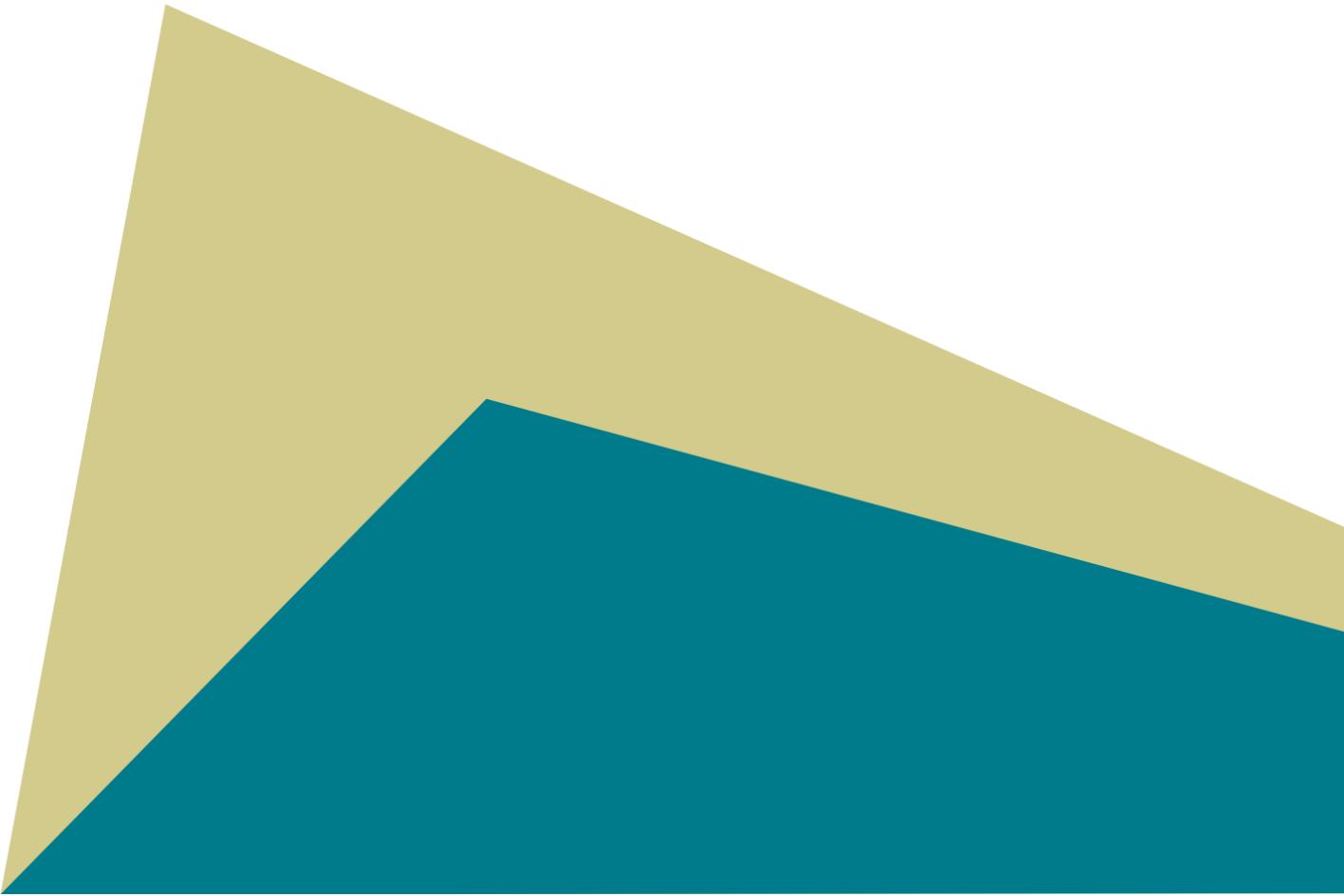




**HUMANITARIAN BORDER
MANAGEMENT – STANDARD
OPERATING PROCEDURES
FOR BORDER POLICE**



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INTRODUCTION

Humanitarian border management (HBM) requires border authorities to be prepared to respond appropriately to cross-border migration caused by natural or man-made disasters, in such a way to protect migrants affected by the situation of crisis and to guarantee the protection of their human rights, with respect to the national sovereignty and security. In addition to armed conflicts, human rights violations, economic crisis, terrorism, drugs and arms trafficking, environmental disasters or health crises present the most common direct threats to people's security on a certain territory, because of which they decide to illegally cross the state border in order to seek security on the territory of another country. Population movement in migration crises also includes the movement of individuals that cannot be classified under the existing categories for protection, but are still vulnerable and do need protection.

Humanitarian border management differs from traditional border management by the focus on migration and humanitarian crisis, and it relates to the situation when border police is faced with an increased influx of migrants, and there is need for their protection. Different types of crises can also cause a sudden influx of aid in the form of goods, equipment and personnel, while simultaneously the population can decide or be forced to flee across the border, so the situations of crisis can threaten to spill over to the territories of a neighbouring country. Border police officers are the first to encounter this unusual movement dynamics, and the security of the state border can be compromised. This is why the main objective of HBM is to strengthen the capacities of border officers for action in situations of increased influx of migrants, with a view of reducing the risk to security and providing appropriate response mechanisms, in order to prevent border closure, but also to enable support to the international community to effectively address migrants' humanitarian needs.

Border police needs to have an appropriate legislative framework, as well as operational mechanisms in place in the event of migrant and humanitarian crises. For



example, an efficient needs assessment and referral system (i.e. support network consisted of services and individuals) is necessary for more effective provision of assistance to migrants exposed to different types of risk having different protection needs when moving across international borders in large numbers.

Migration and humanitarian crises of extended duration require response from all Ministry of Interior services and other government bodies, international and civil society organisations. Border police has a key role during assessment of individual needs for protection in situations of migrant crisis and the referral of vulnerable migrants to appropriate authorities and other national services, as well as to international humanitarian agencies operating in the field.

These crises present also a risk with regards to people smuggling, cross-border arms and drugs trafficking. HBM aims to help countries establish a balance between humanitarian responsibility and concern for the security and safety of migrants, transit and destination countries.

These Standard Operating Procedures (SOPs) were developed by the project of support in migrant crisis on the so-called Western Balkan route, implemented by IOM in partnership with the Border Police Directorate of the Serbian Ministry of Interior (Mol), based on direct experiences and field activities of admission and processing of migrants, funded by the Swiss State Secretariat for Migration (SEM), IOM Development Fund and DFID. Project objectives focused on improving the system of migration management, primarily in the area of irregular migration control and additional strengthening of the border police to act in the situations of increased influx of migrants.

SOPs are of key importance for providing instructions to the Republic of Serbia (RS) Mol officers with regards to action in unusual or emergency circumstances, and should also include training for action in case of mass movement of migrants. Training important for HBM also includes critical incident management; knowledge of protection standards; role of international agencies and staff and assistance in equipment; techniques for registration and documents check; identification of human traffickers and smugglers; interviewing techniques and profiling; identification of migrants that need assistance, including the victims of human trafficking and the use of information technology to maintain security.

During the process of SOPs development, it became clear that strategic standard procedures related to effective action of the governments in migrant crisis when mass movement of people across borders occurs, such as civil conflicts, wars and natural and environmental disasters, already exist in different formats. However, although different countries had developed SOPs for regular operations of the police officers performing activities to protect the state border, there were no special instructions for police officers of the border police which would help them in migrant crisis or for crisis management on a tactical level, neither in the countries on the so-called movement route, nor regionally.

Therefore, these SOPs are envisaged to assist police officers of RS Mol, primarily border police, to prepare the humanitarian operational response in **migrant cri-**

sis. SOPs should improve the existing procedures, with special focus on human rights, protection and security.

It is important that the procedures clearly define cooperation with international organisations in charge of providing humanitarian assistance, and to include instructions for referring migrants, especially vulnerable migrants or those that wish to seek protection. It should be stressed that SOPs for HBM do not represent a substitute for a Response Plan in case of mass influx of migrants adopted by the Serbian Government, but should additionally strengthen the elements of state border operations included in these plans.

SKRAĆENICE

BC	Border crossing
SB	State border
BPD	Border Police Directorate
BPS for SBCC	Border Police Station for the state border crossing control
BPS for SBS	Border Police Station for state border security
CAT	Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of all Forms of Discrimination against Women;
CRC	Convention on the Rights of the Child
HBM	Humanitarian Border Management
ICERD	International Convention on the Elimination of all Forms of Racial Discrimination
ICRC	International Committee of the Red Cross
IOM	International Organization for Migration
Mol	Ministry of Internal Affairs
UNHCR	United Nations High Commissioner for Refugees



1. THE ROLE OF BORDER POLICE

The principles related to the role and competences required for a border police officer are general, widely accepted in international frameworks and equally applicable during emergency situations. They are usually used for introducing standard operating procedures and should therefore be repeated in order to set the frame for more precise requirements for action in cases of crisis migratory movement in HBM context.

Border police officers are authorised to:

- ▶ Perform checks of all persons crossing the state border;
- ▶ Perform checks and determine the validity of travelling documents and identities of persons travelling across the border;
- ▶ Assess and make the decision whether the persons wishing to enter the country fulfil the set eligibility criteria;
- ▶ Make the decision whether the persons leaving the country have appropriate documents and whether they meet the criteria for admission in the destination country.

Also, border police officers are authorised to take measures and actions proscribed by the law, with the aim to secure the state border (green and blue border) between official border crossings (BC) in order to prevent illegal crossings of the state border (SB).

1.1 Fairness and non-discrimination

Border police officers are required to respect the provisions of the Constitution, national laws, international conventions, protocols and agreements signed and ratified by the Government and in this way reflected in the existing national legislative framework. The above principle is particularly relevant when deciding if the application for entering (or leaving) the country will be approved or rejected.

1.2 Ensuring fair treatment

With the aim to achieve and ensure fair treatment, police officers must do the following (stated as example):

- ▶ Prepare and process applications for entry into the country submitted as proscribed, even when it is probable that the application will be rejected, providing an opportunity to applicants to withdraw the application if they so wish;
- ▶ Review and professionally and conscientiously (without prejudice or discriminatory behaviour) treat all relevant forms of evidence;
- ▶ Distinguish between fact and opinion, rumour, quote, assumption or report;
- ▶ Apply relevant instructions related to the crossing of the state border;
- ▶ During interview use interpreter if the applicant does not speak or understand the language of the country or if they request their presence;
- ▶ Approve legal representation upon the demand of the applicant.

1.3 Avoiding partiality (discrimination)

Border police officers must avoid partiality in all forms, and they must not:

- ▶ Have personal prejudices about the applicant based on race, colour, sex, language, religion, political or other opinion, national or social background, property, place of birth or based on other circumstances;
- ▶ Have financial or personal interest related to the outcome of their decision;
- ▶ Make decisions in advance, without reviewing all the facts and evidence.
- ▶ Police officers are required to abide to the Code of Conduct.

1.4 Humanitarian Border Management requirements for border police officers

It could be said that the above mentioned requirements for border police officers' actions in any migration-related process are part of their everyday operational tasks, but this is not always the case. In some countries, collecting operational information on the SB is usually not within the scope of work of border police officers, and in others, for example, there is no special structure for the exchange of intelligence data on migration flows.

Identification of vulnerable migrant categories could be made more difficult because of the problems occurring due to lack of training, existing standpoint and opinion that there is no such problem, or resistance to face with the existence of the problem. The knowledge of international humanitarian law could be insufficient, considering that there is little probability for the officers to encounter violations of law and regulations performing their regular duties, and often they are not faced with applications for asylum on the state border, until there is a migration/refugee crisis.

When large-scale migration flows occur due to natural disasters and civil wars, the issues faced by border police officers on the front lines of control are much bigger than during their regular activities, especially with regards to the protection of security and human rights, vulnerability of displaced persons and existing opportunities that crises provide to unscrupulous individuals and organised criminal groups to abuse the situation. In order to concretely respond to the issues with a probability for occurrence due to mass migratory movements, police officers must have the skills to effectively react to such issues, which include the following:

- ▶ Having basic knowledge of international humanitarian law, and especially international law and standards for the protection of migrants and refugees with particular focus on European Union legislation contained in the provisions of EU Acquis Chapter 24, EU Convention on Human Rights and Fundamental Freedoms as well as in the EU Charter of Fundamental Rights;
- ▶ Training for operating information systems and equipment for registering migrants and controlling migration flows, within the measures for migration management in accordance with the national legislation;
- ▶ Competencies for using the referral system, both to national and international agencies that provide assistance to migrants and refugees and provide humanitarian assistance services in accordance with international protection standards and procedures;
- ▶ Knowledge of how to collect information for the assessment of migratory movements and for the formulation of migration policy with

a view of identification, temporary entry, health conditions, human smuggling and trafficking;

- ▶ Knowledge of the ways to collect information and report on the incidents and events on the border based on which a risk analysis will be performed and tactical and operational measures and actions planned as response to crisis movements;
- ▶ Ability to recognise vulnerable categories of migrants and refugees;
- ▶ Knowledge of how to contribute and help develop border measures that would facilitate the delivery of assistance, including goods and equipment, as well as the movement of humanitarian workers.

Although training of all police officers of the RS MoI should include the development of these skills, it is necessary to take into account that not all officers will have been trained to the extent necessary to immediately respond to the crisis. Therefore, the possibility to establish **migrant crisis rapid response teams** should be considered, the members of which would undergo more advanced training, so they can be dispatched shortly in case of migrant crisis, and ideally even before the escalation of such situations.



2. INTERNATIONAL COMMITMENTS AND AGREEMENTS

Each sovereign country has the authority to, among other things, also define the following:

- ▶ Security measures and border control measures
- ▶ Conditions for entry, movement and stay of foreign nationals;
- ▶ Citizenship;
- ▶ Detention/prison;
- ▶ Removal and expulsion of foreign nationals;
- ▶ Conditions for the approval of international protection.

Competencies, which can be used to efficiently manage migration, must be exerted with complete respect for human rights and freedoms, guaranteed by a wide range of international human rights protection instruments. International law related to the protection of the rights of migrants is extensive and comprehensive. It is not appropriate to enter it in its entirety and in detail into the SOPs for police officers, but police officers must know about their obligations in accordance with the most important United Nations conventions and protocols, as well as other international law sources related to human rights that can be applied to migration and border protection. In this respect, the following conventions and protocols are implemented:

- ▶ Universal Declaration of Human Rights;
- ▶ Convention Relating to the Status of Refugees;
- ▶ Convention Relating to the Status of Stateless Persons;
- ▶ Convention on the Rights of the Child;
- ▶ Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
- ▶ Convention on the Elimination of all Forms of Discrimination against Women;
- ▶ International Convention on the Elimination of all Forms of Racial Discrimination;
- ▶ Convention on the Rights of Persons with Disabilities;
- ▶ Convention against Transnational Organised Crime;
- ▶ Protocol against the Smuggling of Migrants by Land, Sea and Air;
- ▶ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children;
- ▶ Council of Europe Convention on Action against Trafficking in Human Beings.

Although these conventions and treaties, among others, state in detail the obligation to respect human rights, it is generally accepted that there are the so-called 'hard-core' rights providing minimum guarantees to all human beings. These are:

- ▶ Right to life;
- ▶ Prohibition of genocide;
- ▶ Prohibition of slavery and/or slave trade;
- ▶ Prohibition of torture and other cruel, inhuman or humiliating treatment;
- ▶ Prohibition of arbitrary detention;
- ▶ Prohibition of racial discrimination;
- ▶ Right to humane treatment of the detainee/prisoner;
- ▶ Prohibition of retroactive punitive measures;
- ▶ Right to equality before the law;
- ▶ Right to non-discrimination;
- ▶ Right to leave a country and return to the country of origin (voluntary return);
- ▶ Principle of non-refoulement.

2.1 Universal Declaration of Human Rights

Universal Declaration of Human Rights (UDHR) is the cornerstone on which the United Nations human rights system was built, representing the primary source for all subsequent human rights protection instruments. At the time of adoption, it was of non-binding nature. However, because the states continuously called on UDHR for over sixty years, it became binding as part of the customary international law. This means that it is binding for all countries of the world, regardless of their individual attitudes and special standpoints, unlike treaties, which are binding for a country only when it accepts the obligations. Also, unlike treaty obligations, a country cannot refuse to acknowledge customary international law.

Thirty articles of the UDHR cover a broad scope of human rights. UDHR contains comprehensive formulations, like the one in **Article 1**:

“All human beings are born free and equal in dignity and rights.”

Article 2. contains an open non-discrimination clause, which is of great importance in the context of migration. This article guarantees the following:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

With regards to migrants, Articles 4, 13, 14 and 15 are also of key importance.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms

Article 13

Everyone has the right to freedom of movement and residence within the borders of each state.

Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

Everyone has the right to seek and to enjoy in other countries asylum from persecution.

This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

Everyone has the right to a nationality.

No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

However, Article 9 is also important in the context of migration because it provides that no one may be subjected to arbitrary arrest, detention or exile.

2.2. International Convention on the Elimination of all Forms of Racial Discrimination (ICERD)

ICERD condemns racial discrimination as any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms.

This broad definition is significantly limited further in the text of the Convention, which allows State Members to make a distinction between citizens and non-citizens. This does not mean that non-citizens are not protected by the Convention. Different treatment of citizens and non-citizens is allowed, but discrimination is not. In this sense, discrimination means the differences that are unfair, unjust or arbitrary.

2.3 Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)

This Convention is relevant for migrants because it mandates the countries to take all the necessary measures, including legislative, to eliminate all forms of discrimination against women. Trafficking in women is a widely spread form of international criminal activity, which is almost always accompanied, as one of its effects, by illegal migration, particularly exploiting the female migrant.

In addition, international migration also includes female migrants, so the acknowledgement of the fact that female migrants are often victims of discrimination, both as migrants and as women, states should be bound to preserve the rights of women and eliminate discrimination any woman is exposed to.

2.4 Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CaT)

This Convention globally promotes the elimination of all forms of torture and subjecting individuals to other degrading treatment and extends the principle of non-refoulement so it is applied to all cases when there is justified cause to believe that the individual would be subjected to torture if they were returned to their country.

- ▶ Prohibition of return of a person to another state where they could be subjected to torture
- ▶ No one shall be subjected to torture

2.5 Convention on the Rights of the Child (CRC)

CRC establishes international standards for all countries and all children under the age of 18 without discrimination with regard to age, sex, religion, race, ability.

- ▶ It covers practically every aspect of a child's life.
- ▶ All the benefits provided by the state to the children who are its citizens must be accessible to *all* children.
- ▶ No principle is more important than the others and no right is more important than the others since the rights/principles are interconnected and inseparable.

The primary consideration in all circumstances must be the “**best interest of the child**” principle. Articles particularly relevant for police officers stipulate the rights to:

Article 6	Life
Articles 7 and 8	Identity
Articles 19 and 37	Freedom from abuse and neglect
Article 32	Freedom from economic exploitation and protection from hazardous work
Article 39	Recovery care: children victims of armed conflict, torture, neglect, abuse or exploitation shall be provided with suitable treatment for recovery and social reintegration.
FREEDOMS	
Article 11	Freedom from illicit transfer and non-return of children abroad

Article 22	Protection of refugee children or children seeking refuge
Article 34	Freedom from sexual exploitation
Article 35	Freedom from sale, trafficking and abduction
Article 36	Freedom from other forms of exploitation
Article 37	Freedom from torture and deprivation of liberty
Article 40	Youth justice; rights with regards to the implementation of justice (conditions for arrest, trial and detention)

CARE	
Articles 9, 10 and 22	Avoiding separation from parents; family reunification; protection of child without a family
Article 25	Rights related to alternative care and placement in institutions

2.6 United Nations Convention against Transnational Organized Crime (UNTOC)

This Convention contains much material related to combating transnational organised crime, which is largely, if not entirely, relevant for border police officers, but in the context of humanitarian border management, the most important are the supplementing protocols related to smuggling and trafficking in human beings:

- ▶ Protocol against the Smuggling of Migrants by Land, Sea and Air
- ▶ Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children

Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons provides for:

- a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

- c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;
- d) “Child” shall mean any person under eighteen years of age.

Article 3 of the Protocol on Smuggling states the following:

- (a) “Smuggling of migrants” shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;
- (b) “Illegal entry” shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State;
- (c) “Fraudulent travel or identity document” shall mean any travel or identity document:
 - (i) That has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State; or
 - (ii) That has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or
 - (iii) That is being used by a person other than the rightful holder;
- (d) “Vessel” shall mean any type of water craft, including nondisplacement craft and seaplanes, used or capable of being used as a means of transportation on water, except a warship, naval auxiliary or other vessel owned or operated by a Government and used, for the time being, only on government non-commercial service.

The Convention and these Protocols are important from a humanitarian perspective because the victims of trafficking are always vulnerable, and smuggled migrants often become vulnerable, regardless of the fact that they were, at least at the beginning, voluntary participants in a commercial transaction. Trade and smuggling of people will be separately elaborated in a later chapter.

2.7 The implementation of the international legal framework on BC and SB

Essentially, the main objective and purpose of human rights protection instruments such as the Universal Declaration of Human Rights is the protection and promotion of the rights of individuals against arbitrary decisions of states in the implementation of their sovereignty. However, some human rights are not absolute and can be limited in order to protect national and public safety, public order, public health or moral or fundamental rights and freedoms of others. At the time of a crisis representing a threat to the life of a nation, states can derogate from their obligations from treaties. Still, such measures can be taken only

and in a measure in which it is absolutely necessary in the given situation, under the conditions that they do not violate other state's obligations based on international law, as well as not to include discrimination based alone on race, colour, sex, language, religion or social status. As for operational officers, if the state decides to derogate from some obligations, they must be given clear instruction with regards to:

- ▶ Obligations being derogated from;
- ▶ Reasons for derogation;
- ▶ Effects in the sense of work procedures and altered instructions;
- ▶ Date of the beginning of derogation;
- ▶ Date of the end of derogation.

States should provide all officers on the borders with clear written instructions on the national policy with regards to the implementation of international law during their response to movements in migrant crisis. The instructions should include key provisions not only of the conventions and protocols that were signed and ratified, but also those that were not, but are expected to be adhered to.



3. GOVERNANCE

The organisational structure governing BC and SB (border crossing and state border) should plan, using risk assessment, the most adequate response to the situation of increased migrant influx. Mapping and analysis should include the identification of border and BC susceptibility to mass migration, regional political environment and threats from natural disasters. On a strategic level, assumptions can be used about relative susceptibility. For example, even though international airports take in traffic from around the world, they are usually not considered susceptible to migrant movements of large scope in emergency situations, because the majority of migrants affected by conflict or natural disasters will often not have the financial resources, travel documents such as passports and visas, nor access to airports.

River harbours are much more susceptible to increased migratory movements than airports, but the scope of the problem will depend on the size and capacity of the vessels the migrants can access, as well as the distance between the migrants' country of origin and destination country.

Land borders are by far the most exposed to migration because they are more easily accessible than other routes, and because of the problems occurring due to impossibility of adequately securing the state border on inaccessible terrains, it leaves them open for illegal crossing. Land BCs also provide access to all means of transport, which enables migrants to travel fast.

The structure of BC should be determined on a central national level, in order to, in the first instance, develop a generic model to encompass issues such as:

- ▶ The level of engagement of border police officers for normal operations, as well as the requirements for different levels of migratory movements;
- ▶ Existing space and needs for expansion in migrant crises;
- ▶ Equipment for normal operations of the BCs and additional requirements in migrant crises;
- ▶ Additional financial resources for use in migrant crises;
- ▶ Definition of role, actions and responsibilities of all existing or necessary border police organisational units during migrant crises;
- ▶ Training programmes.

However, central planning has its limitations, and therefore only generic structures can be developed on a strategic level. Although they cannot define parameters and requirements for everyday functioning, there are limitations with respect to satisfying additional needs of BCs during a crisis. This is why border police officers who have first contact with migrants and receive and process them, as well as other services participating in the receiving and protecting of migrants have an important role in the development of tactical responses. Officers of all ranks should be encouraged, and requested to participate in crisis planning by helping to map their own BCs as well as the places where crossing of the SB (illegal crossing of SB) can occur, which is under their jurisdiction. They should also participate in collecting information before crisis occurs to identify coming threats, formulate flexible responses to crisis, as well as address issues after it has passed.

3.1 Intelligence data and risk assessment

Performing risk assessment is the task of border police officers, so within the structure of services dealing with migration there should be a certain place for risk analysis on the national and regional levels.

Analysts cannot perform their duties without information, so border police officers who have first contact with migrants and receive and process them, play an important role in its collection. Although much strategic information can be gathered through analytical monitoring of international events through open and closed sources, reporting by border police officers who have first contact with migrants, receive and process them, in real time, is of key importance for recognising threatening situations and factors that can represent obstacles for response. In expecting mass movement of migrants, border police officers should contribute to the assessment of:

- ▶ Potential threats of large-scale migration in their zone of responsibility, whether it is a BC or part of state border – they are best placed to assess operational limitations with regards to space, equipment, staff and surrounding infrastructure, and should be actively encouraged to report on the gaps, especially in case of crisis;
- ▶ Regional and local factors that can initiate migration movements – they will directly know the composition of the communities living by the border, local tensions, reoccurring natural disasters, such as floods, famine, etc.
- ▶ The effect of mass movements on local communities and infrastructure – very often, police officers are recruited locally (living in the area where they work), so they are well positioned to estimate the possible effects of people influx;
- ▶ Obstacles to use funds, with regards to manpower and technical – they will be acquainted with the factors that can limit the use of resources, including inaccessible terrain, lack of accommodation, poor transport infrastructure, lack of continuous energy supply, factors interfering with communication and limited health capacities.
- ▶ The time necessary to use the resources and react adequately, such as the distances and time necessary to cross the distance between supply and support points – they will have direct experience with traffic and infrastructure and will be able to identify access roads to SB or BC.

Border police organisational units on all levels (local, regional and central) should have defined structures for reporting on said issues, and a police officer should be appointed who will be in charge of collecting material for analysis, with support of other officers responsible for special areas that need assessment and monitoring. All employees, especially those on the local level, should be provided with suitable training for data collection on borders. Reporting lines should be clearly defined and reporting formats standardised.

3.2 Planning the necessary number of police officers in Border Police Stations (BPS) for state border crossing control (SBCC) and for state border security (SBS)

The planning of the necessary number of police officers in BPS for SBCC and SBS is under the jurisdiction of the Border Police Directorate (BPD) as the central level of governance. Planning is performed based on information received from heads of BPS and RC. It will be necessary for RC to identify the following realistic needs of all BPS in the area under their jurisdiction, for the purpose of identification:

SGP za KPDG i OBDG potpuno popunjene policijskim službenicima za normalan rad, u skladu sa važećom sistematizacijom;

- ▶ BPS for SBCC and SBS fully staffed with police officers for normal operations, in accordance with the valid systematisation;
- ▶ BPS for SBCC and SBS insufficiently staffed with police officers;
- ▶ Open BCs, but because of insufficient number of staff police officers come from other BPS based on a work schedule;
- ▶ Open BCs that are in a certain period without police officers, but covered by occasional patrols;
- ▶ SB crossing points without police officers, covered by occasional patrols (small border crossings / border crossing points, as well as places designated for blocking the state border).

RC reports should include a presentation of the existing traffic, processed with current staffing in the systematisation, with the estimate of the number of police officers necessary for processing an increased influx of migrants. Time usually needed for processing migrants of different nationalities should be taken into account, as well as increased number of third country nationals attempting to leave the country. Through cooperation with other services, all the places where the presence of police officers and in which numbers is necessary will be identified. The reports should be regularly updated in accordance with the changes in BC status (BPS) and changes of staffing in the valid systematisation due to natural drain of staff.

3.3 BPS Infrastructure

Each mass migration movement inevitably affects the infrastructure of BPS and official SB crossing points and requires space and facilities beyond normal needs. This is why it is necessary to plan temporary points in order to increase their functionality in migrant crisis caused by a high increase in the volume of traffic and needs of the population forced to move because of disaster or conflict. It is necessary to address the following infrastructure related issues:

- ▶ Passport control booths relative to traffic capacity by hour/day – they should be adequate for increased traffic up to a pre-determined level – if there is enough space, portable units should be made available – if this is not the case, the possibility of temporarily moving the control should be considered;
- ▶ Office space – the capacity for increased number of officers – revise the capacity of existing premises – identify other facilities on the location that can be adapted – assess the use of temporary units, both on the location and off;

- ▶ Space suitable for additional services that need to be engaged in a migrant crisis – assistance services should be consulted when assessing the needs;
- ▶ Accommodation for officers and staff in assistance services – what is available on the spot – are there capacities for temporary accommodation – what is available at an acceptable distance with the private and public sector providers;
- ▶ Toilets, hygiene maintenance rooms and refreshment facilities – must be available on the spot – there should be an option to easily acquire temporary facilities;
- ▶ Health care provision rooms – permanent facilities with additional temporary facilities must be available on the spot, sufficient to perform initial checks of the travellers with real health problems, or those suspected, based on the statement of the migrants themselves, as well as based on referrals by the border police officers;
- ▶ Space for detailed examination and additional interviews with the aim to collect additional information – facilities for the placement of migrants with whom detailed border control measures need to be implemented – should include safe seating space with toilets;
- ▶ Detention rooms – detention rooms should be safe and enable the separation of men and women.
- ▶ Parking / waiting spaces / spaces for retaining the influx of persons – if possible on the spot, but if the space and/or rooms for waiting in line are not available, the closest possible BC or on the point of SB crossing;

3.4 Oprema

Large part of the equipment necessary for migration crisis management could already be on the disposal of BPS, but it is necessary to regularly check the condition of equipment in order to make sure it is sufficient and usable. All equipment should be regularly tested, in accordance with the planned maintenance programme, and the results should be recorded including the information about the officer who performed the testing. Basic equipment requirements include:

- ▶ First aid equipment;
- ▶ Portable fire extinguishers;
- ▶ Portable heaters / air conditioners;
- ▶ Security check equipment – metal detectors;
- ▶ Tools for vehicle inspection – lamps, mirrors, boosters, CO2 detectors, endoscopes, and similar;

- ▶ Official vehicles;
- ▶ Communication equipment; and
- ▶ IT equipment.

It is necessary to consider the possibility of acquiring additional equipment that can be necessary in migrant crisis (taking over from other organisational units, acquisition from external sources and other). This includes:

- ▶ Registration and identity check equipment;
- ▶ Additional IT equipment;
- ▶ Additional vehicles for transport of staff and migrants;
- ▶ Additional communication equipment;
- ▶ Additional office material; and
- ▶ Power generators for emergency situations.

3.5 Humanitarian border management and adequate training

Much of the content important for HBM will by its nature be included in the basic and advance border police officers' training, but for migrant crisis training is necessary, which would refresh the knowledge learned, as well as additional training to acquire new skills and knowledge. Advanced training with content that would support police officers' actions in migrant crises is impossible to implement on all levels, at the same time and in the scope that would include all police officers. For example, in relation to border police officers in airports and BPS where there is a small risk of mass movement due to migrant crisis, the priority for training should be given to police officers in BPS on the route of migration movement – primarily the police officers performing border control of individuals during mass movements, with specialist training for smuggling and trafficking in human beings and the protection of vulnerable migrants. It is necessary to find the possibility to have within the organisation, shortly, a sufficient number of highly trained specialists to operate in migrant crisis, who will provide support to police officers in BPS and RC, and as necessary give instructions for operation and training of police officers.

With the aim of training border police officers, the following topics could selectively be presented:

- ▶ Legislation – national and international – especially related to treating migrants in migrant crisis;
- ▶ Human rights and the access to international protection mechanisms;

- ▶ Cultural, religious and ethnic diversity and sensitivity – respect for the beliefs of main ethnic groups and religion;
- ▶ Collection, processing and use of informational and operational data;
- ▶ Recognising the signs of trauma or stress with torture victims and persons that may have experienced life threatening situations;
- ▶ Human trafficking – recognising the victims of trafficking and exploitation;
- ▶ Profiling and interviewing techniques in accordance with the person's age and sex;
- ▶ Response in dangerous situations – fire, flood, first aid, health and safety;
- ▶ Recognising the signs and symptoms of infectious diseases and response;
- ▶ Personal protection;
- ▶ Response to incident – written and oral reporting;
- ▶ Integrity – what is expected from officers, recognising the threats to integrity, effects of corruption;
- ▶ Crisis situation at the border (attempt of forced state border crossing, increased number of migrants and similar) through simulations.

3.6 Intersectoral cooperation

For effective management of migrant crisis on the SB it is necessary to develop intersectoral cooperation, but it is very important to determine a certain hierarchy with respect to the principles of coordination and subordination.

The principle of cooperation between services is usually called “Support Functions in Migrant Crisis” (SFMC), and it leads to an effective and timely situation management through cooperation and coordination. SFMC provides clearly defined lines of competence by listing responsibilities, which is of key importance for effective management of a mass migration emergency situation. It is important that the SFMC provides framework for cooperation between ministries, local services and regional and international organisations, especially law enforcement services, organisations for migration, humanitarian organisations and donors. What is important for border police officers to know is the following:

- ▶ Chains of command – individual and joint;
- ▶ Areas of responsibility;
- ▶ Joint reporting procedures;

- ▶ Needs and procurement processes;
- ▶ Sharing and using resources;
- ▶ Referral procedures;
- ▶ Accommodation needs and capacities;
- ▶ Points of contact.

Being responsible for the first line of control of the migrants, as MoI organisational unit, Border Police Directorate will have the priority on the SB so, at least initially, they will perform the role of coordinator in joint planning and operations on the SB. The structure of authorities participating in migrant crisis differs from country to country, but it is probable that the following services will be present at the SB, or their presence will be required during the migrant crisis.

- ▶ Border police and other MoI organisational units
- ▶ Customs officers
- ▶ Security services
- ▶ Healthcare and protection services
- ▶ Emergency services – fire protection and medical
- ▶ Services for social welfare and assistance – for vulnerable groups of migrants
- ▶ Accommodation services, including refugee camp managers
- ▶ Humanitarian assistant services – domestic and international

In order to avoid panic in sudden crises management, operating plans should be regularly updated to reflect the movement of staff, changes in infrastructure and changes in the availability of resources. It is good practice to hold regular periodical meetings of all services in charge of migration management (on all levels).

3.7 Rapid response teams

It is necessary to form **rapid response teams in case of migrant crisis**. The teams should be made up of experienced officers trained to make quick assessments, implement further advanced training or give instructions for action to border police officers. The majority of the teams should be designated at the highest level of the Ministry of Interior. It is recommended that the teams, if possible, are made up of a number of services, and if this is not possible, to be informed about the joint work of all the services. This could be promoted by implementing joint exercises and training for action in humanitarian/migrant crisis.



4. OPERATIONS

Operating actions and procedures for border police officers facing mass movements must, to the extent allowed by the circumstances and the nature of migrant crisis, try to preserve the principles of general border control and their application to migration control as part of the normal functioning of the border police organisational structure, including:

- ▶ Implementing regulations governing migration management;
- ▶ Border control of individuals entering and exiting the country;
- ▶ Keeping records on entry and exit into/out of the country in order to establish control over migration flows;
- ▶ Residence registration;
- ▶ Removal of irregular migrants;
- ▶ Prevention and discovering misdemeanours and criminal activities (especially including smuggling and human trafficking).;

However, in migrant crisis it will be necessary to adjust procedures and actions of police officers considering the unexpected volume of additional traffic, increase in the number of vulnerable categories of migrants, higher degree of awareness on the issues of humanitarian protection of primarily vulnerable categories of migrants, additional opportunities for performing acts of transna-

tional crime, increased threat to national security and the need to flexibly apply the stipulations related to state border crossing, which are primarily linked to personal documents.

4.1 Migrant crisis management by the Border Police Directorate

In the case of migrant crisis that is slowly developing with expected continuous increase of the number of migrants, it is realistic to expect the adoption and implementation of plans, which would be adopted on the highest level by the Serbian Government and the Migration Management Strategy, also adopted by the Government. In accordance with this and the competencies within its scope of work, Border Police Directorate will take all the necessary measures and actions to prepare for the crisis with respect to and implementing the concept of Humanitarian Border Management.

The management staff on the local level (border police stations and border crossings) must be trained for swift, efficient and adequate response in case of an escalating situation caused by mass migration. Under such circumstances there may occur a situation of crisis, which includes any event the probable outcome or effect of which can be the following:

- ▶ *Serious threat to the individual*
- ▶ *Serious impact on the community*
- ▶ *Serious impact on the functioning of the Serbian MoI organisational unit or the entire Ministry*

Sudden mass movement in crisis has the potential to fulfil these criteria, so it is of key importance to form a clearly defined and transparent chain of command, which would include all services involved in migrant crisis management. It is extremely important to determine from the onset who has the primacy to lead the operation. The aim is to ensure the existence of a clear system that all officers can follow, in order for the migrant crisis to be managed in an appropriate and consistent way, which could endure detail examination in case of subsequent investigation and/or media coverage.

It is necessary to establish a command system and award concrete roles to officers:

- ▶ Head of strategic level – has final responsibility for action and the outcome of the operation, as well as for determining the strategy for its implementation. He or she is in charge of strategic command;
- ▶ Head of regional level – formulates tactical plan of operations for implementing the strategy developed by the head of the strategic level;

- ▶ Head of the local level will make operating decisions necessary to implement the response.

The relationship between the heads is determined by the principles of subordination and coordination in the Mol. The management structure must be constantly aware of all events in real time, and each event must be reported as soon as possible in accordance with the Manual on Reporting and Information Sharing. Depending on the scope and complexity of events, it might be necessary to additionally engage heads of the regional and local levels to implement the decisions reached.

Heads of organisational units of the local and regional levels are required to provide immediate reports and information about the following security events and occurrences:

- ▶ Death of a person;
- ▶ Serious injury of a person;
- ▶ Use of weapons;
- ▶ Threat of self-harm;
- ▶ Attack on police officers and other authorised persons;
- ▶ Disturbance to the public order and peace on a larger scale;
- ▶ Destruction or damage to property on a larger scale;
- ▶ Intrusions by media/observers;
- ▶ Threat to security;
- ▶ Blocked roads.

Accurate, complete and detailed record keeping is of key importance for successful managing of any critical event, and report on the event and situation should be available to all officers through the Event Log application. The said application helps to report on events on all levels. The importance of keeping these records for the needs of control is clear, and it is used for response to all challenges that can occur in a concrete situation. All police officers need to attend informative meetings (shift handovers) both at the beginning and at the end of their shift in order to gain an insight into the measures undertaken thus far, and activities planned. Additionally, a working meeting should be held led by one of the heads, which shall be attended by police officers that participated in the said activities.

4.2 Travel documents and undocumented arrivals

Mass movement in the situations of crisis will inevitably lead to considerable increase in the number of persons without documents or with documents that cannot be considered travel documents. Under normal circumstances, legal state border crossing away from a border crossing or crossing without travel documents or other document stipulated for crossing of the state border, is not allowed, but for certain exceptions provided in the law (in case of force majeure, state border can be crossed at any time and in any place).

However, during migrant crisis, it is necessary to determine special temporary measures in order to address the increased number of applications to cross the state border without travel or other documents needed in such situations. Advantage during border control shall be given to basic check of all individuals in order to determine whether the individuals intending to cross the SB have valid travel documents. If the migrants do not have them, border police officers should take into account other documents that can help to determine identity, such as ID cards, birth certificates, driver's licences, work booklets, financial documents or other documents pointing to the identity of the individual, issued by the official authorities of a country. If there are no documents that can serve to check the identity of the individual, it would be necessary to perform a more detailed check of the individual with the aim to at least determine citizenship, or country of origin of the person. However, it is accepted that there will be circumstances when there would be no other choice but to accept the individual's statement.

The decision to forbid entry of an individual to the territory of the Republic of Serbia in the circumstances of migrant crisis and return to the country from which the individual attempted to enter Serbian territory shall be made on the highest level with respect to international instruments of protection.

Individuals without valid documents should be issued some sort of certificate (proof) of identity that will represent an official document during migrant crisis. Depending on available IT technology, the certificate/proof of identity may be in the form of manually filled in form or an electronically developed document that will have protective elements or characteristics of personal documents. The certificate/proof of identity should contain the following information:

- ▶ Photograph;
- ▶ Full name and surname;
- ▶ Date and place of birth;
- ▶ Sex;
- ▶ Citizenship;

- ▶ Physical characteristics of individuals with distinguishing marks;
- ▶ If it is a minor, data should be entered about the adult the minor is travelling with or noted that they are unaccompanied.

Biometric data, primarily fingerprints – should be taken and if technical equipment is available entered in the certificate/proof.

4.3 Vulnerable migrant categories – protection

Upon first contact with migrants and identification of some of the vulnerable categories, it is of primary importance to ensure their protection through further action, with adequate support and accommodation. Thereby, the protection of vulnerable groups of migrants should be based on the following:

- ▶ The system of basic border control and interview by police officers at first contact with migrants in order to recognise vulnerable categories of migrants, both on the border and deeper in the territory, which requires for the police officers to be trained and familiar with vulnerability factors and indicators, based on which vulnerable categories of migrants can be recognised;
- ▶ All police officers should be trained to identify migrants that could be qualified under a certain vulnerable group category, especially with regards to the victims of human trafficking, potential asylum seekers, unaccompanied minors and smuggled persons, who, unlike women and children, might not be obviously vulnerable;
- ▶ Facilities for reception should be available, in the vicinity of the state border and deeper in the territory, which can be used to perform interviews with migrants in adequate settings, assess the information collected, both with regards to the migrant status and with regards to the migrants' vulnerability;
- ▶ Procedures should be determined for facilitated referral of migrants that belong to certain vulnerable categories, from police officers to services that will provide assistance and protection, and vice-versa, depending on who the migrants from vulnerable categories encounter first.
- ▶ Procedures with regards to treating vulnerable migrants should be specific in relation to the vulnerability category, and not general – in other words, they should not be the same for everyone;
- ▶ Actions should be non-discriminatory;
- ▶ Migrants that can be qualified under a certain vulnerability category should be fully informed of the situation they are in, with regards their

status, procedure in progress and further actions of border police officers and other services;

- ▶ Migrants from vulnerable categories should be informed of their special rights, such as the rights to legal representation, to complain, to address organisations that can provide assistance, financial support and temporary accommodation;
- ▶ Confidentiality and privacy in the course of action should be guaranteed.

The fulfilment of these basics is of key importance in order to ensure that migrants from vulnerable categories are quickly identified with the aim of further action that would protect their human rights, health, well-being and safety, in accordance with the national and international regulations.

4.4 Definition and identification of the vulnerable categories of migrants

There is no final, internationally accepted list of circumstances under which certain migrants can be classified under the category of vulnerable migrants, and although it seems simple, determining the vulnerability criteria may present a problem.

General categories of irregular migrants can include those that can be vulnerable, but in the end the competent authorities of the government will be in charge of making the decision based on the individuals' assessment, on who will be treated as migrant with special degree of vulnerability, how they would be processed and supported within the migrant structure. However, the final decision on determining the level of vulnerability of a certain migrant should be made in consultation with all the services included in migrant crisis management, and especially services providing assistance to the vulnerable categories of migrants. Humanitarian standard operating procedures may define general categories of migrants that will probably be vulnerable as:

Victims of trafficking in human beings

It is probable that trafficking in human beings will present a special problem during migrant crisis, because a large number of individuals crossing the state border, who are disorientated by mass movement, will allow for trafficking to be more easily concealed. It is a particularly heinous crime, because it very often makes innocent people lose control over their own lives, condemning them to work in slavery conditions and bringing the human existence down to the status of merchandise that can be bought and sold. Trafficking in human beings can be defined as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion,

of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”. Manual for Border Police Officers for recognising trafficking in human beings, perpetrators and victims is attached in **Annex A**.

Actions shall include:

- ▶ Identifying when and where the criminal activity is performed;
- ▶ Identifying potential victims;
- ▶ Upon preliminar identification of the victim, inviting specially trained police officers in order to perform an interview with the presence of appropriate adult if necessary;
- ▶ Conducting an interview with the aim to gather information based on which the perpetrator would be identified is conducted by a specially trained police officer – all migrants should be questioned separately, with respect for privacy and the respect of their tradition and culture;
- ▶ Notifying the Centre for Human Trafficking Victims Protection by police officers and further actions as per set procedure (referring the victims to pre-determined social welfare services, victims are provided with safe accommodation and adequate protection, etc.);
- ▶ Referring the victims to medical professionals if necessary;
- ▶ All written documents related to the border police officers’ actions shall be forwarded to authorised operation lines, with the aim of further action for processing the perpetrators of the crime of human trafficking, as well as to social welfare staff providing support to the victims of human trafficking.

Smuggled migrants

Unlike human trafficking, human smuggling used to be seen as the lesser of two evils, because there was belief that in general it did not include migrant exploitation, except for pre-arranged payment for the service of state border crossing and entering the territory of the country. According to this theory, smuggled migrants were illegally transported over the state border for a certain compensation, so in this way a relation was formed which was basically commercial in character.

This perception is wrong; human smuggling poses a considerable risk for migrant exploitation. Migrants who think they are smuggled can risk to become the victims of human trafficking, and even when they are not, their personal safety can be threatened because the possessions they take with them on the journey are the basic motive for smugglers. Because smuggled migrants are without exception irregular and subject to prosecution, they are also subject to exploitation because they are under continuous threat of being reported to

the authorities. Smuggled migrants can include those who are forcibly displaced during crises, as well as those who have left the country of origin in search of better economic and social circumstances (economic migrants). Smuggling is shortly defined as “enabling illegal crossing of the state border with the aim to obtain some material benefit”. Guidelines for recognising migrant smugglers are provided in **Annex B**.

Actions shall include:

- ▶ Identifying when and where the smuggling is taking place;
- ▶ Identifying smuggled individuals;
- ▶ Identifying smugglers – having in mind that the smugglers may be hiding among the smuggled individuals, especially in large-scale smuggling operations;
- ▶ Assessing the vulnerability of individuals – migrants, through individual interviews;
- ▶ Referring smuggled individuals to medical professionals if necessary;
- ▶ Referring smuggled migrants to pre-determined social welfare services;
- ▶ Those that are classified as not vulnerable, who are not seeking asylum and do not need protection shall be treated as irregular migrants, so it is necessary to take the legally proscribed actions against them;
- ▶ All written documents related to the actions of border police officers shall be forwarded to competent lines of operation with the aim of further actions in order to process the perpetrators of the criminal act, as well as to social welfare professionals to provide support to migrants assessed as vulnerable.

Asylum seekers

Asylum seekers are generally defined as persons attempting to enter a country as refugees based on a founded fear of persecution for reasons of race, religion, nationality, social group or political opinion, because of which fear they are not willing to use the protection provided by the country of which they are citizens. In addition, asylum seekers can be classified as persons who need protection, which means there is reasonable suspicion that they would be in danger of being subjected to torture, illegally deprived of life or subjected to cruel, inhuman or degrading treatment or punishment, if they were to be deported from the country they have reached. By definition, there is the assumption that asylum seekers are a vulnerable group of migrants that need protection. Standard operating procedures should contain detailed instructions on the treatment of asylum seekers, which should also be applied during migrant crises, with one difference being that during migrant crises the asylum procedure would include a considerably higher number of individuals. In short, the following principles should be pointed out to border police officers:

- ▶ If during control performed by the police officer an individual states their intent to seek asylum, the police officer shall as soon as possible issue to this person proof of expressed intent to seek asylum and refer the individual to report to a designated Centre for Asylum within the legally provided timeframe.
- ▶ Asylum seekers do not have to decidedly state their intention to seek asylum – it is sufficient to say that they are in fear of return to the country from which they left and/or their own country;
- ▶ Each application for asylum must be decided on by an officer of the Asylum Office. First line of control officers should not be deciding on this procedure;
- ▶ All requests for asylum must be reviewed in accordance with local and international legislation, conventions and protocols;
- ▶ The fact that a person is an applicant must remain confidential at all times, as well as the details of their case and status, both during decision-making on their application or on other issues, as well as after it;
- ▶ Countries have a general obligation to receive to their territories the persons who express the intent to apply for asylum;
- ▶ Officers should treat these persons with special attention, as they can be tired, disorientated, exhausted, have trouble communicating, etc.;
- ▶ Border police officers must not undertake any actions to deport or remove the person after they have expressed intent to seek asylum.

When acting upon applications submitted on the first line of control (during the activities of SBCC or SBS), police officers should do the following:

- ▶ Inform the competent line of operations about the expressed intent, in order to designate a centre to receive the person who has expressed the intent to seek asylum and refer him/her there;
- ▶ Issue an adequate document on the terms of entry/stay (proof of expressed intent to seek asylum);
- ▶ Refer the persons that have expressed intent to health professionals if necessary.

Persons who have expressed intent to seek asylum are normally not detained, but this could be appropriate under extraordinary circumstances. In general, the following factors should be taken into account:

- ▶ To what extent there are risks to national security and public order – this will include reviewing criminal activities, convictions, “wanted” status and participation in extremism or terrorism.

- ▶ In all other cases asylum seekers (persons in the process of being granted the status) can be held in accordance with legally proscribed conditions (Law on Asylum).

Unaccompanied children and separated children

Unaccompanied minors and separated children can be defined as follows:

- ▶ **Unaccompanied children** (also known as unaccompanied minors) are children separated from both parents and other relatives, and under no guardianship of an adult responsible for them by law or custom.
- ▶ **Separated children** are children separated from both parents, or from their previous primary guardian by law or custom, but not necessarily from other relatives. Therefore, these can include children accompanied by other adult family members.

Children are a particularly vulnerable group because they cannot protect themselves from exploitation, both sexual and labour, and are especially susceptible to psychological manipulation and threats of violence. They are often victims of human trafficking or smuggling, especially because they are in general obedient to adults and are easy to coerce or deceive.

If a police officer cannot with certainty determine the age of a person, and they suspect based on their physical appearance and psychological maturity that the person is a minor, the person will always be treated as if they were a minor with the aim to protect their rights.

Treating unaccompanied minors should have priority and include:

- ▶ Interview with trained police officers – certified for working with children and minors, in presence of a suitable adult if necessary;
- ▶ Fast referral to child protection services – Centre for Social Work, which will further implement a legally proscribed procedure (placement in safe location suitable for children, foster families, etc.) with no delay.

In case of children, the participation of border police officers on the first lines of control will in general be limited to identifying unaccompanied children, after which officers trained for interviewing children and minors shall be called. Staying in official premises is only acceptable until the Centre for Social Work officers arrive.

Single parents

Women with children are predominant single-parent families. Women irregular migrants are more vulnerable than men in the same situation because of gender based discrimination. It is necessary for police officers, in cooperation with other services, to take all measures and actions, in order to determine whether these are victims of exploitation and the level of trauma they may have been exposed

to. Based on this assessment the level of necessary support and best accommodation options will be determined. As unaccompanied children, families should be referred to social welfare authorities and other support services as soon as possible after being identified as vulnerable.

Single parents with children should not be referred to closed centres unless, as an exception, this is in the best interest of the family. Parents and their children should not be separated unless there is proof of abuse or other maltreatment by the parents.

Migrants “stranded” on the territory of another country

Migrants who are left in some way stranded on the territory of another country can in general be defined as “persons not able or not willing to return to the country of origin, nor able to regulate their status in the country they have found themselves in, and have no access to legal opportunities for migration that would enable them to make way to a different country”. In certain situations, even though they have the opportunity to regulate their status in the country they have found themselves in, they do not wish to do so, so they can also be classified under this group of migrants.

The reasons because of which these migrants are not willing or not able to return to their countries of origin will dictate the measure in which they will be considered vulnerable, with the accent placed on them not being able to return rather than not willing to do so. If they are not willing to return because they have founded reasons to be afraid of the return, they should be informed about their right to seek asylum, which would help them receive support and accommodation provided to asylum seekers.

If a person wishes to return to their country of origin and if the circumstances in the country of origin are safe, they should also be informed about the opportunity for assisted voluntary return. Border police officer will refer this person to address the officers of the Commissariat for Refugees and Migrations and IOM.

If a person does not express intent to seek asylum, nor intent for voluntary return to the country of origin, the person will be treated as an irregular migrant and they will be processed in accordance with the law.

Irregular migrants with disabilities or those suffering from health or psychological issues

Border police officers are generally the first officers positioned to identify migrants suffering from health issues, including physical, mental and disability issues, and who may fall under all vulnerable migrant categories mentioned, but are also a separate category. This also includes the persons that survived a mental or physical trauma, pregnant women and persons suffering from infectious and other diseases. Border police officers should:

- ▶ Conduct an interview in order to determine the circumstances, needs and intentions of the migrant;
- ▶ Process in accordance with the category;
- ▶ Refer to the nearest health institutions or to the nearest medical stations in migrant centres;
- ▶ Notify relevant social welfare authorities.

Holding them is justified only in quite extraordinary circumstances, and priority should be given to measures of primary medical care, in serious cases and/or cases of infectious diseases, in appropriate health institutions.

Some elderly persons may also fall under this category because they are in general more vulnerable than young migrants with regard to adaptability to difficult situations and cultural differences. They may also have trouble handling stress related to the position of irregular migrant simultaneously faced with threat of removal or deportation, especially if there is a possibility of detention. These persons may also suffer from health conditions that are age-related, which can cause reduced mobility and mental capacity. Therefore, they may need help from organisations dedicated to the protection of elderly individuals, and special attention should be given to the way in which they were provided with support and the sort of accommodation they received.

There is always the possibility that mass movement across borders will be initiated by a health crisis or that a health crisis will accompany an existing migrant crisis, so a comprehensive health check will be necessary under these circumstances, performed by well-trained and equipped health professionals as soon as the migrants arrive on the state border, before they reach border police officers. In case of an infectious disease, it is possible that the migrants will need to be isolated in special health facilities until their health status is determined.

4.5 Interviewing vulnerable migrants

The timing of the interview should be in accordance with the purpose of the interview. Police officers should consider if conducting the interview is practical and whether it is of the highest priority. If the migrant is in very poor condition and it is not probable that they will provide useful information, or if the questioning will bring them more pain and harm, it might be better to postpone the interview. If it is necessary to inform certain individuals/organisations before the start of the interview, then this should be done as soon as possible. Even when such presence is not mandatory, it could facilitate both the initial communication and the collection of operational data, which can be used for further investigation.

In certain cases, it might be necessary to engage interviewers with specific skills or specially trained officers. One example could be using only officers who are

specially trained or have special qualifications to conduct interviews with children, but it could be something even simple, like using a female interviewer to interview the migrant of the same sex.

When conducting the interview, border police officers should:

- ▶ Conduct the interview in a place enabling privacy, separated from other persons (primarily other victims). This is done in order to reduce the stress, but also to reduce the risk in case the perpetrators or their accomplices have infiltrated real human trafficking or smuggling victims;
- ▶ Check if the migrant is able to participate in the interview. Check if they have satisfied the basic needs (thirst, hunger, sleep, etc.) and if they have received all the necessary health assistance. Make sure that food, drink and other necessities are at hand.
- ▶ Check if the migrant has some other primary objectives (protecting family members and similar) – if they are worried for somebody else or they need to inform somebody else. The migrant should also be allowed to ask questions.
- ▶ Consider the possibility for presence of other persons that can represent the migrant (such as the appropriate adult for children).
- ▶ Use only reliable official interpreters when possible.
- ▶ Consider the possibility to wear civilian clothes when conducting the task (not in uniform) and remove all obvious marks and insignia of police officers.
- ▶ Explain the interview process, legal rights/responsibilities of the migrants and the roles of everyone present at the interview.
- ▶ Explain that the focus of the interview at this stage is to collect information about the perpetrator of the crime and not about the deeds that the migrant might have committed.
- ▶ Explain what will happen after the interview. This will include the issue where the migrants will go, who will be with them and what their further obligations (testifying in court and similar) will be. Never promise something that cannot be done because this will only undermine their confidence.
- ▶ Inform the migrant that what happened to them happened also to others.
- ▶ Allow the migrant to rest if the interview takes a longer time.
- ▶ Be prepared to stop the interview in case it is causing too much stress.

- ▶ Know and respect the cultural background of the migrants, their tradition and customs.
- ▶ Allow the migrant to explain what has happened in their own words with as little interference of the interviewer as possible.
- ▶ No pressure should be put on the migrant. When the picture of events is complete, certain points can be clarified and additional questions asked.

Conducting the interview should be in the format of questions and answers, and the process itself documented in accordance with the valid legislative framework. The option should also be considered for the person that was interviewed to sign formal documents with the aim to avoid dispute on the content of the statement and for further proceedings.

4.6 Migrant crisis management on BC

Standard operating procedures on individual border crossings should include instructions for managing the regular traffic flow through the BC structure, with the aim to implement the legislation related to crossing of the state border as fast and as effective as possible. To a certain extent these instructions need to encompass sudden increases in traffic volume, but they will probably not address mass movements in detail, which should be subject of separate SOPs, adapted to the current configuration of the BC, or a new configuration that might need to be established, and which will contain measures that can be implemented fast in order to tackle the challenge.

The nature of the emergency situation that has led to the migrant crisis will have a considerable impact on any response. For example, natural disasters, such as floods, drought and famine will in general cause a gradual increase in traffic, so BC will have enough time to prepare by bringing staff and equipment, assessing the traffic control process and in general will not require moving the border control. However, migrant crises caused by man mainly relate to armed conflict, such as civil war, and depending on how close to the BC is the fighting, it may be necessary for the buildings to be relocated to a safe distance from the border line. In addition, because armed conflict can occur without warning, the flow of migrants can increase suddenly, so it is necessary to ensure swift passage for migrants through the BC and departure to a safe place.

There are some practical measures to be undertaken for efficient optimisation of traffic flow:

- ▶ Designate a sufficient number of police officers that will enable an increased flow of passengers and vehicles on the BC;

- ▶ Establish joint control by all services on the BC (border police, customs, etc.) in order to reduce the time for border control;
- ▶ First control (first interview) should be short, and the passengers that need secondary questioning (regardless of authority) should be quickly separated from those that can be allowed to cross the SB;
- ▶ In accordance with what is technically viable, the lanes on the BC should be divided into lanes for citizens of the country of arrival, citizens of the country of departure, citizens of the third country – and staff distributed also in accordance with these criteria.
- ▶ If manual readers of travel documents are at disposal, border control should be performed while the passengers are in buses – if not, the passengers should disembark only when there are free capacities for working with them. The passengers should disembark progressively, in the order of arrival;
- ▶ Cooperate with neighbouring border authorities in order to use joint measures to increase the flow of passengers and vehicles on the BC;
- ▶ Include national and international organisations in the identification of migrants that need priority treatment – essentially, migrants from vulnerable categories – before border control, so they can be channelled in the proper way;
- ▶ Locate assistance services (international organisations) as close as possible to the border control in order to facilitate referral procedures;
- ▶ Speed up departure of passengers from the BC as much as possible by ensuring that all access roads are passable;
- ▶ Leave room for migrant gathering on a terrain outside the area of the BC;
- ▶ The search of vehicles and persons should be under the jurisdiction of one service (border police or customs office) which will act on behalf of all others – for example, a customs officer can be informed to search for persons hidden in transport or documents related to other criminal activity, such as terrorism.

Closing the BC

As a general rule, BCs should be closed during migrant crises only when the pressure of the traffic is so high that there is a real and immediate threat to life in the receiving country because of the high influx of people. Before taking this step, the heads of the strategic level of management should assess direct risk to which refugees staying on the border of the country of departure are exposed until measures are introduced enabling the reopening of the BC.

Strategic level heads should have delegated authority to close the border, but only during the period until a request is submitted to the relevant ministry to

continue with the procedure. It is also necessary to determine and strictly adhere to the manner, procedure and deadlines when closing the border as well as the means of emergency notification and reporting to all lines of operations and the public about the measures undertaken. Any closing of the border should last for the shortest possible period dictated by the circumstances.

4.7 Collecting data in BPS

For the effectiveness of intelligence data, especially before crisis and during movements, it is of key importance for border police officers to be trained on which information to collect, how to collect them and what to do with them. It is particularly important for all border officers to understand the need of reporting about information that can indicate an increased influx of migrants, which will serve as early warning about the mass movement of migrants.

Ideally, information is collected by the police officers of the competent line of operations, but limited resources and border control volume can disable this. For easier collection and forwarding of information a network of police officers may be formed, who would perform operating tasks on the level of BPS. They would not be completely trained for intelligence work, but they would be trained enough to collect and treat operating data, as well as about the general requirements in relation to them. They can combine their role in intelligence with their normal operational tasks and be:

- ▶ Direct focal points for the Risk Analysis Unit on the strategic level;
- ▶ Responsible to ensure that their colleagues are continuously aware of what type of information is needed and how to collect it;
- ▶ In charge of collecting information about all the segments of BPS functioning for further distribution;
- ▶ In charge of holding working meetings for operational staff;
- ▶ Obligated to ensure actions based on operational data.

In each BPS shift there should be at least one police officer trained in collecting and processing operational data. Sample of instructions for information collection for first line officers is enclosed in **Annex D**.



4.8 Reporting procedures

Reporting procedures are of key importance for information management, and in migrant crisis it is especially important to consistently apply legally proscribed procedure for reporting and information sharing in MoI (Manual on Reporting and Information Sharing), because the relevant Ministry must be informed about the developments in real time.

Having in mind the established procedure for reporting and information sharing, the reports shall:

- ▶ In accordance with the proscribed procedure be entered in the Event Log application;
- ▶ Using the Event Log application, the reports on events will urgently be directly communicated to higher organisational units and line and territorial organisational units in charge, for further action;
- ▶ Develop daily and periodical event reports using the application;
- ▶ Information quality and value assessment system will be applied continuously by the services on duty in accordance with the manual.

During regular operations in BPS, it is generally sufficient for the officers to just notify on occurrences and events, but in the situation of migrant crisis emergency reporting system will be established by organisational units on the central and regional levels, which will be used to transfer information most efficiently to the central level. It is possible to establish the system of information transfer in the form of daily reports on occurrences that will be submitted directly at a certain time or through urgent information transfer, immediately after the critical event.

4.9 International organisations

The need for multi-agency approach during mass migration has already been stressed, and in addition to the already mentioned national services that have a role in migrant crisis management, there are various international organisations engaged in providing support and assistance to border authorities and migrants and refugees covering a wide range of activities with their mandates. Border police officers should know about these organisations and the type of assistance they provide:

International organisation for migration (IOM)	Advising and raising institutional capacities on all aspects of border management, establishing and managing receiving centres, support with registration, profiling, developing data bases on the migrant route, logistical support to migrant transport, setting up information, counselling and referral services, assistance with voluntary return of migrants in the countries of origin, if possible and safe.
United Nations High Commissioner for Refugees (UNHCR)	Monitoring the implementation of the Asylum Law, representing the interests of refugees/asylum seekers and groups with refugee or asylum seeker status, assistance with voluntary repatriation of refugees, reunification of families separated during the migration process, advisory and logistic support with regard to planning the space of asylum centres and receiving centres and material and technical support.
United Nations Children's Fund (UNICEF)	Responsible for child protection, especially during armed conflict, developing and implementing children reintegration programmes, family reunification, child recruitment prevention, providing material assistance to children, such as medical aids and vaccination.
United Nations Development Programme (UNDP)	UNDP supports the local government with needs assessment, capacity development and planning coordination, developing strategies to mitigate the consequences of natural disasters and programmes to encourage the use of diplomacy and prevention of violence.
United Nations World Food Programme (WFP)	Providing assistance in food for refugees in camps, providing support for transport, communication and logistics.
International Committee of the Red Cross (ICRC)	Monitoring the implementation of international and humanitarian law, detention conditions and treatment of persons detained for reasons connected with armed conflict (e.g. internees), reestablishment of family connections for families dispersed during armed conflict.



5. INFORMATION MANAGEMENT AND INFORMATION TECHNOLOGY

Proper management of information and the use of information technology on the SB is an important part of response in all stages of migrant crisis.

Border police officers should be aware of the importance of data and information collection about events and incidents occurring on daily basis. The lack of information and intelligence data at best interferes with planning in case of increased influx during migrant crisis, and at worst leads to chaos. Collection, processing and storing data has many forms (UIS, applications for the registration of foreign nationals, asylum seekers, etc.). Also, it is important to use regional cooperation and data exchange networks of international partners.

Example: during the crisis on the West Balkan route (2015), **early warning system** implemented with the support of IOM network of teams in all the countries covered by the crisis was of great benefit for risk assessment and adequate response planning.

5.1 Information systems for border management

In the international context, it is unusual if a country does not have some type of electronic border management system (persons and vehicle verification system), but they range from basic platforms with warning lists to completely integrated systems connected with all lines of operations dealing with foreigners. The information systems used during migration crisis management are for many reasons a key tool in migration management. During migration crisis, an information system that can accept a considerable increase of the number of registered persons is for many reasons of key importance. Information system for collecting biometric data can be particularly important for dealing with migrants travelling without appropriate personal documents.

In case of mass influx, the competent service should provide accessibility of the system of registration on the BC with the aim to record all passengers and to perform adequate border control.

The information system itself should enable recording and processing of photographs and biometric data (papillary line prints) in data bases of registered citizens and foreign nationals. All data bases should have adequate levels of protection and access that will enable the following:

- ▶ To record, save and process photographs;
- ▶ To record, save and process biometric data, e.g. finger prints;
- ▶ To compare personal data with warning lists and identification (national and international wanted persons data bases);
- ▶ To compare personal data with data bases;
- ▶ To enable various levels of access (local, regional and central level of access);
- ▶ To record data on migrants and reasons of entry.

If there is no equipment in BPS or it is inadequate, plans should include the priority to procure the necessary equipment. The first priority would at minimum be the equipment for registration of persons and data processing, with the option to save photographs and biometric data. If necessary, warning lists (STOP list) can be formed quickly in Excel Worksheets, as well as a similar system for registering entry into the territory of the Republic of Serbia, for the purposes of subsequent data transfer to the mentioned systems. International organisations, such as IOM and UNHCR have experience in using the equipment for registration in migrant crises and can provide the equipment and technical assistance.

Although the aim will always be to ensure an efficient and effective information system to be used for border management, if it is not immediately available, or

if the existing equipment fails, the officers should be ready to use printed copies of the warning lists (STOP lists), record manually the crossings of the Serbian border, and manually count the migrants. The results of record keeping on printed copies should as soon as possible be transferred to the electronic system.

Using all data from electronic data bases should be in accordance with the legislation related to the protection of personal data. The system must have an option to control and monitor access to data bases, with the possibility to limit access, i.e. enable access to officers who have authorization for access. All transitory measures implemented locally (keeping written records) in the BPS, must be subject to review (e.g. officers sign their names at the beginning and end of record keeping).

Taking biometric data

Biometrics is a general term including finger prints, data on iris, voice, biometric data on facial features and DNA. Taking finger prints has become a routine procedure, representing the key tool to determine and keep data on a person's identity, especially during mass movement in migrant crises, when personal documents are often incomplete or non-existent. Domestic legislation should allow for the collection of biometric data for the following categories of persons crossing the SB:

- ▶ Persons applying for visa;
- ▶ Persons crossing the SB of a country they are not citizens of;
- ▶ Refugees, asylum seekers or protected persons;
- ▶ Persons whose refugee, asylum seeker or protected person status is under process.

Under normal circumstances, travellers who refuse to give biometric data are denied visa or entry. However, in a situation of emergency, these options, especially denied entry can be unsustainable, so force might be necessary. Legislation should allow for this, while in some countries court authorization is needed for forced data collection. With respect of the fact that in this way legal guarantees against potential abuse of power are provided, it is not probable that during mass movement in migrant crises police officers would go to courts for authorization for each collection of biometric data (dactyloscopy of the face). In accordance with the national legislation, border police officers are authorized to, if there is suspicion of a person's identity, or the credibility of the travel or other document proscribed for the crossing of the state border, take finger and palm prints of the person and other biometric data.

5.2 Communication

Communication systems are important for the functioning of the BPS, especially in migrant crises. The usual systems on the borders include:

- ▶ Information and communication technology with phone lines, wireless systems; informatic and audio-visual systems through a unique cable system;
- ▶ Virtual private network (VPN) over the internet
- ▶ Voice over internet profile (VOIP) – voice communication over the internet;
- ▶ Long-range radio systems;
- ▶ Mobile phones;
- ▶ Land lines.

It is probable that border services – (border police, customs) will not have interconnected communication systems during their routine work on the SB, and almost certainly will not be connected with national and international organisations providing assistance to migrants. In migrant crisis, this situation should be addressed and a communication system and mechanism for information exchange established promptly.

The means and systems of communication are not of primary importance – what is key is for the agencies to agree on how to achieve this, and the simplest operational solution for communication in real time is often to distribute hand-held radios to officers as they report for duty, implemented by a single agency, using pre-agreed signs and frequencies for the calls. This will have an advantage over telephones because it enables all officers to hear what goes on simultaneously, and the information and instructions being shared. Other methods, such as e-mail, can be used to submit reports, based on pre-determined distribution lists. In addition to the above, each agency, in accordance with their internal principles, will perform communication with the aim to report and inform the lines of operations on all levels.



ANNEX A

TRAFFICKING IN HUMAN BEINGS

Although trafficking in human beings is carried out in many different ways, depending on the level of organised crime, legal structure and local context, it entails a three-step process:

Recruitment – forced or by deception – Trafficking in human beings often begins with false promise of an opportunity – job offer without known terms or deadlines, offering legitimate employment, but upon arrival the individual is forced to a different type of work, is forcefully kidnapped or forced to work.

Transport – cross-border, legally or illegally or inside a country – Transport of the victim from one place to another, although not necessarily across the state border. Entry can be legal with real travel documents, illegal by deceit using real or false travel documents, or secret, by avoiding border control.

Exploitation – using or selling the victim for financial benefit of the trafficker – The victims are transported with the sole intention to make profit by exploiting them. Although some traffickers earn large sums of money, in some situations the benefit is of a different kind, such as in the case of free labour or services.

GENERAL INDICATORS OF TRAFFICKING IN HUMAN BEINGS ON BORDERS

These indicators provide an overview of some of the factors that may point to the probability of a person being the victim of trafficking in human beings, but some will refer to smuggled migrants because the line between the definitions is blurred. It must be stressed that they are general in nature and not all of them may be applicable in each case of trafficking in human beings. Different victim profiles derive from different types of trafficking in human beings.

Even the same general type of trafficking in human beings shows considerable differences between locations. These indicators should be used together with the best available intelligence data for creating a local context-specific profile. If you do not have any information / intelligence data on trafficking in human beings, some of these indicators may help to identify a new or emerging problem of trafficking.

Age

A typical age span for persons suspected of being victims depends on the nature of trafficking and requirements at the location of exploitation. With some exceptions, the older the person, the less probability of them being a human

trafficking case. This especially refers to the cases of sexual exploitation. Human traffickers will not usually traffic elderly people with the aim of sexual exploitation because there is less “client demand”.

The same general rule can apply to work exploitation, because the older a person, the less productive in cases of hard labour or slavery. There are exceptions to this, such as the example of trafficking in the elderly for the purposes of begging.

Children are especially vulnerable to trafficking, because they are generally obedient and easy to frighten. They can be exploited in different ways: through sex trade, illegal labour markets, including begging and pick-pocketing, as “slaves” in the household and for their organs.

Gender

Sexual trafficking primarily affects females. In practically any country in the world, reliable evidence on trafficking in human beings for heterosexual exploitation can be found in some form. It has been discovered that there is trafficking in males for the purposes of prostitution, but research and knowledge in this area is limited. Human trafficking for forced labour exploitation affects both males and females. The proportions of men and women are different in relation to the type of work and prevailing gender roles in the specific location.

Country of origin

The chain of victim supply relies on exploiting a combination of factors, including relative poverty, discrimination and lack of good opportunities. Many victims come from developing or transitional countries with limited opportunities. Trafficking in human beings occurs in developed countries for different purposes, but primarily includes sexual and labour exploitation. In both cases the victims tend to come from unprivileged and vulnerable populations.

Knowledge of the countries with evidence of human trafficking, especially those in the same region as destination countries, is of key importance for border control officers, and the assessment of threat should be provided by the intelligence data units.

Documents

The person submitting personal or travel documents of another person at the border crossing or other control point is a general indicator of trafficking. In addition, the fact that the suspected victim of trafficking does not have personal and/or travel documents, has false personal or travel documents, may also be an indicator of trafficking.

Transport

The manner in which a person was (or is) transported may indicate to trafficking. Some characteristics of transport in cases of trafficking in human beings are very similar to the characteristics found with migrant smuggling, but there is a number of potential differences. For example, the traffickers will often tend to control all aspects of transport from the original location, through transit to the destination, because they realise their investment only at the destination location / stage of exploitation, so the victim will be escorted, although it may be at a certain distance. The size of the escort will depend on the number of victims and can increase as they approach their destination.

Evidence of abuse

All signs of physical injury to the victim may be indicators of trafficking; human traffickers and their clients often subject their victims to abuse. However, do not assume that a person is not trafficked because there are no signs of injury or physical abuse. Other equally effective, or more effective measures of control could have been used, including threat of violence or seizure of personal documents.

POSSIBLE INDICATORS OF TRAFFICKING IN HUMAN BEINGS ON BC

- ▶ Adults with children who are not their own – they can claim to be related and/or to be taking the child to a parent or a relative
- ▶ Children that seem awkward or uncomfortable around the adult accompanying them – they may not be able to state the relation with the adult or they may not know where they are going
- ▶ Adults noticed crossing the borders often with different children or different adults
- ▶ Groups of travellers who do not seem like they belong together, i.e. differences in the way they are dressed, different citizenships, different ethnic groups
- ▶ One person seems to be the group leader – may hold the group passports or be the only one to speak
- ▶ One person seems to be controlling others – it may happen that the others cannot say where they are going or what they are doing
- ▶ Lack of luggage – human trafficking victims tend to travel with little luggage or entirely without it

ANNEX B

PEOPLE SMUGGLING

GENERAL INDICATORS OF PEOPLE SMUGGLING

The majority of indicators for trafficking in human beings is equally applicable to smuggling, but there are differences. While traffickers will almost always travel with their victims, this is not always the case with smugglers. The role of smugglers is often to facilitate migrant's entry into a vehicle, for which there are two main methods:

- ▶ Facilitating migrant's boarding onto a vehicle – plane, train, bus, ship – by providing false travel documents. However, it is possible that the smuggler will follow the migrant, although from a distance, in order to retrieve the document after their entry for reuse.
- ▶ Facilitating the hiding of migrants in a vehicle without the knowledge of the person driving the vehicle – this is usual in the transport of goods – lorries, merchant ships, freight trains.

Irregular migrants found under such circumstances can easily be travelling alone, but it should always be investigated to determine, if possible, if there are smugglers with them. This, among other things, includes:

- ▶ Questioning the migrants
- ▶ Interviewing transporters
- ▶ Searching persons and vehicles
- ▶ Testing communication/navigation devices
- ▶ Controlling the manifest/passenger list to check if some names related to the incidents repeat

INDICATORS OF SMUGGLED MIGRANTS

The following indicators more concretely relate to the smuggling of migrants rather than to their trafficking, but it is still important to stress that there is a thin line between the two and that the victims of trafficking can exhibit similar characteristics.

Orientation

When being questioned, they seem expressionless and/or confused. They might not know in which country they are or through which countries they have travelled. It is possible that they do not have an address where they would stay and/or that they know little or nothing about the geography of the country and towns where they may be staying or visiting.

Sponsorship

It might seem that they do not know the persons waiting for them, or they greet them upon arrival showing affection that might be expected from relatives and friends. They will usually quietly approach the people waiting for them who will take them through, or they will follow a smuggler who is supposed to transport them. It is possible that they do not have a name or phone number of the person or place they are to stay at. Migrants not travelling in a group might have a name or phone number hidden somewhere on their person or in their mobile phone.

Appearance

They might have different clothes or hair style unusual for the country of arrival or not adequate for the climate. Small groups of smuggled persons often have similar characteristics such as clothes and bags. The clothes of the migrants might be cheaper, older and more worn out than the clothes of the traffickers accompanying them.

Facial expression

They might seem lost or be walking slightly behind the group and/or seem frightened, looking around, sweating or shivering, especially when asked questions. They may seem exhausted or dehydrated after a long journey by sea or road. As migrants are often placed in less comfortable accommodation than the smugglers, their physical condition might be poorer.

Age

They will probably be of a younger working age, if they have been sent to the country by their family to find paid employment. Unlike migrant victims of trafficking, the majority of smuggled migrants are younger men, because, generally speaking, their families have invested funds, and they represent the best option for durable return on the investment.

Credibility

Unless trained well, they will not be able to give a credible explanation about the purpose of travel – information they provide might lack logic, consistency or sustainability. They might not know how long they will be staying at their next address, or how long they will need to get there.

Identification

They might have false travel or personal documents.

Citizenship

They might claim to be citizens of a country and not know anything about it, or not speak its language. This can be an indicator that the person was “instructed” by the smugglers to claim they have a certain citizenship, for example because the citizens of some countries get easier access to asylum seeking processes.

Travel

When travelling by land or air, they may be travelling with the smuggler, but going through the entry port separately in order to avoid detection. For example, searching the migrant discovers plane, bus or train tickets and searching the smuggler discovers the same itinerary based on the stamps in the travel document and/or tickets for adjoining seats.

When travelling by sea, it might happen that the smugglers are part of the crew. When the vessel is intercepted, the smugglers will often try to hide among the migrants.

Luggage

Similar to the victims of trafficking, smuggled migrants will probably have little or no luggage. The most probable reason for this is limited space and the need to move fast when necessary.

Group of travellers

When questioned individually, it might be possible that they know nothing about the people they are travelling with, or they will know the basic information, but not in line with the relationship they claim to have.

Accommodation

When they are encountered in the country, it is possible that they are living with a large group of people they might know but not necessarily. It is probable that the accommodation will be overcrowded.

Employment

It is possible that they will be working in an industry in which it is easier to be paid in cash without valid travel documents or work permits. Such industries might include: agriculture, construction, factories, food or service industry, entertainment and production. It is not probable that they would have an employment contract because they are paid in cash, it is possible they will not have certificates, training, professional licenses or certificates that would enable them to obtain a work permit.

INDICATORS OF MIGRANT SMUGGLERS

Travel documents

It is probable that migrant smugglers will have proper documents and real passports. The passports will show considerable volume of prior travel, so that the passport holder would look credible, suggesting this is a person who travels a lot or travels often on the same route.

They may present travel documents for control, boarding passes and tickets on behalf of other individuals or group members.

They will probably know the immigration process well, and have prepared answers to questions, they will be prepared to show the travel documents at request, together with letters of employment or other type of evidence. However, they might present only the documents requested from them in order to reduce the risk of discovering falsified documents or documents that only resemble real ones.

Facial expression

Experienced smugglers are usually self-confident, kind and cooperative. They may try to draw the officers in conversation in order to distract them. However, if the officers look suspicious, they might move to attack in an attempt to frighten them.

Language

They will probably speak the language of the destination country and the language spoken by the group or person they are accompanying.

Group control

Unless the migrants smuggled are well trained, it is probable that the smuggler will respond on behalf of other individuals in the group and look like they have an influence over them. The group may be visibly frightened of the smuggler. They might be walking in front of others, clearly leading, or, contrary to that, walking behind the group in order to keep an eye on it.

Appearance

Smugglers may have more expensive clothes and better physical presentation than the rest of the group.

Age

They will usually be older than the majority if not than all the followers and clearly leading.

Motivation

When suspected, smugglers often claim to have helped the migrants during a random encounter, or that they have been helping the migrant out of humanitarian reasons.

Money

Smugglers may be the only person in the group with cash or credit cards. They may possess a relatively large amount of cash they have received for their services.

Communication

They may be the only person in the group with a mobile or smart phone.

Means of transport

They may be the driver of the car, lorry or vessel.

ANNEX D

COLLECTING INFORMATION FOR INTELLIGENCE DATA ON BC

DATA COLLECTION – INFORMATION CHECK LIST

SEARCH FOR DOCUMENTS	PURPOSE	RESULT
Search the luggage	To check if there are documents that might help with further investigation – personal documents, driver's license, tickets, receipts, bills, letters, addresses in the country and abroad, phone numbers, bank statements, credit card statements and credit cards, phone bills, money transfers, certificates of employment, etc.	
Search the vehicle	To check if there are documents that can help with further investigation – as above, plus vehicle registration, tax documents, rental documents, cargo declaration	

REGISTER INFORMATION	PURPOSE	
Register all information about the vehicle	<p>To determine ownership – type, make, registration number, colour, plus:</p> <p>Name of owner, how long they have owned the vehicle, where it was purchased and from whom, and whether it was purchased recently.</p> <p>If it is rented, the name of the rental company, when it was rented and for how long.</p>	
Make legible copies of all documents and mark on them where they were found / who was keeping them	To determine the origin of the material for subsequent investigation. Clear material with known origin enables investigation.	
Ask the travellers to explain what each of the document is and why they have it	Helps to determine document validity and justify further investigation	
Register unusual travel patterns, visits to countries that are known for harbouring terrorists and regions of drug production with no satisfactory explanation. Travel not in line with the occupation and/or income together with issues of credibility with frequency of travel.	Provides basis for further investigation and may justify following the subject in the future	
Register and report on all considerable amounts of cash entering or exiting the country, with no credible reason	May justify further inquiry through the financial system. It may be appropriate to confiscate the cash.	
EXAMINE MOBILE PHONES	PURPOSE	RESULT
Ask for permission (if necessary) to examine the phone. Transcribe all the data, including texts and record what comes from which phone.	<p>Contacts made before and during incident may help to determine if anyone else is connected with the suspected offence.</p> <p>Texts may indicate the way in which the activity was arranged and organised, as well as the details of the offence. All contact numbers may be links to previous incidents.</p>	

Take the numbers of all mobile cards and phone receivers and SIM cards in the possession of the traveller	Helps to identify subscribers/users and determine their contacts	
Ask the owner about all phone numbers, what they relate to and the meaning of the texts – e.g. whether they relate to the people that assisted them in potential offences	Helps determine the importance of all phone numbers or texts and justifies the investigation. May give insight into the smuggler's MO.	
INTERVIEW	PURPOSE	RESULT
If trafficking or assisting trafficking in human beings is suspected, ask about the relationships between all group members.	Checking how much they know about one another	
Ask how/when/where group members met and be prepared for the challenges of all inconsistencies	Determine the scope of premeditated smuggling/trafficking	
Ask where the traveller (and other group members) intended to go and take full address / contact numbers in the country with name/ date of birth/citizenship/ occupation/immigration status in the country of potential sponsors	Helps with investigating smuggling/ trafficking networks and enables to focus the investigation on the part of the operation in the country	
Ask where they have been during the journey, who they met and where	Helps investigate the patterns of journey, meetings, subjects operating in other countries in order to refer to competent authorities	
Has the traveller been in the country before? If they have, gather information on employment or purpose of visit. Check if there are receipts, bills, bank accounts in the country.	Provides earlier immigration history and insight into the reason why the return represents an offence	
Addresses in the country – who lives at them, is the property owned or rented, who is paying utility bills?	Helps to investigate activities in the country	





