

## FRONTEX CONSULTATIVE FORUM ON FUNDAMENTAL RIGHTS

### REQUEST FOR INFORMATION

*Article 70 (5) of the European Border and Coast Guard Regulation ‘...the Consultative Forum shall have effective access to all information concerning respect for fundamental rights.’<sup>1</sup>*

#### CONSULTATIVE FORUM REQUEST

Requestor:	Consultative Forum
Date of the request:	30/05/2018
Subject of the request:	<ul style="list-style-type: none"> <li>- Frontex international cooperation strategy;</li> <li>- Information regarding the Agency’s financial and technical support to TCs;</li> <li>- Framework for the deployment of TC officers in the Agency’s pre-return assistance activities and maritime operations.</li> </ul>
Justification of the request:	<p>According to Article 70(1) of the European Border and Coast Guard Regulation the Consultative Forum is mandated to assist the Executive Director and the Management Board with independent advice on fundamental rights matters. In addition, the CF priorities for 2018 include the support to the Agency in Frontex engagement with third countries and its impact on fundamental rights (See <a href="http://frontex.europa.eu/assets/Partners/Consultative_Forum_files/Consultative_Forum_Program_of_Work_2018.pdf">http://frontex.europa.eu/assets/Partners/Consultative_Forum_files/Consultative_Forum_Program_of_Work_2018.pdf</a>). In this regard, the Consultative Forum has commissioned expertise on the impact to fundamental rights of Frontex enhanced engagement with third countries. Therefore, the abovementioned information will enable the researchers, who have signed a declaration for adherence to professional secrecy, to effectively conduct their assignment, in particular and the members to effectively fulfil its duties as per Program of Work and, generally, its role in assisting the Frontex Executive Director and Management Board in fundamental rights matters as per Article 70(1) of the European Border and Coast Guard Regulation.</p>

#### FRONTEX RESPONSE

Date of registration:	30/05/2018
Date of Frontex response:	20/06/2018
/Response submitted/approved/handled by:	ECRet, IEC

<sup>1</sup> Regulation (EU) No 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard , available at [http://frontex.europa.eu/assets/Legal\\_basis/European\\_Border\\_and\\_Coast\\_Guard.pdf](http://frontex.europa.eu/assets/Legal_basis/European_Border_and_Coast_Guard.pdf)

Frontex response:	Information provided: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Partially (please specify) <input type="checkbox"/>
If information is not provided or is provided partially, please outline the reasons/justification:	
List of attached documents (if any)	1) Frontex international cooperation strategy - <a href="#">attachment</a> 2) Information regarding the Agency's financial and technical support to TCs - <a href="#">attachment</a> 3) Framework for the deployment of TC officers in the Agency's pre-return assistance activities and maritime operations - <a href="#">see below</a>

#### Framework for the deployment of TC officers in the Agency's pre-return assistance activities:

Under the framework of the Activity Plan of the return intervention 'Flexible Operations in Return 2018', Frontex coordinates **Identification Missions** to address the challenges and obstacles MS/SAC are facing in identification and documentation of third-country nationals. The **concept** of identification missions is that central authorities responsible for identification and issuance of ETCs (Emergency Travel Certificates) are visiting one or more MS to conduct individual interviews of their national illegally residing and/or having entered the EU with the upper purpose of the issuance of ETCs on the spot (from the delegates of the Embassy in MS) or shortly after the mission. Identification missions are not supposed to replace MS cooperation with TC diplomatic missions in EU, they are rather expected to support and facilitate the work of diplomatic missions or to overcome possible challenges that MS face with the diplomatic missions.

The identification mission could be defined in terms of duration to "short-term" and "long-term" and in terms of participating MS to "Joint" (more than one) or "national" (one MS) ones Recent and ongoing missions include:

- Long-term Identification Missions [REDACTED];
- Short-term Identification Missions: [REDACTED]

For effective and coordinated implementation of this activity, SOPs for both short-term and long term identification missions are under development. Prior arrangements with the TC and required conditions to maximise the added value of the identification mission can be supported by COM and Frontex. The capacity of the **European Return Liaison Officers - EURLO**, deployed in TC is used to its full potential. The results of each identification mission, excluding information related to personal data, are compiled by Frontex and stored in JORA for purposes of assessment of the overall activity.

The general principle of the respect for fundamental rights and general principles of Union law as well as for international law, including refugee protection and children's rights applies to this Frontex operational activity with a Third Country. Before the implementation of interviews by the deployed TC experts, the interviewed TCN is provided with information on the **aim of the activity**, **privacy matters** as regards individual interviews, the **rules use of video conference when applicable**, **rules on recording** and **role and/or participation of relevant Frontex staff** during interviews.

Moreover, through the **complaint mechanism**, every person involved in this Frontex' return activity, or a party acting upon this person is informed that a complaint may be submitted to Frontex, when there are sufficient grounds that he/she was directly affected by the actions of staff involved in Frontex activity, and when one or more of the fundamental rights have been violated due to those actions.

Framework for the deployment of TC officers in the Agency's maritime operations:

- TC officials in JOs are deployed based on the Working arrangements with those TC.
- After respective TC express their interest to deploy their officer in maritime JO in the frame of the ABN with TC, the respective host MS of the interest (GRC, ITA, ESP) are approached to confirm the participation.
- After host MS accepts the TC official deployment in the JO, agenda for the visit is prepared by Operational team.
- Deployments of TC officials in maritime JO could be considered more as deployments under Staff exchange in order to enhance networking of the officers from the TCs to acquire knowledge, experiences and best practices abroad by familiarizing / working together with the respective personnel of the host MS and the deployed officers. The deployment takes approx. 1 week.
- TC officials can be also deployed in JOs under bilateral agreements between host MS and TC (for instance, Moroccan officer deployment in ICC Madrid in the frame of JO Indalo).