



**“Migration Management : Sharing Experiences
between Europe and Thailand”**
*co-organized by the European Union and
Royal Thai Government, Ministry of Foreign Affairs*

Schengen Evaluation Mechanism on the EU external borders

**Bangkok
June, 13-14 2012**





Schengen Area



-comprises the territories of 26 European countries that have implemented the Schengen Agreement (1985)

-operates like a single state with border controls for those travelling in and out of the area

-free movement of persons (regardless the nationality) is ensured with the absence of any controls on persons crossing internal borders

- Convention Implementing Schengen Agreement (1990)

Compensatory measures: harmonize checks at the external borders of the participating States

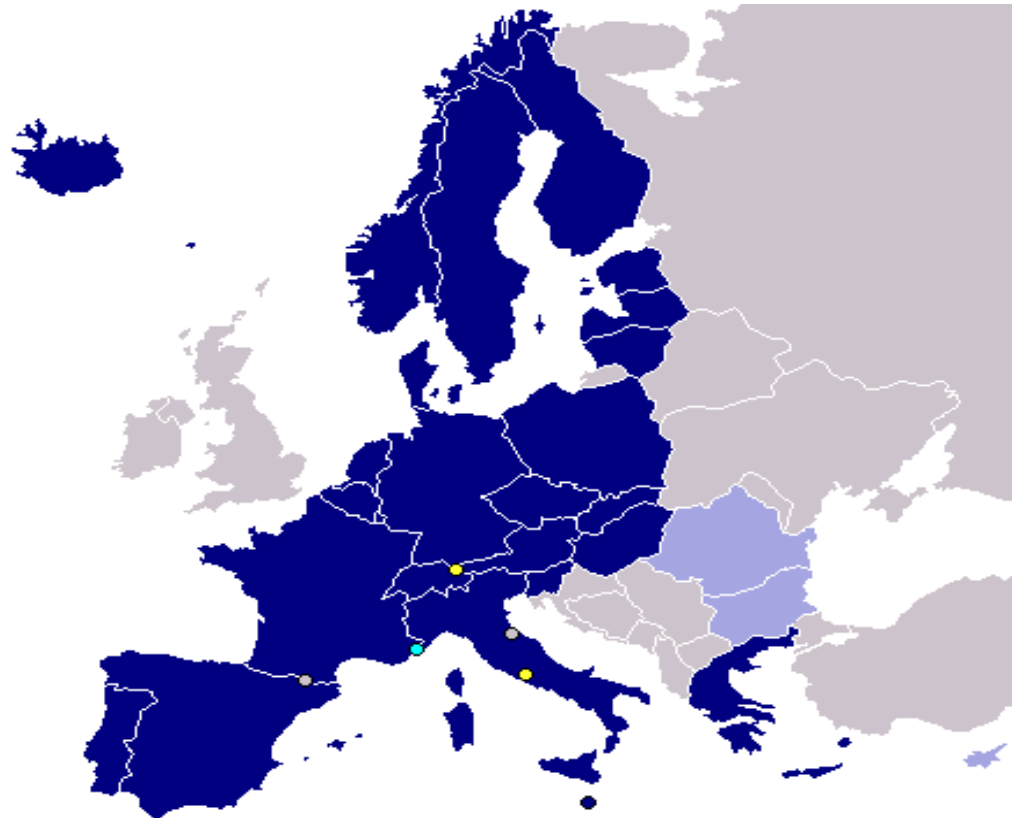


Schengen Area



States already applying the Schengen Convention: 26

(Germany, France, Belgium, Netherlands, Luxemburg, Italy, Spain, Portugal, Greece, Austria, Finland, Sweden, Denmark, Norway, Island, Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, Czech Republic, Hungary, Malta, Switzerland, Liechtenstein).





Main EU applicable provisions



- Candidate States to the EU must include in their national legislations.
 - Schengen Borders Code Regulation 562/2006 (13-10-2006)
 - establishing a Community Code on the rules governing the movement of persons across borders
 - Practical Handbook for Border Guards (Schengen Handbook) Commission Recommendation (6-11-2006)
 - to be used by MS´ competent authorities when carrying out the border control of persons
 - Schengen Catalogue. External borders control. Return and Readmission (recommendations and best practices)



Mandate of the Schengen Evaluations



- Schengen Evaluation Working Group (Council of the EU).

Aims:

-to ensure that Schengen acquis is properly applied by the States already implementing the convention, detect problems and proposing solutions.

-to establish whether all the preconditions for bringing the convention into force in a candidate State have been fulfilled



Spheres of Competence



- **External Borders.**
- Police Cooperation.
- Visas.
- Data Protection.
- SIS.



Areas to be covered



- External Border Checks and Surveillance:
 - provisions for carrying out checks at the authorised crossing points along the external borders and in the border areas;
 - technical means available at the external borders, in particular for detecting counterfeit documents;
 - determining whether staff levels are adequate for the particular border visited;
 - external border checks and surveillance,
 - training for officials



Areas to be covered



- measures taken to combat illegal immigration and crime in general;
- measures taken against individuals not granted admission at the border or individuals who are illegally on Schengen territory;
- administrative organisation of the service(s) responsible for combating illegal immigration and for coordination between these services at national and local level;
- existing forms of cooperation with neighbouring State(s);
- SIS use at border posts.





Evaluations Program



- 2010 AT, IT, EL, ES, PT + (BG and RO)
- 2011 DK, FI, IS, NO, SE, FL + (BG and RO)
- 2012-2013 CZ, EE, HU, LT, LV, MT, PL, SI, SK



Institutional Actors



- States
- Presidency (UE-The rotating MS Presidency)
- Schengen Evaluation WG (Council)
- Evaluation Committee (National Experts, Leading Expert, Council Secretariat Representative, European Commission Representative)



Institutional Actors



- European Commission -executive body of the EU with exclusive power for proposing legislation and executive powers delegated by the Council. Observer during the Sch- Eval missions.
- Coreper (Permanent Representatives Committee) receive the draft reports by the Sch-Eval WG and the relative decisions and after debate, they decide to pass the acts to the JHA Ministers).
- JHA Council (institution with the decision making (legislative, executive, political) power within the EU, partlyshared with the EP.
- European Parliament This institution shares with the Council the legislative power. The EP is consulted on the Council decision on the lifting of internal border control.



Evaluation mechanism



PLANNING / PREPARING

- Declaration of Readiness (MS)(Individual or joint declaration).
- Questionnaire (GSC)
- Country presentation (MS)
- Troika draft programme (Troika)
- Programme (Sch-Eval WP)
- Appointment experts EvalCom (MS)

VISITING Evalcom visit on the spot

REPORTING

Detecting gaps in the national system and give solutions to the correct implementation of the Schengen Aquis and to identify best practices

Drafting report (GSC+EvalCom)

Approval report (experts/MS/Sch-Eval WP)



Evaluation mechanism



Council Conclusions on the Schengen Evaluation:

-drafted and adopted, once all Schengen evaluations of a MS have been carried out and the evaluation reports have been adopted by the Sch-Eval WP

Council Decision

- fully application of the Schengen Acquis.
- to lift internal border controls on persons



Evaluation mechanism



- **FOLLOW UP** (How recommendations are being implemented)

Indicates the measures which are foreseen or which have already been taken, together with a timetable.

- **Council conclusions on follow-up**

drafted once all follow-up reports have been presented to and agreed by the Sch-Eval WP.

- what has been achieved as well as what issues are still open and what further measures must be taken into consideration



Evaluation mechanism



- **Follow up methods:**

specifically Follow Up report for the evaluated country

Additional questions

Re-visits

Additional follow up reports





Border control elements to be evaluated



- Environment, organisations involved in border control, threats, traffic and crime statistics.
- Regional and Local Strategy. Inter-agency cooperation at national level, international cooperation, regional and cross border cooperation. (procedure, types of agreements, competences overlapping)
- Risk Analysis and intelligence functions (person in charge, risk analysis products, availability on false documents information, briefings-debriefings, profiling, intranet, e-mails, etc)
- Means deployed to combat illegal immigration networks



Border control elements to be evaluated



- **Infrastructure and equipment:**

- structure of border crossing point,

- traffic handling/traffic modes and separation of flows (Non-Sch arrivals),

- lanes for checks and signposting (sufficient room),

- control booths (numbers, situation, working positions, height, front, waiting lines, communications, mirrors, cctv, doors, crew lanes ..),

- first and second line equipment, available databases and legislation, transportation and mobility, perimeter access control/fencing, staff access to non-Sch area,

- detention/readmission premises, storage of blank visa, storage of entry and exit stamps



Border control elements to be evaluated



- Control and procedures:

- risk analysis, information gathering and APIS.

- first line activities: procedure of checking on passengers on entry and exit (profiling, verification of entry conditions, scrutiny of travel documents and examination of entry and exit stamps), procedure of border checks on crews, check of means of transport

- second line checks: including thorough scrutiny of travel documents, processing of refusals, processing of asylum applications, issuance of visas at the borders, removals/returns from the country and transit of returnees, sanctions imposed on carriers, use of new technologies (ABC), VIS, etc



Border control elements to be evaluated



- **Border Surveillance**

-personnel, resources, level of controls at external borders, situational awareness (description of methods of surveillance used in order to detect and identify potential illegal crossing of the border), reaction capability, communication and encryption, border patrolling system)

- **Staff and training**

-availability and permanency, training on border control, adequacy and level of professionalism, linguistic skills and training, specialised document checking skills and training, specialised training for different managerial levels, corruption cases..





Entry and Exit. Schengen area



- **Regulation (EC) No 562/2006** establishing a Community Code on the rules governing the movement of persons across borders (SBC).
- **Crossing External Borders**: may be crossed only at border crossing points and during de fixed opening hours.
- **Crossing Internal Borders**: may be crossed at any point without a border check on persons, irrespective of their nationality



Border control (SBC)



- In the interest not only of the MS at whose external borders it is carried out but of all MS which have abolished internal border control.
- to combat illegal immigration and THB and to prevent any threat to the MS internal security, public policy, public health and international relations.
- Comprises:
 - Check on persons at border crossing points.
 - Surveillance between these BCP
 - Risk analysis of the threats that may affect the security of external borders.



Entry conditions



For stays not exceeding “three months per six-month period”:

- **VALID TRAVEL DOCUMENT**
- **VALID VISA**, if required
- They justify the **PURPOSE AND CONDITIONS OF THE INTENDED STAY**, and they have **SUFFICIENT MEANS OF SUBSISTENCE**
- They are not persons for whom an **ALERT** has been issued in the **SIS** for the purposes of refusing entry
- They are not considered to be a **THREAT TO PUBLIC POLICY, INTERNAL SECURITY, PUBLIC HEALTH or INTERNATIONAL RELATIONS** of any of the MS' national data bases for the purposes of refusing entry on the same grounds



Entry conditions



- Exceptions:

- hold a **residence permit** o a **re-entry visa** issued by one of the MS

- visa issued at the border**

- humanitarian grounds, grounds of national or because of international obligations**



Border Checks on persons:



- **Minimum check:** All persons when crossing the external borders in order to establish their identities on the basis of the presentation of their travel documents. Persons enjoying the Community right of free movement.

-rapid verification, by using technical devices and by consulting, in the databases, information exclusively on stolen, misappropriated, lost and invalidated documents, of the validity of the document authorising the legitimate holder to cross the border and of the presence of signs of falsification or counterfeiting.(SIS)

- **Thorough check:** On the entry and exit, third-country nationals shall be subject to the verification of the conditions of entry and where applicable, of documents authorising residence



Thorough check



- **On Entry:**
 - (i) possession of a document which is valid for crossing the border and which has not expired, and the requisite of visa (if required) or residence permit;
 - (ii) thorough scrutiny of the travel document for signs of falsification or counterfeiting;
 - (iii) examination of the entry and exit stamps on the travel document in order to verify, by comparing the dates of entry and exit, that the person has not already exceeded the maximum duration of authorized stay in the territory of the MS;
 - (iv) the point of departure and the destination of the 3CN concerned and the purpose of the intended stay, checking if necessary, the corresponding supporting documents;
 - (v) means of subsistence for the duration and purpose of the intended stay, for his or her return to the country of origin or transit to a third country into which he or she is certain to be admitted, or that he or she is in a position to acquire such means lawfully;
 - (vi) verification that the 3CN, his or her means of transport and the objects he or she is transporting are not likely to jeopardize the public policy, internal security, public health or international relations of any of the MS. Consultation of the data and alerts on persons and, where necessary, objects included in the SIS and in national data files and the action to be performed, if any, as a result of an alert;



Thorough check



On Exit:

- (i) verification that the 3CN is in possession of a document valid for crossing the border;
- (ii) verification of the travel document for signs of falsification or counterfeiting;
- (iii) whenever possible, verification that the 3CN is not considered to be a threat to public policy, internal security or the international relations of any of the MS;

In addition thorough checks on exit may also comprise:

- (i) verification that the person is in possession of a valid visa, if required except where he or she holds a valid residence permit;
- (ii) verification that the person did not exceed the maximum duration of authorised stay in the territory of the MS;
- (iii) consultation of alerts on persons and objects included in the SIS and reports in national data files.



Separated lanes and information on signs



- Compulsory at air borders.
- MS may provide separate lanes at their sea and land borders
- Lanes are clearly signposted in order to ensure optimal flow levels of persons crossing the border
- Persons enjoying the community right of free movement are entitled to use the lanes indicated by the sign: “EU-EEA-CH Citizens” and/or “ALL PASSPORTS”



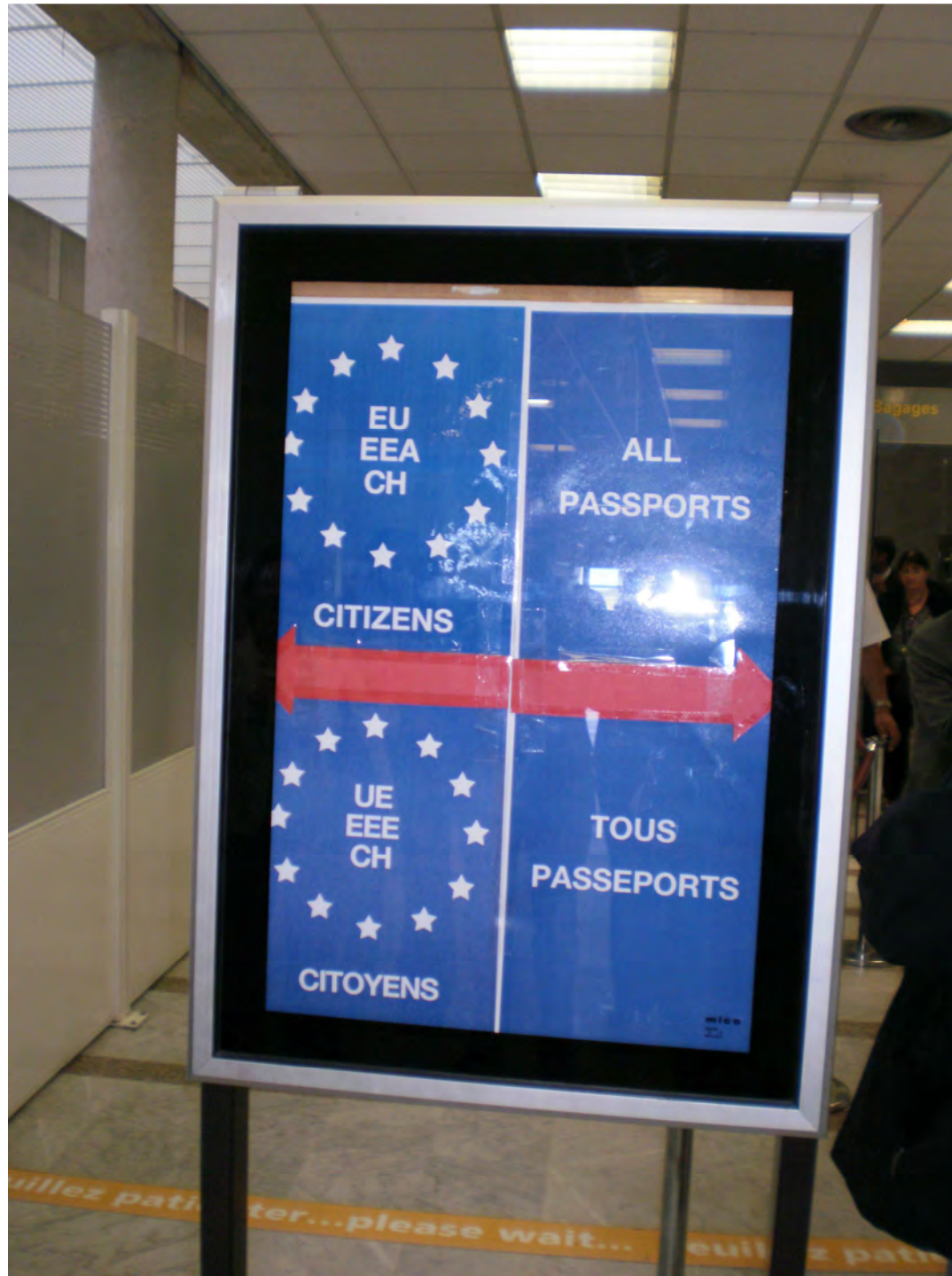
Separation of flows:



Physically separation into Schengen and non-Schengen areas in order to avoid the possibility of persons or belongings (including documents) passing from one zone to the other.

Special attention to the passenger flows in non-Schengen arrivals.







EU/UE
EER/EEE/
EWR/EEA
CH

BURGERS - CITOYENS
BURGER - CITIZENS

ALLE
PASPOORTEN
TOUS
PASSEPORTS
ALLE
PÄSSE
ALL
PASSPORTS



AUTO'S - VOITURES
PKW - CARS



BUSSEN - BUS
BUSSE - BUSES



EU/UE
EER/EEE/
EWR/EEA
CH
BURGERS - CITOYENS
BÜRGER - CIZITENS

VRACHTWAGENS - CAMIONS
LKW - LORRIES

ALLE PASPOORTEN
TOUS PASSEPORTS
ALLE PÄSSE
ALL PASSPORTS



Politie

CS



ECS092

PASS CONTROL

PRZEJŚCIE GRANICZNE TERESPOL

CD
CC





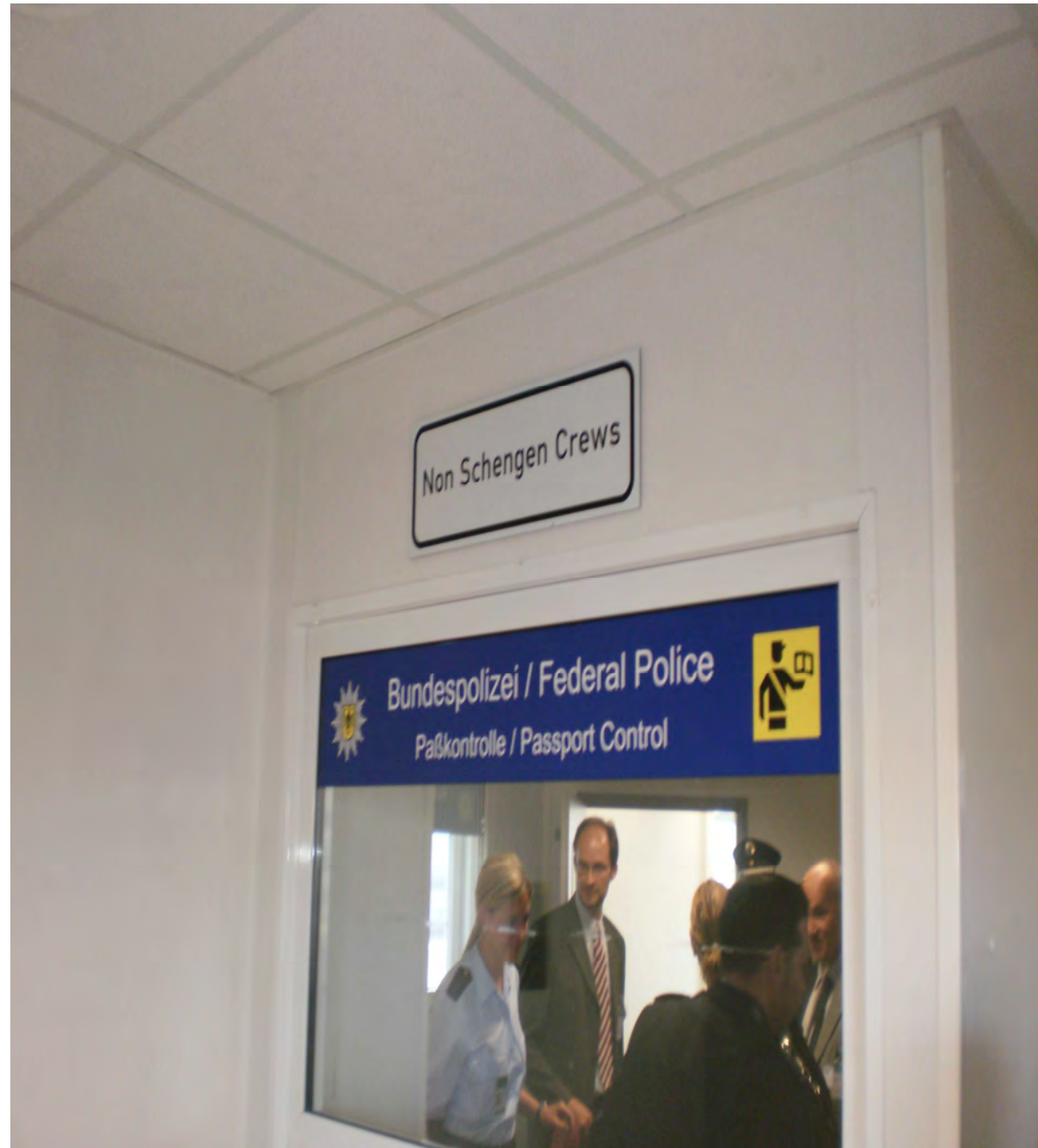


Adequate space and infrastructure for handling the lanes













Signposting Airports



TODOS LOS
PASAPORTES



Signposting Land and Sea Borders





EU / EEA / CH Citizens

Ciudadanos UE / EEE / CH



e-passport



EU / EEA / CH citizens with electronic passport

**Ciudadanos UE / EEE / CH con pasaporte electrónico
o DNle**





Control booths:



- correct visibility
- higher position
- face the passengers to perform “profiling”
- waiting line
- mirror on ceilings/walls in order to properly see a passenger who is under first-line control



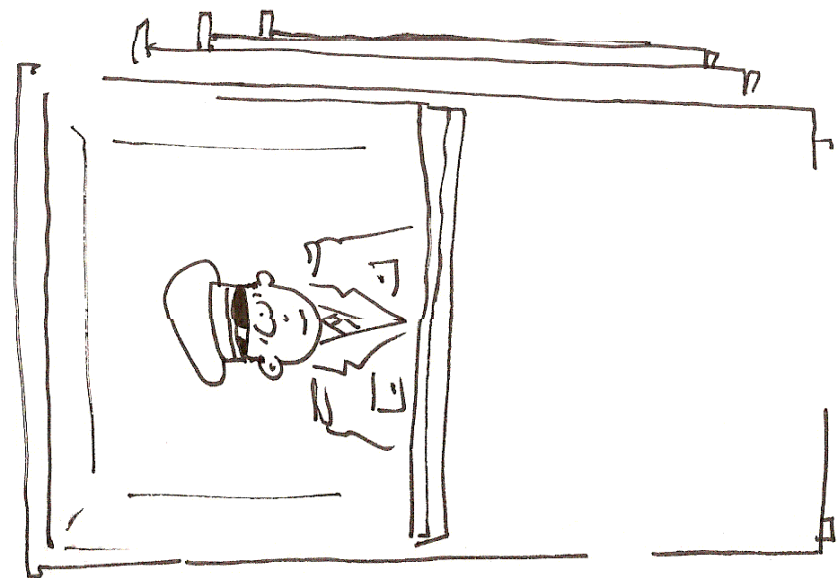


GATES
1 2 3 4

DEPARTURES

DUTY FREE

SCHENGEN EVALUATORS TOLD
US TO TURN THEM 90°...









Control booths:



Access to data bases in every work position.

-NATIONAL DATABASES, SIS, VIS

Direct communications with second line office

Unauthorized observation (especially of computer screen)
should be prevented.

Glass in the booths is covered by a film









Control booths:



- Document readers: functioning and regular use.
- Technical equipment for detecting false documents: direct and transmitted light, UV light, magnifier.
- Access to Schengen Borders Code and Schengen Handbook: paper and electronic version







Stamping



- Specifications laid down in the Schengen Executive Committee
- Third-country nationals shall be systematically stamped on entry and exist.
- Exemptions (Heads of the State, pilots' licences, travel document of seamen, family members of the EU/EEA/CH, etc)



Stamping



- **Visas:** the stamp will be affixed so that it covers the edge of the visa without affecting the legibility of the indications on the visa or the security features of the visa sticker
- Machine readable zone shall not be stamped.

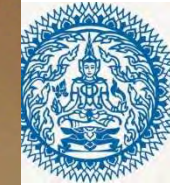












POLIZIA DI STATO
Il Zona Polizia di Frontiera per la Lombardia
Ufficio Polizia di Frontiera presso lo Scalo aereo di Malpensa

**REGISTRO UTILIZZO TIMBRI DATARI
SCHENGEN**

(Ad uso del personale addetto al controllo passaporti)

oooOOooo

UFFICIO CAPO TURNO PARTENZE

TERMINAL 2

- GENNAIO 2010 -

Il presente registro è composto da n. 62 pagine.

Iniziato il 01 / 01 / 2010

Terminato il 1 /

Visto del funzionario 



Fecha: 27/7/2010
Turno: 5º Tarde

CONTROL DIARIO DE SELLOS

ENTRADA	

Funcionario
[Handwritten signature]

Funcionario
Francisco
(policia Alumnos)

Funcionario
ALEX RUIZ

Funcionario
DAVID

Funcionario
IVAN

Funcionario
PAUL

Funcionario
FRONTELA

SALIDA	

Conforme oficial saliente



Entry and exit stamps:

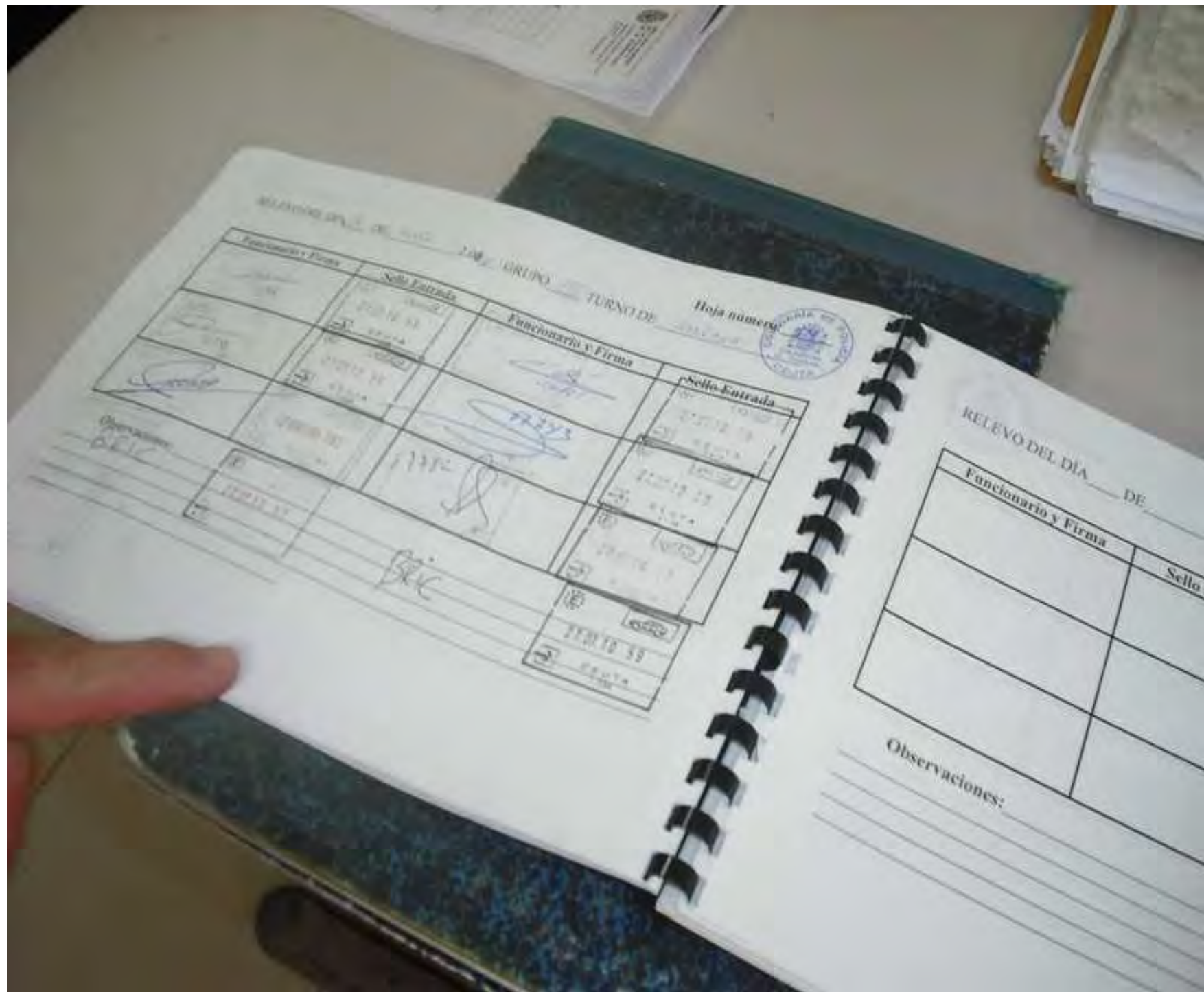


Secure storage of entry and exit stamps in safes in secure rooms with limited access between shifts.

- Personal stamps.
- personal cells in safe-boxes
- Stamps are distributed for use by shift manager.

Security codes on the stamps shall be changed at regular intervals not exceeding one month

Never leave the stamps without watching.



RELEVO DEL DIA DE 24 DE GRUPO TURNO DE Hoja número

Funcionario y Firma	Sello-Entrada	Funcionario y Firma	Sello-Entrada
[Handwritten Signature]	[Stamp]	[Handwritten Signature]	[Stamp]
[Handwritten Signature]	[Stamp]	[Handwritten Signature]	[Stamp]
[Handwritten Signature]	[Stamp]	[Handwritten Signature]	[Stamp]
[Handwritten Signature]	[Stamp]	[Handwritten Signature]	[Stamp]



RELEVO DEL DIA DE

Funcionario y Firma	Sello

Observaciones:



Second line of control:



“third-country nationals subject to a thorough second line check shall be given information on the purpose of, and procedure for, such a check.

This information shall be available in all the official languages of the Union and in the languages of the country or countries bordering the MS concerned and shall indicate that the 3CN may request the name or service identification number of the border guards”



Information on the thorough check as per
Article 7 Paragraph 3 Schengen Borders Code



Dear Madam, dear Sir,

You will be thoroughly checked. This check takes place on the basis of Article 7 Paragraph 3 of the (EC) Regulation 562/2006 (Schengen Borders Code) and serves to verify whether you fulfil the conditions for entering or leaving the territory of the Schengen Treaty States. On request, the border guard will give you his name, the number of his service pass, as well as the date on which the border was crossed and the address of his office.

The Bundespolizei (German Federal Police)

Name of the border guard or

Number of the service pass

Name of the border crossing point

Date on which the border was crossed

Article 7 Paragraph 3 Regulation (EC) 562/2006 (Schengen Borders Code)

On entry and exit, third-country nationals shall be subject to thorough checks:

- a) thorough checks on entry shall comprise verification of the conditions governing entry laid down in Article 5 (1) and, where applicable, of documents authorising residence and the pursuit of a professional activity. This shall include a detailed examination covering the following aspects:
 - I. verification that the third-country national is in possession of a document which is valid for crossing the border and which has not expired, and that the document is accompanied, where applicable, by the requisite visa or residence permit;
 - II. thorough scrutiny of the travel document for signs of falsification or counterfeiting;
 - III. examination of the entry and exit stamps on the travel document of the third-country national concerned, in order to verify, by comparing the dates of entry and exit, that the person has not already exceeded the maximum duration of authorised stay in the territory of the Member States;
 - IV. verification regarding the point of departure and the destination of the third-country national concerned and the purpose of the intended stay, checking if necessary, the corresponding supporting documents;
 - V. verification that the third-country national concerned has sufficient means of subsistence for the duration and purpose of the intended stay, for his or her return to the country of origin or transit to a third country into which he or she is certain to be admitted, or that he or she is in a position to acquire such means lawfully;
 - VI. verification that the third-country national concerned, his or her means of transport and the objects he or she is transporting are not likely to jeopardise the public policy, internal security, public health or international relations of any of the Member States. Such verification shall include direct consultation of the data and alerts on persons and, where necessary, objects included in the SIS and in national data files and the action to be performed, if any, as a result of an alert;
- b) thorough checks on exit shall comprise:
 - I. verification that the third-country national is in possession of a document valid for crossing the border;
 - II. verification of the travel document for signs of falsification or counterfeiting;
 - III. whenever possible, verification that the third-country national is not considered to be a threat to public policy, internal security or the international relations of any of the Member States;
- c) In addition to the checks referred to in point (b) thorough checks on exit may also comprise:
 - I. verification that the person is in possession of a valid visa, if required pursuant to Regulation (EC) No 539/2001, except where he or she holds a valid residence permit;
 - II. verification that the person did not exceed the maximum duration of authorised stay in the territory of the Member States;
 - III. consultation of alerts on persons and objects included in the SIS and reports in national data files.



Second line of control:



Technical equipment

- same as in the first-line
- video spectral comparator (includes infrared and ultraviolet light, filters, white overhead light, transmitted light,etc)
- stereo zoom microscope at least x 40
- anti-stroke ink control device
- identification equipment and material (including template to compare stamps)
- IPI (invisible personal information) decoder
- equipment for access and/or applying to EURODAC, AFIS, VIS

Databases: Access to

iFADO (intranet False and Authentic Documents On line)

FADO (False and Authentic Documents online)

PRADO (Public Register Authentic Documents On line)

National AFIS (Authomated Fingerprit Identyfication System),

EURODAC (asylum seekers and illegal border crossing)

In addition: fingerprint digital readers



Visas:



Secure storage of blank visa stickers in safes, in secure rooms with limited access

Register of issuance of visas are recorded in a visa register

Visas are electronically filled

Decision to issue the visa is made by a senior officer or official of a higher authority

Constancy of the number of blank visa stickers storage at the BCP.



Visas:



EXCEPTIONALLY (instead that at a consulate/embassy).

Visas may be issued at the border provided that the 3CN:

- holds a valid document entitling him/her to cross the border,
- can justify the purpose of the journey and has sufficient means of subsistence,
- is not the object of an alert in the SIS for the purpose of refusing entry
- can prove that he/she was not in the position of applying for a visa in advance, namely due to time constraints,
- submits documentary evidence of the existence of unforeseeable and imperative reasons for entry

In addition, the border guard must be able to verify that the return of the person to the country of origin or to a their country is ensured.











Staff:



Specialized and advanced courses for:

- Second-line checks
- Crime intelligence and drugs
- Risk analysis and profiling
- Detection of stolen vehicles
- Detection of forged and falsified travel documents
- Detection of people hiding inside vehicles using state of the art devices
- Dog handlers
- Human rights and dealing with asylum seekers
- Training for border management related



Refusal of entry



- **At the border**. 3CN does not fulfill all the entry conditions laid down in Article 5 SBC
 - no valid travel documents
 - false travel document
 - no valid visa (if required) or residence permit issued by a Schengen State
 - no appropriate documentation justifying the purpose and conditions of stay
 - overstayed (3 months during a period of 6-month period) on the territory of the Schengen States
 - lack of sufficient means of subsistence in relation to the period and form of stay, or the means to return to the country of origin or transit,
 - persons for whom an alert has been issued in the SIS or in national databases call for the purpose of refusing entry
 - they are threat to public policy, internal security, public health or the international relations of one or more Schengen States



Refusal of entry



- **Exceptions:**

On humanitarian grounds, on grounds of national interests or because of international obligations (asylum)

If a person fulfils the criteria for being issued a visa at the border

If the person holds a residence permit or a re-entry visa issued by a Schengen State, in order to allow the person to transit and reach the territory of such a State.

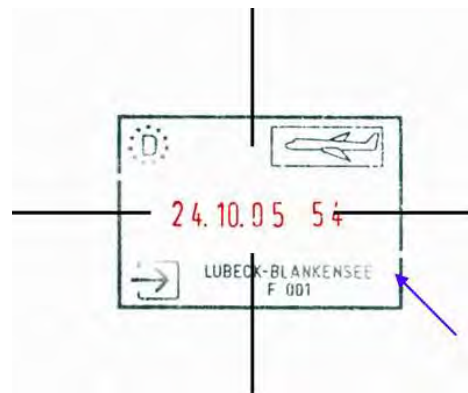
Persons enjoying the Community right of free movement may only be refused entry on grounds of public policy or public security



Refusal of entry procedures



- Fill in a standard form for refusing entry substantiating the reason for refusal,
- Affix an entry stamp on the passport, cancelled by an indelible cross in black ink and write opposite it on the right-hand side, also in indelible ink, the letter(s) corresponding to the reason(s) for refusing entry, as listed in the form for refusing entry)



Letter indicating the reason for refusal of entry in accordance with uniform form



Refusal of entry procedures



- alert in the SIS for the purposes of being refused entry: cancel the visa by applying a stamp stating: CANCELLED.
- Record every refusal of entry in a register or on a list stating the identity and nationality of the third-country national concerned
- Authority responsible order the carrier to take charge of the 3cn and transport him without delay to the third country from which he was brought, to the third country which issued the document authorising him to cross the border, or to any other third country where he is guaranteed admittance.



Refusal of entry procedures



- Right to appeal in accordance with national law and a written indication on procedures for appeal.
- The decision to refuse entry must be performed immediately.
- Penalty must be imposed on the carrier in accordance with Directive 2001/51ec and with national law









INTER-AGENCY COOPERATION FOR BORDER MANAGEMENT:

- border guards, Customs, police, national security and other relevant authorities
- joint risk analysis/center,
- common radio communications,
- common crime intelligence and pre-trial investigations groups,
- common use of databases
- common patrols at green and blue borders,
- permanent board for coordinating inter-agency cooperation
- concrete annual action plans
- written agreements at national, regional and local level



Cooperation



- **With the main carriers:**
 - information on passengers, images recorded pre-boarding or copy of the travel documents
 - training of the staff deployed abroad.
- **With the authority of the main countries of origin and destination (air and sea borders):**
 - annual or bi-annual meetings at the highest level
 - meetings between experts
 - regular exchange information on illegal immigration
 - common training courses
 - liaison officers in important consulates
- **With neighbouring third countries (land borders):**
 - joint/mixed patrols
 - close cooperation with authorities responsible for border checks in specific areas
 - border delegate concept aim to bilateral border management cooperation



Thank you
for your attention