise identified as potentially in need of international protection (notably asylum-seekers and refugees) are provided with information and access to it, in line with international refugee and human rights law. Concerning asylum-seekers and migrants in irregular situation, they must be afforded their full rights and legal processes, the results of which will determine whether they are governed further by the asylum, complementary protection regimes or other administrative and/or criminal regulations.

G. INSTITUTIONAL FRAMEWORK ON BORDER MANAGEMENT

44. Border Management

44.1. The names of the main border management agencies vary from one country to the next, but the core tasks are essentially the same: the surveillance of the State border as well as the control of persons and goods. In some countries, border management agencies are involved in national defence duties by controlling the territorial integrity of borders. Also, Coast Guard activities are sometimes merged within the main border management agency.

44.2. Globally, there are currently at least following five diverse ways to arrange the border security function within a State:

44.2.1.   Semi-military law enforcement organization.

44.2.2.   Agencies with combined border security and customs functions.

44.2.3.   Border security performed by specialized police agency/unit.

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[14] Guidelines for Integrated Border Management in European Commission External Cooperation (2010), p. 37.
[15] Good Practises in the Area of Border policing and management in the Context of Counterterrorism and stemming the Flow of "Foreign Terrorist Fighters", p. 8.

44.2.4.   Military force with (some) police duties; and

44.2.5.   Police and/or other law enforcement agencies with only border policing responsibility.

44.3. The development and implementation of effective border management and control mechanisms in alignment with good practices and international recognized standards at State's ports of entry, calls for the involvement of all relevant national stakeholders and development and implementation of a Border Management Strategy (BMS) and related National Action Plan (NAP). They describe relevant activities inter-alia in the areas of protection against transnational threats, counterterrorism measures, fight against cross-border organized crime, human resource management, education and training, technical equipment, including public awareness campaigns and public private partnerships to be implemented jointly by all relevant stakeholders in a coherent and cost-efficient manner. A BMS provides any government with:

44.3.1. A comprehensive overview of the current border management situation.

44.3.2. Information on border related initiatives and projects.

44.3.3. Clearly identified and defined strategic and operational goal(s) and specific objectives.

44.3.4. A tool with which to mobilise and coordinate further international assistance[16].

44.4. The main services involved in border policing and management are usually the border police or border guards, the customs and inspection services (live animals and products of animal origin; plants and plant-based products), each with its own defined responsibilities. However, some of these tasks are performed cooperatively. For example, the border guard directs the movement of people and inspects their travel documents, but they also control vehicles, which is partly the competence of the customs. Customs is responsible for goods in certain situations in co-operation with veterinary and phytosanitary services.

44.5. Border guard services are usually the main authority responsible for integrated border management. The border guards' main tasks related to border management are border surveillance at land and sea borders and border checks at border crossing points at land, sea, and air borders. The border guard prevents cross-border crime and is often the responsible authority for search and rescue at sea.

44.6. It is recommended that the border guard service be established as a specialized, unified, professional body. This could take the form of an autonomous and specialized border guard agency, or, where responsibility of upholding the border security comes under border police, force within the police structure, but with a separate budget and clear chain of command. Furthermore, the structural and organizational differences between the border control and surveillance offices should be clearly delineated, with well-defined

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[16]Good Practices in the Area of Border Security and Management in the Context of Counterterrorism and Stemming the Flow of "Foreign Terrorist Fighters" - Good Practice 13: Create National Border Management Strategies and Action Plans.

cooperation mechanisms both vertically and horizontally. Border guards should wear a distinguishable uniform while performing their tasks and exercising their powers. For the purposes of identification regarding the national authorities of the host-State, border guards should carry an accreditation document.

44.7. Customs and regular police participate in border management in addition to their main tasks. Border management and efficiency of border checks at the major border crossing points must be ensured by a functional division of labour between the border guard and customs.

44.8. Each border management agency should develop an overall border and inland control policy and action plan in corelation with BSM strategy, aimed to be implemented through their headquarters. The border control policy and Action Plan should determine and include the timelines and standards for risk analysis and selective, systematic, comprehensive and flexible controls; information flow, both top-down and bottom-up; the bodies responsible for planning (at the central, regional and local levels); cooperation with other border management agencies; cross-border cooperation; relations with trade and the public; management; personnel (human resources, required competencies and codes of ethics); training; facilities, equipment and information technology.[17]

44.9. Border management aims for the preservation of state sovereignty and territorial integrity through the protection of the external borders of a country by cooperation and collaboration of all relevant authorities and agencies, inter alia border police, border guard, immigration service, customs, asylum authorities, national security, or counter-terrorism bodies, OHCHR and UNHCR. Border management mechanism should ensure the human rights and refugee rights of all the persons crossing the borders. Border control checks at land, air and sea border crossing points, the surveillance of the border between the border crossing points are carried out to ensure the security of the border and mitigate illegal border crossing activities such as irregular entry, trafficking in persons and smuggling of illicit goods, weapons, or drugs, while ensuring access to international protection for asylum-seekers and refugees and addressing the other needs of migrants in vulnerable situations.

45. Border Police and Border Guards

45.1. Effective border policing consists of protection of human rights, protections of the vulnerable personnel, border control, checks and surveillance including relevant risk analysis and crime intelligence, detection, and investigation of cross-border crime in coordination with all relevant police and other law enforcement authorities, and international partners.[18]

45.2. Border guard/police services perform border control, i.e., activities carried out at a border, in accordance with host-State legislation, in response to an intention to cross or the act of crossing. Border control is also an essential instrument in host-State crime prevention.

45.3. Border guard/police service activities includes:

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[17] Guidelines for Integrated Border Management in European Commission External Cooperation (2010), p. 39.
[18] European External Action Service; EEAS (2017)0187, p. 6.

45.3.1. **Border checks**: Border checks are performed with the aim of maintaining border security. They are checks on persons - including their means of transport and the objects in their possession - and interviews of persons, crossing or intending to cross the border. Border checks are performed at border crossing points or, to ensure the smooth flow of legitimate trade or traffic or for other justifiable reasons, in a public transport vehicle (bus, train etc.) or other location. The facilitation of fluent border traffic should be a high priority while ensuring border security. Fluent traffic is an aspect that has an impact on the fluent flow of goods and on other dimensions beyond the scope of the BSM. Border checks consist of compulsory first-line checks (basic checks) and second-line checks (further checks that may be carried out in case of suspicion in a location separate from where basic checks are conducted). First-line checks can be basic or thorough depending on the status of the person being screened, i.e., a national of the country or of a third country, or can be eliminated for exceptions, such as for holders of diplomatic or service passports.

45.3.2. **Border surveillance:** The purpose of border surveillance is domain awareness and to maintain order and security at borders to prevent, detect, and investigate unauthorised border crossings. Border surveillance is based on a situational picture at the border area (observations made by patrols and technical surveillance). Additionally, border guards are prepared to react all activities which are covered by the agency´s mandate. The performance is a combination of human resource, technical resource, and obstacles. Obstacles could be natural obstacles or purpose-built obstacles. The aim of built obstacles is to steer the movement into areas that are possible to be controlled by technical or human resource. The location of resources should be done based on risk analysis. Border surveillance is conducted near borders and coast lines in areas of host-State border guard authority to prevent the irregular entry, trafficking, smuggling of migrants, weapons, drugs etc. into the host-State. It consists of conducting patrols or being stationed at places known or perceived to be vulnerable. The number of border guards performing surveillance should be adapted to existing or identified transnational threats and estimated risks.

46. Customs Service

46.1. A Customs Service is responsible for customs security, customs control, and customs-related crime prevention. This includes ensuring that all imports and exports comply with the laws and regulations of a country. More specifically, customs processes all the persons, animals, baggage, cargo and mail crossing at land, sea, or air border crossing points, along the land or maritime border, in the immediate vicinity of the border or international airports.

46.2. Customs officers should be present at all BCPs, except at small bilateral BCPs restricted to the border crossing of persons only and where a special agreement between border guards and customs is in place that transfers customs duties to border guards.

46.3. The main tasks of customs officers are:

46.3.1. Executing and controlling customs procedures (customs clearance) at borders and inland customs offices to facilitate the flow of legitimate passengers and trade.

46.3.2. Calculating and collecting customs duties, other import fees, value-added taxes (VAT), imported luxury-goods taxes and other forms of national revenue.

46.3.3. Controlling foreign currency exchange in import and export and hard currency tenders in international travel and cross-border traffic with foreign countries and preventing the financing of terrorist organizations.

46.3.4. Controlling the import, export, and transit of goods for which special security measures are prescribed for the protection of public health and the environment; of protected flora and fauna; and of national or cultural treasures with historical, artistic or archaeological value.

46.3.5. Conducting customs surveillance and control of customs goods based on the principle of selectivity and risk analysis.

46.3.6. Carrying out the legally prescribed procedures aimed at uncovering customs offenses and criminal acts and – if so, empowered by law imposing administrative fines.

46.3.7. Enacting original and second-degree administrative proceedings.

46.4. Within the three levels of execution of work responsibility of custom service, the primary tasks are:

46.4.1. At the Border crossing point

46.4.1.1. Security aspects

46.4.1.2. Pre-clearance, in case of risk of fraud with transit shipments

46.4.1.3. Clearance of non-commercial goods

46.4.1.4. Receiving declarations for temporary importation

46.4.1.5. Exports of goods

46.4.1.6. Data collection for risk analysis

46.4.2. Inland (within state)

46.4.2.1. Warehousing

46.4.2.2. Inward processing

46.4.2.3. Outward processing

46.4.2.4. Transit (commence/discharge)

46.4.2.5. Control of commercial goods released for free movement

46.4.2.6. Customs control for temporary storage

46.4.2.7. Processing under customs control

46.4.2.8. Temporary importation

46.4.2.9. Data collection for risk analysis

46.4.3. Central Level

46.4.3.1. Harmonization of activities among different units or branches

46.4.3.2. Data collection and risk analysis

46.5. In their daily work, customs officers have regular contacts not only with border guards but also with veterinary and phytosanitary inspectors; market inspection and consumer protection services; services responsible for environmental and cultural protection; and services responsible for confirmation of transportation and import and export licences. It is therefore of utmost interest to the customs authorities to be active in ensuring professional cooperation and coordination between all partners.

46.6. Border control veterinarians assist customs in controlling consignments of animal origin and live animals introduced into the country via a BIP. Cooperation with the border guard is limited to instances when border guards detect consignments during their controls that could be of interest to the border control veterinarians or the phytosanitary service. In addition, if there are small BCPs where neither inspection services nor the customs services are present, some of the responsibilities, the denial of entry via a non-authorised BCP, may be taken over by the border guard.

47. Inspection Services

47.1. **Veterinarian service:** The border control veterinarians perform duties of veterinary-sanitary control at BCPs regarding the import, transport and export of animals, products of animal origin, including foodstuffs, animal feed and veterinary medicines. A two-level system—in which the central level undertakes risk assessment, and the local level carries out risk management—can help to increase transparency and efficiency. Proper information flow and standardized forms can facilitate enhanced coordination between BCP veterinary units and similar inland services. These forms should contain information on:

47.1.1. Whether the consignment has been legally or illegally imported.

47.1.2. Consignments that are not approved for free movement inside the country by the BCP veterinarian.

47.1.3. Consignments in transit whose exit from the country should be controlled by the BCP veterinarian.

47.1.4. Special consignments that have only been approved for specific purposes.

47.2. Transits of products of animal origin or live animals should be carried out between BIPs, and the entry and exit of such consignments should be allowed only through BCPs linked to BIPs that are adequate regarding cross-checking, information flow/feedback and traceability of consignments. Information on rejected consignments returned to the country of export should be exchanged rapidly to prevent the reintroduction of the consignment through another BIP. This information should also be used at other BIPs to detect the same deficiencies or risks in a similar type of product or in animals. The ideal structure of the organisation responsible for veterinary checks is compact. All responsibilities related to veterinary border inspection should be brought together under one ministry; if the responsibilities are divided between several ministries, the risk of overlap and loopholes arises. The veterinary border inspection service should be situated either as a unit within the ministry or, preferably, in an agency working under the direction of the ministry. Typically, the ministry concerned is the ministry of agriculture. The BIPs should fall clearly under the responsibility of the veterinary border inspection service to ensure the undisputed authority of the ministry or agency over the BIPs.

47.3. **Phytosanitary service:** The Phytosanitary inspection service assesses the risks from the import, appearance and spread of dangerous organisms. It also develops an information and alert system; performs inspections of plants, products of plant origin, and plant-based food, fertilizers and pesticides at import, export, and transit. Phytosanitary inspection is the inspection of controlled plants and plant products imported into or in transit through a country to prevent the introduction and spreading of organisms harmful to plants and plant products. Inspectors are responsible for:

47.3.1. Documentary checks (validity of phytosanitary certificates).

47.3.2. Identity checks.

47.3.3. Means of conveyance.

47.3.4. Plant health checks and, if necessary, taking samples.

47.3.5. Issuance of phytosanitary certificates for plants and plant products presented at the border for export.

47.4. Whenever possible, these inspections should be conducted at the BCP to prevent the entry or accidental release of illegal or dangerous materials. In some cases, inspections can be carried out in another location. If further testing is required, samples should be sent to the authorised laboratory. Communication between field services and laboratories should be prompt, and cooperation on sample-taking, laboratory procedures and timeframes should be clearly regulated. There should be a single central authority responsible for all phytosanitary matters. One of its responsibilities would be to advise on relevant laws and by-laws and to establish other necessary preconditions for the work of a national plant protection organization dealing with all elements of phytosanitary matters in line with the International Plant Protection Convention.

47.5. Procedures regarding phytosanitary inspections should be followed under the supervision of customs authorities and therefore clear coordination between customs authorities and phytosanitary service is indispensable. In addition, customs officers should be aware of the tasks of phytosanitary officers and of the plants and plant

products that must be controlled or lesser amounts of regulated plants or plant products that are exempted from phytosanitary control.

47.6. **Health Service:** The health service will assess the spread of any pandemic or disease amongst the human beings. Post COVID-19 SOPs of UN and existing updated best practices around the world be strictly followed. Procedures regarding health inspections be carried out under border guards. A well communicated coordination be in place between Ministry of Health and Border guards/police.

H. BORDER POLICING

48. **Border Policing Areas**: Border Policing can be defined as the practical part of Border Management conducted by different border authorities in the Border Policing Areas at the Green Border, Border Crossing Points (BCP), Blue Border and international airports entry points.

   48.1. **Green Border:** The Green Border is the area between the BCPs along the land border line. Depending on the host countries laws and regulations there is a defined area of responsibility. The main task is border surveillance with the following activities.

   48.1.1. Patrolling.

   48.1.2. Observing/Monitoring physically or technically (helicopter, cams, detectors, drones, etc.)

   48.1.3. Checking persons, goods and vehicles and other means of transport.

   48.1.4. Documents check (e.g. passport/ID-card, visa, vehicle documents).

   48.1.5. Prevention of illegal activities (e.g., irregular border crossing, trafficking in human beings, drug smuggling, etc.).

   48.1.6. Investigations.

   48.1.7. Intelligence.

   48.2. **Border Crossing Points:** A BCP is any crossing point at land, including airports and harbours, authorized by the competent authorities for crossing a state border.

   48.3. **Blue Borders:** Blue borders or Maritime borders is the extent of the sea adjacent to the coast of a sovereign country, bound to its territory by rights of sovereignty or exploitation of its economic resources and border control. On December 10, 1982, United Nations Convention (UNCLOS), signed in Jamaica, regulated the rights and duties of States in the use of the sea and use of marine waters, establishing two main criteria:

   48.3.1. that of non-sovereignty, referring to the use of high seas indiscriminately by all nations, considering a common heritage of humanity; and,

48.3.2. the sea adjacent to the coast of a sovereign country, bound to its territory by rights of sovereignty or exploitation of its economic resources.

48.4. The United Nations Convention on the Law of the Sea (UNCLOS) introduced numerous regulatory rules for the rights of the sea, with emphasis on:

48.4.1. Territorial sea - a 12-mile strip maritime areas contiguous to the coast, where the countries exercise the full rights of its sovereignty; and,

48.4.2. EEZ (Exclusive Economic Zone) - a strip of 200 miles maritime areas adjacent to the coast, which could be explored as an exclusive economic purpose.

48.5. According to UN Handbook on the Delimitate of the Maritime Boundaries, ISBN 9789210569262, based on the UNCLOS (United Nations Convention on the Law of the Sea), the delimitation of the blue border may contain the definition, at least, of the following areas and depending on which, any given state can exercise different powers:

48.5.1. Territorial Sea: This area is measured from the straight baseline until 12 Nautical Miles (NM) offshore maximum. This breadth is to be considered as part of the mainland; therefore, any given State can exercise any Law with specific exceptions to the right of innocent passage.

48.5.2. Contiguous Zone. Starting from the end of the 12 Nautical Miles of the Territorial Sea, up to another 12 Nautical Miles. The Responsibility of any given State may exercise only measures aimed to prevent infringement of its customs, fiscal, immigration or sanitary Law. In addition, any given State may punish infringement of the previous Laws committed within its Territorial Waters.

48.5.3. Exclusive Economic Zone (EEZ). This area will not be beyond than 200 Nautical Miles from the baseline. The State has:

48.5.3.1. Sovereign rights for the purpose of exploring and exploiting, conserving, and managing the natural resources, whether living or non-living, of the waters super jacent to the seabed and of the seabed and its subsoil, and regarding other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents, and winds.

48.5.3.2. Jurisdiction as provided for in the relevant provisions of UNCLOS regarding:

48.5.3.2.1. Jurisdiction to create and use of artificial islands.

48.5.3.2.2. Installations and structures; marine scientific research.

48.5.3.2.3. The protection and preservation of the marine environment.

48.5.4. Continental Shelf (CS). It comprises the seabed and subsoil of the marine areas up to the prolongation of the land mass of the coastal State.

48.6. According to international Law any given State is entitled to empower the Law on migration from the baseline up to the territorial sea and contiguous zone. Which is defined as 24 nautical miles from the base line. This does not exclude the Border Crossing Point concept at the ports if the functioning is like the land border concept since the BCP at the port is the point of entry and exit of the regular travelling/migration. Therefore, the activities at the BCP port are well defined in the previous chapter. It is obligated under international law to establish mechanism to protect the blue border and assist persons in distress at sea who may seek international security beyond the BCP ports since the early prevention and detection may prevent any other administrative measures.

48.7. **Airport entry Borders (international airports):** A border crossing point/checkpoint at international Airports is a location manned by uniformed personnel (e.g. border guard, border police, customs) where travellers and/or goods are inspected and allowed (or denied) passage through to provide a faster and a more comfortable travel for the bona fide travellers. Uniformed personnel perform their obligated duties by segregating the travellers in different categories accordingly and guiding them to respective layers of security checks/scrutiny. To take into consideration: The border control at international airports usually goes hand in gloves with the aviation security, which in most of the countries is partial task of the Border Police (main aviation security actors are the owner of the airport, the airlines, and Border Police/Border Authority). Patrolling at the airport serves the aviation and border security.

49. Generic considerations

49.1. Situational awareness on the land border is the key to the preventive actions and operational response. The situational picture is usually built by stationary, mobile (deployable) and tactical (portable) technical surveillance equipment. Patrolling activities are in many cases crucial source of information when creating a situational picture. Detection dogs are an efficient tool in to detect old tracks and trace actual illegal border crossings. The sea area can be covered with cameras and radars. The situational picture should be assessed, analysed, and utilized in centralized command centres, which are able to share and fuse the information.

49.2. Coordinating border surveillance activities between neighbouring States in alignment with national legislation and based on mutual agreements (for example through memoranda of understanding) is crucial for effective border policing regarding cross-border cooperation.[19]

49.3. Effective surveillance of remote border areas and border zones between two official ports of entry (i.e., ground/vehicular Border Control Points, railways BCPs, harbours, airports) is required to prevent persons from bypassing official BCPs, smuggle commodities, infiltrate to conduct a terrorist attack, or attempt to enter or leave a state's territory illegally, subject to fulfilment of International Refugee Law.[20]

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[19] Good Practices in the Area of Border policing and management in the Context of Counterterrorism and stemming the Flow of "Foreign Terrorist Fighters", p. 15.
[20] Ibid., p. 7-8.

49.4. A broad and consistent presence of border officers in each area provides deterrence to terrorists and FTFs as well as other cross-border criminal activities and builds resilience in border communities against the influence of terrorist groups and criminal enterprises. A consistent security presence can also increase awareness of terrorist threats in the area among border communities and build an understanding of the local and personal impacts of activities of terrorist and transnational organized crime groups.[21]

49.5. The border guard in command of the BCP should have the appropriate number of staff to carry out effective border control. The amount can vary depending on the overall risk; the amount of cross-border traffic; together with identified intelligence-led security concerns. Border guard must always strike a balance between the need to ensure the smooth crossing of the border by persons who fulfil the entry conditions and who represent in a normal situation most travellers (for example, tourists, businesspeople, and students as well as asylum-seekers), and the need to remain vigilant to detect persons who pose a security risk or are involved in criminal activities. In high-risk areas, the reaction capability to prevent and reveal all unauthorized border crossings should be immediate. Collecting information and prompt sharing of information between BCPs, including BCPs´ of neighbouring countries, must be emphasized.

50. Specific tasks

50.1. The specific tasks of border guards to control border shall include:

50.1.1.   Carrying identity checks on all individuals crossing the border (entry and exit), including the validity of travel documents authorizing the legitimate holders to enter the country and the verification of the absence of signs of falsification or counterfeiting.

50.1.2.   Conducting checks of means of transportation and objects in the possession of individuals crossing the border in accordance with international agreements and host-State national laws.

50.1.3.   Taking the necessary measures if a person does not fulfil the conditions of entry, transit, or exit.

50.1.4.   Preventing and investigating illegal crossings of the border.

50.1.5.   Patrolling at the border.

50.1.6.   Preventing violent action against the order of the border and the facilities overseen by the border guards.

50.1.7.   Identification of persons who may wish or need to seek asylum, international protection, potential victims of trafficking, and others with specific needs, and refer to the appropriate authorities, procedures, and services.

50.1.8.   Gathering information for border security purposes.

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[21] Ibid., p.7.

50.1.9.   Exercising investigative powers in accordance with national legislation.

50.1.10. Receiving visa applications and issue visas at the border.

50.1.11. Emergency response: Border guards and police are often the first responders to various emergencies, including accidents, natural disasters, and terrorist attacks.

50.2. In general, procedures in border surveillance/border checks must be established for:

50.2.1.   Patrolling (border line, border zone) scheduled and ad hoc, and according to the type of border and means of transport.

50.2.2.   Checks of persons and, if necessary, their pet animals

50.2.2.1.   First-line (minimum and thorough) check including routine profiling and interviewing.
50.2.2.2.   Second-line check (carried out in a special location away from the location of the first line check)
50.2.2.3.   Interviewing and physical search
50.2.2.4.   Refusal of entry, detention, and removal procedures in accordance with the legislation
50.2.2.5.   Asylum-seekers

50.2.3.   Communication (equipment, calls).

50.2.4.   Cooperation with air support (helicopters, fixed-wing aircraft).

50.2.5.   Use of infrastructure and equipment, including portable technical surveillance systems.

50.2.6.   Reporting, communication, and information exchange on all levels.

50.2.7.   Documentation at all levels.

50.2.8.   Apprehension and handling of irregular migrants, investigations, addressing the immediate needs of migrants in vulnerable situation and referring to appropriate authorities/services.

50.2.9.   Deployment of staff.

50.2.10. Procedures for cases which pose a threat or would constitute a crime (responsibilities, workflow, and exchange of information with e.g., the regular or traffic police on duty in the event of a hot pursuit).

50.2.11. Contingency plans and procedures for cases requiring urgent action (including national sovereignty, search, and rescue).

50.2.12. Profiling: in addition to routine profiling undertaken by each border guard, there should be a systematic structure for the use of risk profiles as well as a

procedure for randomly selecting candidates for intensive checks (based on non-discriminatory legal provisions).

51. Equipment

51.1. Basic equipment for border guard officers, include items such as:

51.1.1.   Appropriate uniforms and boots adjusted to working conditions.
51.1.2.   Vehicles.
51.1.3.   Entry and exit stamps.
51.1.4.   Basic forgery detection equipment (ultraviolet lights, magnifiers, and reference material).
51.1.5.   Basic contraband detection tools/equipment (drug test kits, etc.)
51.1.6.   Basic search equipment (mirrors, lights, tools).
51.1.7.   Basic surveillance equipment (cameras, night vision).
51.1.8.   Communication equipment (radio, mobile phone, computer).
51.1.9.   Weapons.
51.1.10. Personal health and safety equipment (e.g., bulletproof vest).[22]

51.2. Technical tools: It is beneficial to have proper biometric data of individuals on the crossing points and following technical tools may be utilized along with the technical procedures and supporting software:

51.2.1.   Fingerprint scanner: A fingerprint scanner is one of the most used biometric devices that captures an individual's fingerprint image, which can then be used to verify their identity.
51.2.2.   Facial recognition system: A facial recognition system uses a camera to capture an individual's facial features and converts them into a digital format that can be used for identification.
51.2.3.   Retina scanner: A retina scanner captures an individual's unique retina pattern and uses it for authentication.
51.2.4.   Voice recognition software: Voice recognition software captures an individual's voice pattern and can be used for speaker identification.
51.2.5.   Iris scanner: An iris scanner captures an individual's unique iris pattern and uses it for identification.
51.2.6.   Hand geometry scanner: A hand geometry scanner measures the size, shape, and contour of an individual's hand and fingers to create a unique identifier.
51.2.7.   Signature recognition system: A signature recognition system captures an individual's signature and uses it for authentication.
51.2.8.   DNA analysis: DNA analysis is a sophisticated tool for biometric data collection that uses an individual's genetic material for identification.

These tools can be used in a variety of applications, including access control, identity verification, and criminal investigation.

51.3. When establishing BSM equipment and systems, particularly in remote areas, it is important to consider the conditions and capabilities on the ground (e.g., climatically, and territorial challenges/specialities). Advanced equipment, which requires robust

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[22] Good Practices in the Area of Border policing and management in the Context of Counterterrorism and stemming the Flow of "Foreign Terrorist Fighters", p. 49.

infrastructure, maintenance, training, and practice, might not be the best choice in all locations and contexts.

52. Training

52.1. Border management tasks are highly specialized. Accordingly, training plans need to cover basic, advanced, and on-the-job training. Said plans should also be complemented by coaching and mentoring in the field programmes. Training should be a continuous element for staff throughout their careers and be based on regularly updated curricula and manuals.

52.2. Technical tools used in border management requires appropriate training for collection, analysis, and use of biometrics. API /PNR, national and international database, etc.

52.3. A training strategy should cover a) basic training (for newly recruited), b) refresher training (for already trained), c) specialized training, d) training-of the-trainers (ToT) and e) joint training (with all the uniformed/stakeholder entities) courses.

52.4. During the planning phase for any inter-agency training activity, additional training courses to consider includes:

52.4.1. Systematic training courses to ensure targeted support to another agency, e.g., training by veterinary and phytosanitary inspectors for police and customs officers.

52.4.2. Joint specialist training in areas where the responsibilities of two or more services link, for example, issues for border guards related to customs (drug, weapons, tobacco smuggling, etc.); or work that demands both customs and phytosanitary/veterinarian expertise (e.g., smuggling of and/or unlawful import of plants, food, and animals); sensitisation for border guards/police on refugee issues and training on identifying potential asylum-seekers, providing basic information on asylum procedures, and referring to appropriate authorities and services.

52.5. Training plans also need to include the following aspects:

52.5.1. Establishment of an adequate system of cadre planning for border services reinforcement.

52.5.2. Harmonization of the training system of border servicepersons with commonly accepted international standards and best practices, including international human rights and refugee law standards.

52.5.3. Creation of plan and programme system for further improvement of gained knowledge (continual education) via specialized courses, as well as foreign language courses.

52.5.4. Modernization of educational and training centres.

52.5.5. Organization of training for managers aimed at imparting managerial skills.

52.5.6. Planning and realization of joint training for two or more border services, as well as induction courses on the basic work of other border services.

52.5.7. Data and technology: Risk analysis is the evaluation of the probability of non-compliance with legal provisions before preparing an action and after an action).

53. Community Oriented Policing (CoP) as an essential part of Border Policing.

53.1. A community-oriented policing approach should be practiced and encouraged by UNPOL officers at all levels in accordance with UNPOL Manual on Community-Oriented Policing (2018.04). The concept of which first emerged in the 1970s and has subsequently gained wide-spread support from both the law enforcement and academic communities as an effective policing approach. Problem-oriented policing and community engagement are both central to effective community-oriented policing, which is built around the idea of enhanced local accountability.

53.2. In terms of the public's experience, the common elements of strategy tend to be:

53.2.1. Police walking patrols rather than vehicular patrols.

53.2.2. Community meetings attended by police.

53.2.3. Officers assigned to a particular area have responsibility for that area and are a point of contact for community relations in the area.

53.2.4. A problem-solving approach to local issues, often in partnership with other public services, which attempts to get to the root of local problems rather than simply responding to crime by arresting individual offenders.

53.3. Community-oriented policing is a strategy for encouraging the public to act as partners with the police in preventing and managing crime as well as other aspects of security and order based on the needs of the community. It does this by demonstrating to the public that the police are prepared and committed to respond to their security concerns, value their advice, and will act in a fair, honest, and impartial manner. The police ask the public to assist them by providing information about matters of concern, including crime and circumstances that create crime, and by contributing their time and resources to crime prevention programs. In short, community-oriented policing recognizes that community problems, of which crime is one, require community solutions and support, including, most notably, the participation of women from local populations.

53.4. To develop a community partnership, UNPOL must foster public confidence and positive relations with the community, involve the community in the pursuit of better crime control and prevention, and pool their resources with those of the community to address the most urgent concerns of community members.

53.5. Adopting a community-oriented policing approach not only contributes to improved relations with local communities in border areas but can also serve as a tool for implementing a more proactive intelligence-led policing approach. Regional and local BSM authorities should be encouraged to engage with their local communities to ascertain the community's needs and educate the community on the role of the BSM authorities.

53.6. Work with border communities: mechanisms for two-way communication. As the primary providers of community-oriented policing, BCP officers need the proper organizational guidelines, training, and support from their supervisors to put this approach into practice. Some border policing and management agencies have created units specially equipped and trained to work with local communities along the borders. Normally, the heads of field and regional units also function as the main channels for communication with the local communities through participation in various local collaboration formats (such as village councils, consultative groups, etc.) or through regular meetings with formal and informal local leaders. In some cases, specifically trained and equipped officers are responsible for official communication with media, where such interaction requires proper training and sufficient experience.

53.7. Approaches to and mechanisms for applying community-oriented policing are different in various types of BCPs and along several types of borders (green, blue, air). At the same time, it is important to remember that the primary objectives of two-way communication are:

53.7.1. Gathering intelligence and preventing border-related crime.

53.7.2. Raising awareness and involving border communities in crime prevention.

53.7.3. Managing crises

53.8. Well-established relations with the media and local communities are extremely important in crisis mitigation at the border. In addition, meticulously designed mechanisms for two-way communication with local communities also provide for openness and transparency, thus contributing to better democratic oversight and the prevention of corruption at borders.

53.9. Most regional conflicts have a border-related dimension. Therefore, BSM services should also be tasked with functions related to early warning and conflict prevention. In this regard, the community-oriented policing approach can be seen as an element of such a strategy. It is important that BSM personnel are representative of the communities they work with regarding gender, social, cultural, or ethnic group, linguistic ability, etc.

I. COMPREHENSIVE NEEDS ASSESSMENT AND ACTION PLAN

54. The specific border-related objectives and tasks of a given UNPOL component need to be based upon a comprehensive needs assessment of the host-State's situation and context. Such an assessment should take into consideration political, military, security, economic, humanitarian, environmental, social, and cultural factors; it should include the land, maritime and air dimensions; infrastructure; resources; present border management structures, legislation, and operational methodologies; training; the impact of terrain and the climate; regional considerations and all other international and bi-lateral support available.

55. The needs assessment should include:

55.1.   The host-State's capacities in the border domain and its absorption capacity.

55.2.   Current and future border policing needs.

55.3.   Threats, risks, and vulnerabilities.

55.4.   Relevant stakeholders and their activities in the country as well as in neighbouring States and international organisations.

55.5.   The political, social, and cultural context.

55.6.   The extent to which the population trust the host-State's border authorities as legitimate entities of the State.

55.7.   The existence and functioning of infrastructure and equipment.[23]

This document is based on international best practices, and is intended to assist a national authority, or those invited by them, to evaluate its level of proficiency and define an action plan setting out proposed areas for development.

56. Action Plan

56.1.   Conducting border policing tasks or giving advice on it to the host country's border authorities needs to be well organized, especially in a post conflict country. There is a need for quick impact projects and short-term activities/actions to guarantee a minimum of border control at a short notice but also for mid and long-term activities/actions to guarantee a sustainable and professional development of the border policing authorities. Therefore, it is strongly recommended to develop an action plan in the very beginning of the mission. This action plan or these action plans should reflect the various levels (strategic, operational, and tactical) as well as short to long-term activities/actions to improve the work of the border policing authorities.

56.2.   The action plan should be based on a thorough need assessment. Without a proper need assessment, activities/actions might not have an impact and there would be the danger of wasting money and time.

56.3.   The content of an action plan always depends on the situation on the ground. There is no single solution to start working on border policing. In **Annex A** you will find options to support practitioners in developing a tailor-made action plan for their respective mission or setting.

56.4.   The situations of mass influx very frequently involve refugees or have a mixed character with mixed movements of refugees and migrants, and obligations of the State under international laws. **Annex B** elaborates the border policing scenario in Large Movements.

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[23] Good Practices in the Area of Border policing and management in the Context of Counterterrorism and stemming the Flow of "Foreign Terrorist Fighters"

J. TERMS AND DEFINITIONS

Advising: A process of working together with the host-state police agency to find solutions to its problems and to improve its performance

Airport of entry/exit: Airport of entry/exit is a border crossing check point at international airports. It enables passengers and goods to move between countries in a controlled manner, and where border police, uniformed customs and border control officers enforce national law via designated inspection procedures. The border control at international airports usually goes hand in glove with the aviation security, which in most of the countries is partly task of the Border Police (main aviation security actors are the owner of the airport, the airlines, and Border Police/Border Authority). Patrolling at the airport serves aviation and border security.

Analysis: The methodical breaking down of information into its component parts and the examination of each to find interrelationships.

Advance Passenger Information (API):
Advance Passenger Information (API) involves the capture of a passenger's biographic data and other flight details, including full name, date of birth, gender, citizenship, and travel document data, by the carrier prior to departure and the transmission of the details by electronic means to the Border Control Agencies in the destination country.

Intelligence Assessment:
Process of evaluating strategic, operational, and tactical impacts of a crime group or a criminal activity on a jurisdiction, now or in the future. Threat assessments, vulnerability assessments, or risk assessments are some examples.

Blue border: Any national boundary lines demarcated by water (i.e., maritime, lakes rivers, streams)

Border control: Activities carried out at a border that covers border checks and border surveillance. Border control is usually done by the same agency. The goal of the border control is efficient and credible management of borders as a part of internal and external security of the host-State. Border management enhances internal security and prevents cross-border crime.

Border checks: Procedures at the international border crossing points / BCPs (i.e. Land BCPs, airports, seaports) executed by the uniformed personnel (e.g., border guard, border police, customs) that inspect passengers and goods and allow or deny passage through.

Border Crossing Point (BCP):
Any crossing-point— for example at land, sea, or air borders—authorized by the competent authorities for crossing a state border.

Border Guard: Any public official assigned, in accordance with host-State national law, to a border crossing point or along the border or the immediate vicinity of that border who carries out and is responsible for, in accordance with national law, border control tasks. (EU's definition)

Border Management and Security Concept (BMSC):
Rules, techniques, and procedures regulating activities and traffic across defined border areas or zones. BMSC usually includes areas of border control, prevention and investigation of cross-border crime, risk analysis and management, supply chain management and interagency and international cooperation.

Border surveillance: Procedures undertaken by the designated national agency (i.e. border guard/border police/coast guard etc.) on the green or blue borders in-between the border crossing points with the purpose of maintaining the order and security at host-State borders and prevent and investigate unauthorised border crossings.

Capacity: Aptitudes, resources, relationships and facilitating conditions necessary to act effectively to achieve some intended purpose.

Capacity-building: Efforts to strengthen the aptitudes, resources, relationships and facilitating conditions necessary to act effectively to achieve an intended purpose. Capacity-building targets individuals, institutions, and their enabling environment.

Crime Analysis: The methodical breaking down of crime information into its component parts; the examination of crime data to find interrelationships; and application of reasoning to determine the meaning of the information on crimes.

Crime Intelligence: The combined product of Crime Analysis and Criminal Intelligence.

Criminal Intelligence: Processed information on criminals used to answer the questions: Who poses the threats? (This response identifies and describes individuals or groups who commit crimes that pose threats to safety and security of both the community as well as UN); Who's doing what with whom? (This includes the identities, descriptions, roles, and characteristics of conspirators or people who support criminals/criminal enterprises); How they operate? Intelligence informs and influences the police by helping them more effectively decide on priorities, the allocation of resources and strategies to reduce crime.

Customs Control: A customs inspection is performed to control the prohibition and restrictions as well as the transport of goods.

Data: Factual elements or discrete pieces of information in their most atomized form, regardless of file format or structure.

Data Evaluation: An assessment of the reliability and credibility of information or raw data and the accuracy of the source.

Green Border: The area between the BCPs along the land borderline. Depending on the host country's laws and regulations there is a defined area of responsibility.

Information: Any knowledge that can be communicated or any documentary material, regardless of its physical form or characteristics that is not processed.

Gender Mainstreaming: Mainstreaming a gender perspective is the process of assessing the implications for women and men, including transgender persons, of any planned action, including legislation, policies, or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic, and societal spheres so that women and men benefit equally, and inequality is not perpetuated. The goal is to achieve gender equality.

Individual Police Officer (IPO):
Police or other law enforcement personnel assigned to serve with the United Nations on secondment by governments of Member States at the request of the Secretary-General.

Integrated Border Management (IBM):
The European Union's template for border management, where border agencies remain separate but adopt a 'joint' approach to border management. National and international coordination and cooperation among border agencies involved in border security and trade facilitation to establish effective, efficient, and coordinated border management aimed at establishing an open but well controlled and secure border.

One-Stop-Shop: A place where multiple services are offered, where for example customers can get all, they need in just "one stop." The term describes a business model offering travellers the convenience of having multiple checks met in one location, instead of having to "drive from border service to another one" to attain related services at different stores.

Organised Criminal Group:
A group of three or more persons that was not randomly formed; existing for a time; acting in concert with the aim of committing at least one crime punishable by at least four years' incarceration; to obtain, directly or indirectly, a financial or other material benefit. (See United Nations Convention against Transnational Organised Crime, Article 2(a)-(c)). *
*Although this reflects the UNTOC (UN Convention against Transnational Organized Crime) definition, it is acknowledged that modern crime threats are evolving (i.e., Cyber enabled crime) so a broader consideration, including criminal networks, is necessary when applying this definition.

Peacekeeping operation:
UN mission led by the Department of Peace Operations.

Police and other law enforcement agencies:

Includes police, gendarmerie, customs, immigration, and border services, as well as related oversight bodies, such as ministries of the interior.

Passenger Name record (PNR):
Passenger Name Record (PNR) information is the generic name given to records created by the airlines for each flight a passenger books. A PNR may contain as little information as a name, or may contain full address, contact details, credit card information and all data pertaining to the booking.

Risk Analysis: Border surveillance at the land and sea borders should be based on risk analysis. The goal of a risk analysis system for border management is to support decision-making at all organizational levels and to ensure a flexible and cost-effective use of resources and allocation of border guards and assets to areas where risks are highest. In high-risk areas, the reaction capability to prevent and reveal all unauthorized border crossings should be immediate.

Threat Assessment: A report that looks at a criminal group or criminal activity and assesses the threat that activity, actor, or group poses to an authority, either at present or in the future, and recommends ways to lessen the threat.

United Nations Police (UNPOL):
Includes both Headquarters staff in the United Nations Police Division (inclusive of the Standing Police Capacity) and mission staff in United Nations police components.

United Nations Police component:
United Nations police organised within a peace operation.

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L. MONITORING AND COMPLIANCE

57. In field missions, this manual will serve the Head of Police Component assisted by other managers, specifically the heads and staff of units responsible for border policing.

58. At Headquarters, the Police Adviser to the Department of Peace Operations and Director of the Police Division shall monitor compliance with this document.

M. History

59. This is a new manual on UN Border policing. It should be reviewed by 1 November 2026.

APPROVAL SIGNATURE:

DATE OF APPROVAL: 24 October 2023

ANNEX A

OPTIONS FOR AN ACTION PLAN

1. Introduction "How to use this annex?"

Based on the description of "Border Policing" in the manual, these "Options for an Action Plan" should give the practitioners ideas how to fulfil their tasks within the different areas of Border Policing (Green Border, Border Crossing Points, Blue Border and Air Borders) in different phases of the mission. For each of the Border Policing areas, measures are listed in the sequence of short-term, mid-term and long-term actions and activities.

2. This is not a checklist!

Mission mandates, mission environments and the capacities, capabilities of the host nation's border police are varied and diversified, therefore accordingly the practitioners need different approaches to succeed. In one mission you might have to start from the scratch and below listed measures for short term actions/activities are suitable. In another mission there might already be an existing border management in place, and you can start with more advanced actions/activities listed under mid-term and long term.

These are not close ended lists. Therefore, stay flexible and imaginative.

3. Green Border

The Green Border is the area between the BCPs along the land border line. Depending on the host countries laws and regulations there is a defined area of responsibility. The main task is border surveillance with the following activities.

  I.   Patrolling
  II.   Observing/Monitoring physically or technically (helicopter, CCTV cameras, digital/electronic detectors, drone cameras, etc.)
  III. Checking persons, goods and vehicles and other means of transport
  IV.   The establishment of a referral system for asylum seekers, victims of trafficking, smuggling and other migrants in vulnerable situations to which individuals identified during screening or interviewing processes can be sent for more specialized assistance and support.
  V.   Documents checks (e.g. passport / ID card, visa, vehicle documents)
  VI.   Prevention of illegal activities (e.g., irregular border crossing, smuggling of migrants, human trafficking, drug smuggling, etc.)
  VII. Investigations
  VIII. Intelligence

4. Permanent task: Conducting situational analysis (staff, equipment, vehicles, IT-infrastructure, etc.), evaluate, update (see chapter on need assessment).

5. Short-term actions/activities

  I.   Develop a basic border patrol model/system by foot, car, motorcycle, etc.
        This could include a shift/contingency plan, back-up teams, use of police station/BCP.
  II.   Build up a basic communication and information gathering system
        In the first step this could include use of mobile devices.

III. Develop a basic reporting system
this could include verbal, written or recorded (including pictures) reports collected at the border police station, develop a reporting template

IV. Establish contact/relation with other existing national and international agencies/institutions/organizations at the border
e.g., customs, police, UNHCR, OHCHR

V. Establish a referral point for international protection seekers, asylum seekers, migrants in vulnerable situation and victims of human trafficking

VI. Establish contact/relation with local population, authorities (Community Oriented Policing approach)

VII. Establish contact/relation with border police/guard of the neighboring country

VIII. Develop a basic procedure and structure for investigations

IX. Develop a procedure for detention/arrest
this could include transport, detention cells/centers, compliance with Human Rights standards, gender/minor awareness

X. Conduct mentoring/advising

XI. Conduct Basic training of border policing officials mainly as on the job training (e.g., patrolling, surveillance, document check)

XII. Procure basic equipment:
- first aid kits
- electric torch
- handcuffs etc.

6. Mid-term actions/activities

I. Start cooperation and coordination with all border management actors.

II. Establish contact and cooperation with local authorities, people, society (Community Oriented Policing approach).

III. Develop intelligence mechanisms in border policing (tools, techniques, and equipment).

IV. Develop and implement a risk assessment system.

V. Develop early warning mechanisms with border services, local officials, and residents.

VI. Building and/or refurbishing Border Police facilities.

VII. Develop and implement a flexible operations system including mobile response teams.

VIII. Determining ways of marking the border line, the definition of the design of border signs, as well as the requirements for their installation.

IX. Develop supervisory mechanism (structure and system).

X. Develop monitoring mechanism for the agencies dealing with international protection and asylum seekers etc.

XI. Guarantee water, electricity supply.

XII. Equipping:

  ➢ Uniforms
  ➢ Weapons
  ➢ communication/IT/database
  ➢ vehicles like cars, boats, motorcycles
  ➢ horses, dogs
  ➢ first aid kits

XIII. Start building up a Border Police administration for operational support at all levels.

XIV. Build up a K9 unit.

XV.   Training/refresher courses/workshops inter alia on.

- ➢ Human Rights standards
- ➢ code of conduct
- ➢ operational procedures like observation, surveillance, searching persons and vehicles.
- ➢ detention, arrest, use of force, mobile response teams.
- ➢ basic interviewing techniques.
- ➢ document check.
- ➢ use of equipment especially communication, database, and IT.
- ➢ training for dog handlers and dogs.

7. Long-term actions/activities

I.	Implementing intelligence led policing
II.	Implementing a planning system for border operations
III.	Establish up a K9 unit
IV.	Build up enhanced and complex infrastructure for traffic, IT (e.g., communications center, databases), technical surveillance, vehicles including air support (helicopters, drones), buildings (border posts, border stations, border units)
V.	Performing inspection, intelligence analysis, examination, and law enforcement activities including apprehension, detention, and arrest suspected perpetrators of crime
VI.	Increase and establish an institutionalized cross-border cooperation and coordination through engagement in joint planning, activities and exchanging information based on policies, agreements (MoUs or bilateral agreements)
VII.	Build advanced training facilities (e.g., regional training centers and a border police academy) and training system
VIII.	Provide advanced training at national and international training academies
IX.	Establish a Border Police administration for operational support at all levels
X.	Implement a compliance
XI.	Implement three pillars of border management (intra-service, inter-agency, international levels)
XII.	Develop and implement emergency preparedness and contingency plans

8. Border Crossing Points Land Border (BCP)
Any crossing point at land authorized by the competent authorities for crossing a state border.

9. Permanent task: Conducting situational analysis (staff, equipment, vehicles, IT-infrastructure, etc.), evaluate, update (see chapter on need assessment)

10. Short term actions/activities
I.   Build basic BCP structures in particular booth (could be a simple container or tent), barrier to stop the traffic, lanes for pedestrians and vehicles to control the border-crossing traffic

II.   Establishing a basic border check system
This could include a shift/contingency plan, back-up teams, communication with the higher command level

III. Establishing basic communication and information gathering system
In the first step this could include use of mobile devices
IV. Establishing basic reporting system
this could include verbal, written or recorded (including pictures) reports collected at the BCP, develop a reporting template
V. Establish contact/relation with other existing national agencies/institutions/organizations at the border
e.g., customs, police
VI. Establish contact/relation with border police/guard of the neighboring country
VII. Establish contact/relation with local population, authorities (Community Oriented Policing approach)
VIII. Develop and implement a procedure for detention/arrest
this could include transport, detention cells/centers, compliance with Human Rights standards, gender- and child-sensitivity.
IX. Develop a basic procedure and structure for investigations.
X. Conducting mentoring/advising
XI. Conduct Basic training of border policing officials mainly as on the job training (e.g., border control at BCP, document check, immigration procedures)
XII. Procure basic equipment:

- arrival/departure stamp
- basic document check devices, e.g., UV-light and lenses
- mirrors for checking cars
- spike belts
- first aid kits
- electric torch
- handcuffs
- finger printing sets etc.

11. Mid-term actions/activities

I. Start cooperation and coordination with all border management actors at the BCP
II. Establish contact and cooperation with local authorities, people, society (Community Oriented Policing approach)
III. Establish communication channel with BCPs of neighboring states to operatively exchange information and jointly resolve any incident within the given authority
IV. Develop intelligence mechanisms in border policing (tools, techniques, and equipment)
V. Develop and implement a risk assessment system
VI. Develop early warning mechanisms with border services, local officials, and residents
VII. Building and/or refurbishing BCP facilities e.g., control booth BCP station including detention cells, interview room, safe box for seized goods and weapons (e.g., sea containers), parking area
VIII. Develop and implement a flexible operations system including mobile response teams
IX. Determining ways of marking the border crossing points, the definition of the design of border signs, as well as the requirements for their installation.
X. Guarantee water, electricity supply

XI. Equipping:
- uniforms
- weapons
- communication/IT (e.g., computers, printers, scanners)/database (e.g., local pc or network but could also be written cards)
- verifier for passport check
- vehicles like cars, motorcycles
- spike belts
- first aid kits
- CCTV cams to observe and record the flow of traffic at the BCP
- quick drug tests including scales
- etc.

XII. Start building up a Border Police administration for operational support at all levels

XIII. Build up a K9 unit

XIV. Training/refresher courses/workshops inter alia on
- Human Rights standards
- code of conduct
- document check
- operational procedures like observation, searching persons and vehicles, detention, arrest, use of force, mobile response teams
- driving training and operational driving training
- basic interrogation techniques
- use of equipment especially communication, database, and IT
- training for dog handlers and dogs

12. Long-term actions/activities

I. Implementing intelligence led policing

II. Implementing a planning system for border operations

III. Establish a K9 unit

IV. Build up enhanced and complex infrastructure for traffic, IT (e.g., communications center, joint data base, country-wide network), vehicles, buildings (BCP station, professional booths, garage to search cars), vehicle scanner

V. Enhanced border check equipment, e.g., biometric capture and verification

VI. Perform inspection, intelligence analysis, examination, and law enforcement activities including apprehension, detention, and arrest possible violators of border security (checking travelers against both national and INTERPOL alert lists)

VII. Increase and establish an institutionalized cross-border cooperation and coordination through engagement in joint planning, activities and exchanging information based on policies, agreements (MoUs or bilateral agreements)

VIII. Build advanced training facilities (e.g., regional training centers and a border police academy) and training system

IX. Provide advanced training at national and international training academies

X. Establish a Border Police administration for operational support at all levels

XI. Implement three pillars of border management (Intra-service, inter-agency, international levels)

XII. Develop and implement emergency preparedness and contingency plans

XIII. Implement a compliance system

13. Blue Border:

Blue borders or Maritime borders is the extent of the sea adjacent to the coast of a sovereign country, bound to its territory by rights of sovereignty or exploitation of its economic resources and border control.
The main tasks in border surveillance in blue borders are the following activities:

I. Patrolling and surveillance
II. Rescue of persons in distress at sea and disembarkation in a place of safety and the related requirements for successful maritime rescue coordination
III. Observing/Monitoring physically or technically (boats, helicopters, cams, detectors, drones, etc.)
IV. Checking vessels, persons, goods, and other means of transportation.
V. Documents check
VI. Prevention of illegal activities (e.g., irregular border crossing, smuggling of migrants, trafficking in human beings, drug smuggling, etc.)
VII. Investigations
VIII. Intelligence

14. Permanent task: Conducting situational analysis (staff, equipment, vehicles, IT-infrastructure, etc.), evaluate, update (see chapter on need assessment)

15. Short term actions/activities

I. Build up basic maritime structures by using existing staff, facilities and equipment or facilities/equipment that is easy to procure
II. Establishing a basic border patrol and surveillance system at sea
This could include a shift plan, back-up teams, contingency plans, communication with the higher command level
III. Build up basic communication and information gathering system
In the first step this could include use of mobile devices
IV. Establishing basic reporting system
this could include verbal, written or recorded (including pictures) reports collected at the Border Police/Coast Guard Station/Unit/Communication Center, develop a reporting template
V. Establish a referral system for asylum seekers, victims of trafficking, smuggling and other migrants in vulnerable situations to which individuals identified during screening or interviewing processes can be sent for more specialized assistance and support
VI. Develop a basic procedure and structure for investigations
VII. Establish contact/relation with other existing national agencies/institutions/organizations at the blue border
e.g., customs, police.
VIII. Establish contact/relation with local population authorities (Community Oriented Policing approach)
IX. Establish contact/relation with Border Police/Coast Guard of the neighboring country.
X. Develop and implement a procedure for detention/arrest
this could include transport, detention cells/centers, compliance with Human Rights standards, gender/minor awareness.
XI. Conducting mentoring/advising

XII.   Conduct Basic training of border policing officials mainly as on the job training (e.g., border control at sea and in harbors, document check, maritime procedures, immigration procedures and tactics, basic maritime law)

XIII.   Procure basic equipment:
- arrival/departure stamp (BCP in harbors)
- basic document check devices, e.g., UV-light and lenses
- binoculars
- maritime equipment for existing vessels
etc.

16. Mid-term actions/activities

I.   Start cooperation and coordination with all blue border management actors

II.   Establish contact and cooperation with local authorities, people, society (Community Oriented Policing approach)

III.   Establish communication channel with BCPs of neighboring states to operatively exchange information and jointly resolve any incident within the given authority

IV.   Develop intelligence mechanisms in border policing (tools, techniques, and equipment)

V.   Develop and implement a risk assessment system

VI.   Develop early warning mechanisms with border services, local officials, and residents.

VII.   Building and/or refurbishing Border Police/Coast Guard facilities e.g., Border Guard/Coast Guard station including detention cells, interview room, safe box for seized goods and weapons (e.g. sea containers)

VIII.   Develop and implement a flexible operations system including mobile response teams at sea.

IX.   Guarantee water, electricity supply.

X.   Equipping:
- uniforms
- weapons
- communication/IT (e.g., computers, printers, scanners)/database (e.g. local pc or network but could also be written cards)
- verifier for passport check
- vehicles like vessels as well as cars
- first aid kits
- etc.

XI.   Start building up a Border Police/Coast Guard administration for operational support at all levels

XII.   Build up a K9 unit e.g., for searching ships and containers

XIII.   Training/refresher courses/workshops inter alia on
- Human Rights standards
- code of conduct
- document check (BCP harbors)
- operational procedures at sea and in harbors (BCP)
- maritime tactics
- legal framework e.g., international maritime law
- use of equipment especially communication, database, and IT
    - training for dog handlers and dogs

17. Long-term actions/activities

I.   Implementing intelligence led policing.

II.   Implementing a planning system for border management including search and rescue operations.

III.   Establish a K9 unit e.g. for searching ships and containers

IV.   Build up enhanced and complex infrastructure for traffic, IT (e.g. communications center, joint database, country-wide network), technical surveillance, vehicles/ships/vessels/helicopters and drones for air support, buildings, container scanner, etc.

V.   Enhanced border check equipment, e.g., biometric capture and verification

VI.   Perform inspection, intelligence analysis, examination, and law enforcement activities including apprehension, detention, and arrest possible violators of border security (checking travelers against both national and INTERPOL alert lists)

VII.   Develop monitoring mechanism for the agencies dealing with international protection and asylum seekers etc.

VIII.   Increase and establish an institutionalized maritime border cooperation and coordination through engagement in joint planning, activities and exchanging information based on policies, agreements (MoUs or bilateral agreements)

IX.   Build advanced training facilities (e.g., regional maritime training centers and a border police academy) and training system.

X.   Provide advanced training at national and international training academies.

XI.   Establish a Border Police/Coast Guard administration for maritime operational support at all levels.

XII.   Implement three pillars of border management (Intra-service, inter-agency, international levels)

XIII.   Develop and implement emergency preparedness and contingency plans

XIV.   Implement a compliance system.

18. Airports entry/exit point border: A border crossing point/checkpoint (Airports) is a location at the international airports staffed by uniformed personnel (E.g. border guard, border police, customs) where travelers or goods are inspected and allowed (or denied) passage through to provide a faster and a more comfortable travel for the bona fide passenger while distinguishing passengers in categories and driving them to control checks accordingly.

To take into consideration: The border control at international airports usually goes hand in hand with the aviation security, which in most of the countries is partly task of the Border Police (main aviation security actors are the owner of the airport, the airlines and Border Police/Border Authority). Patrolling at the airport serves the aviation and border security.

19. Permanent task: Conducting situational analysis (staff, equipment, vehicles, IT-infrastructure, etc.), evaluate, update (see chapter on need assessment)

20. Short term actions/activities

I.   Build basic BCP structures at the airport in particular booth (could be a simple container or tent), barrier to stop the flow of passengers, lanes for passengers to control the border-crossing traffic

II. Establishing a basic border check system
This could include a shift/contingency plan, back-up teams, communication with the higher command level
III. Establishing basic communication and information gathering system
In the first step this could include use of mobile devices
IV. Establishing basic reporting system
this could include verbal, written or recorded (including pictures) reports collected at the BCP, develop a reporting template
V. Establish contact/relation with other existing national agencies/institutions/organizations at the airport
e.g., customs, police
VI. Establishment of a referral point for international protection seekers, asylum seekers, migrants in vulnerable situation and victims of human trafficking
VII. Establish contact/relation with local population, authorities (Community Oriented Policing approach)
VIII. Establish contact/relation with border police/guard/immigration services of the countries of flight destinations
IX. Develop and implement a procedure for detention/arrest
this could include transport, detention cells/centers, compliance with Human Rights standards, gender/minor awareness
X. Develop a basic procedure and structure for investigations
XI. Conducting mentoring/advising
XII. Conduct Basic training of border policing officials mainly as on the job training (e.g., border control at BCP, document check, immigration procedures, aviation security)
XIII. Procure basic equipment:
- arrival/departure stamp
- basic document check devices, e.g., UV-light and lenses
- first aid kits
- electric torch
- handcuffs
- finger printing sets
- etc.

21. Mid-term actions/activities

I. Start cooperation and coordination with all relevant border management and aviation security actors at the airport
II. Establish contact and cooperation with local authorities, people, society (Community Oriented Policing approach)
III. Establish communication channel with international airport authorities of common destinations to operatively exchange information and jointly resolve any incident within the given authority
IV. Develop intelligence mechanisms in border policing (tools, techniques, and equipment)
V. Develop and implement a risk assessment system
VI. Develop early warning mechanisms with border services, local officials, and residents
VII. Building and/or refurbishing Border Police facilities at the airport e.g., control booth, offices, detention cells, interview room, safe box for seized goods and weapons, aviation security checkpoints

VIII.   Develop and implement a flexible operations system including mobile response teams

IX.   determining ways of marking the border crossing as well as aviation security check points, the definition of the design of BCP signs, as well as the requirements for their installation.

X.   Guarantee water, electricity supply

XI.   Equipping:
- uniforms
- weapons
- communication/IT (e.g. computers, printers, scanners)/database (e.g. local pc or network but could also be written cards)
- verifier for passport check
- cars
- first aid kits
- cams to observe the airport
- quick drug tests including scales
- aviation security equipment like scanners and mobile detectors if aviation security is also a task of the Border Police
- etc.

XII.   Start building up an Airport Border Police administration for operational support at all levels

XIII.   Establish a K9 unit especially for explosive search operations

XIV.   Training/refresher courses/workshops inter alia on
- Human Rights standards
- code of conduct
- document check
- operational procedures like observation, searching persons and planes, detention, arrest, bomb search, use of force, mobile response teams
- aviation security equipment like scanner and mobile detectors if aviation security is also a task of the Border Police
- Legal framework, e.g. ICAO rules, return of passengers
- airport driving training
- basic interrogation techniques
- use of equipment especially communication, database and IT
- training for dog handlers and dogs
- etc.

22. Long-term actions/activities

I.   Implementing intelligence led policing

II.   Implementing a planning system for border and aviation security operations

III.   Establish a K9 unit especially for explosive search operations

IV.   Build up enhanced and complex infrastructure for traffic, IT (e.g., communications center, joint data base, country-wide network), vehicles, buildings (offices, professional booths, rooms for return operations), professional aviation security equipment to search passengers and luggage

V.   Enhanced border check equipment, e.g., biometric capture and verification

VI.   Perform inspection, intelligence analysis, examination, and law enforcement activities including apprehension, detention, and arrest possible violators of border security (checking travelers against both national and INTERPOL alert lists)

VII.   Develop monitoring mechanism for the agencies dealing with international protection and asylum seekers etc.

VIII.   Increase and establish an institutionalized an international airport to airport cooperation and coordination through engagement in joint planning, activities and exchanging information based on policies, agreements (MoUs or bilateral agreements)

IX.   Build advanced training facilities (e.g. airport training centers and a border police academy) and training system

X.   Provide advanced training at national and international training academies

XI.   Establish a Border Police administration for operational support at all levels

XII.   Implement three pillars of border management (intra-service, inter-agency, international levels)

XIII.   Develop and implement emergency preparedness and contingency plans (e.g. plane crash, hijacking of plane)

XIV.   Implement a compliance system

ANNEX B

LARGE MOVEMENTS

1. Large movements may be understood to reflect several considerations, including: the number of people arriving, the economic, social, and geographical context, the capacity of a receiving State to respond and the impact of a movement that is sudden or prolonged[24]. The situations of mass influx very frequently involve refugees or have a mixed character with mixed movements of refugees and migrants, and obligations of the State under international laws. State responses at the border should not "lead to restrictive practices in the granting of asylum or in the application of the refugee concept, nor to an undermining of the essential principles of international protection."[25] In the context of a mass influx, the need to provide protection and assistance is often extremely urgent and requires states to act in compliance comply with their legal obligations under refugee law, HRL and IHL, and in particular the prohibition of refoulement, admission; non-discrimination; the non-penalization of arrivals; fundamental civil rights and the provision of basic necessities; family unity; special provisions for unaccompanied and separated children; do refugees' access to courts and recognition as persons before the law; the safe location of settlements; and UNHCR's role in exercising its international protection function. Large movements of refugees and migrants must have comprehensive policy support, assistance, and protection, consistent with States' obligations under international law.

2. Migration control inside the country is carried out in daily border guard and/or police duties and by thematic controls based on risk analysis. The border guard or police lead migration control operations, which can be carried out with other authorities (i.e., customs, tax, and migration authorities). The measures are directed based on risk analysis. The main emphasis is near border crossing points, internal borders. The operations are supported by inter-agency analysis and cooperation.

3. In case of sudden and large movements, there should be contingency plans to enhance border controls and the provision of adequate assistance and protection to migrants in vulnerable situations and displaced people in search of safety and to guarantee access to asylum. Before this, increasing large movements across the borders is primarily taken under control by inter-agency cooperation and particularly by intensified migration control measures, such as border and police controls including monitoring of international protection.

4. During a large movement, UNPOL activity should focus on following roles: -

  ➢ Border management
  ➢ Public order management
  ➢ Compliance with refugee law, human rights law and IHL
  ➢ Prevention and investigation of cross-border crimes.

5. Other stakeholders should handle tasks such as referral to basic services, registration, camp management, maintenance, transport, and waste management as relevant. During asylum procedures, the border police/guards usually have the first contact with asylum seekers when conducting first interviews, facilitating application procedures, and transferring claims. Instructions can help to fulfil the tasks of police, such as a joint IT system linking all the relevant authorities, as well as the system of neighbouring countries and international organizations.

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[24] United nations General Assembly Resolution A/RES/71/1 dated 3 oct, 2016.
[25] Note on International Protection: International Protection in Mass Influx *(submitted by the High Commissioner)*, 1 September 1995, A/AC.96/850,

6.   The responsible ministry or agency in the host-State should conduct a full analysis of all BCPs to assess their susceptibility to emergency movements. This would also include a mapping of existing infrastructure in the border area, human resources and (specialized) equipment for use in both every day and emergency situations.

7.   Cooperation among different ministries through joint activities is crucial during managing irregular migration. This task requires the coordinated work of several ministries (interior, justice, foreign affairs, social, health, transport, and finance). UNPOL in collaboration with asylum authorities should consider helping to establish a national migration management board or committee to facilitate communication and cooperation, including with civil society organisations, national human rights institutions, and local communities.

8.   To the extent not already available, the responsible ministry or agency should develop and deploy mobile equipment to BCPs to enable registration and communication in emergency situations. Contingency plans should provide an inventory of equipment and its location. In the event of a large movement, the responsible agency should ensure the availability of an initial registration system at BCPs to collect basic identity information prior to subsequent enhanced screening in-country, with the objective that all travellers are recorded, properly examined, counted, and checked against alert lists where possible. At the same time considering obligations under non-refoulment, non-penalization of arrivals, protection of fundamental rights and dignity, the provision of necessities, family unity, special provisions for unaccompanied and separated children, and for persons with specific need etc.

9.   The aim should be to establish consistent, effective, and humanitarian border management across the entire migration sector with systems that have the capacity to respond to and efficiently manage large-scale emergency precipitated migration movements, as well as day-to-day traffic. The objective would be that all registration databases, both for nationals and migrants, can take photographs and collecting fingerprints. They should be linked to each other to prevent fraud and criminal activity. Moreover, they should also comply with international standards for data protection.

10.   The responsible ministry or agency should consider establishing rapid reaction teams for deployment to borders during emergencies. The teams would consist of experienced officers who would be able to conduct rapid assessments, provide quick training or advice to border officials, and make recommendations to headquarters to further risk analysis. It is recommended that teams are preferably multi-agency but, if not, at least familiar with working with each other. This could be promoted by carrying out joint exercises on a regular basis.

11.   The responsible ministry or agency should develop a policy relating to emergency large movements, which makes clear how border posts will be operated in the event of a large movement. If restrictions on BCP operation are imposed, the criteria applied to those crossing should be clearly spelled out in the policy and in SOPs.

12.   The responsible ministry or agency should prepare a strategic plan for dealing with large movements at the border. The plan should allocate areas of responsibility to all agencies and government bodies in the migration structure and issue clear instructions on what is required of them. Based on this assessment, the responsible agency should develop tactical plans and standard operating instructions for its own staff, which should be shared with other agencies. A possible model for these plans could be the contingency planning for responding to disasters that is generally in place. Contingency plans should be jointly prepared with neighbouring countries or

should at least be shared with them. Contingency plans should, at the strategic level, be generic and capable of being quickly adapted to any emergency at individual or multiple BCPs.

13. The responsible ministry or agency drafts and disseminates SOPs for border guard to all BCPs, either for day-to-day operations or for responding to emergencies. Existing operating procedures at all BCPs should be reviewed in order to assess the effectiveness of controls and compliance with relevant international conventions and protocols, from both routine management and humanitarian aspects.

14. At BCPs with high probability of large movements, the responsible ministry or agency should consider establishing control and screening facilities far enough back from existing BCPs to avoid bottlenecks but close enough to prevent evasion of controls.

15. The responsible ministry or agency should ensure that legislation includes provisions to define the immigration status of emergency relief workers to allow them to carry out their functions and facilitate their entry and exit without the need for a pre-entry visa. In addition, it should be ensured that legislation and policy allow for the entry and movement of relief goods.