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NOTE

from :	Drafting Group for updating of Schengen catalogue on External borders control, Return and readmission
to:	Schengen Evaluation Working Party
Subject :	Updated Schengen catalogue on External borders control, Return and readmission - 3rd draft

Delegations will find enclosed a third draft of the updated Schengen Catalogue on External Borders Control, Return and Readmission - Recommendations and best practices.

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EU

Schengen Catalogue

External borders control

Return and readmission

Recommendations and best practices

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1. INTRODUCTION

At its meeting on 17 July 2008, the Schengen Evaluation Working Party set the objective of revising and updating the Schengen Catalogues for recommendations and best practices including the Schengen Catalogue for External Border Control, Removal and Readmission, issued on February 2002. Since the first edition of the Catalogue several legal instruments and other documents concerning border management have come into force. Furthermore, developments in the field of European border management have been relatively rapid.

The 2002 Catalogue has been revised, taking into account in particular the following documents:

- Council Regulation 415/2003/EC of 27 February 2003 on the issue of visas at the border, including the issue of such visas to seamen in transit;[1]
- Council Directive 2004/38/EC of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States;
- Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data;
- Council Regulation 2007/2004/EC of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union;
- Regulation 562/2006/EC of 15 March 2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders, and amendments;
- Regulation 1931/2006/EC of 20 December 2006 of the European Parliament and of the Council laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention;
- Commission Recommendation C (2006) 5186 final of 6 November 2006 establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons and its amendment C (2008) 2976 final;
- Council Conclusions of 4-5 December 2006 on Integrated Border Management (2768th Justice and Home Affairs Council meeting in Brussels);
- Regulation 863/2007/EC of 11 July 2007 of the European Parliament and of the Council establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers;
- Commission "Border Package" communications of 13 February 2008;
- Council Conclusions of 5 and 6 June 2008 on the management of the external borders of the Member States of the European Union (2873rd Justice and Home Affairs Council meeting in Luxemburg);

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[1] This Regulation will cease to have effect as soon as the Regulation establishing a Community Code on Visas, already under examination by the Visa Working Party, becomes applicable.

- Regulation 767/2008/EC of 9 July 2008 of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas;
- Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air;
- Council Decision 2004/191/EC of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals;
- Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders;
- 20 Guidelines on Forced Return, adopted by the Committee of Ministers of the Council of Europe on 4 May 2005;
- Council Directive (approved, not published) of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals.

The purpose of the Catalogue is to give recommendations and to highlight best practices of implementation of the above regulations and other documents by providing examples in order to assist both Schengen Member States and Schengen Acceding States to apply the Schengen acquis correctly.

The Catalogue also takes account of the best practice defined in the Schengen Evaluation Committee's reports following assessments of Member States' readiness to comply with the Schengen acquis.

The Catalogue consists of two main parts, one on External Border Control and one on Return and Readmission. A general section describes the basic concepts underlying the policy and ongoing developments at European Union level. This is followed by a series of recommendations and best practices, which are presented in tabular form, with recommendations on the left and best practices on the right.

The Catalogue contains the following definitions for conducting this exercise:
- Recommendations: a non-exhaustive series of measures which should make it possible to establish a basis for the correct application of the Schengen acquis and for monitoring it;
- Best practices: a non-exhaustive set of working methods or model measures which must be considered as the optimal application of the Schengen acquis, on the understanding that more than one best practice is possible for each specific part of Schengen cooperation.

In its meeting on 4-5 December 2006, the Justice and Home Affairs Council defined the scope of Integrated Border Management (IBM). The IBM concept is a fundamental cornerstone for Member States' border management. Bearing that in mind, the Catalogue's recommendations and best practices in Part 1 are divided into points and sub-points adapting the IBM.

Solving the problem of illegal immigration of third-country nationals has been one of the main aims of common policy within the area of freedom, security and justice. One of the main ways to deal with that phenomenon is to create an efficient return policy including readmission agreements. The second part of this catalogue focuses on the main issues concerning practical return arrangements. It touches upon procedural issues, technical arrangements and the extent of the rights guaranteed to third-country nationals before their return. It also emphasizes the role of other players apart from relevant governmental institutions in developing and efficient return system which respects human rights. Taking into consideration the increasing value of return policy, it is highly important to define common rules to be followed in Schengen States.

The definitions used are those set out in the relevant regulations.

Recommendations are numbered in order to facilitate use of the Catalogue.

The Catalogue will serve as a reference tool for future evaluations undertaken in the candidate countries and to monitor the correct application of the Schengen acquis by Schengen States.

The Catalogue should be updated when necessary.

2. **PART ONE: EXTERNAL BORDERS CONTROL**

A. INTEGRATED BORDER MANAGEMENT (IBM)

1. Integrated Border Management concept

An overall model for European border management is an important tool for safeguarding internal security of the Member States and, in particular, to prevent and reveal illegal immigration and related crime as well as other cross-border crime.

At the 2768th Justice and Home Affairs Council meeting in Brussels on 4-5 December 2006, the Council drew the following conclusions:

Integrated border management (IBM) is a concept consisting of the following dimensions:

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

Coherence between these dimensions and the way they are applied by Schengen States is the key to the success of the Integrated Border Management concept.

2. Key elements for the correct application of Integrated Border Management

Border control is in the interest not only of the Schengen Member State at whose external borders it is carried out, but of all Member States that have abolished or will abolish border control at their internal borders. Therefore, while implementing border management, it should be borne in mind that Member States are controlling their external borders for themselves, but also, at the same time, for other Schengen Member States (principle of solidarity). Efficient border control should be maintained constantly, and control should cover all illegal phenomena, including those which do not have an impact on local security.

In this sense, external border control should receive appropriate attention from each responsible Member State. In order to avoid continuous lack of resources in areas where the demands of local security conflict with those of the Schengen area in general, border control including risk analysis and crime investigation should remain the main function of the responsible operational units.

Border management is a task which requires a high level of professionalism. There should be one main responsible public authority (not military) for implementing the IBM concept in each Member State, especially and necessarily with regard to border control, preventing illegal immigration along external borders and combating illegal immigration inside the Member State's territory. There should be centralized command, control, supervision and instructions especially for border control, risk analysis and criminal investigation as well as for inter-agency and international cooperation with regard to preventing and combating illegal immigration.

The responsible authority, typically Border Guard or Border Police, should be centralised and clearly structured. There should be a direct chain of command between units of responsible authority at central, regional and local level, ensuring a common approach to border control, a unified planning and training system and an extensive and fast data flow at all levels of the organisation.

The main legal basis for border management comes from the aforementioned Community legislation. Nevertheless, there is still a need for complementary legislation at national level, inter alia border guard law, alien and immigration law as well as data protection law, in order to be able to fully implement the IBM concept. There should also be a legal basis which will allow smooth and efficient inter-agency and international cooperation, and exchange of information. Agreements such as border agreements, local border traffic and readmission agreements with neighbouring third countries and countries of origin should be concluded. Additionally, illegal border crossings should be made punishable by law, and fines as well as an obligation for return transportation should be imposed on carriers of illegal immigrants.

A National Border Management Strategy should clearly delegate tasks such as assessments to be drafted in order to give guidelines for developing and planning within the relevant units at national, regional and local levels. The strategy should include assessments of the working environment, risks and threats, analyses of resources needed, as well as action and development plans.

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

Risk analysis and management of borders need to be backed by systematic intelligence. Border management systems should be able to gather intelligence, analyse it, and, finally, utilise the products in field work. The Comprehensive Risk Analysis Model for border control links together intelligence, risk analysis and border management at all levels. Strategic intelligence is organizing all information and extracting a strategic situation picture: phenomena of interest and underlying factors. It produces statistics, trends and qualitative descriptions. Strategic risk analysis analyses strategic key information. It indicates potential changes and proposes policies. Analysts must be fully informed of the fundamental paradigms, interests, threats and risks. Strategic management is managing the organisation through strategic key objectives (short term) and through transformation (long term).

Operational intelligence connects the operational field information and strategic information (inputs and outputs in both directions) in an "operationally" valid context. The task of operational risk analysis is to make qualitative and quantitative analyses of the operational environment, active objects and the results of one's own activity. The aim is to get valid information on the prevailing situation. This information should be used to facilitate optimal direction of resources. Special attention should be paid to loopholes, i.e. where the system fails. Operational management means managing resources and requirements within given tasks, budgetary frameworks, assets and jurisdiction. This function is related to organisational units that have a defined sphere of responsibility, for example a regional jurisdiction. Operational risk analysis also provides risk indicators and profiles for tactical level.

Tactical (field level) intelligence is connecting operational field workers in their daily work with the information system. This means a two-way data flow (inputs and outputs). At a practical level, this means assessment of persons, vehicles, vessels or flights to be checked. This assessment is carried out in the context of a real-time tactical situation. Thus the methods can be called tactical risk analysis.

In order to detect cross-border crime, extra emphasis should be placed on the checking procedure for suspect individuals and objects. Personnel should be provided with knowledge of risk indicators, risk profiles and typical modus operandi of cross-border crime. Named special targets of surveillance and checks should also be known to personnel.

Tailored risk analysis is connecting certain phenomena or cases. Tailored risk analysis is an immediate reaction to the concrete cases revealed at the border. The main aim is to inform other structures about risk indicators.

Situational awareness measures to what extent the authorities are capable of detecting cross-border movements and finding reasoned grounds for control measures. In practice, situational awareness depicts how the authorities define the lapse of time and area for three functions: detecting movements that could possibly be attempts to cross the border illegally, identifying the detected targets and analysing the previous identifications in due time.

In order to be able to manage border control activities and to implement IBM effectively, constant attention should be paid to the assessment of the situation. Thus, the performance of a border management system should be adjusted in accordance with the prevailing conditions along all its borders. Valid and reliable data should form part of a permanent evaluation, which could be shared with other Schengen States. In order to have adequate situation awareness, to establish and maintain a comprehensive and reliable situational picture, risk analysis activities should be centralized and clearly structured at all levels in the framework of organization which is responsible for the border management.

Reaction capability at borders (air, sea and land) measures the lapse of time required to react to the attempting of illegal activities along the border, and also the time and the means to react adequately to unusual circumstances. Border management should have such reaction capacity that where necessary, the allocation of resources should be adapted accordingly: Reserves, staff and equipment must be available to react to changes along borders and at border crossing points. Plans should also be drafted to deal with sudden large-scale illegal immigration.

All chiefs and heads in the field and persons evaluating border management should be able to assess the level of situational awareness and reaction capability.

2.1 Border control (checks and surveillance) as defined in the Schengen Borders Code, including relevant risk analysis and crime intelligence

The core area of general border strategy is functioning border management, consisting of border checks and border surveillance, based on a risk analysis. Border control is a core element when combating illegal immigration and trafficking of human beings, and preventing any threat to Member States' internal security, public policy, public health and international relations. It is a multi-disciplinary law enforcement activity, and a shared interest among the Member States.

Border control shall be implemented according to Regulation (EC) No 562/2006 of the European Parliament and of the Council on establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code). When carrying out their duties, border guards should follow the recommendations and instructions given in the Commission's Practical Handbook for Border Guards (Schengen Handbook).

The essential elements of border management are a systematic check on all persons crossing the external borders and effective border surveillance between border crossing points. In this respect, all appropriate measures should be taken in order to safeguard internal security and prevent illegal immigration.

Border control resources should be tailored according to the quantity and profile of passenger flow, threat assessment and risk analysis. With regard to infrastructure, appropriate facilities for carrying out border checks and surveillance have to be available. Adequate human resources are required. Exact requirements for border control depend on several factors, in particular: pressure of illegal immigration, geographical situation, passenger profile and volume of border traffic. The special requirements for the three different types of border (air, sea, land) including local border traffic should be met.

A Member State should have the ability and plans to temporarily reinforce border controls. All levels should have a clear picture of possible threats and plans to raise the level of controls. There should be levels of reinforcement of border controls that are appropriate for the threat and measures required.

Border surveillance shall be carried out using stationary and mobile units, monitoring and patrolling at places known to be sensitive, supported by technical and electronic means. Border surveillance activities should be based on a system of relevant risk analyses. Equipment and means should be appropriate to the border situation.

Officers carrying out these tasks have to be professional and specially trained. Moreover, a clear concept of training (basic and advanced) is required covering operational skills, knowledge of legislation, languages, etc.

2.2 Detection and investigation of cross border crime in coordination with all competent law enforcement authorities

While carrying out their duties, border guards are facing border related crimes, inter alia trafficking and smuggling of human beings, goods, drugs and weapons, forged and counterfeit travel documents, stolen property, stolen vehicles, etc. To add value to Member States' internal security, and to enhance the capability to discover illegal actions, the border management authority should have a role in investigating the aforementioned types of crime. Participation in such investigations increase the Border Guard's knowledge regarding modus operandi, illegal immigration routes, and facilitates the production of risk indicators and profiles.

In particular, the investigation of illegal border crossing, false travel documents and human smuggling and trafficking should be the tasks of a border management authority. In investigation of cross-border crimes, inter-agency cooperation should be extremely close. Ways to cooperate in this field are, for example, sharing intelligence and setting up joint investigation groups, common databases and easy exchange of information.

2.3 The four-tier access control model (measures in third countries, cooperation with neighbouring countries, border control and control measures within the area of free movement, including return)

The four-tier access control model forms the core of Integrated Border Management. In simplified terms, the model requires that a set of complementary measures be implemented in the different tiers.

First-tier measures are taken in third countries, especially in countries of origin and transit. These measures include advice and training from liaison officers and document experts with regard to the visa process for consular officials at consular posts and for carrier company personnel in third countries of origin or transit, which are the source of the risks generated by illegal immigration.

The second tier consists of cooperation with neighbouring countries. Agreements with neighbouring countries on cooperation in the field of border management are an efficient tool for increasing border security. Cooperation should be realized by establishing appropriate working mechanisms such as exchange of information, appropriate communication channels, central, regional and local contact points, emergency procedures, handling incidents in an objective manner in order to avoid political disputes, etc. Regional cooperation structures across external borders should also be established in maritime areas. These initiatives should bring together all countries in the region.

Border control, as the third tier of the model, guarantees systematic border checks for every person entering or exiting the Schengen area. It also ensures an adequate level for exposing illegal border crossings in areas between border crossing points or via sea, using false documents or hiding inside means of transport. Border control is part of national crime prevention, as it detects and reveals human smuggling, stolen property and other cross-border and border-related crimes as well as contributing to the detection of serious crime.

The fourth tier comprises control measures within the area of free movement, including return. These measures prevent illegal immigration and cross-border crime inside the territory of the Schengen States by enhanced searches, checks and surveillance measures based on national information, and in accordance with national law. Illegal immigrants detected inside the Schengen territory shall be taken under the control of the authorities. They should be registered, and if no grounds for residence exist, and if there are no obstacles based on compelling humanitarian grounds or international law, they should be repatriated to their country of origin. Member States should define minimum standards for control measures within their territory together with other relevant authorities, of places known as critical for third-country nationals staying illegally, cross-border traffic connections, etc.

2.4 Inter-agency cooperation for border management (border guards, customs, police, national security and other relevant authorities) and international cooperation

Inter-agency cooperation is necessary at all levels (national, regional and local), for all authorities competent for preventing and combating illegal immigration and cross-border crime. There should not be any doubts as to which authority is competent in any given situation.

Inter-agency cooperation policy should be defined in meetings of the heads of the agencies involved in border management and the prevention of cross-border crimes. Cooperation planning between agencies could be done at all levels (national, regional and local). Cooperation should be planned based on a common understanding of the situation (common analysis of risks and threats). In particular, information and intelligence exchange between the competent authorities is essential, including a mechanism to solve possible disputes of competence between the authorities. Furthermore, cooperation should cover operational issues, for example use of compatible communication equipment, arranging joint operations and participating common training and exercises.

Cooperation between Member States should at least cover all neighbouring Member States. Also Cooperation among Member States in the framework of FRONTEX is essential. For the individual Member State the aim of participating in FRONTEX coordinated cooperation is to support other Member States facing illegal immigration pressure, develop best practices for border management and to increase the professionalism of one's own staff in the process.

Member States facing increasing immigration pressure could ask FRONTEX to launch either a joint operation or to deploy a RABIT (Rapid Border Intervention Teams) in those places under the most severe pressure. The capability to host these teams and to send guest officers to join teams abroad should be developed. The necessary national legislation should be adopted to allow for these procedures, if needed**.**

The purpose of the FRONTEX initiative, known as EPN (European Patrol Network), is to facilitate cooperation between the Member States. In practice it means that neighbouring Member States cooperate on maritime surveillance by planning their sea area patrols together. This is also a concept which could yield added value for all Member States with sea borders.

International co-operation in the field of integrated border management can be divided into multilateral, bilateral, regional and local cooperation. Cooperation with third countries should cover all neighbouring countries as well as main countries of origin and transit of illegal immigration towards the Member States concerned. As regards cooperation with adjacent states, it is considered necessary that transit states provide active assistance by ensuring that their borders are thoroughly secure and by taking measures that are not focused on borders, e.g. consistent repatriation practice.

2.5 Coordination and coherence of the activities of Member States and Institutions and other bodies of the Community and the Union

Relevant Council Working Parties, inter alia Frontiers, Schengen Evaluation, CIREFI, Migration and Expulsion and VISA, and other bodies such as SCIFA and CATS, discuss developments, new initiatives and draft proposals for the amendment of legislation concerning European Union integrated border management. Uniformity and common understanding of border management increase transparency and mutual trust among Member States. Therefore active participation in the development of border management within the framework of the Council's permanent Working Parties, Commission temporary working groups and FRONTEX initiatives provide added value for Member States' border management.

Member States should use common tools for their border management actions, like the Schengen Handbook for training and carrying out border checks, the CIRAM model for drafting risk analyses, the Common Core Curriculum, and the Common Midlevel Curriculum for planning training.

The Schengen evaluation system is an essential element for ensuring correct compliance with the Schengen acquis, adequate implementation of IBM and increasing the transparency of national border management. Participation in evaluation missions partly enhances the Member States' knowledge on developing best practices of border management. During an evaluation mission, the whole IBM system of a Schengen Member State or candidate country should be inspected comprehensively, covering the command or coordination body for border control at national level, the various kinds of borders and other relevant units, including risk analysis units and national coordination centres.

3. Development of Border Management at European Union level

When implementing the European Union IBM concept and developing border management in Member States and Schengen candidate countries, provision should be made for future developments in the field of EU border management.

On 13 February, 2008, the European Commission released three communications, collectively known as the Border Package: 1) A report on the evaluation and future development of the FRONTEX agency, 2) The European border surveillance system (EUROSUR) and. 3) Future challenges for EU external border management. Steps have been undertaken to implement the majority of the proposals made in the communications. This progress - which is occurring at EU level - should be reflected in the development of the border management of Member States as well as candidate countries.

B. DETAILS OF RECOMMENDATIONS AND BEST PRACTICES

Recommendations	Best practices
1. Strategy and organisational structure	
1. Streamlined and functional ministerial competences for border management.	
2. Centralised resourcing, supervision and instructions for border control under the auspices of the competent ministry in the field of justice and home affairs.	
3. Clear and effective coordination of the Integrated Border Management (IBM) concept and implementation at national, regional and local level.	Clearly defined IBM budget for all levels of authorities involved.
4. Centralised and clearly structured responsible public authority with a direct chain of command between Border Guard units at national, regional and local level, ensuring a common approach to border control, a unified planning system and an extensive and fast data flow at all levels of the organisation.	One authority covers all dimensions of IBM. The competent public authority is a specialized Border Guard or Border Police force (not a military force).
5. Border control at local level should be carried out only by special dedicated border guard units.	
6. National multi-annual strategy paper as a basis for the development of border management.	The strategy is available to responsible officers at all levels. The content of the strategy is known among personnel. Strategy gives basis and guidelines for planning.
7. Centralized national border management planning giving guidelines and lists of requirements to the regional level. At regional level, a plan or programme of work giving guidelines and list of requirements to the local level.	At national and regional level: – Rolling multi-annual planning – Annual work programme – Annual plan of activities and use of resources (restricted or classified) – Annual training plan At local level: – Annual work programme – Annual/monthly plan of activities and use of resources (restricted or classified). – Annual training plan

8. Coherent national legislation and agreements enabling effective implementation of the IBM concept, e.g. – Border Act and/or Border Guard Act. – Aliens or Immigration Act. – Data protection Act. – Inter-agency Cooperation Act/Rules. – Rules for punishment for illegal border crossings and facilitating illegal immigrants. – Rules for carrier liability; e.g. imposing a fine on carriers of illegal immigrants and obligation to organize their return transportation and liability for the costs of the stay until return transportation is available. – Border agreements with neighbouring countries. – Readmission agreements with neighbouring third countries and countries of transit and origin. – Local border traffic agreements with neighbouring third countries.	
9. Adoption of measures necessary for the correct application of EU legislation.	Complementary national rules and regulations for full use of Community instruments relating to hosting and deploying guest officers, rapid border intervention team members and equipment in FRONTEX coordinated operations. National rules for secondment of national experts to FRONTEX.
10. International legal instruments relevant to border management should be taken into account while carrying out border control.	
11. Cooperation and coordination of the responsibilities of the different bodies and agencies should be regulated by legislation and cooperation agreements (e.g. memorandum of understanding).	Common inter-agency strategy with regard to prevention of cross-border criminality and illegal immigration. Agreements, acts or rules cover the whole spectrum of inter-agency cooperation at all levels: – exchange of information – joint risk analysis – exchange of experience – cooperation on training

	– cooperation on intelligence and investigation – common use of databases – joint operations – inter-agency contact points.
12. Implementation of UN Convention against Transnational Organized Crime and of its Protocols on trafficking of human beings and the smuggling of migrants by land, sea and air and trafficking in firearms, their parts and components and ammunition.	Plans to tackle traffickers and to identify victims in cooperation with other relevant authorities. Training, targeted risk analysis, profiling and operational instructions for border guards to identify victims of trafficking of human beings.
13. Appropriate implementation of bilateral agreements on border management cooperation at international level	These agreements/Acts cover the whole spectrum of cross-border cooperation. – exchange of information, – joint risk analysis, – exchange of experience, – procedures for urgent situations – common activities – etc.
14. Strategic planning, allocation of personnel and technical resources based on a constant analysis of environment and threats	Intelligence driven border management planning and activities.
15. Constantly updated comprehensive situational picture at national level covering all information related to national border management.	Situational picture consist at all levels information of: – border crossing traffic (total and each BCP, nationalities, number and reasons of II-line checks, refusal of entries, detected illegal actions, modus operandi, queues etc.) – situation along blue and green border (number of illegal border crossings, their nationalities, modus operandi, identified routes, etc. – illegal immigrants detected inside territory, expelled persons, asylum seekers etc.) – pre-frontier picture (border management situation in neighbouring countries and countries of transit and origin)
16. Situational picture at regional and local level, as near to real-time as possible, to increase reaction capability, to enhance situation awareness and to improve capability to coordinate operational activities.	and additionally at regional (or at local level): – available resources; number and location of patrols, vessels, aircrafts and technical means – names and duties of shift managers, etc. – targets at maritime domain – other relevant issues.

17. There should be situational awareness 24/7 with regard to the external borders at national level. 18. A Member State should have a single central point of contact for other Member States for all issues related to border management, FRONTEX and other inter-agency and international counterparts.	One national coordination centre (NCC) coordinating 24/7 the activities of all national authorities carrying out external border control tasks (monitoring, detection, identification, tracking and interception) able to exchange information with the centres in other Member States and in FRONTEX. NCC is responsible for: – Daily, weekly and ad hoc situational reports – Immediate factual information on situations, to support the decision-making process – Early warning messages. All information is exchanged by electronic data-processing and transmission techniques.
19. Appropriate number of regional and local command and coordination centres to ensure operational communication and information management.	Regional/local command and control centres are operating under the command of relevant regional/local headquarters. 24/7 capability for: – Situation monitoring – Coordination and facilitation of operational activities – Launching actions in urgent situations – Mission awareness and support.
20. Allocation of reserves, staff and equipment, to react to incidents and illegal movements along borders and at border crossing points.	Plans for different scenarios at all levels (goals, availability, location, competence, etc.) including possible deployment of RABIT and plans in case of large-scale illegal immigration.
21. A Member State should have capability to reinforce border control on the basis of risk assessment and analysis.	Different-level plans for reinforcement of border control based on possible scenarios.
2. Staff and training	
22. Effective border checks and surveillance necessitate a sufficient number of staff depending inter alia on risk assessment and analysis.	Study comparable situations in other Schengen Member States which could serve as an example.
23. Selection criteria for recruiting new staff based on written rules. Required educational level and physical suitability should be tested and recruits should meet moral and legal requirements (criminal/judicial/legal records, etc.)	Selection is done by the Border Guard or at least under the supervision of the Border Guard.

24. Arranging regular evaluation in which job satisfaction, effectiveness, social conditions and liability, for example, are measured.	Motivation programme contributing to stability and high professionalism on the part of border guards. Unified national form of the evaluation questionnaire.
25. High level of professionalism based on successfully completed training.	Organisation of special training and development programmes on relevant issues (for example in the framework of a Police or Border Guard Academy).
26. Operational staff should have successfully completed a basic training course concerning their future tasks.	Provision for rotation of staff between Border Guard units and/or activities. This is considered most useful at the beginning of the career for reasons of effectiveness.
27. Border guards should have the ability to communicate in foreign languages.	Communication in foreign languages related to border guards' daily duties. Satisfactory knowledge of neighbouring countries' languages. Encouraging staff to learn other languages necessary for their work (neighbouring countries, countries of origin and languages depending on passenger structures).
28. A training programme should be established with regular training and briefing hours for officers during working time.	E-learning programmes for maintaining knowledge, and refresher courses. Continuous training and adequate training documents on the spot. Updating briefings after the holidays and refresher training after long periods spent performing other duties. At least once a year, a refresher course for each border guard. Language courses for border guards.

29. The organisation should provide programmes and facilities at central and local level to accompany officers during their career by offering them education and training on issues which are relevant to their work.
    – Basic training in line with the Common
	Developments of new training programmes with the support of more experienced countries and facilitation by FRONTEX.
	    – Mid-level training for leaders in line with the Common Mid-level Curriculum (CMC).

Core Curriculum on border guard training (CCC).	Deployment of officers on special training courses organized by FRONTEX or CEPOL.
30. Specialized and advanced courses should be developed for: – second-line checks – crime intelligence – risk analysis and profiling – detection of stolen vehicles – detection of forged and falsified travel documents – detection of people hiding inside vehicles using state of the art devices – dog handlers, etc. – human rights and dealing with asylum seekers	Specialized training programme for border guard dogs. Specialized training programme for helicopter pilots and vessel crew.
31. When appropriate, training for border management related activities, e.g. search and rescue, should be made available.	
32. Adequate introductory briefing for new officers.	Experienced border guards as tutors.
3. Border checks *3.1 Generally*	
33. Border checks should be implemented in accordance with the Schengen Borders Code (SBC) and the Schengen Handbook.	Officers carrying out border checks have suitable uniforms made of materials adapted to the weather and climate conditions (not camouflage coloured) and sign or badges which identify them as border guards.
34. Planning of border checks should take into account assessment of what impact border control provides against cross-border criminality. Assessment gives a basis for tactical requirements for border checks such as intelligence gathering and analysis, profiling, rate of thorough second line checks, utilisation of special equipment, etc.	National criteria for calculating crime rates have been defined.

35. Infrastructure at border crossing points, inter alia number of booths and lanes, premises (including facilities for persons refused entry), etc. should be tailored according to passenger flow (quantity and quality), taking the assessment of future developments into account.	Development plan encompassing all functions, authorities and other stakeholders at each border crossing point.
36. Border Guard should be responsible for public order and security at border crossing point.	Managing of regime at border crossing points and supervision of its application is within the sphere of competence of the Border Guard.
37. Control booths should face the passengers and be in higher position to allow easy profiling, with all the necessary equipment and good lighting. They should have direct communications with the second line office (including situation centre and shift manager office).	
38. Measures are taken in order to prohibit access through the control booths outside working hours.	Installation of locked doors controlled by Border Guard.
39. Persons refused entry being placed in specially designated facilities (which are intended only for them) should be kept under permanent supervision using technical or personal means. Facilities for such persons must fulfil both security and social conditions. 40. Additional facilities should be available for asylum seekers.	
41. Adequate number of officers and border check equipment should be deployed to control passenger flows and respond to actual risk assessment. Adequate number depends inter alia on: – constant control of passenger flow; – night time, border situation and threat level – available equipment – environment (threat of pandemic etc.) Extended waiting of passengers at control booths lanes should be avoided.	Shift at BCP depending on size of border crossing points consists of: – shift manager, – first-line officers – second line officers – crime intelligence officer – other specialized personnel (document experts, outdoor controllers, vehicle experts, dog handler, transportation identification specialist, video surveillance operator etc.) – both male and female officers Officers with appropriate language skills in every shift.

	Overlapping between shifts to ensure sufficient time for briefing and information exchange.
42. The shift manager should be in charge of supervising the duties allocated to the border check unit. As he/she is responsible for the actions and measures taken, the shift manager must be aware of the events at the BCP and of the action taken by the border guards. The shift manager should monitor the physical and mental condition of staff before and during the shift.	The shift manager makes the necessary administrative decisions with regard to border checks in consultation with the border guards. The shift manager ensures that all necessary measures and inspections are conducted in all circumstances. All incidents and/or situations that are out of the ordinary must be reported to the shift manager, so that he/she will have the opportunity if necessary, to have an influence on the effective conduct and outcome of border checks. All measures for the purposes of border checks must be as prepared and well-founded as possible in order to provide a sufficient basis for decision-making.
43. In addition to carrying out border checks according to SBC, the goal for first-line checks should be to profile passengers and pick out suspicious persons for thorough second line checks. 44. At first-line upon entry and exit at the BCPs access to the following equipment should be provided: – terminal for consulting SIS, VIS and national databases – portable terminal when necessary – document examination instrument, with variable UV light, white overhead light, transmitted light – magnifying glass at least 10 x or monomicroscope with variable zoom – retro-reflective lamp – Schengen entry and exit stamps (defined in SBC) – Schengen Borders Code and Schengen Handbook with annexes – constantly updated risk indicators and risk profiles – available electronic document examples and other information necessary for carrying out border checks	Systematic consultation of national databases including other relevant authorities' databases for third country nationals. Sufficiently high speed data transfer, including mobile devices. Availability by electronic means of the Schengen Handbook and its Annexes and national instructions. Access to additional databases for false documents. Before the start of each shift, the officer on duty provides information on any risk indicator and risk profiles.

45. The goal for thorough second line checks is to ensure adequate revealing of risk passengers with e.g. false travel documents, and to apprehend of human smugglers and other person which could endanger Member States' internal security. (Entry checks are priority.)	Second line facilities are located close to any first-line position, preferably next to arrival checks.

Appropriate number of second line offices with enough space, preferably with separated offices to perform interviews. |
| 46. At BCPs with extensive traffic second line office with following equipment is required:
– same equipment as in the first-line
– consultation of Document Examination System for authentication of travel documents
– video spectral comparator (includes infrared and ultraviolet light, filters, white overhead light, transmitted light, etc.)
– stereo zoom microscope at least x 40
– anti-stoke ink control device
– identification equipment and material (including template to compare stamps)
– SBC and Schengen Handbook with annexes
– handbook containing genuine and false passports and ID documents
– access to iFADO and FADO
– equipment for access and/or applying to EURODAC, national AFIS, VIS and relevant national databases | Additional duty for second line to provide feedback and new knowledge (briefing) for first-line officers on regular basis and ad hoc if needed.

Bulletins for fraud documents are made for training and risk analysis purposes for national and international use.

IPI (invisible personal information) decoder.

Additional databases for false documents etc.

National contact point to Schengen Handbook on CIRCA.

Use of fingerprint identifying devices, fingerprint readers.

Use of specialized vehicles with equipment for examination of travel documents and access to databases. |
| 47. For thorough second line checks, advanced equipment for examination of travel documents should be made available to all BCPs in due time (e.g. at nearest BCP). | |
| 48. Passengers flow should be observed by border guard officers. | Video surveillance (CCTV systems) to profile passenger flow is used, for example, to select persons for second line checks. (Storage of the images is possible in accordance with the national data protection laws.)

Mirrors on ceilings/walls in order to properly see a passenger who is under first-line control. |
| 49. Integrated passport readers should be used at first-line checks (mobile and fixed readers) at BCPs with extensive traffic. Automatic consultation of SIS, VIS (when operational) | Data of third-country nationals are recorded automatically in national database upon entry and exit with regard to national legislation. System is available at all BCPs. |

and relevant national databases carried out with regard to third-country nationals who do not enjoy the Community right of free movement.	Use of document and fingerprint readers with computer- aided security features, analysis capabilities. Automatic border control system will combine the operations of reading and checking electronic passports with a feature for assessing biometric data.
50. Face-to-face communication between Border Guard officers and passengers during border check (except in the case of automated border control systems for EU citizens).	Passengers approaching border checkpoint are stopped in front of control booth by clearly visible marks.
51. Secure storage of entry and exit stamps in safes in secure rooms with limited access between shifts. There should be clear responsibilities and instructions for distribution and use of the stamps. Information about security codes on entry and exit stamps should be subject to a special regime.	Personal stamps. Personal cells in safe-boxes. Stamps are distributed for use by shift manager. This is registered. At BCP, information about security codes on entry and exit stamps are only known only to the border guards carrying out border checks and they are designed to be limited. Information about changes to the security code for a respective period is provided to the border guards only when such changes are made. Only one national contact point within the Border Guard structure is designated for purposes of exchange of information on security codes used at all border crossing points and also for exchange of information with contact points of other Member States.
52. In accordance with national legislation the following records should be kept in order to improve situation awareness and to facilitate analysis at the BCP: – passengers' nationalities – average waiting times – detected false documents – apprehended facilitators – basic information from the other authorities working at the BCP – other irregularities and relevant information – information needed for CIREFI	Records of the number and the reasons for second line checks are collected. Data is recorded in national database. Introduction of an intranet database for the Border Guard.

53. All relevant information should be available to border guards during the performance of their duties.	Common briefing at beginning of every shift. Exchange of information between previous and following shifts.
54. Unauthorized observation (especially of computer screen) should be prevented.	Glass in the booths is covered by a film.
55. Blank visas should be kept in a safe. 56. Register of issuance of visas should be maintained.	Decision to issue the visa is made by a senior officer or official of a higher authority.
3.2 Land borders **3.2.1 Road border crossing point**	
57. Signpost at border to show entry into a Member State and the EU.	
58. Radioactivity sensors along entry lanes between border and BCP.	Mobile measuring device or stationary radioactivity gates.
59. Separated lanes for EU, EEA and CH citizens and third-country nationals.	Possibility of changing signposting of lanes depending on composition of passenger flow (electronic signs). Physical separation of entry and exit flows of traffic at land BCPs with extensive traffic.
60. Border crossing points and immediate surrounding area should be technically monitored, and lightning should be provided for border checks and surveillance. As a general rule, the BCP are should be fenced off (exceptions could be made e.g. for BCP for local border traffic).	Perimeters are monitored by cameras and sensors.
61. Barriers at lanes (both entry and exit lanes) with possibility of electronic control by first-line officers.	Camera/video monitoring system to cover BCP area.
62. Adequate checks in order to reveal persons hiding inside vehicles.	Vehicles are checked based on updated risk indicators and profiles, and also on random basis: – mobile/stationary X-ray machine (according to national legislation) – heartbeat detectors – carbon dioxide detectors

	– sniffer dogs for revealing persons hiding inside vehicles – other state of the art devices – radioactive, drug and other detection equipment Vehicle number plate recognition system with automatic checking in SIS and national databases.
63. Monitoring of passenger flow and checks on lanes.	Combined checks are carried out by officer at lane and officer in the booth (especially at non-EU lanes). Performing border checks outside the control booths when passengers remain inside the vehicles during the checks. Technical equipment is organised and installed so that checks can be performed also outside the booths. Specific patrols are used for carrying out inspection on lanes: – checking vehicles – profiling – use of dogs and technical means
64. Facilities for carrying out thorough checks for vehicles separated from lanes.	Facilities are placed relatively near to the control site.
65. Border checks of bus passengers' travel documents are carried out by using mobile devices. At BCPs with extensive traffic or needing to use technical equipment, border checks for passengers travelling by bus should be carried out in a passenger terminal or lanes based on risk analysis.	Separated area in the terminal for border checks of bus passengers.
66. If a common BCP between a Member State and a neighbouring third country is established, full compliance with Community law (e.g. on actions to be taken following an alert in the SIS, personal data protection, security, asylum, signposting, etc.) shall be ensured. Bilateral agreements should provide for the possibility of Border Guard officers from other EU Member States (for instance within the framework of FRONTEX joint	

operations) carrying out border checks at BCPs situated on third countries' territories. Relevant information and all useful statistical, factual, analytical or other information should be collected even where the BCP is on the territory of a third country. Executive powers must be specified by bilateral agreements involving all competent authorities. The responsibility for carrying out border checks in accordance with the acquis remains fully with authorities of a Member State.	
3.2.2 Railway border crossing point	
67. Monitoring and physical measures in order to prevent persons from leaving trains before border checks.	Video and sensory monitoring system between borderline and border crossing point in cooperation with railway authorities/companies. Fences and patrol roads along both sides of the tracks from the border line to the BCP.
68. Cooperation with railway authorities and carriers to get sufficient information for performing controls and constantly obtain railway traffic information. 69. Cooperation with railway police and railway security services.	Common training in e.g. security issues. According to national legislation and bi-lateral agreements passengers' lists are checked beforehand in order to carry out thorough checks in accordance with risk indicators and profiles. Consulting SIS, VIS and relevant national databases during pre-checks with regard to persons who do not enjoy the Community right of free movement. Using the electronic passenger list. Cooperation and training of railway personnel in the area of travel documents in order to detect falsification and get pre-information.
70. Adequate checks in order to discover persons trying to avoid border control.	Checks are facilitated by sniffer dogs.
	Border checks on moving trains with mobile devices and online access to necessary databases.

	Checks on moving trains together with the competent authorities of neighbouring EU Member States which are not yet Schengen Member States in accordance with bilateral agreements.
71. Checks on goods trains.	Specific team with customs officers.
72. Necessary technical equipment and infrastructure to assist checks on trains.	Separated control area for goods trains, which is monitored by surveillance cameras. All goods trains are checked by stationary sensors during the movement of trains.
3.2.3 Local border traffic BCP	
73. Border checks at local border traffic BCPs should be carried out according to Local Border traffic regulation. 74. It should be possible to carry out second- line checks given sufficient time. 75. National database containing data on local border traffic permits issued should be available for consultation.	At local border traffic BCP with very low number of passengers, border checks are carried out by the use of mobile devices.
3.2.4 Inland waterway crossing point	
76. Border checks in general should be carried out in the same way as at maritime borders.	
77. Border guards should have access to relevant information in advance in order to carry out border checks.	
78. Control aboard ships with mobile devices, or passengers disembark and control should be carried out at port.	Separated control sites and video monitoring system to cover port area.
79. Physical or administrative separation of passenger flows according to their density.	At BCPs with extensive traffic separation of entry and exit passengers with barriers. Security measures: lighting, fences around the port area.
80. Necessary control devices and rooms (premises).	Technical possibility of control of dangerous or radioactive materials.

	Veterinary and plant-health controls at designated places.
3.3 Maritime borders	
81. Port area should be fenced.	Video monitoring system to cover port area.
82. Passenger and crew lists should be checked beforehand in order to carry out thorough checks according to risk indicators.	Computer programme for checking passenger lists through SIS and relevant national databases with regard to non-EU citizens (not enjoying the Community right of free movement). Cooperation with ship owners and training of maritime personnel in the area of travel documents in order to discover falsification and get pre-information.
83. Cargo ships should forward crew and passenger lists and other relevant information (embarking, disembarking) 24 hours prior to arrival. 84. Ferries should forward crew and passenger lists after departure from third- country port.	
	Necessary mobile technical equipment and online access to the necessary databases for carrying out border checks.
85. Separation of passenger flows between non-Schengen and Schengen vessels should be made by physical means. Minor ports where the volume of traffic allows separate flows by organizing systematically monitored and accompanied flow of passengers.	Border guard authorities have a legal tool to influence and execute from the port administration operator implementation of the technical and physical means required to separate Schengen and non-Schengen flows of passengers in the terminals.
86. Necessary measures to ensure effective security of cargo and equipment in the international area of the port.	
87. Necessary procedures for facilitating access to the ship by visitors as well as ship personnel.	
88. Cooperation between Border Guard, ship-agents and shipmasters in order to be able to perform previous risk analysis and to take	

appropriate measures to rapidly clear passengers and crew.	
89. The Port Administration should maintain a single window platform available to Border Guard officers with information on the arrivals, departures and stays in port of all ships.	
90. The Border Guard should require from the ship's agent all information and written guarantees concerning the embarkation and disembarkation of crew members as well as any event concerning the ship's situation in port.	Using the common standard template of guarantees.
91. Sanctions should be imposed on ship's agents when a ship departs without the necessary border control.	
92. Situations of refusal of permission to go ashore; refusal of entry; attempted disembarkation for illegal purposes, stowaways, asylum requests and other relevant situations, should be transmitted to the next port of call of a Member State.	
93. Crew disembarkation with the purpose of transfer to a ship in a port of another Member State, will require an exchange of information between Border Guard of Member States concerned in order to confirm the ship's presence or arrival.	
94. A database of suspicious vessels, suspicious ship's agents and suspicious ship owners should be established.	An international database of seamen identity documents is being set up because specimen documents are not easily available.
	Border checks performed aboard a vessel between the last port of call and the next port enables border checks to be carried out without slowing down disembarkation on arrival.
3.4 Airports	
95. Separation of passenger flows between non-Schengen and Schengen flights should be made by physical means.	Area for the transit of non-Schengen flights. Separate and dedicated levels for Schengen and non-Schengen traffic.
96. The airport operator should take the requisite	

measures to physically separate the flows of passengers on non-Schengen flights from the flows of passengers on other flights.	Physical separation (water-tightness) is achieved by walls, glass, metal grid, etc., reaching from the floor to the ceiling.
97. Airports with extensive international traffic should be physically separated into Schengen and non-Schengen zones in order to avoid the possibility of persons or belongings (including documents) passing from one zone to the other.	Border guard authorities have a legal tool to oblige the airport operator to implement the technical and physical means required for separating Schengen and non-Schengen flows of passengers. Cooperation and training of airline and airport personnel in the area of travel documents in order to discover falsification and get pre-information of suspected passengers. At airports with an extensive international traffic separate lanes for border checks on crews should be used.
98. Aerodromes, minor airports and terminals where the volume of traffic allows should separate flows by systematically monitoring and accompanying the flow of passengers.	For airport BCPs not manned permanently, information on flights coming from outside the Schengen area is sent to the nearest Border Guard Unit or coordination centre. All airports with arriving non-Schengen commercial flights are handled as international airports.
99. Passengers should embark or disembark from the aircraft either by bus or by gangways. In the case of disembarkation by bus, passengers are brought directly to the zone (or the corridor leading to it) where the border check takes place. In the case of disembarkation by gangway, passengers follow corridors until they reach the border checks.	Escorted by qualified handling company personnel in the case of disembarkation by bus.
100. Depending on the risk assessment, Advance Passenger Information (API) should be utilised.	Information provided by API is handled by a crime intelligence officer.
101. Gate control for risk flights (based on risk analysis).	To increase the efficiency of border checks, random gate controls are also carried out. Video monitoring and recording system covering all non-Schengen arrival gates (e.g. in order to find out on which flight illegal immigrants has arrived).

	In accordance with risk analysis, pre-checks in the aeroplanes in order to identify possible illegal immigrants and their seats (helps afterwards, for example in looking for hidden travel documents).
	In accordance with risk analysis, aeroplanes are searched after disembarkation in order to find hidden travel documents, for example.
102. Cooperation between Border Guard and airlines carriers and airport operators to ensure appropriate number of border guards in each shift.	Airline carriers and airport operators provide needed information by electronic means.
4. Border surveillance *4.1 Generally*	
103. Border surveillance should be implemented in accordance with the Schengen Border Code (SBC) and Schengen Handbook.	Officers carrying out border surveillance have suitable uniforms made of materials adapted to the weather and climate conditions and sign or badges which identify them as border guards.

104. Border surveillance should be assessed using two key parameters which are situational awareness and reaction capability.
   – Situational awareness measures the level at which the units can detect ongoing or already accomplished unlawful border crossings (or smuggling activities) throughout the relevant planning period. This shows the requirements at tactical level (monitoring times and areas, detection rate, identification methods and profiling of targets). Also, the number and direction of patrols along blue and green borders is relevant.
   – Reaction capability measures the level at which the units are able to react by apprehending and searching any persons detected or investigating suspected illegal activity throughout the planning period. This shows the requirements at tactical level (density and equipment of patrols, density and readiness of special intervention units, availability of aircraft and helicopters etc).
 	
 105. Based on risk analysis, suitably equipped patrols (land, sea, airborne) should be kept in
	The border is kept under constant monitoring. Tactical surveillance centres active 24/7, monitoring the border or sea area through surveillance equipment and patrols. The centre actively refers information on movements to intelligence officers (risk indicators, registers) and analyses the nature of movements in order to discover anomalies. Random controls are also carried out.
	
	 Constant readiness of patrols. The tactical surveillance centre is competent to send out patrols immediately.

readiness for pursuit, apprehension and/or control of detected movements and arriving or departing transportations.	
106. Functional communications between patrols, vessels, aircraft and command/control centres.	Use of TETRA standard radios or other encrypted ways of communication.
107. Activities in the area of responsibility are supported by mobile control equipment.	Mobile patrols/vessels have on-line access to databases and examples of travel documents (visas, border stamps information, etc)

Mobile patrols/vessels have some equipment to check travel documents (UV, magnifying glass at least 10 x or mono microscope with variable zoom). |
| *4.2. Land borders* | |
| 108. Illegal immigrants crossing the border should be detected with adequate efficiency.

109. Border surveillance and apprehension of illegal immigrants should be carried out with mobile and fixed patrols supported by technical means:
– patrols moving by car, motorcycles, snow scooters, all-terrain vehicles, horses etc.
– night vision devises and thermal cameras
– fixed camera and sensor alarm systems
– portable infrared alarm/camera and other sensor systems
– sniffer dogs in forest areas
– motor boats at lakes and rivers | Helicopters and fixed wing aircrafts carry out surveillance and support patrols on the ground. |
| 110. Surveillance resources should be concentrated in high-risk areas in accordance with risk analysis. | Border area is divided into sectors/sections. The period of surveillance of each sector depends on risk analysis. |
| 111. Border near the BCPs should be kept under supervision in order to detect person attempting to skirt around the BCP. | Border close to BCP is monitored by cameras and/or an alarm system. |
| 112. The response times required to start tracing illegal border crossers in each border sector should be defined (based on risk analysis). | Mobile units, fast response teams, helicopters, motor boats, sniffer dogs etc.

Plans drafted in advance, including manned points, for tracing illegal border crossers in different border sectors/sections. |

113. Cooperation of border guards with the local population.	Constant contacts with local population and relevant authorities. During their shifts; border patrols and leaders keep up regular contacts with local residents.
114. Collection of all relevant evidence to prove illegal crossing of the State border in order to readmit third-country nationals.	Fixed practices of gathering evidence regarding illegal border crossing, in accordance with bilateral or EC Readmission Agreements.
4.3. Maritime borders	
115. There should be coastal surveillance system backed up by a network of coastguard stations in readiness for rapid reaction. The system should be supported by an offshore element; offshore patrol vessels, helicopters, fixed wing aircraft and other means.	Integrated surveillance system and common maritime situation picture with all relevant authorities (border guard, naval authorities, navy, coastguard etc.). All data are recorded and stored for at appropriate time. Situation is monitored in adequate number of command/control centres. Situation picture is composed of information from radars, offshore patrol vessels (OPV), camera surveillance systems, helicopters and fixed wing aircraft.
116. All vessels coming into territorial waters should be detected and identified. Identifications (names of vessels) should be checked against background information on risk vessels.	Use of AIS (Automatic Identification System), VTMS (Community Vessel Traffic Management System), VMS (Vessel Monitoring System for fisheries), V-RMTC (Virtual Regional Maritime Traffic Centre) and SSN (SafeSeaNet).
117. Arriving vessels should be assessed in accordance with risk analysis.	Assessment is carried out in regional/tactical command/coordination centres by crime intelligence officers.
118. If necessary, checked vessels should be intercepted by border guards at sea. Necessary coercive measures are carried out.	OPVs, coastal patrol vessels (CPV) or patrol boats (CPB) from coastguard stations.
119. There should be necessary measures to prevent unauthorized access to the port facility, ships moored, and to restricted areas.	

4.4 Airports	
120. Surveillance of the airport should be implemented in cooperation with the airport authorities.	
121. The territory and perimeter of the airport should be surveyed using a camera system. 122. Border guards should control system and have access to camera images. 123. All data of the camera system should be recorded and information should be stored for appropriate time.	Data is available to the Border Guard and is used for crime investigation purposes, etc.
124. Airport perimeter should be patrolled.	
125. Transit area should be patrolled.	Patrol is advised by intelligence officer (targeting persons to be checked). In accordance with risk analysis, also patrols in plain clothes.
5. Risk analysis and crime intelligence	
126. Strategic intelligence organises all information and extracts a strategic situation image (phenomena of interest and underlying factors). Strategic intelligence produces statistics, trends and qualitative descriptions.	Weekly and monthly risk-analysis reports and case studies are provided systematically to border guards at local level through special e-environment. There are procedures for producing and reporting statistics at all levels (central, regional and local).
127. Strategic risk analysis analyses strategic key information. It extracts potential changes and proposes policies. Analysts must be fully informed of the fundamental paradigms, interests, threats and risks.	Use of FRONTEX's risk analysis products.
128. Operational intelligence connects the operational field information and strategic information (inputs and outputs in both directions) in an "operationally" valid context.	Practical profiles and risk indicators for the use of patrols and officers carrying out border checks are produced by specially trained intelligence officers.

129. Qualitative and quantitative analysis of the operational environment, objects of activity and results of own activity. Operational analysis to get valid information on prevailing situation in order to facilitate direction of optimal resources. Special attention should be paid to loopholes where the system fails.	Operational analysis is established and maintained at regional headquarters by uniform instructions and methods.
130. Tactical (field level) intelligence should connect operational field workers and the information system. Data flow should be two-way (inputs and outputs).	A Border Guard crime intelligence network under centralized supervision.
131. Profiling should categorise objects of the activity for the purpose of optimal direction and intensity of the ongoing measures at tactical level.	
132. Information concerning risk indicators, risk profiles and typical modus operandi of cross-border crime should be provided systematically to officers at the local level.	Profiles are maintained in databases (e-environment) and are available for border guards in a usable way. For example "top 10" lists.
133. There should be risk analysis unit at national level, sector (etc.) at regional level and intelligence officers at local level.	Regular meetings and training coordinated at central level by national risk analysis unit.
	Border Guards of Port BCPs are participating on identifying possible threats to assets and infrastructure and the likelihood of their occurrence in order to establish and prioritize security measures, under ISPS Code Port Security Plans.
6. Detection and investigation of cross-border crime in coordination with all competent law enforcement authorities	
134. There should be cooperation for detection and investigation of cross-border crime, illegal migration, smuggling of drugs, weapons, ammunition, stolen vehicles and property, as well as the use of forged and stolen documents.	Joint crime intelligence and investigation groups. Common use of databases. Common databases. Common risk analysis at all levels. Common meetings and training programmes.

135. There should be clear division of the main responsible authorities in each particular cross-border crime.	
136. Interrogation of all detected illegal immigrants should be carried out in order to identify routes, traffickers, facilitators and other relevant issues (e.g. to find out the price paid to facilitators to organise illegal crossings).	
137. Illegal immigrants should be registered before possible refusal of entry, removal or readmission measures.	Including storing biometrics.
7. Measures in third countries of transit and origin	
138. There should be adequate bi- and multilateral cooperation with Border Guard authorities in third countries of transit and origin.	Annual (or bi-annual) meetings at the highest level. Cooperation consist: – exchange of information on illegal immigration – meetings between experts – common training e.g. for document experts Meetings and exchange of information between airports and ports.
139. Member State's consulate officials should be trained to recognize false travel documents and identify risk indicators of visa applicants.	Border Guard places liaison officers (e.g. as document advisors) in important consulates. Liaison officers are trained in profiling and identifying false documents and equipped with appropriate devices for examining travel documents. Liaison officers have access to SIS, VIS and relevant national databases according to national legislation and their responsibilities. Liaison officers have centralized most up-to-date knowledge and state-of-the-art devices for document examination.

140. There should be cooperation with relevant air, sea and road traffic carrier companies.	Training and regular cooperation meetings with carrier companies and Border Guard.
141. There should be cooperation with Member States' liaison officers placed in same third country or region.	Liaison officer network.
8. Cooperation with neighbouring third countries	
142. The aim of cooperation with neighbouring third countries should be to improve border security.	Joint/mixed patrols with authorities responsible in neighbouring third country. Close cooperation with authorities responsible for border checks in specific areas (e.g. simultaneous checks in moving trains) in accordance with EU and national legislation.
143. There should be cooperation with neighbouring third countries at all levels (central, regional and local). 144. Cooperation should be achieved by establishing appropriate working mechanisms such as exchange of information, appropriate communication channels, local contact points, emergency procedures and handling incidents in an objective manner in order to avoid political disputes.	Border Delegate concept which means bilateral border management cooperation between two countries' border guards, based on an officially organized structure and procedures. This concept consists of: – regional chiefs carrying out duties of Border Delegate – information exchange – impromptu consultations – joint investigations – joint training and operations – etc. Annual meetings at highest level. Relevant permanent working groups at regional level. Regular and ad hoc meetings and joint operations and training at local level (border crossing points and green border).
145. There should be exchange of information on situation related to illegal border crossings or cross-border crimes.	Common threat and risk assessments. Common procedures for different situations which are regularly tested.

9. Control measures within the area of free movement, including return	
146. Surveillance of third-country nationals should be proportionate and planned according to risk analysis.	Common risk analysis with relevant authorities (Immigration, tax and labour authorities, Police, Customs, Border Guard).
147. There should be systematic and planned measures in order to detect third-country nationals unlawfully staying in the territory of MS.	
148. Apprehended illegal immigrants should be handled systematically. – identifying and registering immigrants – recognition of victims of crime, human trafficking and exploitation – sufficient removal or expelling measures – receiving asylum applications	Including recording fingerprints.
10. Inter-agency cooperation for border management (border guards, customs, police, national security and other relevant authorities)	
149. There should be regular coordination of inter-agency cooperation at all levels. There should be regular meetings between heads of services where the focus for the year is decided, goals are set and guidelines are determined. These decisions are elaborated in greater detail in planning meetings between heads at regional level. Actual schedules for joint operations, activities and other measures are put into effect by cooperation meetings between local heads.	Permanent board for coordinating inter-agency cooperation. Revolving chairmanship between participants. Common radio communications (e.g. TETRA). Joint risk analysis centres. Joint risk analysis. Common crime intelligence and pre-trial investigations groups. Common use of databases. Common patrols at green and blue borders. Maintenance and further development of NCCs.
150. Division of tasks between authorities should be made clear. Duplication of tasks should be avoided.	
151. Joint working arrangements at BCPs should be implemented.	One-stop principle at land border BCPs. (Border guard and custom official working together). Participating in other authorities' shift briefings.

11. Cooperation between Member States	
152. There should be practical and pragmatic bi- and multilateral cooperation between neighbouring Member States including concrete analysis, plans and actions to tackle illegal immigration and cross-border crime.	Joint criminal intelligence and risk analysis groups/centres between neighbouring Member States. Concrete annual action plans not only between central authorities but also between regional and local authorities.
153. Cooperation with neighbouring Member States regarding maritime surveillance should be implemented.	Implementing the European Patrol Network concept (EPN).
154. Border guards should participate in cooperation with and in the framework of the FRONTEX. – Establishment, maintenance and further development of a National FRONTEX Point of Contact. – Participation in FRONTEX Management Board meetings. – Establishment and further development of RABIT pool.	Active participation in FRONTEX coordinated activities. – Participating in Joint Operations at land and sea borders and airports. – Use of results of Best Practice projects carried out by FRONTEX and Member States. – Participating in different meetings; FRAN, PRN, Research and Development, etc. – Implementation of a Common Core Curriculum and EU-Training Day. – Deploying Seconded National Experts to FRONTEX. – Listing equipment in the Central Record of Available Technical Equipment (CRATE). – Establishing and maintaining FJST pool. – Deploying guest officers to another Member States' Focal Points. – Provide Focal Point(s) in own country.
12. Coordination and coherence of the activities of Member States and Institutions and other bodies of the Community and the Union	
155. There should be clear division of tasks in Member State for cooperation with and in the framework of EU bodies and stakeholders.	Ensuring that the operational point of view is taken into consideration in relevant Council Working Parties.

13. Prevention of corruption	
156. Anti-corruption measures should be implemented according to national anticorruption strategies.	Border Guard salaries are at competitive level. Chiefs are rotated from station to station. Additional employment outside the Border Guard is regulated.
157. There should be no possibility at any level of preventing the performance of thorough checks on certain persons, profiles, transport companies etc.	
158. There should be a possibility for Mobile units carrying out unannounced operations, independently of local management, in areas where corruption is a common phenomenon.	
159. As a general rule there should be at least two officers present at each BCP including local border traffic BCPs (e.g. one border guard and one custom official).	Border checks are monitored and recorded. These records could be used for criminal investigation purposes e.g. when prosecuting passengers for attempted bribery. Passengers cannot choose line depending on the identity of the booth officer (e.g. shaded windows). Border guards do not know their exact task before their shift. Rotation between the shifts from time to time.
160. There should be internal audit unit for Border Guard.	Unannounced inspections are arranged.
161. There should be code of conduct for border guards e.g. in order to avoid situations of corruption or which could lead to corruption.	Organising training on the code of conduct.

PART TWO: RETURN AND READMISSION

A. INTRODUCTION – RETURN AND READMISSION MEASURES TO COMBAT ILLEGAL MIGRATION

Solving the problem of illegal immigration of third-country nationals has been one of the basic assumptions of the common migration policy since the start of its implementation.

 Third-country nationals enter the territories of the Member States illegally crossing either land, sea or air borders. They often use counterfeit documents or are assisted by illegal migration facilitators. However, there is another category of third-country nationals who enter the Schengen area legally using valid visas or through visa-free border traffic and then extend their stay illegally or change their purpose without the knowledge of and permission of the respective authorities. The third category of illegal migrants is made up of those third-country nationals who apply for refugee status in a Schengen country and who subsequently remain there illegally even though their applications have been finally rejected by the national competent authorities.

Credibility of the common migration policy should be maintained through taking increasingly effective measures against the above-mentioned categories of migrants as far as permanent return to their countries of origin or residence is concerned, until the expiration of the period of the entry ban, as laid down by law.

Enlargement of the Schengen area creates a situation in which the burden of combating illegal migration, i.e., all activities connected with returns and readmission procedures, is placed upon those countries which maintain external borders. This implies that the foundations for effectively combating illegal migration in such a large area without internal border controls should rest on solidarity, mutual trust and effective cooperation between respective authorities of the Member States. Financial means available under different EU financial instruments should be used as a factor facilitating the cooperation between the MS in the field of return policy. In addition, the FRONTEX Agency should give all possible support within its mandate to this kind of undertaking.

While taking decisions and choosing measures to be used for fighting illegal migration, it cannot be forgotten that illegal migrants have to be treated in a humane and respectful way, especially they are victims of trafficking in people, who are subsequently abused by their employers. This is why the issue of observance of basic rights and the principle of non-refoulement is one of the priorities of common migration policy.

While accomplishing returns, it is also very important to keep to the rule of giving priority to voluntary returns, particularly those supported by different programmes specially designed for this purpose, over removals which should be carried out as a last resort. This is why it is so important to give all parties concerned as much information as possible on the availability of support which can be given to those who decide to return, on the organizations specializing in such matters, e.g. IOM. In the long run, the more often these kinds of returns are executed, the more effective they will be.

Another all-important factor for effectively accomplishing returns is the positive verification, by all legal means possible, of the nationality and identity of persons due for return, and who do not possess proper travel documents. A European travel document issued for persons due for removal is a solution which can be used to simplify the return procedure.

The Member States, the Council and the European Parliament have been working on developing common standards in this respect. Work was in progress during the period 2005 – 2008, in order to elaborate a directive of the European Parliament and of the Council defining for all EU Member States common standards and removal procedures to be used in the case of third-country nationals who stay illegally in the territory of the Union. The directive aims at creating common rules concerning returns, removals, use of reasonable force, and means of detention, as well as introducing an entry ban on illegal migrants.

In order to improve the effectiveness of activities connected with returns, the European Commission acting in line with mandates from the Council, is continuing its efforts towards concluding further agreements on readmission with third countries, including countries bordering on the territory of the Union, or with countries with high migration pressure.

The aim of this material is to make a compilation of the experience of the Member States in so far as return and readmission is concerned and to describe best practices in this respect. It will help to unify procedures connected with organizing returns of illegal migrants and making returns more effective.

The contents of this part of the Schengen Catalogue relating to issues to be covered by the Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals are of provisional application. It does not in any way affect the interpretation and transposition of the provisions of this Directive nor does it anticipate the results of future Commission Guidance documents which may be elaborated on issues covered by this Directive. In the light of the preparation of these Guidance documents, the Commission does not endorse the content of the current recommendations and best practices.

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B. DETAILS OF RECOMMENDATIONS AND BEST PRACTICES

1. OVERVIEW OF RELEVANT INTERNATIONAL AND COMMUNITY LEGAL ACTS	

RECOMMENDATIONS	BEST PRACTICES
1. Return measures should remain in accordance with applicable law and should be applied on the basis of the provisions set out in the following international legal acts: - European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 - The United Nations Convention Relating to the Status of Refugees of 28 July 1951 signed in Geneva and the Protocol of 31 January 1967 signed in New York complementing the Convention - The United Nations Convention on the Rights of the Child of 20 November 1989 - Charter of Fundamental Rights of the European Union of 7 December 2000 - Guidelines on Forced Return, adopted by the Committee of Ministers of the Council of Europe on 4 May 2005 - UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984 - The Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders - Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation)	

- Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air - Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third-country nationals - Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals - Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders - Council Decision 2004/191/EC of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals The application of measures and procedures is indispensable for the return of illegal migrants on the basis of the legal provisions directly referred to or, in relevant cases, on the basis of their incorporation into national law. The provisions of the Schengen acquis must be incorporated into national law to the necessary degree within the deadlines laid down in those provisions	

2.PROTECTION AGAINST REMOVAL

RECOMMENDATIONS	BEST PRACTICES
2. Applying the non-refoulement principle for the protection of persons, generally refugees, against their return to places where their lives or freedoms could be threatened.	Fast identification of cases of persons with justified need for application of the non-refoulement principle. Continuous monitoring of situation in third countries.
3. Respecting the right to seek protection.	Respecting verified declarations stated by third-country nationals seeking protection.
4. Respecting guarantees related to human rights during the period of detention and return process of illegal migrants.	Creating appropriate conditions in specialized detention facilities. Ensuring possibility of contact with relevant international and non-governmental organizations dealing with third-country nationals staying illegally.

3. PROCEDURES WITH SPECIAL CATEGORIES OF THIRD-COUNTRY NATIONALS

RECOMMENDATIONS	BEST PRACTICES
5. As far as families are concerned, the principle of unity should be respected.	As far as possible, when carrying out family return to the country of origin family integrity is taken into account.
6. While carrying out the procedure concerning an illegally staying third-country national resulting in a return decision to the country of origin or permanent residence, that person should receive special care if there is evidence that he/she has been victim of human trafficking.	When carrying out a third-country national return procedure, it is recommended to have discussion with persons from risk groups in order to establish evidence that such persons might have been victims of human trafficking. Providing special programmes for victims of human trafficking, including assistance, protection and psychological support by professionals. It is important to refrain from placing these persons in detention facilities before their return, unless it is deemed absolutely necessary. Establishing cooperation with other institutions involved in helping victims of human trafficking.
7. Persons, whose psycho-physical conditions indicate that they might have undergone traumatic experiences, should be treated with special care.	Providing immediate help for such a category of third-country nationals, including access to adequate medical and psychological care. Giving proper consideration to the detention of such a category of persons and if they are detained, providing protective means.
8. Procedures for disabled persons should take into account the needs resulting from their state of health.	Adapting detention facilities to the needs of the disabled. Providing particular help and access to medical care for disabled third-country nationals Providing the necessary care during the return procedure and informing the country of origin about the return.

9. Procedure with unaccompanied minors should consider the special situation of such a category of third-country nationals.	Examining thoroughly third-country nationals declaring themselves to be minors in order to disguise the fact that they are in fact no longer minors. Placing an unaccompanied minor in the care of a guardian. Avoiding the practice of placing the minors in detention facilities before their return, in preference to other protective means for conducting the return procedure, including implementation of the decision taken. It is preferable to place the above mentioned minors in adequate accommodation run by competent institutions.
10. It is necessary to take appropriate steps aimed at ensuring enough care and protection for unaccompanied minors.	Ensuring care by a designated guardian during the return of the minors or contacting their family before their return. Initiating and/or maintaining cooperation with non-governmental organisations and institutions concerned with the unaccompanied minors. Special training courses and seminars for competent institution representatives covering the issue of unaccompanied minor protection and care is beneficial.

4. RETURN DECISIONS

RECOMMENDATIONS	BEST PRACTICES
11. Return decisions should be issued in written form; indicating the legal basis and including a justification defining the current situation of the person concerned, as well as the right to appeal against the decision.	In accordance with Schengen acquis requirements, strictly defining, in accordance with commonly applicable provisions, detailed rules concerning the procedures, principles, conditions and effects of issuing the return decision, as well as exemption from such decisions for persons staying illegally.
12. Voluntary implementation of return decisions within defined deadlines should be guaranteed, with possible exceptions, especially where there is a risk to the security of the State or of public order.	Implementing voluntary return decisions concerning third-country nationals including support and assistance from special programmes and institutions.
13. The content of the return decision may include approximate costs incurred in connection with the return of the person concerned. The content of the return decision should indicate who is to cover them. Recovery of the costs could be the subject of a separate procedure.	Using all legal means to charge employers illegally employing the immigrants, persons or institutions inviting them, carriers and the third-country nationals themselves with the costs of the return, when implementing return decisions.
14. The third-country national subject to the return procedure should be informed of the content of the return decision in a language he/she could understand or may reasonably be presumed to understand.	Ascertaining the language the person could understand or may reasonably be presumed to understand during the return or any other procedure. Creating standardized forms of return decisions in the main languages of illegally staying third-country nationals is useful.
15. Return decisions should also include sanctions in the form of an entry ban for a defined period of time, depending on the grounds on which they were issued.	Providing proper instruments resulting both from national and/or EU legislation in order to execute the sanctions, such as an information system available to border, police, judiciary and migration authorities registering persons subject to an entry ban. Applying appropriately entry ban as implemented by other Member States in order to avoid a situation in which identical reasons for a return decision result in widely divergent entry ban durations.

5. APPREHENSION OF A THIRD-COUNTRY NATIONAL

RECOMMENDATIONS	BEST PRACTICES
16. Illegally resident third-country nationals should be apprehended with due regard for the dignity and basic rights of the apprehended person.	Guaranteeing apprehended persons information on their rights and obligations in a language they can understand or may reasonably be presumed to understand. Providing immediately information on the legal grounds for arrest Providing immediately medical examination and care when needed and/or required by law. Placing apprehended person in specially adapted and designated rooms that comply with security and hygiene standards.

6. DETENTION OF THIRD-COUNTRY NATIONALS IN DETENTION CENTRES

RECOMMENDATIONS	BEST PRACTICES
17. A third-country national's stay in a detention centre should be considered as a last resort and should be as short as possible for the purpose of executing the return; it should be executed, when deemed necessary, as the most effective way of preparing and carrying out the process of removal or executing the return decision that had previously been taken. The detention should not be treated as a punishment.	An authority entitled to order detention and/or a court of law should be the sole authority to order the placement of a third-country national in a detention centre. Examining each case individually. Guaranteeing third-country nationals the right to appeal against the decision of the court or other competent authority. Reviewing immediately the decision of the court or authority if it is impossible to execute the return decision due to legal, technical or other reasons.
18. Third-country nationals placed in detention centres should have access to information in the area of legal assistance as well as with regard to other rights, throughout their stay in a detention centre. They should be informed about their obligations as well.	Informing a third-country national about his rights and obligations and providing him with the legal regulations governing detention in such centres, in a language the person can understand or may reasonably be presumed to understand. Providing such information immediately upon arrival in such centres. Providing for regular visits by non-government organisations providing legal assistance to detention centres and informing third-country nationals of the possibility of consulting them.
19. Third country nationals awaiting removal should not be detained together with convicted persons or persons who are under suspicion of committing a crime.	As far as possible, locating detention centres in the premises designated for such a purpose.
20. The standards and conditions of the detention centres as well as the conditions of detention should be standardised.	As far as possible, defining the standards and conditions of detention centres as well as the conditions of detention under national law.

21. Minors, especially unaccompanied minors, should be detained in such centres only when there is no other possibility of effectively conducting the return procedure under guaranteed conditions.	Designating within the facilities separate rooms for unaccompanied minors preventing contact with unrelated adults. Guaranteeing the minor staying in a detention centre access to basic education. Providing within the infrastructure of the detention centres places for education, recreation, sports and other leisure activities.

7. IDENTIFICATION AND ISSUE OF PROVISIONAL TRAVEL DOCUMENTS

RECOMMENDATIONS	BEST PRACTICES
22. Alternative methods, other than traditional contact with diplomatic missions of the countries of origin of illegal immigrants for confirming the nationality and identity of third-country nationals who are to be removed, should be found.	Initiating and establishing close cooperation with the authorities responsible for these issues in the country from which the illegal immigrants arrived and/or from their country of origin, is useful. Arranging visits of experts from the above authorities for the purpose of verifying the nationality and identity of the third-country nationals awaiting removal. Establishing cooperation with diplomatic missions in the country of origin, with a view to verifying nationality and identity. Establishing pre-verification procedures for nationality and identity declared by third-country nationals by arranging interviews with language and culture experts who are able to verify the statements made by third-country nationals. Establishing a database of information needed to verify the nationality of third-country illegal migrants is helpful. Working out solutions with the third countries' authorities concerning the possibility of using European travel documents if the citizenship of the person is unambiguously confirmed and detailed verification can take place at the border in the country of return.
23. Strengthening cooperation in the area of confirmation of nationality and identity of the returnees.	Using the ICONET network as the working instrument in the area related to return including joint return operations. Active participation in the network of Direct Contact Points on return matters who are responsible for obtaining travel documents and removals, coordinated by the FRONTEX Agency.

	Working out a common and uniform approach towards confirmation procedures for the nationality and identity of the returnees applied by third countries.

Organizing and participating in common missions to third countries aimed at working out effective procedures for the verification of nationality and identity also co-financed by the EU.

Cooperation with other Member States in the field of organizing visits of third-country (ethnic) experts, who could help in confirming the nationality and identity of illegal immigrants. |

8. READMISSION AGREEMENTS

RECOMMENDATIONS	BEST PRACTICES
24. Initiating and strengthening bilateral and multilateral (EU) cooperation, especially with the countries of origin of illegal immigrants or transit countries in order to facilitate procedures for the removal of the third-country nationals.	Conclusion of readmission agreements or arrangements at working level (e.g. Memorandum of Understanding), which help to increase the effectiveness of returns.
25. Initiating new methods for the effective implementation of readmission agreements or arrangements.	Establishing direct cooperation at working level with third-country authorities, in charge of migration issues would be an effective means of implementing readmission agreements. Visits of experts from countries bound by readmission agreements or arrangements, aiming at verifying the nationality and identity of third-country nationals subject to removal.
26. Permanent monitoring of the feasibility of the agreements in force.	Regular meetings at working level for evaluation of provisions of the agreements or arrangements Full use of existing working groups or other forums for the purpose of exchanging information in such matters.

9. REMOVAL

27. Removal should be used as a last resort to ensure the implementation of a return decision.	Establishing contact points in the transit countries for facilitating removals both by air and by land. Implementation of such operations by personnel trained in the use of coercive measures and in human rights, including some basic foreign languages skills. Use of best practices for the removal of illegally- present third-country nationals identified by FRONTEX, including safety regulations, by the relevant authorities. Close cooperation with civil air carriers is essential.
28. Removal should be supported by international cooperation.	Joint return operations are helpful in increasing the effectiveness of removal. Intensification cooperation with FRONTEX Agency. Using ICONET for information exchange is crucial for maintaining effective cooperation. Establishing contact points within Member States.
29. Removal operations should be carried out with due regard for human rights and human dignity.	Developing and intensifying training courses for escort personnel while stressing the aspect of human rights and human dignity. Considering seriously aspects of cultural and religious diversity.

10. FACILITATION OF ASSISTED VOLUNTARY RETURNS

RECOMMENDATIONS	BEST PRACTICES
30. Assisted voluntary returns should constitute an option of return for third-country nationals.	The distribution of information among third-country nationals as regards to the rules and the principles of assisted voluntary returns is crucial. Creation of programmes aimed at organizing and carrying out assisted voluntary returns in cooperation with international and non – governmental organizations using appropriate EU funding. Cooperation with the international or non – governmental organizations to promote assisted voluntary returns. Conducting an information campaign to promote assisted voluntary returns, including meetings with representatives of the diaspora and the diplomatic missions of the country of origin of illegal immigrants, via relevant organisations. Seminars and workshops organized between representatives who are in charge of such matters are good forums for the exchange of experience and views. Facilitation of assisted voluntary returns by creating legal solutions minimising consequences of illegal residence.
31. Strengthening the sustainability of assisted voluntary returns by initiating activities aimed at establishing a long-term perspective.	Support of third-country nationals who chose assisted voluntary return with additional funds allocated for initiating an economic activity after return. Provision of professional skills' training before assisted voluntary return or after the return in their country of origin could prepare returnees for employment in certain occupations.

11. COOPERATION WITH NON GOVERNMENTAL ORGANIZATIONS (NGOS)

RECOMMENDATIONS	BEST PRACTICES
32. Maintaining contacts between national governmental authorities, NGOs and international organisations working in the field of return and dealing with third-country nationals.	Creating information channels and organizing periodical meetings between responsible persons and organizations. The information exchange includes reviews and evaluations of return procedures and programmes and implementation of best practices. Organization of joint seminars, training, workshops and disseminating best practices.
33. Creation of a monitoring system in the field of return.	Concluding arrangements by the authorities concerned which specify the needs and methods for monitoring measures.

12. LEGAL AID/ADVICE FOR THIRD-COUNTRY NATIONALS

RECOMMENDATIONS	BEST PRACTICES
34. Possibility of obtaining free legal advice, legal representation and, if necessary, the assistance of an interpreter.	Delivering relevant information in the language he/she can understand or may reasonably be presumed to understand, including conditions for obtaining free legal advice or representation. Enabling interpreters to be available for national institutions.

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