

**OPERATIONS DIVISION  
Joint Operations Unit  
LAND BORDER SECTOR**

# **Specific Annexes of the Operational Plan**

**[Focal Points Concept]**

**[JO Focal Points 2016 Land]**

**[LBS/OPS/02]**



European Agency for the Management  
of Operational Cooperation  
at the External Borders of the Member States  
of the European Union

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## ANNEX 1 - DESCRIPTION AND ASSESSMENT OF THE SITUATION

### Introduction

This Tactical Focused Assessment (TFA) describes the situation of border security and illegal migration at the European Union's external land borders, excluding [REDACTED]. It assesses the volume of irregular migration pressure towards the European Union's external land borders of Bulgaria, Croatia, Estonia, Finland, Greece, Hungary, Latvia, Lithuania, Poland, Romania, and Slovakia as well as trends, patterns, routes, *modus operandi* and nationality of irregular migrants.

The results of this TFA will form the basis for the planned Frontex coordinated Joint Operation (JO) Focal Points 2016 Land.

### Sources

- Annual Risk Analysis (ARA) 2015;
- FRAN Quarterly reports<sup>1</sup>;
- Eastern Borders Quarterly's 2015<sup>2</sup>;
- Western Balkans Quarterly's 2015<sup>3</sup>;
- European Document Fraud Network (EDF)<sup>4</sup>;
- Joint Operation Focal Points Land Monthly Reports<sup>5</sup>;
- Information provided by the Focal Points established in the area<sup>6</sup>;
- Open Sources.

### Assessment

The main quantitative indicators that Frontex has at its disposal to assess the pressure at the EU's external borders, and are reasonably comparable in FRAN and JO Focal Points data gathering, are *refusals of entry, illegal stay on exit, illegal border-crossings, clandestine entry, and falsifications*. Data for FRAN indicators consist of all detections between 1 January and 30 September 2015 at the European Union's external land borders and data for JO Focal Points Land only for the reporting Focal Points<sup>7</sup>.

For the purpose of this analysis, detections at [REDACTED] land border sections reported in FRAN were not included.

#### 1. Refusal of Entry

FRAN data<sup>8</sup> show that 47 591 persons were refused entry at the European Union's external land borders in 2015 of which 35 460 were reported to be refused during the implementation period of the JOs Focal Points 2014/2015 Land between 1 January and 30 September 2015. During this nine-month period, refusals of entry by Focal Points represent 97% (95% in 2014 on an annual basis) of the number of refusals at the European Union's external land

**Commented [A1]:** The non-disclosed text contains information regarding the operational area. Ongoing operations tend to cover similar operational areas as the operations of preceding years in the same geographical area. In this regard, disclosing the location of the operational areas of previous years, would be tantamount to disclosing the current operational areas. The result of this will only be to hamper the course of the ongoing operations, by depriving them of any strategy and element of surprise during border surveillance, ultimately obstructing their purpose to counter and prevent cross-border criminality as well as prevent unauthorized border crossings. In this light, the disclosure of such information would undermine the protection of the public interest as regard to public security in the sense of Article 4(1) of the Regulation 1049/2001.

<sup>1</sup> Q1 and Q2 only.

<sup>2</sup> Q1 and Q2 only.

<sup>3</sup> Q1 and Q2 only

<sup>4</sup> Data provided in 2014 and between 1 January and 30 September 2015.

<sup>5</sup> Monthly reports from January to September 2015.

<sup>6</sup> Information provided in 2014 and between 1 January and 30 September 2015.

<sup>7</sup> Data submitted by the Focal Points through the JORA system between 1 January and 30 September 2015.

<sup>8</sup> From January to September 2015 only.

border in 2015, although refused entry persons often try to enter repeatedly after being refused and each attempt is a new reported refusal of entry.

Comparing different land border sections, the border authorities at the land border with [REDACTED]

[REDACTED]

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FRAN as well as the JO Focal Points Land data showed a remarkable increasing trend of refusals at the EU's external land border with [REDACTED]. A growing number of persons refused entry, mainly [REDACTED].

[REDACTED] In addition, in comparison with the same reporting period in 2014, the number of [REDACTED]. So far, however, there has been no significant impact on border security at these EU's external land border sections.

At the land borders with [REDACTED]

[REDACTED]

At the he land borders with Belarus, [REDACTED]

[REDACTED]

In terms of nationalities of refused persons, it may be worth noting [REDACTED]

[REDACTED]

## 2. Overstaying

Overstaying [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

The highest number of detections was reported at the [REDACTED] where 4 158 (2 783 in 2014) persons were detected. The second highest number of detections was reported at [REDACTED] border where 2 205 (2 862 in 2014) were detected. The third highest number of detections was reported at the [REDACTED] where 1 862 (453 in 2014) persons were detected.

Data on nationalities detected for illegal stay on exit also showed a typical pattern concerning third country nationals from neighbouring countries when detected on their return home after overstaying in the European Union.

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

According to FRAN data the number of detections for illegal stay in EU Member States is stable compared to the previous year and recent reporting periods. This is consistent with a stable long-term trend over the past five years.

### 3. Falsified Documents

During the first nine month of 2015, 2 113 persons were detected with falsified documents mainly on entry (67%). Ukrainian (1 347), Albanian (170), and Serbian (99) nationals were the top three reported nationalities detected with falsified documents. A total of 2 421 falsified documents were reported from the European Union's external land borders to the European Union Document - Fraud Risk Analysis Network (EDF-RAN)<sup>9</sup>. This figure is 10% higher than the number of falsified documents reported during the same period in 2014 (2 197).

Between 1 January and 30 September in 2015, the [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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<sup>9</sup> The scope of the data gathered in the EDF-RAN is agreed with the EU Member States and is thoroughly described in the EDF ARA.

[REDACTED]

During the same nine-month period of 2015, a total of 1 724 falsified documents were reported in the context of the JO Focal Points Land. Compared with 2014 when 1 815 incidents involving falsified documents were reported during the JO Focal Points Land, a 5% decrease can be noted. Nevertheless, the total of falsified documents reported in the framework of the JO Focal Points Land represents 71% of all detections from January to September 2015 at the European Union's external land borders within EDF-RAN data.

[REDACTED]

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#### 4. Illegal Border-Crossing

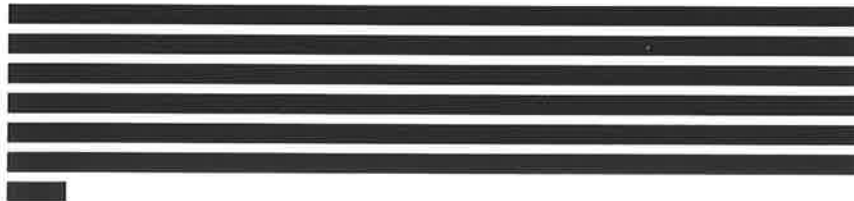
Between 1 January and 30 September 2015, 313 159 persons were apprehended for illegal border-crossing at the European Union's external land borders. In comparison with the same nine-month period of 2014, when 26 323 irregular migrants were detected, the number of irregular migrants reported for illegal border crossing during the first nine months of 2015 increased by an impressive 1 090%.

The most affected border section [REDACTED]

[REDACTED]

[REDACTED] In addition, during the same nine-month period of the JO Focal Points 2014/2015 Land, the vast majority of these irregular migrants sought asylum after being apprehended.

<sup>10</sup> This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence



It may also be worth noting that the continued extremely high level of pressure at the Hungarian-Serbian land border have notably affected the overall efficiency and effectiveness of border control activities and procedures. Thus, during summer 2015, Hungary started to build a 175-kilometre barrier along the border with Serbia that was completed in mid-September. In addition, on 15 September 2015, the Hungarian Parliament approved a new legislation to give, among other things, Hungary's Army new powers to support police in border activities. Currently, Army and Police joint patrols are conducting border controls and surveillance activities along the Hungarian land borders with Serbia. Further to the approval of the aforementioned new legislation, the number of apprehensions for illegal border-crossing reported at the Hungarian-Serbian border started decreasing notably to a few irregular migrants per day.

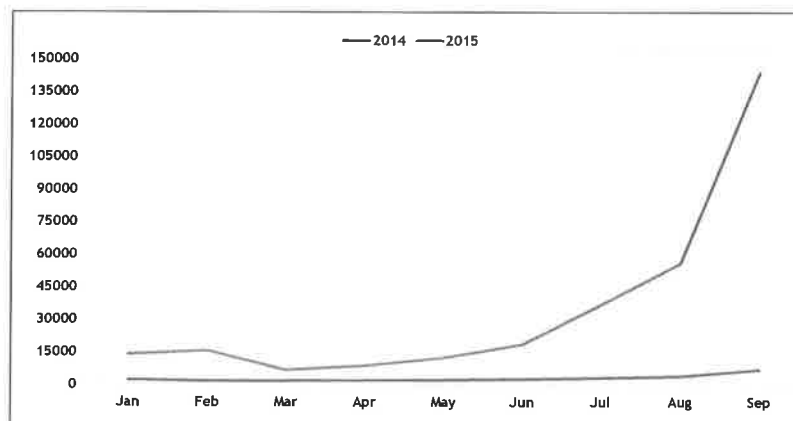


Figure 1: Illegal border-crossings at the Hungarian-Serbian border

However, owing to the effective implementation of measures described above at the Hungarian land border with Serbia, this large migratory flow has almost all shifted towards Croatia. Consequently, the number of illegal border-crossings registered at the Croatian-Serbian land border has sharply increased after 15 September 2015<sup>12</sup>. In fact, between 1 January and 30 September 2015, the second most affected border section for illegal border-crossings was the Croatian-Serbian land border with 91 125 persons detected (627 in 2014), which represents 29% of the total number of detections. It is worth mentioning that almost all (+ 99%) of the aforementioned detections (90 985) are related to apprehensions of irregular migrants who illegally crossed the Croatian-Serbian border after 15 September 2015. At the time of writing this report, the relevant data concerning the main

<sup>11</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing International protection (recast) (applicable from July 2015).  
<sup>12</sup> Croatian Ministry of Interior web site (<http://www.mup.hr>).

nationalities of the persons apprehended for illegal border-crossing at the Croatian land border with Serbia were not available.

During the same nine-month period of 2015, the third most affected border section for illegal

[REDACTED]

[REDACTED]

[REDACTED]

## 5. Clandestine Entry

Compared to the number of illegal border-crossing detections, the detections of clandestine entry at the European Union's external land borders are much lower. However, between 1 January and 30 September 2015, a total of 2 462 detections were reported in FRAN showing a 60% increase compared with the same period in 2014 when 1 541 clandestine entries were reported. A total of 1 790 clandestine entrants were apprehended during the first nine months of 2015 in the JO Focal Points Land, which represents 68% of all land border detections. According to FRAN reports, clandestine entries have mostly been reported from the Bulgarian land border with Turkey with 2 362 detections, which represents 89% share of the total number of detections of clandestine entrants.

Syrian (1 289) nationals were reported in 49% of all incidents and were mainly detected at the Bulgarian-Turkish (1 279) land borders. Afghan (777) nationals were detected in 29% of all incidents; they were primarily detected at the Bulgarian-Turkish (724) land border sections. Iraqi (243) and Pakistani (83) nationals were both reported in 12% of all incidents. Iraqis and Pakistanis were in the main detected at the Bulgarian-Turkish land borders.

During the first nine months of 2015, [REDACTED] at

[REDACTED]

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## 6. Asylum

[illegible]

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## 7. Stolen Vehicles

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Only a small share of the vehicles stolen in the EU is detected at the EU's external land border. The JO Focal Points is the only JO, organised by Frontex, gathering data on stolen vehicles at the European Union's external land borders throughout the whole calendar year. Between 1 January and 30 September 2015, a total of **306** stolen vehicles were detected at the Focal Points whilst the total for the same period in 2014 was 338.

In the framework of the JO Focal Points Land, the main land border sections where stolen vehicles incidents were recorded during the aforementioned nine-month reporting period were the border sections with Ukraine (141) with 46%, Serbia (60) with 20%, and Belarus (40) with 13% share to the total number of stolen vehicles detected.

[illegible]

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## 8. Smuggling

Border guards in cooperation with customs officers and the police are also engaged in combating other criminal activities at the border such as the smuggling of goods and trafficking in human beings. [REDACTED]

[illegible]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In accordance with European Council measures agreed on 17.11.2015 specifically:-

*“Frontex will:*

- contribute to the fight against terrorism and support the coordinated implementation of the Common Risk Indicators (CRIs) before the end of 2015,
- assist the Member States to tighten controls of external borders to detect suspicious travels of foreign terrorist fighters and smuggling of firearms, in cooperation with Europol”.

Frontex has been instructed to support the Member States with the implementation of the CRIs in order to detect suspected travels of Foreign Terrorist Fighters (FTF) as part of all operations that are conducted at BCPs.

Frontex will include this operational objective and related reporting as a distinct activity within all operations taking place at BCPs. The CRIs and explanatory notes are inserted in the annex to this TFA. They have been provided by Europol, which also together with Member States reviewed them in November 2015 and confirmed them as valid.

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<sup>14</sup> The OLAF Report 2014.

In order to provide support to the implementation of the CRIs by MS/SAC, Frontex will also develop more user-friendly CRIs reference material to be used during border control procedures in the JO concerned.

Frontex role is to support Ms/SAC efforts to implement the CRIs and identify suspicious travel of FTFs. The planning and conducting of this activity within existing Frontex operations represents a new departure for Frontex. The current scope of the CRIs is limited to those enjoying the community right of free movement, this effectively means EU nationals and those third country nationals with EU/SAC residence permits. However, besides triggering the check of those enjoying the community right of free movement, the CRIs could also help border guards to detect potential Third country foreign terrorist fighters. This would also be in line with the tasking by the Council (assist Member States tighten the controls to detect suspicious travel of FTFs).

The target group of this activity is new for Frontex and they include:

**Persons**

**Commented [A12]:** The non-disclosed text contains detailed information regarding the modus operandi of criminal networks. Its disclosure would jeopardize the work of law enforcement officials and harm the course of ongoing and future operations, facilitating irregular migration and thus undermining the protection of the public interest as regards public security. In light of the above, the text is not disclosed pursuant to the exception laid down in the first indent of Article 4(1)a of Regulation 1049/2001.

Frontex Risk Analysis Unit will collect and analyse data relating to the indicators from all sectors (Land, Sea and Air) as one whole. Updates and feedback concerning all the sectorial activities will be fed back into the weekly/bi-weekly reporting products for the individual operations.

RAU will seek to enrich and verify the profiles, based on detected proven incidents, as well as detect BCPs which may be detected as being used by Foreign Terrorist Fighters or those matching their prolife. RAU will work closely with Europol in this regard and share its findings.

RAU will also seek to measure 1) the increase of checks of those enjoying the community right of free movement and also 2) the correlation between increased checks of persons with EU/SAC documents at BCPs and the incidence of detection of Foreign Terrorist Fighters.

Relevant briefings in the identification of suspects, subsequent activity and completion of the templates will be provided to Guest Officers and MS/SAC representatives of BCPs prior to deployment. In order to provide support to the implementation of the CRIs by Member States, Frontex will also develop more user-friendly CRIs reference material to be used during border control procedures in the JO concerned.

## Conclusions

- The highest number of refused persons and of detected overstayers was reported at the [REDACTED]

- An increase in overstaying at the European Union's external land borders was recorded. [REDACTED]

- A slight growth in the detection of falsified documents at the EU's external land borders was noted. [REDACTED]

- Between 1 January and 30 September 2015, [REDACTED]

- From 1 January and 30 September 2015, a relevant growing number of asylum applicants at the EU's external land borders was noted. During the same period, the Hungarian-Serbian border registered an extremely high number of asylum seekers.

- Limited decrease [REDACTED]

- The main activity of smuggling networks [REDACTED]

## General Recommendations

Polish [REDACTED]

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Given [REDACTED]

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[REDACTED]

## ANNEX 2 - OPERATIONAL OBJECTIVES AND INDICATORS

General Objectives	Specific Objectives	Indicators / Benchmarks
Enhance border security	<ul style="list-style-type: none"> <li>Carrying out effective border control at external borders in order to detect all suspicious means of transportation enabling to intercept persons, preventing unauthorized border crossings, countering and preventing cross-border criminality and taking measures against persons who have crossed the border illegally as well as reporting other illegal activities detected to the competent authorities</li> <li>Supporting the national authorities in disclosing cases of smuggling of migrants, trafficking in human beings and other cross-border crime</li> <li>Carrying out border checks of all persons crossing the external borders including means of transport and objects in their possession at Border Crossing Points enabling to intercept persons, refusing entry for third country nationals not fulfilling entry conditions, countering and preventing cross-border criminality and taking measures against persons who have crossed the border illegally as well as reporting other illegal activities detected to the competent authorities</li> <li>Fostering MS operational structures (NCC/ICC/R-LCC/FP)</li> </ul>	<ul style="list-style-type: none"> <li><i>Nr of incidents concerning illegal migration.</i></li> <li><i>Nr of illegal migrants apprehended.</i></li> <li><i>Nr of incidents concerning the smuggling of drugs / goods.</i></li> <li><i>Nr of suspected facilitators apprehended.</i></li> <li><i>Nr of incidents related to trafficking in human beings.</i></li> <li><i>Nr of incidents of forgery/falsification of documents.</i></li> <li><i>Nr of incidents of stolen vehicles.</i></li> <li><i>Nr of incidents concerning the smuggling of drugs / goods</i></li> </ul>
Enhance operational cooperation	<ul style="list-style-type: none"> <li>High level of MS participation in operational activities</li> <li>Enhanced cooperation with other Union agencies and bodies or international organisations by implementing multi-character operational concept</li> <li>Enhanced cooperation between national authorities of host MS as well as on international level</li> <li>Seeking involvement of Third countries in operational activities / Participation of TC Observers in specific operational activity</li> </ul>	<ul style="list-style-type: none"> <li><i>Nr of participating Home MS/SAC</i></li> <li><i>Nr of participating Host MS/SAC</i></li> <li><i>Nr of Focal Points activated</i></li> <li><i>Nr of man-days deployed</i></li> <li><i>Nr of deployment days</i></li> <li><i>Nr of participating Authorities/Entities</i></li> <li><i>Nr of participating TC</i></li> <li><i>Nr of deployed observers</i></li> </ul>
Enhance exchange of information	<ul style="list-style-type: none"> <li>Collection of operational information from all actors involved in order to obtain intelligence</li> <li>Distribution of operational information to all involved actors through authorized channels</li> <li>Implementation of fully automated online reporting system</li> <li>Seeking standardized format and quality of the reports and interviews</li> <li>Use of the "Guidelines for JORA Incident Template" giving detailed information on definitions and establishing a sets of priorities when selecting the appropriate attributes</li> </ul>	



Identify possible risks and threats	<ul style="list-style-type: none"> <li>• Carrying out debriefing activities to support migration management and obtaining intelligence, thus improving the risk assessments that underpin the operational activities</li> <li>• Monitoring political, economic and social situation in the countries of origin and transit</li> </ul>	
Establish and exchange best practices	<ul style="list-style-type: none"> <li>• Delivering and supporting workshops, meetings, operational briefings, other networking events to participants</li> <li>• Delivering and supporting operational briefings/debriefings to all participants of the joint operations including information on the fundamental rights and access to international protection</li> <li>• Supporting targeted training activities</li> </ul>	

## ANNEX 3 - DESCRIPTION OF THE TASKS AND SPECIFIC INSTRUCTIONS TO GUEST OFFICERS AND OTHER PARTICIPANTS (RULES OF ENGAGEMENT)

### BULGARIA

#### ARTICLE 3b (4) OF FRONTEX REGULATION

*"Members of the European Border Guard Teams shall, in the performance of their tasks and in the exercise of their powers, fully respect fundamental rights, including access to asylum procedures, and human dignity. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures..."*

#### 1. Border surveillance

- (a) Surveillance methods (stationary surveillance, patrolling, etc)
- (b) In relation to each method, define the tasks of the member of the EBGT

In general, the tasks performed by the member of the EBGT, as defined in Schengen Handbook are:

- to monitor the terrain they operate in,
- to ensure that there is no risk to public policy and internal security in the
- patrolling area,
- to check documents of persons being in the area, who are not known to the
- patrol team,
- to stop all suspected persons who do not have any documents and ask them to
- explain in detail their reasons for being in that area,
- to stop and bring to the nearest border guard's station persons who crossed or
- tried to cross the border illegally

- (c) Definition of restrictions on access to some areas (e.g., military area and who/under-what-conditions is entitled to access)

- (d) Definition of the possibility/conditions of hot pursuit

RELEVANT APPLICABLE LAW:

#### Patrolling and border surveillance by technical means:

According Article 39 (3) of the Ministry of Interior Act, Chief Directorate Border is national specialised structure for the purposes of the activities mentioned in Article 6 (1) points 1, 2, 5-7 in the border zone, in the areas of the border check-points, the international air and sea ports, the internal sea waters, the territorial sea, the adjacent area, the continental shelf, the Bulgarian section of the river Danube and the other border rivers and water basins on the territory on the country.

The border zone depth is 30 km. from the border line. The border strip is 10 to 300 m. depth and any activity in it shall be communicated in advance to and coordinated with the Director of the corresponding Regional Directorate of Border Police in which area of responsibility the activity will be conducted.

Depending on the specific tasks for land border surveillance, the following types of patrols/posts are performed:

- **Patrol** - carries out patrol activities on feet or as **Auto patrol** (by vehicle) in search of any signs (traces) for illegal border crossing; checks the presence and condition of the border signs (border marks) as well as the presence of other patrols;
- **Post** - secures preliminary defined area of the border or object; carries out surveillance with/without technical means from preliminary defined position;
- **Secret patrol** - undisclosed implementation of tasks for surveillance, detection and apprehension of persons;
- **Patrol "Border crossing checkpoint"** - carries out checks of passengers and vehicles at the border area;
- **Operational-investigation Team** - carries out hot pursuit and apprehension of wanted persons and persons who have illegally crossed the border or intend to cross the border illegally;
- **Convoy Team** - convoys apprehended persons;
- **Blocking/Cordon Team** - blocks main routes with aim to stop persons/vehicles from passing specific area/territory;
- **Mobile Unit for Control and Surveillance** - Joint patrol unit consisted by Border police and Customs' officers who carry out checks of persons, vehicles and facilities for concealed persons and excise goods;
- **Reserve** - carries out suddenly emerged tasks.

The type, composition and the time for carrying the duties of the patrols are determined by the Team leader. The specific tasks for each patrol and the methods of its implementation, along with risk-analysis conclusions and the current situation in the operational area for twenty-four hour period, are communicated to the officers at their Briefings which are not longer than 30 minutes. Officers are briefed prior to their duties implementation. **BGs attendance at the Briefings is obligatory.**

*e) Definition of the possibility/conditions of hot pursuit*

Hot Pursuit is police pursuit of persons violated or attempting to violate the State border. The pursuit can be done along the 30 km. border area and when needed, beyond the border area with the cooperation of other Mol bodies. The pursuit can not be done in neighboring country's territory. When persons have been detected for crossing illegally towards neighboring country, based on the signed bilateral agreement, the neighboring authorities shall be informed.

## 2. Interception/apprehension

Persons who crossed or tried to cross the border illegally shall be brought to the nearest border guards' station according to the Schengen Handbook.

*a) Definition of the actions to be taken towards apprehended persons*

Security body searches, transportation to the nearest BPU/BCP, etc.

*b) Rules for security body searches and evidence collection on the spot*

*c) Transportation of migrants - security standards; rules and instructions;*

<b>RELEVANT APPLICABLE LAW:</b>
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Interception/apprehension/detention/arrest:

*a) Definition of the actions to be taken towards apprehended persons and Rules for security body searches and evidence collection on the spot*

Article 80. (1) of MIA: Police bodies shall carry out a search of any person:

1. detained under the terms of Article 63 (1) of MIA;
2. who is reportedly in possession of hazardous or prohibited objects;
3. found at the scene of a crime or a violation of the public order, when there is sufficient evidence that he/she is in possession of objects, related to the crime or the violation.
4. in regard to whom a signal exists in the Schengen Information System (SIS) for applying specific control.

(2) Personal searches may be carried out only by a person of the same gender as the person searched.

Article 81. (1): Police bodies may search the personal belongings of persons:

1. in respect of persons of whom there is data that they had perpetrated a crime or another violation of the public order;
2. when required for the purpose of detecting or investigating crimes, and in cases of opened administrative penalty proceedings;
3. at checkpoints, established by the police;

4. the identity of a person cannot be established;
5. an alien, seeking protection under the Asylum and Refugees Act, entered at variance with the legal procedure or is illegally staying in the Republic of Bulgaria.
6. who manifests serious mental disorder and by his/her behaviour disturbs the public order or exposes own life or the life of other individuals to clear danger;
7. a juvenile delinquent, having left his/her home, custodian, guardian or specialised institution in which he/she was placed;
8. who had evaded a prison sentence or the premises where he/she was detained as accused by virtue of a police administrative measure or by an order of a judicial body;
9. designated for international investigation upon request from another state in regard to his/her extradition or in fulfilment of an European arrest warrant;
10. when there is sufficient evidence of concealment of physical evidence of crime perpetrated;
11. in other cases, prescribed by a law.

The search shall be done in strictly obeying person's dignity.

**Article 83. (1) of MIA:** Police bodies may carry out inspections in premises without the consent of the owner or the occupant, or in their absence, only when:

1. when an imminent serious crime or one in progress must be prevented;
2. there is evidence that a perpetrator of a serious crime is hiding on premises;
3. it is required in order to provide urgent assistance to persons whose lives, health or personal freedom are endangered, or another in case of ultimate necessity is at hand.

(2) Upon completion of the inspection police bodies must draw up a protocol, indicating:

1. the name and position of the official and his/her place of work;
2. the identity of the owner or of the occupant;
3. the legal grounds for the inspection;
4. the time and place of conducting it;
5. the outcome.

**b) Transportation of migrants - security standards; rules and instructions;**

If the apprehended for illegal border crossing persons cannot be handed over to the neighbouring country in 24 hours period, they shall be transferred to Specialized Facilities for Temporary Accommodation of Foreigners which is under the umbrella of Migration Directorate - Mol or to the State Agency for Refugees within the Council of Ministers.

During their transportation, the following internal regulations shall be strictly obeyed:

- Ordinance Iz-1143/04.05.2011 for the organization and rules for carrying escorts in Mol;
- Internal Methodological Guidelines for carrying escorts;
- Ordinance Iz-2271/01.10.2010 for the methods and the organization of carrying land/sea/river border surveillance.

Escorting is compulsory transportation of one or more persons in specific route, carried by Escort Teams. It is conducted:

- by feet;

- with specialized escort vehicles or service cars;
- with regular civil transportation busses;
- with railways;
- with airplanes;
- with sea/river transportation;

The escort type is chosen prior to the convoy and individually for each case, depending on the escorted person/s, operational situation, the weather conditions and the available resources.

It is strictly prohibited to appoint officials for escorting activities who:

- does not have police powers;
- have family relations or other personal relations with the escorted person/s;
- are somehow connected and dependent by the results of the criminal process against the escorted person/s;

### 3. Follow up measures at the BPU/BCP/reception centre

*a) Rules for security body searches and evidence collection in the BPU/BCP/reception centre:*

*b) Basic human needs met prior the reception activities:*

Members of the EBGs shall, prior to any other action described below, and when required, support the host MS authority rendering the basic human needs of apprehended persons such as food and medical assistance, etc

*c) Status assessment and procedure to be followed*

Members of the EBGs shall assess whether a possible removal could lead to a violation of the principle of non refoulement. Members of the EBGs shall also refer to the authorities of the host MS the cases when a person intercepted/apprehended expresses, in any way, a fear of suffering serious harm if (s)he is returned to his/her country of origin or former habitual residence, or if he/she asks for asylum.

*d) Special measures applicable to vulnerable persons*

Members of the EBGs shall support the host MS authorities providing special treatment to vulnerable groups of apprehended persons, i.e.: unaccompanied minors, women victims of trafficking or pregnant, disabled persons and victims of exploitation or trafficking, etc.

<b>RELEVANT APPLICABLE LAW:</b>
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### Interception/apprehension/detention/arrest:

*a) Rules for security checks and evidence collection:*

Police officers can do searches, to check and seize personal belongings following the procedures of Ministry of Interior Act, as follows:

**Article 68. (1) of MIA:** Police bodies shall carry out a search of any person:

1. detained under the terms of Article 63 (1) of MIA;
2. who is reportedly in possession of hazardous or prohibited objects;

3. found at the scene of a crime or a violation of the public order, when there is sufficient evidence that he/she is in possession of objects, related to the crime or the violation.
4. in regard to whom a signal exists in the Schengen Information System (SIS) for applying specific control.
5. (2) Personal searches may be carried out only by a person of the same gender as the person searched.

**Article 69. (1)** Police bodies may search the personal belongings of persons:

1. in respect of persons of whom there is data that they had perpetrated a crime or another violation of the public order;
2. when required for the purpose of detecting or investigating crimes, and in cases of opened administrative penalty proceedings;
3. at checkpoints, established by the police;
4. the identity of a person cannot be established;
5. an alien, seeking protection under the Asylum and Refugees Act, entered at variance with the legal procedure or is illegally staying in the Republic of Bulgaria.
6. who manifests serious mental disorder and by his/her behaviour disturbs the public order or exposes own life or the life of other individuals to clear danger;
7. a juvenile delinquent, having left his/her home, custodian, guardian or specialised institution in which he/she was placed;
8. who had evaded a prison sentence or the premises where he/she was detained as accused by virtue of a police administrative measure or by an order of a judicial body;
9. designated for international investigation upon request from another state in regard to his/her extradition or in fulfilment of an European arrest warrant;
10. when there is sufficient evidence of concealment of physical evidence of crime perpetrated;
11. in other cases, prescribed by a law.
12. The search shall be done in strictly obeying person's dignity.

#### ***Bulgarian Child Protection Act***

##### **Police protection**

**Article 37. (1)** Provision of police protection to a child shall be done by the specialized bodies of the Ministry of the Interior.

(2) The bodies under par. 1 shall work in cooperation with child protection bodies.

##### **Grounds**

**Article 38.** Police protection is an urgent measure to be applied when:

1. the child has become subject of crime or there is an immediate threat for his or her life or health, as well as when there is a danger of the child getting involved in a crime;
2. the child has been lost or is in a helpless condition;
3. the child has been left without supervision.

##### **Police protection measures**

**Article 39. (1)** The specialized bodies of the Ministry of the Interior may:

1. accommodate the child in special premises, where they shall not permit any contacts with the child that may prove harmful to him or her;

2. place the child in specialized institutions and where necessary provide him or her with food;
  3. return the child back to his or her parents or the persons entrusted with the parental functions.
- (2). The specialized bodies under par. 1 shall inform the child and explain to him or her in an understandable manner the measures undertaken and the grounds for them.

#### **Obligation to notify**

Article 40. The police bodies, who have implemented the protection, shall notify immediately:

1. the child's parents;
2. the social assistance directorate of the region where protection has been implemented;
3. the social assistance directorate at the current address of the child;
4. the prosecution.

#### **Period**

Article 41. The child may not remain under police protection longer than 48 hours.

Article 43. The order and conditions to provide police protection shall be governed by an ordinance issued by the Minister of the Interior in agreement with the State Agency for Child Protection.

#### **Specialized protection of children at public places**

Article 43a. (1) Specialized protection of children at public places is setting up of conditions that do not threaten the physical, mental, and moral development of the children.

(2) Specialized protection of children at public places shall be provided by the bodies of the Ministry of Interior, social assistance directorates, municipality, regional educational inspectorates under the Ministry of Education and Science, regional centers of health as well as the owners, tenants, users and organizers of public events, commercial places, cinemas and theatres

##### (a) Basic human needs met prior the reception activities;

According the provisions of Article 12 of Ordinance I-13/29.01.2004 for the procedures of temporary accommodation of foreigners and the organization and tasks of the specialized facilities for temporary accommodation, the foreigners are subject to obligatory medical examine, which results are recorded in Register. The examination must be conducted by medic from the medical services of Mol or by one of the Specialized Facilities for Temporary Accommodation of Foreigners. Emergent medical assistance is provided by the Emergency Assistance Centers within Ministry of Health.

##### (b) Status assessment and procedure to be followed

CDBP is applying all measures defined in the Ministry of Interior Act (MIA) regarding foreigners detained for irregular crossing of the state border of the Republic of Bulgaria, including those in need of protection. All those measures are mentioned in the MIA and Regulation for the Structure and Functions of Ministry of Interior (RSF of Mol) and respect detainees' rights stipulated in the Constitution of the Republic of Bulgaria, the Convention regarding the Status of Refugees since 1951, New York Protocol since 1967 and the European Convention on Human Rights.

Police officers of GDBP-Mol have the power to detain foreigners in the border area while ensuring their rights under the provisions of MIA. Detention of the persons is allowed with written order under the provisions of (RSF of Mol) these written orders cannot be issued for more than 24 hours.



Acting procedures of CDBP officers related to detention of foreigners at the state border Republic of Bulgaria, preparation of the necessary official documents, escort and detention of foreigners in Distribution Centre under State Agency for Refugees (SAR) are based on the existing secondary legislation.

When the foreigner declares in writing, verbally or otherwise to employees GDBP-Mol desire to receive special protection in Bulgaria, pursuant to Art. 59 (1) of Law for Asylum and Refugees (LAR), the document (application) of the applicant should be sent to the SAR.

Verbal or otherwise, the act of an applicant is recorded by an official, signed or otherwise authenticated by the applicant and the translator, interpreter, respectively, as it is obligatory all communication to be performed by them.

When communicating with foreigners, with aim to assess the need for protection, the questions used for the interviewing should be open type questions. Thus the interviewee has the opportunity to tell the events in their own way as the open end questions contributing to this.

In the process of their work with detainees border guards should treat them with respect and dignity, which is a necessary condition for successful communication.

In the event of cases in which persons detained in relation with illegal crossing of the state border and have been subjected to violations of their human rights due to illegal actions of law enforcement officers (border guards) from the Ministry of Interior, respectively GDBP the following legal options action are applicable:

- disciplinary proceedings can be formed and conducted if there is an evidence of violations of official discipline of employees of the CDBP in relation with the MIA;
- an assessment of the professional work of the border guards can be started on the basis of which their employment may be terminated or they can be transferred to another position after a proposal from their relevant management;
- investigation and prosecution organs shall be promptly notified of the obtained evidence of an indictable offense under the Penal Code by the staff of the CDBP in order to take actions under the Criminal Procedure Code (CPC);
- when charges are pressed against officers from CDBP suspension actions against their access to classified information under the Law on the Protection of Classified Information and the follow-up actions on termination of their employment relationship as a civil servants in Mol should be taken.

During the implementation of each of the investigative proceedings is legally provided and guaranteed order (according to MIA and CPC) to ensure the confidentiality of the information under investigation as well as the provision of medical and psychological care and to the provision of legal aid and necessary assistance to those who are victims of crime.

(c) Special measures applicable to vulnerable persons

Subsequent to persons' apprehension and their temporary accommodation at the facilities for apprehended persons for a period no longer than 24 hours, a Compulsory Administrative Measure is imposed to the foreigners.

According the Bulgarian Law for Foreigners, Compulsory Administrative Measures are imposed to foreigners, detected for illegal border crossing or detected irregulars at the border area, as well as to those who are illegally staying in Bulgaria. If any obstacles for handling the irregular migrants back to the neighboring country exist, an ordinance for accommodation at the premises of Migration Directorate's temporary accommodation facilities of foreigners is issued. Their returning back to neighboring country is carried out when possible.

According to the above mentioned law, foreigners who applied for protection shall not be imposed with Compulsory Administrative Measure until the decision for providing protection of the Chairman of State Agency for Refugees is issued.

As it comes to families and children seeking asylum in Bulgaria detained during the current year in the area of responsibility of GDBP, this category of foreigners has precedence over the other detainees.

With families and children who claimed in front of employees of GDBP desire to obtain protection in Bulgaria should be proceeded according to the order mentioned above (for persons seeking special protection in Bulgaria), the actions and activities in the processing of this category of persons is under the principle of preserving the integrity of the family and in the case of unaccompanied children to observe the principle of the best interests of the child.

The latest amendments in to the Law for the Foreigners in the Republic of Bulgaria (LFRB) (article. 44 tons. 9) introduced a ban unaccompanied minors to be forcibly detained in detention centres of Migration Directorate - CDBP -Mol. The law requires this category of persons to be transmitted in the Directorate Social Assistance to take measures for protection under the Law on Child Protection.

As regards detected unaccompanied minors at the border area, their accommodation at the facilities is considered according to Article 44 (9) of the Bulgarian Law for Foreigners. Article 38 of the Child Protection Act provides possibilities for "police protection" (Article 37) during the 24 hours arrest.

The conditions for providing police protection of minors are described in Ordinance I-51/12.03.2001 for the conditions and procedures for providing police protection of minors.

If minors are detected in the border area, according to Article 3 of the above mentioned Ordinance, they are being transferred to the National Police's authorities for providing police protection. According to Article 6 (2) the protection is provided 24/7 hours a day. Minors under police protection are being accompanied by Border police officers to the National police facilities or to the Home for Temporary Accommodation of Children (aged between 3-18) within 15 days strictly following the conditions of Ordinance IZ-2019/09.11.2006 for the organization and rules for accompanying minors by Ministry of Interior officials. The approach towards each person who belongs to the vulnerable groups is individual according to person's needs.

#### 4. Use of force/weapons

a) Define the principles on the use of force

When using force, members of the EBGs shall not exceed the minimum degree that is necessary, proportional and reasonable in the circumstances. The use of force or coercive measures is possible for the performance of duty or in legitimate self-defence and in legitimate defence of other persons.

b) Define the principles on the use of weapons

The use of firearms, as it may affect the life or health of persons is the last resource of the actions of guest officers. Firearms may only be used in case of legitimate self-defence and in legitimate defence of other persons. If the use of a firearm is inevitable the members of the EBGs shall ensure that it will be done in such a way that causes the less possible injuries.

c) Define the type of equipment/weapons permissible

d) Define the conditions to use coercive measures/weapons (warnings, targets, etc)

- e) Define the immediate measures to be taken following the use of coercive measure/weapons
- f) Special rules to dog handlers
- (a) Define the principles on the use of force;

<b>RELEVANT APPLICABLE LAW:</b>
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According Ministry of Interior Act (MIA)

Article 85. (1) Police bodies may apply force and auxiliary means in the course of discharging their official functions only if the latter may not be achieved otherwise, in the following cases:

1. resistance or refusal to obey a legal order;
2. detention of an offender who does not obey or resists a police body;
3. escorting a person or when the person attempts to escape or take his/her life or the life or health of other persons;
4. (supplemented, SG No. 98/2008) rendering assistance to other state bodies or officials, including the inspectors of the European Commission, who are illegally impeded to fulfil their duties;
5. attacks on citizens and police bodies;
6. freeing of hostages;
7. group violations of the public order;
8. attacks on buildings, premises, facilities and vehicles;
9. release of illegally occupied sites, if so ordered by a competent body.

(2) (New, SG No. 88/2010) In the course of discharge of their official duties the bodies of receipt, carriage and delivery of correspondence, containing classified information, shall be entitled to apply physical force and auxiliaries in cases of attempted unauthorised access to the correspondence only if protection from unauthorised access may not be ensured in any other way.

(3) (Renumbered from Paragraph 2, SG No. 88/2010) Auxiliaries shall be: handcuffs; strait jackets; rubber, plastic, assault and electric shock batons and devices; chemical substances approved by the minister of health; service animals - dogs, horses; blank cartridges, rubber/plastic/shock cartridges; roadblock applications; forced entry devices, diverting flash and sound devices; water canons and air jet machines; armoured vehicles and helicopters.

(4) (Renumbered from Paragraph 3, SG No. 88/2010) The procedure for applying auxiliaries shall be determined by an ordinance of the Minister of Interior.

Article 86. (1) Force and auxiliaries shall be used following a warning, with the exception of the cases of sudden attack and release of hostages.

(2) Use of force and auxiliaries shall reflect the specific circumstances, the nature of the public order violation and the identity of the offender.

(3) in the cases mentioned in article 85 police bodies shall use only absolutely necessary force

(4) In using force and auxiliaries police bodies must, when possible, protect the targets' health and take all possible measures to protect the targets' lives.

(5) The use of force and auxiliaries shall be terminated immediately after achieving the objective of the applied measure.

(6) Force and auxiliaries may not be used in regard to obviously underage persons and pregnant women. This prohibition shall not apply to mass disorders, when all other means had been exhausted.

(7) The uses of life-threatening force for apprehension or prevention the escape of a person who has committed a non-violent offense if the person is not endangering life and health of others is forbidden

**(b) Define the principles on the use of weapons**

Use of firearms is defined, according Ministry of Interior Act (MIA)

**Article 87. (1)** Police bodies may use firearms as a last resort:

1. in cases of armed attack or threat with firearms;
2. in the course of releasing hostages and kidnapped persons;
3. following a warning in the course of detaining a person, committing or having committed a felony, if it resists or tries to escape;
4. after having issued a warning to prevent the flight of a legally detained felon.

(2) In using firearms, where possible, police bodies must protect the life of the target person and ensure that the life and the health of other persons shall not be jeopardised.

(3) (Amended in 2010) Police bodies may use firearms without warning when conducting border surveillance:

1. in the event of armed assault on them;
2. against persons, putting up armed resistance;

(4) When conducting border surveillance within the limits of internal sea waters and the territorial sea of the Republic of Bulgaria, police bodies shall be entitled to use firearms in the cases provided for by the Maritime Space, Inland Waterways and Ports of the Republic of Bulgaria Act.

(5) Police bodies cease use of firearms immediately after the achievement of the legal purpose

(6) Use of firearms for apprehension or prevention the escape of a person who has committed or who is performing non-violent offense if the person is not endangering life and health of others is strictly prohibited

(7) After having used firearms, the police bodies shall draw up a report.

**(c) Define the type of equipment/weapons permissible:**

Service weapons and equipment which can be used by foreign experts officially while performing service on the territory of the Bulgaria have to comply with following characteristics:

- Non automatic system short barrel handguns with length of the barrel - not more than 300 mm. long;
- Ammunitions - not more than 50, the first cartridge-clip have to be "stop" type;
- Blank cartridges
- Cartridges with rubber
- Plastic or shock bullets
- Batons - plastic and patent;
- Handcuffs;

- Assault or electric shock stick and devices;
- Pepper spray;
- Specific aerosols -containing „kapsaicionid”.

(d) Define the conditions to use coercive measures/weapons (warnings, targets, etc)

While apprehending persons BGs are allowed to use service weapons, force, surveillance equipment as well as auxiliary means according the law:

- During the apprehension, any actions and methods which threaten the persons' life or health shall not be undertaken.
- Physical force and auxiliary means shall be used after appropriate forewarning except in cases of sudden adversary attack and during hostages rescuing missions.
- The usage of physical force and supporting means shall be undertaken according the specific situation, public order violation type and violator's personality.
- During the physical force and auxiliary means usage, the BGs are obliged to protect persons' health as well as to take all measures needed to protect the violator's life.
- The physical force and auxiliary means usage shall be immediately discontinued after reaching the aim of their use. While using service weapons BGs are obliged to protect, when possible, violator's life and not to threaten the life and health of other persons.
- The use of physical force and auxiliary means is prohibited against persons apparently looking as minors and pregnant women. The prohibition is not referring to cases of mass disorders when all other means have been useless.

(e) Define the immediate measures to be taken following the use of coercive measure/weapons

The border guards must provide first aid assistance of persons injured after the use of weapons, force or auxiliary means. For each individual case of use of service weapons, force and auxiliary measures, BGs must prepare written report, signed by the officer who has conducted the action and/or the superior who has ordered their usage.

The written report must consist of:

- Officer's name, rank and service;
- Place, date, time and type of actions taken (use of service weapon/auxiliary means or force);
- The conditions and reasons of its usage;
- Type and amount/quantity of the used impact;
- If possible, any personal data concerning the person/s against whom the actions was/were taken;
- Follow up health/life safety measures taken of injured persons against whom the actions were taken;
- Visible aftereffects of the actions taken;

a) Special rules to dog handlers

As a last resort, when all other measures for apprehension of violators have been useless, the dog handler releases the dog, as prior the releasing is obligated to command loudly "Police, stop immediately! I will release the dog!"

## CROATIA

### Description of the tasks and special instructions for the members of the EBG<sup>15</sup>

#### ARTICLE 3b (4) OF FRONTEX REGULATION

*"Members of the European Border Guard Teams shall, in the performance of their tasks and in the exercise of their powers, fully respect fundamental rights, including access to asylum procedures, and human dignity. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures..."*

The national border guard service of host countries and first of all the local staff has the leading role of the implementation this joint operation. The members of EBGs, support the local staff and based on their (different) mandate carry out measures in line and in agreed way with the officers of local staff based on in accordance with the Schengen Border Code.

#### 1. Border surveillance

##### a) Surveillance methods (stationary surveillance, patrolling, etc)

TEAMS FOR BORDER PROTECTION (vehicle patrols, vessels patrols, off-road motorcycle patrols and patrols on foot with the use of the official dog for protection-researching purposes)

##### b) General tasks of the members of the EBG

In general, the tasks performed by the member of the EBG, as defined in Schengen Handbook are:

- to monitor the terrain they operate in,
- to ensure that there is no risk to public policy and internal security in the patrolling area,
- to check documents of persons being in the area, who are not known to the patrol team,
- to stop all suspected persons who do not have any documents and ask them to explain in detail their reasons for being in that area,
- to stop and bring to the nearest border guard's station persons who crossed or tried to cross the border illegally

##### c) Specific tasks/instructions in relation to each surveillance method

#### TEAMS FOR BORDER PROTECTION

Team for border protection is a group of police officers to protect the border that is managed by the group leader for border protection. Group consists of: a group leader for the border protection, police officers for border protection, which are arranged in a vehicle patrols and patrols on foot in the border sectors. Team can be

<sup>15</sup> Pursuant to the provision of Article 3a(d) of the Frontex Regulation

accompanied with a Sector border leader, a leader of patrol boats, police officers for combat against cross-border crime, a motorcyclist and a police officer/dog handler with a dog for the border protection.

The methodology of the group:

- mobility, unpredictability and a quick response to the event
- work on the basis of information, risk analysis and strategic assessment
- prevention of corruption border police - according to Plan for combat against anti-corruption measures in the border police and the use of technical equipment
- sector border leader - participates in the development of risk analysis in the field of the state border protection, participates and directs the preparation of daily schedule, participating in operational tasks
- group leader for the border protection - meets the overall composition of the group with news relevant to the performance of state border protection, plans operational measures and tactical actions within police station jurisdiction according to the collected information, coordinate the implementation of operational activities and suggests the police officers in the proper performance measures and actions on the protection of state borders in order to prevent illegal crossings, as well as all forms of cross-border crime and cooperate with the leader sector border leader and the head of the shifts
- leader of patrol boats - apply police powers within inland waterways as defined by international and national law
  
- police officers for border protection - acting as a group for the protection of state border, perform border protection tasks, take measures to prevent violations of the state border, control movement and stay in the area along the border, undertake observations, escorts and ambushes in the places of illegal crossings, controlling accuracy of the border marks, submit reports about the identified violations, observations and gathered information regarding the security of the state border
- directly perform tasks in crime investigation and crime control in order to prevent the execution of criminal acts in the area of cross-border crime, capture and detection of offenders, collect criminal charges, fills the criminal forms about offenses and offenders for EOS record input, and participate in investigative activities that are entrusted to the border police
- police officer/dog handler - perform with the official dog for protection-research purposes the tasks of protecting the state border in order to prevent illegal border crossings, detecting and finding people who have illegally crossed the state border, helps in performing the tasks of suppression cross-border crime, conducts the training of a dog
- d) Definition of restrictions on access to some areas (e.g., military area and who/under-what-conditions is entitled to access)

Temporary restriction of movement:

- National legislation includes cases when can be temporarily restrict access or movement in a particular area or facility or to keep people in order to:

- preventing a criminal offence prosecuted *ex officio* or a misdemeanor locating and capturing a perpetrator of a criminal offence prosecuted *ex officio* or a misdemeanor punishable by a prison sentence
  - locating and capturing a person for whom the police are searching
  - finding traces and objects which may serve as evidence of a criminal offence prosecuted *ex officio* or a misdemeanour punishable by a prison sentence
  - securing protected persons, buildings and areas
- Unless otherwise stipulated by a special law, detention in a particular area or building may not be extended beyond the time necessary to achieve the purpose for which the power is exercised, and no longer than six hours.
  - Temporary restriction of access or movement within a certain area or building may not be extended beyond the time necessary to achieve the purpose for which the power is exercised.
  - Temporary restriction of freedom of movement is carried out with following a criminal tactical actions: blockade, raids, ambushes, pursuit and restriction of access, restriction of movement in the area or facility for safety reasons

e) Definition of the possibility/conditions of hot pursuit

The pursuit is the criminal tactical action that arising out of police powers temporary restriction of movement:

- A police officer is obligated promptly notify the initiated pursuit Operational Communication Centre of Police Department or Operational duty service in police station in order to timely join other law enforcement officers with the necessary resources
- In conducting criminal tactical action the pursuit can be used and other police powers: the use of means of coercion or the use of the device for forcibly stopping the vehicle, the use of official dog and firearms
- A police officer shall use the mildest means of coercion sufficient to achieve the objective
- A police officer shall discontinue using the means of coercion as soon as the reasons for which he applied them are no longer present
- In carrying out police duties on inland waterways police officer is authorized to use police powers to persecution vessel or vessel:
  - The pursuit of a vessel may commence if a vessel fails to stop in response to a call to stop conveyed by visible visual or auditory signals or signals of the International Code of Signals from a distance sufficient for reception of the call.
  - If the pursuit referred to in paragraph 2 of this Article was not interrupted, it may be continued in the high seas until the pursued vessel enters the territorial sea of another state.
  - If the pursued vessel fails to stop, a police officer shall endeavour to stop it with a manoeuvre or by other means.
  - In the course of pursuit, shots may be fired in the air above the vessel or at a safe distance ahead of the bow in order to warn or intimidate the crew of the vessel.
  - If the vessel fails to stop even after the mentioned actions use of firearms against the vessel is permitted.



- When using firearms in the mentioned circumstances the police officer shall make sure not to jeopardise the lives of the persons aboard the pursued vessel.
- Police pursuit and prosecution are prescribed by national legislation in the Law on Police Duties and powers and the Regulations on the conduct of police officers
- If the joint patrol operates close to the common state border, the pursuit can continue at a distance of up to ten kilometers from the border line towards the interior of the state territory in accordance with the implementing protocols arising from agreements on police cooperation with neighboring countries

**RELEVANT APPLICABLE LAW:**

Law of state border protection

The Law of Police Duties and powers

**2. Interception/apprehension**

*Persons who crossed or tried to cross the border illegally shall be brought to the nearest border guards' station according to the Schengen Handbook.*

**a) Definition of the actions to be taken towards apprehended persons**

A person that was arrested on suspicion of having committed a criminal offense must be immediately:

- informed of the reasons for arrest
- instructed about the right to remain silent
- instructed about his right to legal counsel of his own choice
- instructed that competent authority will, at request inform family member or any other person designated by person arrested

Exceptionally, a person will not be instructed about their legal rights if, under the circumstances, is not possible due to the circumstances.

If there are reasons that justify the arrested individual to be enchained (suspect of escaping or reacts violently), then he is enchained always with his hands behind his back and never in front of him.

The tactic of enchainment is always conducted by one police officer, while the second one covers his partner from a proper distance. The same tactic is been followed in case more police officers participate in the control process or there are more individuals to be apprehended.

All the apprehended persons are transferred to the respective police service or to a designated for them place. For safety reasons and respect to the personality of the apprehended the police officers must avoid if possible transfer on foot, and call for support of a vehicle unit.

**b) Rules for security body searches and evidence collection on the spot**

Upon apprehension, body search is carried out while at the same time evidence is collected. Body search can be done visually, by touch, using other senses, using technical means or official dog. Body search for possible explosive devices is performed by specially trained police officer.

Police officers will extract a person over which body search is performed, and familiarize the person with the reasons for the examination.

Body search is performed by two police officers in a manner that one police officer performs a body search while another police officer takes care of the safety of police officers, and in exceptional cases, if there are reasonable grounds; body search can be performed only one police officer.

The search of a person shall be performed by a person of the same sex. Exceptionally, when an emergency search is necessary for the purpose of seizing weapons or objects which can be used for assault or self-injury, the search can be performed by a person of the other sex.

c) Transportation of migrants to the nearest BPU/BCP - security standards; rules and instructions:

After completed body search and verification of identity a person will be transported with a special vehicle to the police station.

**RELEVANT APPLICABLE LAW:**

Law of state border protection

The Law of Police Duties and powers

**3. Follow up measures at the BPU/BCP/reception centre**

a) Rules for security body searches and evidence collection in the BPU/BCP/reception centre:

After the body search, objects found will be confiscated from persons with confirmation for the seized items.

After the forfeiture of the objects, they will be safely stored and transported together with the person to the police station.

b) Basic human needs met prior the reception activities:

*Members of the EBGTs shall, prior to any other action described below, and when required, support the host MS authority rendering the basic human needs of apprehended persons such as food and medical assistance, etc*

Upon the arrival of persons to the police station the persons will be provided with adequate medical care and food and beverage.

c) Status assessment and procedure to be followed

*Members of the EBGTs shall examine the personal circumstances of each person before removal. Collective expulsions are prohibited. Members of the EBGT shall assess whether a possible removal could lead to a violation of the principle of non refoulement.*

*Members of the EBGs shall also refer to the authorities of the host MS the cases when a person intercepted/apprehended expresses, in any way, a fear of suffering serious harm if (s)he is returned to his/her country of origin or former habitual residence, or if he/she asks for asylum.*

If a person who is found on the green border asks for an asylum, police officers will take that person to the police station and the police officers for illegal migration will take further action, and provide the person all the rights under the Law on Asylum.

*No person shall be returned to a country where there is a serious risk that he or she would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment, or where his or her life or freedom would be threatened on account of his or her race, religion, nationality, sexual orientation, membership of a particular social group or political opinion; or from which there is a serious risk of such an expulsion or removal to another country in contravention of the principle of non-refoulement.*

**d) Special measures applicable to vulnerable persons**

*Members of the EBGs shall support the host MS authorities providing protection to vulnerable groups of apprehended persons. They shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, victims of human trafficking disabled people, elderly people, pregnant women, single parents with minor children, persons with serious illnesses, persons with mental disorders and persons who could have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence."*

**UAM**

If these categories of persons are apprehended on the green border they will be taken to the police station and handed over to specialist officers of the Crime police for further action and in case of unaccompanied minors presence of social worker is mandatory. Children or adolescents are transported in vehicles without police insignia and by the police officers in civilian clothes.

UAM cannot be detaining in reception centre without legal guardian. Maximum length of detention of minor is 6 months without possibility of extension. UAM are usually accommodated in houses for children.

**Victim of trafficking**

In case of victim of human trafficking according to national referral mechanism first step is providing first forms of aid and protection to victim. Mobile teams which provide aid and protection are available 24/7, and they arrive upon call by national coordinator from Mol.

All measures undertaken to vulnerable persons must be done in shortest possible time.

**RELEVANT APPLICABLE LAW:**

Law of state border protection

The Law of Police Duties and powers

Asylum Law

Act on aliens

Protocol about procedure with foreign UAMs.

Protocol on identification, assistance and protection of victims of human trafficking
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#### 4. Use of force/weapons

e) Define the principles on the use of force

*When using force, members of the EBGs shall not exceed the minimum degree that is necessary, proportional and reasonable in the circumstances. The force of force or coercive measures is possible for the performance of duty or in legitimate self-defence and in legitimate defence of other persons.*

Use of force may be applied in cases prescribed by law (Law on police duties and powers ) for the protection of human life, overcoming resistance, preventing escape, repel an attack and to eliminate danger if it is likely that issuing a warning or a command will not achieve the goal.

Means of coercion are applied with special regard to the child, the person whose movement is considerably more difficult, a pregnant woman in the visible stage of pregnancy, and the person who is obviously sick.

Use of force is applied following a warning, unless it is likely that a pre-warning could jeopardize achievement of the objective.

A police officer shall use the mildest means of coercion sufficient to achieve the objective.

Police officer will discontinue with the use of force as soon as objective is accomplished.

f) Define the principles on the use of weapons

*The use of firearms, as it may affect the life or health of persons is the last resource of the actions of guest officers. Firearms may only be used in case of legitimate self-defence and in legitimate defence of other persons. If the use of a firearm is inevitable the members of the EBGs shall ensure that it will be done in such a way that causes the less possible injuries.*

A police officer is authorized to use firearms:

- In self-defense,
- As a last resort if he without the use of firearms cannot remove immediate or imminent danger to his own or another person's life, which otherwise could not be removed,

g) Define the type of equipment/weapons permissible

Police officer may use service firearms (pistols and revolvers), also rubber batons, metal handcuffs and sprayer with irritant substances (pepper spray).

h) Define the conditions to use coercive measures/weapons (warnings, targets, etc)

- Prior to the use of firearms officer shall make a verbal command: "Stop, police!", Then the command and warning: "Stop or I will shoot!"
- A police officer will after issuing verbal command and warning, fire a warning shot into the air, if this does not create a hazard to the safety of people and property.

- The police officer will not make a verbal command and a warning if this would threaten his life or the lives of others or if issuing a verbal command and a warning would brought into question the performance of official duties.
- The use of firearms is not allowed when its usage would endanger the lives of other persons, unless the use of firearms only means of defense against attack.
- The use of firearms is not allowed against a child or a minor, except when the use of firearms only way to defend against attacks or to prevent the danger.

i) Define the immediate measures to be taken following the use of coercive measure/weapons

The border guards must provide first aid assistance for persons injured after the use of force/ firearms. In case there is use of force/firearms by a police officer, he has to report immediately this incident to his Police service.

j) Special rules to dog handlers

Official dog with muzzle and leash police officer may use as a means of coercion when it is allowed to use physical force, spray with irritant substances and batons.

Official dog without a muzzle and a leash, a police officer may use as a means of coercion, if the conditions for the use of firearms are fulfilled.

**RELEVANT APPLICABLE LAW:**  
Law on police duties and powers

## 5. Border checks

a) Rules guaranteeing protection of fundamental rights of any person seeking to cross borders, i.e. prohibition of inhuman and degrading treatments, prohibition of discrimination, protection of human dignity, right to be informed, etc.

Fundamental Rights enshrined in the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union must be guaranteed to any person seeking to cross borders. Border control must notably fully comply with the prohibition of inhuman and degrading treatments and the prohibition of discrimination enshrined, respectively, in Articles 3 and 14 of the European Convention on Human Rights and in Articles 4 and 21 of the Charter of Fundamental Right of the European Union.

All travelers have the right to be informed on the nature of the control and to a professional, friendly and courteous treatment, in accordance with applicable international, EU and national law.

EBGTs shall, in the performance of their duties, fully respect human dignity. Any measures taken in the performance of their duties shall be proportionate to the objectives pursued by such measures. While carrying out border checks, border guards shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Human rights in Croatia are defined by the Constitution of Republic of Croatia, chapter three, sections 14 through 69. Chapter III of the Constitution guarantees the protection of human rights and fundamental freedoms, and a large number of individual rights.

**10. Except Constitution, there is many laws which guarantee protection of human rights. One of most important is Croatian Criminal procedure act. In article 7 is proscribe:**

**11. A person who was arrested on suspicion of having committed a criminal offense must be immediately:**

- informed of the reasons of arrest
- instructed **that is not obliged to testify**
- they can use lawyer
- **instructed that authority, on its request, can call somebody of its family or any other person designated by him.**

**b) Examinations of applications for international protection (including asylum)**

All applications for international protection (including asylum) lodged at the border must be examined by Member States in order to assess, on the basis of the criteria laid down in Council Directive 2004/83/EC of 29 April 2004, whether the applicant qualifies either for refugee status, in accordance with the Geneva Convention relating to the Status of Refugees of 28 July 1951 as supplemented by the New York Protocol of 31 January 1967, or for subsidiary protection status, as defined in the same Directive.

In Croatia is not allowed to forcibly remove or in any way to return an alien to a country where his life or freedom would be threatened on account of race, religion or nationality, membership of a particular social group or political opinion, or in a country where they are subjected to torture, inhuman or degrading treatment or punishment.

The Republic of Croatia shall grant asylum to an alien who is outside the country of his nationality or to stateless person who is outside the country of habitual residence, which is due to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinions.

**c) Define the tasks of the member of the EBG while border checking of third country nationals (first line check, second line check, etc.)**

According to the Law on the State Border protection the first line of control is place where basic and thorough border control is performed. Second line of control is place where additional checks are performed.

Border control of person can be basic and through.

Basic controls include checking a person's identity by examining the documents required for crossing the border, and consists of a fast and simple validation of documents required for crossing the border.

During border control police officer can, from time to time, by examining the database to check that the person does not pose a threat to public order, national security or public health.

Through control of persons includes checking the conditions for entry and stay, validity of the documents required for crossing the border and checking the relevant database.

Through control of persons on exit includes verification of documents required for crossing the border and checking the eventual reasons for the prohibition of leaving the country, and may include checking the data in the records of wanted persons and the legality of residence.

The basic border control is performing on persons who are Member of the European Economic Area on specially designated and marked line, if is that possible.

Over all other persons a thorough check is performed.

*d) Rules for security body searches and evidence collection in the BCP*

Security body search takes place immediately after the arrest and aims at:

- Discovering and seizing weapons or other objects that may facilitate the escape of the apprehended person.
- Collecting evidence related to the crime, which could be destroyed by the apprehended person.

Search does not involve searching body cavities. In accordance with the Regulations on the conduct of police officers (Official Gazette 89/2010) police officers will extract a person over which is performing examination and before starting, person will be informed about the reasons of the examination.

Examination of person perform two police officers in a way that one police officer is examining while another police officer take care of the security, and exceptionally, if there are reasonable grounds, examination of the person can perform a single police officer. Examination of the person performs police officer of the same sex. Exceptionally when urgent examination of a person is necessary (if weapons or items suitable for attack or self-harming are present), examination can be done by a person of the opposite sex.

*e) Status assessment and procedure to be followed*

Members of the EBG shall assess whether a possible removal could lead to a violation of the principle of non refoulement. Members of the EBGs shall also refer to the authorities of the host MS the cases when a person intercepted/apprehended expresses, in any way, a fear of suffering serious harm if (s)he is returned to his/her country of origin or former habitual residence, or if he/she asks for asylum.

In Croatia is not allowed forcibly remove or in any way to return an alien to a country where his life or freedom would be threatened on account of race, religion or nationality, membership of a particular social group or political opinion, or in a country where they be subjected to torture, inhuman or degrading treatment or

punishment. If police officer performing border checks come across asylum seeker, they should call specially trained officers to work with such person.

f) Special measures applicable to vulnerable persons

Members of the EBGs shall support the host MS authorities providing special treatment to vulnerable groups of apprehended persons, i.e.: unaccompanied minors, women victims of trafficking or pregnant, disabled persons and victims of exploitation or trafficking, etc

The Asylum Act in Republic of Croatia defined the term vulnerable groups and every police officer while performing duties take special care to these groups. If police officer recognizes a person who belongs to the vulnerable category, they will call specially trained officers to work with such groups. That police officers are trained to recognize their needs and if needed they call other service out of Ministry of the Interior.

g) Rules regulating consultation of national databases

For the effective exercise of state border, in order to enable the free movement of persons and goods across the border, while facilitating better border control and protection in the fight against cross-border crime and illegal migration, a National information system for the border management is established, which is a part of the information system of the Ministry of Interior.

According to the Law of the State Border Protection, Border Police is authorized in the performance of police duties and implementation of police authority in order to control the border, take photography, take fingerprints, palm prints and other biometric data, perform recording, post video surveillance and used in accordance with the technical achievements and other technical aids.

If the devices for video surveillance and recording posted on the border crossings points, they must be visible, and people who are in this field have to be alerted.

If using device for surveillance and recording personal data, it is necessary to destroy these images within one year, unless they are necessary for the prosecution of perpetrators of crimes or misdemeanors.

h) Procedure related to stamping

In accordance with the Regulations of state border surveillance (Official Gazette 38/2009) purpose of stamping documents required for crossing the state border is a recording of the date of entry and exit from the Republic of Croatia, border crossing where the person entered or left the Republic of Croatia, as well as data logging of refusal of entry, reducing visa annulment entered data, canceling the validity of certain documents and labeling of expiry of certain documents on the basis of which a right is realized.

Stamp of the entrance and exit of the Republic of Croatia entered in foreigners documents required for state border crossing at entering and exiting the Republic of Croatia, in order to prove the duration of stay, unless otherwise provided by international contract.

At the request of Croatian citizen stamp can be entered in their documents required for crossing state border at entering and exiting the Republic of Croatia.



If entering stamp can inflict heavy damage for foreign national documents, exceptionally on passenger request can give up from stamping the document while entering or exiting Republic of Croatia.

**RELEVANT APPLICABLE LAW:**

Law of state border protection (Official Gazette 173/03, 141/06, 8/07, 40/07, 146/08, 130/11)

Aliens Act (Official Gazette 130/11)

The law on police (Official Gazette NN 34/11)

The Law of Police Duties and powers (Official Gazette 76/09)

The Criminal Procedure Act (Official Gazette 121/11, 143/12)

Magistrates Act (Official Gazette 107/07)

Asylum Law (Official Gazette 79/07, 88/10)

Arms Act (Official Gazette 63/07, 146/08, 59/12)

## ESTONIA

### Description of the tasks and special instructions for the members of the EBGT<sup>16</sup>

#### **ARTICLE 3b (4) OF FRONTEX REGULATION**

*"Members of the European Border Guard Teams shall, in the performance of their tasks and in the exercise of their powers, fully respect fundamental rights, including access to asylum procedures, and human dignity. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures..."*

The national border guard service of host countries and first of all the local staff has the leading role of the implementation this joint operation. The members of EBGTs, support the local staff and based on their (different) mandate carry out measures in line and in agreed way with the officials of local staff based on in accordance with the Schengen Border Code.

#### **1. Border surveillance**

##### **(e) Surveillance methods (stationary surveillance, patrolling, etc)**

For border control the police may travel without hindrance on foot and by vehicles on temporary or private roads adjacent to the state border and transboundary water bodies or leading there and on shore paths without the consent of the owner or possessor. In performing state border surveillance and ensuring the border regime, the police may use relevant technical, including electronic, devices for the purposes of detecting illegal border crossing, identifying objects, ensuring safety in border crossing points and combating cross-border crime.

##### **(f) General tasks of the members of the EBGT**

In general, the tasks performed by the member of the EBGT, as defined in Schengen Handbook are:

- to monitor the terrain they operate in,
- to ensure that there is no risk to public policy and internal security in the patrolling area,
- to check documents of persons being in the area, who are not known to the patrol team,
- to stop all suspected persons who do not have any documents and ask them to explain in detail their reasons for being in that area,
- to stop and bring to the nearest border guard's station persons who crossed or tried to cross the border illegally

##### **(c) Specific tasks/instructions in relation to each surveillance method**

<sup>16</sup> Pursuant to the provision of Article 3a(d) of the Frontex Regulation

-See 1 a)

(d) Definition of restrictions on access to some areas (e.g., military area and who/under-what-conditions is entitled to access)

-N/A

(e) Definition of the possibility/conditions of hot pursuit

A police official in pursuit of a person who has committed or abetted a criminal offence specified in the Council Framework Decision JHA/584/2002 of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States shall be permitted to proceed with the pursuit on the territory of another EU Member State without previously requested authorisation in cases where the urgency of the matter prevented the official in question from notifying competent authorities prior to the entry on the territory of the other MS, or where the competent authorities of the other Member State were not present at the scene of the event to take over the pursuit. Cross-border pursuit may take place only across land borders. The official in question shall immediately notify the competent authority of the other MS of carrying out cross-border pursuit, and follow the laws of the country of location and the instructions and orders of the competent authority. Pursuit shall be terminated upon completion of the objective, when 1 hour has passed since the crossing of the state border of the country of location, or upon the demand of the country of location.

**RELEVANT APPLICABLE LAW:**

1(a): State Borders Act § 9<sup>4</sup>, § 9<sup>5</sup>

1(e): Police and Border Guard Act § 7<sup>42-44</sup>

## 2. Interception/apprehension

*Persons who crossed or tried to cross the border illegally shall be brought to the nearest border guards' station according to the Schengen Handbook.*

k) Definition of the actions to be taken towards apprehended persons

Persons who have not been permitted to cross the border or have illegally crossed the external border shall be detained and returned into the state from or through which they arrived, taking account of the specifications provided for in the Citizen of the European Union Act. Expulsion shall be completed within 48 hours from the moment of detainment. Persons to be expelled shall be detained in the offices of the police authorities, police detention houses or expulsion centres. Officials shall take fingerprints of persons apprehended in connection with irregular crossing of the border, if he or she is at least 14 years of age, and shall transmit the data collected upon the taking of the fingerprints for comparison to the Central Unit of Eurodac. Unaccompanied minors may be expelled if their custody is arranged and the protection of their rights and interests of is ensured in the admitting country.

l) Rules for security body searches and evidence collection on the spot

Upon the detention of a person to be expelled, the person and his or her personal effects shall be searched. A person to be expelled shall be searched by an official of the same sex. Examinations requiring a medical

procedure may be performed only by a health care professional. Documents, money, valuables and prohibited articles found in the course of a search shall be received for deposit for the time of detention. Prohibited articles shall be handled according to the procedure provided by law. Any items received for deposit upon detention shall be recorded in a report.

*m) Transportation of migrants to the nearest BPU/BCP - security standards; rules and instructions:*

Security standards shall depend on circumstances specific to the task and a relevant risk assessment. In general, the escorting officials are required to prevent a possible escape by the apprehended person, while ensuring the safety of the apprehended person as well as that of their own. Coercive measures (physical force, special equipment or a gas weapon) may be used in circumstances described under 4 d). The use of a gas weapon is only permitted when the person to be expelled fails to obey the lawful orders of the migration official or offers resistance, or when there is good reason to believe that the person may escape or cause damage to other persons or to themselves and other measures have been exhausted.

**RELEVANT APPLICABLE LAW:**

2(a): State Borders Act § 9<sup>1</sup>

2(b): Police and Border Guard Act Chapter 4; Obligation to Leave and Prohibition on Entry Act § 19<sup>1</sup>

2(c): Obligation to Leave and Prohibition on Entry Act § 19<sup>2</sup>; *Guidelines on Escorting Apprehended Persons, Chapters 1.3, 1.7, 1.9*

**3. Follow up measures at the BPU/BCP/reception centre**

*(a) Rules for security body searches and evidence collection in the BPU/BCP/reception centre:*

See 2 b) above.

*(b) Basic human needs met prior the reception activities:*

*Members of the EBGTs shall, prior to any other action described below, and when required, support the host MS authority rendering the basic human needs of apprehended persons such as food and medical assistance, etc*

In initial reception centres as well as reception centres, asylum seekers shall be provided temporary accommodation, food, essential clothing and other necessities and toiletries, emergency care and medical examinations, essential translation services, information regarding their rights and duties, transportation services necessary for the performance of acts performed on the basis of law and other essential services.

*(c) Status assessment and procedure to be followed*

*Members of the EBGT shall assess whether a possible removal could lead to a violation of the principle of non refoulement. Members of the EBGTs shall also refer to the authorities of the host MS the cases when a person intercepted/apprehended expresses, in any way, a fear of suffering serious harm if (s)he is returned to his/her country of origin or former habitual residence, or if he/she asks for asylum.*

An apprehended person may not be expelled to a state to which expulsion may result in consequences specified in Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms or Article 3 of the

United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or the application of death penalty. The following circumstances shall be taken into account in determining a safe country of origin: to what extent the country guarantees the protection of persons from persecution and abuse, the principle of prohibition of expulsion or return provided for in the Geneva Convention and a system of efficient legal protection instruments against the violation of said rights and freedoms, and whether or not the country has acceded and adheres to the main treaties concerning human rights.

(d) Special measures applicable to vulnerable persons

*Members of the EBGs shall support the host MS authorities providing special treatment to vulnerable groups of apprehended persons, i.e.: unaccompanied minors, women victims of trafficking or pregnant, disabled persons and victims of exploitation or trafficking, etc*

**RELEVANT APPLICABLE LAW:**

3(a): Police and Border Guard Act Chapter 4; Obligation to Leave and Prohibition on Entry Act § 19<sup>1</sup>

3(b): Act on Granting International Protection to Aliens § 12

3(c): Obligation to Leave and Prohibition on Entry Act § 17<sup>1</sup>

**4. Use of force/weapons**

(a) Define the principles on the use of force

*When using force, members of the EBGs shall not exceed the minimum degree that is necessary, proportional and reasonable in the circumstances. The force of force or coercive measures is possible for the performance of duty or in legitimate self-defence and in legitimate defence of other persons.*

A police official may apply direct coercion (i.e. physical force, special equipment or a weapon) if the ensuring of the fulfilment of the obligation to counter a threat or eliminate a disturbance imposed on a person by an administrative act is not possible by another administrative coercive measure or is not possible in a timely manner. Direct coercion is permitted to be applied without a prior binding administrative act if the issue of the administrative act is not possible due to the circumstances of the case. Binding means (handcuffs, shackles) may be used when the person has been deprived of liberty pursuant to law and there is reason to believe that he or she may attack another person, offer physical resistance to a police official or an assistant police official or damage a proprietary benefit of great value, escape or injure or kill himself or herself.

(b) Define the principles on the use of weapons

*The use of firearms, as it may affect the life or health of persons is the last resource of the actions of guest officials. Firearms may only be used in case of legitimate self-defence and in legitimate defence of other persons. If the use of a firearm is inevitable the members of the EBGs shall ensure that it will be done in such a way that causes the less possible injuries.*

For countering a serious threat, the police may use a firearm if countering the threat by another measure of direct coercion is not possible or is not possible in a timely manner and with the consideration that in using a firearm, everything possible shall be done in order not to jeopardise another significant benefit.

(c) Define the type of equipment/weapons permissible

Officials from a competent authority of another Member State that is involved in police or customs activity under an international agreement or a legislative act of the European Union may carry firearms (handguns), gas weapons, cut-and-thrust weapons (batons and telescopic batons) or pneumatic weapons. Permissible special equipment includes handcuffs, shackles, binding means, service animals, etc.

(d) Define the conditions to use coercive measures/weapons (warnings, targets, etc)

Direct coercive measures (i.e. the use of physical force, special equipment or service weapons) may be used if a threat or a disturbance cannot be countered by another administrative coercive measure or is not possible in a timely manner. A verbal caution shall be issued before direct coercion is applied. An official from a competent authority of another Member State can use a firearm only in case there is a threat to his/her life or the life of another person. Firearms may not be used against a child, a senior citizen or a woman bearing obvious signs of pregnancy. The use of a firearm in such cases is only allowed in order to prevent an armed attack or an attack from a group of persons or used as an impediment and also for disarming such persons.

(e) Define the immediate measures to be taken following the use of coercive measure/weapons

If by the application of direct coercion a bodily injury is caused to a person, the police shall be required to guarantee first aid to the person at the first opportunity and, if necessary, call for emergency medical care.

(f) Special rules to dog handlers

Service dogs are considered special equipment under § 27 of the Police and Border Guard Act and are subject to conditions specified under 4 a) and 4 d).

**RELEVANT APPLICABLE LAW:**

- 4(a): Police and Border Guard Act § 30, 32
- 4(b): Weapons Act § 3<sup>1</sup>; Police and Border Guard Act § 27
- 4(c): Weapons Act § 3<sup>1</sup>; Police and Border Guard Act § 32<sup>3</sup>
- 4(d): Weapons Act § 3<sup>1</sup>; Police and Border Guard Act § 31
- 4(e): Police and Border Guard Act § 32<sup>4</sup>
- 4(f): Police and Border Guard Act § 27, 30

**5. Border checks**

- i) Rules guaranteeing protection of fundamental rights of any person seeking to cross borders, i.e. prohibition of inhuman and degrading treatments, prohibition of discrimination, protection of human dignity, right to be informed, etc.

Fundamental Rights enshrined in the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union must be guaranteed to any person seeking to cross borders. Border control must notably fully comply with the prohibition of inhuman and degrading treatments and the prohibition of discrimination enshrined, respectively, in Articles 3 and 14 of the European Convention on Human Rights and in Articles 4 and 21 of the Charter of Fundamental Right of the European Union.

All travellers have the right to be informed on the nature of the control and to a professional, friendly and courteous treatment, in accordance with applicable international, EU and national law.

EBGTs shall, in the performance of their duties, fully respect human dignity. Any measures taken in the performance of their duties shall be proportionate to the objectives pursued by such measures. While carrying out border checks, border guards shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

j) Examinations of applications for international protection (including asylum)

All applications for international protection (including asylum) lodged at the border must be examined by Member States in order to assess, on the basis of the criteria laid down in Council Directive 2004/83/EC of 29 April 2004, whether the applicant qualifies either for refugee status, in accordance with the Geneva Convention relating to the Status of Refugees of 28 July 1951 as supplemented by the New York Protocol of 31 January 1967, or for subsidiary protection status, as defined in the same Directive.

k) Define the tasks of the member of the EBGT while border checking of third country nationals (first line check, second line check, etc.)

As specified in Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 (Schengen Borders Code).

l) Rules for security body searches and evidence collection in the BCP

-See 2 b) above.

m) Status assessment and procedure to be followed

Members of the EBGT shall assess whether a possible removal could lead to a violation of the principle of non refoulement. Members of the EBGTs shall also refer to the authorities of the host MS the cases when a person intercepted/apprehended expresses, in any way, a fear of suffering serious harm if (s)he is returned to his/her country of origin or former habitual residence, or if he/she asks for asylum.

-See 3 c) above.

n) Special measures applicable to vulnerable persons

Members of the EBGTs shall support the host MS authorities providing special treatment to vulnerable groups of apprehended persons, i.e.: unaccompanied minors, women victims of trafficking or pregnant, disabled persons and victims of exploitation or trafficking, etc

o) Rules regulating consultation of national databases

Access to national police and border guard databases and NSIS is regulated by the Police and Border Guard Act. As the chief processor, the Police and Border Guard Board is authorised to grant access to these databases. While the Police and Border Guard Act does not regulate in detail the consultation of databases by GOs, there are no legal restrictions thereon.

p) Procedure related to stamping

Under the State Borders Act, a police official shall affix, according to the Schengen Borders Code, on the travel document of a third-country national a stamp authorising crossing of the border if such national has been granted authorisation to cross the external border (See Article 10 of Regulation 2007/2004).

**RELEVANT APPLICABLE LAW:**

5(g): Police and Border Guard Act, Chapter 3, Division 2

5(h): State Borders Act § 11

**FINLAND****Description of the tasks and special instructions for the members of the EBG deployed to the Southeast Finland Border Guard District****1. Border surveillance****a) Surveillance methods:**

- In the border crossing points:
  - border traffic control
  - border crossing points monitoring
- At the green border:
  - patrolling
  - In the border region:
  - mobile patrols

**b) Specific tasks/instructions in relation to each surveillance method:**

- to cooperate closely with the host staff and support practically their tasks
- to perform tasks described in the operational plan especially the ones assigned to the place of deployment;
- to contribute actively to the process of full integration of the host officers and other guest officers (FP missions);
- to report any incidents concerning his/her deployment including indisposition, health problems, travels/transportation issues, etc./
- to stop and bring to the nearest border guard's station persons who crossed or tried to cross the border illegally

**2. Use of force/weapons.****The Finnish Border Guard Act (578/2005): Section 35 "Use of force by border guardsmen":**

Border guardsmen acting in an official capacity are entitled, unless otherwise provided by law, to use necessary force that can be considered justifiable to overcome resistance, remove a person from the scene, apprehend a person, prevent the escape of a person who has lost his or her liberty, eliminate an obstacle or address an immediate risk of a crime or other dangerous act being committed or some other dangerous situation developing. When judging the justifiability of force by a border guardsman, the importance and urgency of the official function, the danger posed, the resources available and other factors influencing an overall assessment of the situation shall be taken into account. If the use of force is necessary, it shall be used only to the extent and to the point necessary to perform the statutory official function (the principle of minimum force). In a situation in which it is vital to enlist the help of bystanders in carrying out an extremely important and urgent Border Guard



function requiring the use of force, persons temporarily assisting border guardsmen at their request or with their consent have the right, under Border Guard guidance, to exercise any essential force authorized by border guardsmen acting within their powers.

The Finnish Border Guard Act (478/2010); Section 35a: Use of force by Frontex guest officers. The main point below:

- The guest officers are entitled to same rights to use of force as Finnish border guards when working with Finnish border guard and Finnish border guard is present in the situation.

### 3. Border checks.

#### a) Rules guaranteeing protection of fundamental rights of any person seeking to cross Border:

Fundamental Rights enshrined in the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union must be guaranteed to any person seeking to cross borders. Border control must notably fully comply with the prohibition of inhuman and degrading treatments and the prohibition of discrimination enshrined, respectively, in Articles 3 and 14 of the European Convention on Human Rights and in Articles 4 and 21 of the Charter of Fundamental Right of the European Union.

All travelers have the right to be informed on the nature of the control and to a professional, friendly and courteous treatment, in accordance with applicable international, EU and national law.

EBGTs shall, in the performance of their duties, fully respect human dignity. Any measures taken in the performance of their duties shall be proportionate to the objectives pursued by such measures. While carrying out border checks, border guards shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Any GO's practical activities shall be conducted under supervision and coordination of Finnish border guards.

#### b) Examinations of applications for international protection (Including asylum)

All applications for international protection (including asylum) lodged at the border must be examined by Member States in order to assess, on the basis of the criteria laid down in Council Directive 2004/83/EC of 29 April 2004, whether the applicant qualifies either for refugee status, in accordance with the Geneva Convention relating to the Status of Refugees of 28 July 1951 as supplemented by the New York Protocol of 31 January 1967, or for subsidiary protection status, as defined in the same Directive.

#### c) Define the tasks of the member of the EBG while border checking of third country nationals:

- to assist at performing border checks in joint teams consisting of officer of Border guard services of the host MSs, special advisers and observers and share expertise on his specific subject
- to support the first and second line checks
- to profile passengers in order to detect irregular migrants and victims of cross-border crime
- to detect false/falsified documents and more kinds of cross -border criminality
- to detect stolen vehicles in cooperation with the competent authorities
- to share experience and exchange expertise with officers from the border guard service of the host MS.

d) Rules for security body searches and evidence collection in the BCP:

If any guest officer's activity is concerning body searches or evidence collection or transportation of migrants or other security standards, it shall be realized in cooperation with Finnish border guards.

e) Status assessment and procedure to be followed:

Any GO's activities in this range shall be undertaken only under strict supervision and coordination of a Finnish border guard.

f) Special measures applicable to vulnerable persons:

Members of the EBGs shall support the host MS authorities providing special treatment to vulnerable groups of apprehended persons, i.e.: unaccompanied minors, women victims of trafficking or pregnant, disabled persons and victims of exploitation or trafficking, etc

Any GO's activities in this range shall be undertaken only under strict supervision and coordination of a Polish border guard.

g) Rules regulating consultation of national databases:

Guest officers can use Finnish national databases in cooperation with Finnish border guards.

## GREECE

### Description of the tasks and special instructions for the members of the EBGT

#### INTRODUCTION

##### Council Regulation (EC) 2007/2004

"The responsibility for the control and surveillance of external borders lies with the Member States. The Agency should facilitate the application of existing and future Community measures relating to the management of external borders by ensuring the coordination of Member States' actions in the implementation of those measures." The national border guard service of host country and first of all the local staff has the leading role of the implementation this joint operation. The members of EBGT, support the local staff and based on their (different) mandate carry out measures in line and in agreed way with the officers of local staff based on in accordance with the Schengen Border Code.

##### Article 3b (4)

"Members of the European Border Guard Teams shall, in the performance of their tasks and in the exercise of their powers, fully respect fundamental rights, including access to asylum procedures, and human dignity. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures..."

#### BORDER SURVEILLANCE

Surveillance methods (stationary surveillance, patrolling, etc)

- Patrols
- Ambushes
- Sighting - Surveillance

General tasks of the member of the EBGT provided by the Schengen Handbook

- to monitor the terrain they operate in,
- to ensure that there is no risk to public policy and internal security in the patrolling area,
- to check documents of persons being in the area, who are not known to the patrol team,
- to stop all suspected persons who do not have any documents and ask them to explain in detail their reasons for being in that area,
- to stop and bring to the nearest border guard's station persons who crossed or tried to cross the border illegally

Tasks in relation to each method

## Patrols

Patrol is a small group of two or more police officers performing duties in its area of responsibility. The composition, specific mission and patrol area of responsibility is determined by the head of the police service who orders it.

Patrols are divided into foot and vehicle patrols.

The mission of the patrol may be either general, including the preservation of order and security in general or specific, appointed to specific tasks.

### Patrols:

Are ordered during all 24-hours, in case there are special security and order circumstances or there are reasons to exercise stronger and coordinated policing or when there is a need to carry out special checks, particularly in cases of large-scale police operations, involving numerous police services.

Follow their patrol schedule and do not deviate from it unless they hear any noise or police whistle or they are informed about a crime or other serious incident. In these cases they hurry to the spot and act according to the law and their specific orders.

Assist the Armed Forces patrols, when invited by them, and ask for their assistance in an emergency situation.

The vehicle patrols perform their duties moving on patrol cars or motorcycles.

They have the same responsibilities as foot patrols, and in addition the following, which are peculiar to the place of their movement:

Act swiftly on anything happening in their area of responsibility and is under the responsibility of police. Accompany officials and large amounts of money and values transported.

### The patrol cars:

Are manned by police personnel, called crew. If possible, at least one ranked officer participates in the crew. The higher ranked among the crew members is called the crew leader. If it is impossible to man the patrol cars with police officers, patrol cars may, at the discretion of the Director or Head of the police service, patrol with only the driver, in order to perform regular police duties. However, in these cases they are not allowed to move away from inhabited areas and intervene in cases of serious or widespread incidents of disorder, without the assistance of other colleagues.

They move on 24 hours basis or less time, depending on the personnel available and the operative needs of each Police authority.

The police cars are allowed to board, with the approval of the Director or Head of the respective police authority or, in urgent cases, with the approval of the crew leader:

State officials that collaborate with police, as magistrates, coroners, health workers etc.

Persons who, due to serious injuries or serious illness require immediate transfer being risk because there is absence of institutions and departments having jurisdiction to handle such cases.

Individuals who have been arrested or being transferred as suspects for examination, verification of identity and information gathering.

Minors, drunk and others individuals set under protective custody.

Individuals who are transferred to the competent judicial authorities upon request or as perpetrators of flagrant crimes.

#### **Ambushes**

Ambush is the settlement of a small police force, of at least two people, in some key points or intersections, under full coverage, with specific and clear mission.

The purpose of an ambush is to prevent and suppress crimes and the preservation of a feeling of security mainly to rural populations, achieved through checking passing individuals and vehicles, in order to identify and arrest persons and seize weapons carried, stolen items or other items evidences to a crime.

Ambushes are at any time of the day, in case there are special security circumstances or there are reasons to exercise stronger and coordinated policing or when there is a need to carry out special checks, particularly in cases of large-scale police operations, involving numerous police services.

The composition, armament, mission, duration and location of the ambush are determined by the one ordering this police activity, who also gives the leader of the ambush the necessary instructions.

The leader of the ambush leads the police staff participating to settle on the identified spot, taking the necessary precautions and safety measures accordingly.

The staff participating in the ambush is prohibited from moving, making noise or giving away its location in any other way.

Checks are always performed by part of the staff of the ambush, while the rest is ready to protect those performing the checks.

#### **Sighting**

Sighting is the monitoring from appropriate location, of traffic and any other movement, to identify and check persons of concern to the police as suspects or perpetrators of crimes.

Sighting is performed during the day from at least two policemen.

A sighting may turn into an ambush during the night and vice versa an ambush may turn into a sighting during the day.

The purpose of the sighting and the actions to be taken in each case are clearly defined to the leader of the sighting.

At the location of the sighting, its leader has the responsibility to take security measures and to deploy the team in a way that its action will be easy and effective.

The staff participating in the sighting is prohibited from moving, making noise or giving away its location in any other way.

#### **Special Instructions - Operational Tactics**

*Each team of the Border Control Units:*

Operates in a systematic, methodical and flexible way, to ensure its swift and effective action and additionally to render the measures taken not possible to be predicted or circumvented by facilitators of illegal migrants, or by persons attempting to enter or having entered the country illegally.

Put special effort into ensuring that the change of shift takes place at the most vulnerable places of its area of responsibility, in order to avoid time gaps, during which illegal migrants, facilitators, etc., may achieve illegal crossing or other cross border criminal activities.

Handle cases related to offenses (crimes) that come to light after the arrest and detention of aliens, and persons involved in them.

Conduct stationary surveillance, ambushes and shighting. To this end, gives great priority to the control of key points (spots) taking always into account the prevailing circumstances and peculiarities of the area and using for this purpose all available technical means.

Implements the respective law on Aliens.

Patrols rendering its presence sound in all areas inhabited areas of responsibility, in order to contact the residents and obtain information.

Moves, behaves and acts in a manner that demonstrates a well-structured and organized group, taking into account what the presence of such a group has a particularly beneficial effect on the psychology of residents and a negative one in the persons under control.

Demonstrates special attention to the legitimacy of its actions and behavior which in any case must be governed by a spirit of understanding and humanity.

Ensures its continuous communication with the BCU or any other nearest authority, in order to ensure availability of communication in case of emergency need for assistance and exchange of useful information / data on the checked persons and vehicle support to transfer the illegal migrants arrested.

Conduct checks of persons and vehicles, suspected to transport illegal migrants during which:

Takes the necessary self-protection measures.

Performs body checks of illegal immigrants and persons suspected to be facilitators, meticulously researching any luggage and vehicles.

#### **Restriction and access to military areas**

Specific areas close to the border line are subject to security measures defined under the exclusive jurisdiction of the Military Authorities.

In the case of Evros, the area close to the borderline constitutes a military restricted area and thus the local Military authorities must be informed in advance prior to any entrance to this area.

Therefore access to that area is only allowed in the presence of a Hellenic Police Officer and only when on specific duty (e.g. border surveillance).

#### **Pursuit**

Pursuit is divided into two categories:

- Pursuit on foot
- Vehicle Pursuit
- Pursuit on foot

Takes place when an unknown criminal runs away in order to avoid arrest by the Police.

Conditions of pursuit on foot:

The police officer has to inform his police service about the pursuit and provide in parallel the characteristics of the person and the direction that he follows.

If the police officer, due to the conditions, loses contact with the pursued person, the pursuit stops and tactical checks are conducted to the nearby area. At the same time the police officer informs his service to conduct coordinated search.

In case the pursued person carries a weapon or his hands cannot be seen by the police officer, the police officer keeps visual contact from a fixed safety distance, while informing regularly his service on his position and the direction that the pursued person follows. The purpose in that case is to arrest the pursued person when feasible, either due to the arrival of reinforces or under other circumstances.

In case the hands of the pursued person are visible and empty, the police officer's aim is to reach the person and arrest it.

#### **Vehicle Pursuit**

Takes place when a vehicle runs away not responding to a legal call for control by a police vehicle patrol.

Rules for vehicle pursuit that the police officers must follow:

Report the beginning of the pursuit and any relevant information.

Wear their seatbelts.

Try to drive in controlled speed, behind and to the left of the pursued vehicle, while keeping visual contact from a proper distance.

During the pursuit use the sound and light signals of the patrol car.

Inform their police service regularly on the location and the course of the vehicle, in order for reinforcements to organize a coordinated response.

Avoid answering to any gun firing during the pursuit, when the officers are not in a position to control the secure landing of the projectile and do not attempt to hit, divert or block the pursued vehicle, in order to stop it.

Stop the vehicle pursuit if due to the traffic it is dangerous for the police officers or the citizens.

Keep the firearms secured on their belt, in order to avoid accidental detonation or loss during the pursuit except other circumstances do not allow it.

Pays attention to objects that will possibly be thrown by the pursued vehicle and, without stopping, informs their police service in such case since these objects might be related to illegal actions

In case the patrol cars taking part in the pursuit are more than one, they are moving in a row, one after the other, and not side to side, following the patrol car that has the visual contact with the pursued vehicle, in order to tactically change the leading patrol car, in case of need.

In case vehicle pursuit turns into pursuit on foot and allowed by the circumstances, follow the rules of pursue on foot, while securing the service vehicle.

In case the pursued vehicle stops and one or more people are running away from it, while others do not leave the vehicle, they give priority in apprehending the ones that have stayed and providing description of the others to the police service for further search.

In case a patrol car receives fires from the pursued vehicle, if possible keep the visual contact increasing the distance from it while the police officers avoid to use their firearms if they cannot control the secure landing of their projectiles, informing simultaneously their police service.

In case the pursued vehicle managed to escape the police officers stop the pursuit and perform tactical control to the nearby area while at the same time inform their police service for the search to be coordinated, giving description of the vehicle and the passengers, if possible.

There might be the case that a patrol car is given the order to block the road and technically block the pursued vehicle. In this case this has to be done enough time before the pursued vehicle reaches that point, in order for the spot to be properly signed, so the block could be easily visible from a great distance and avoid accidents. Finally the police officers stand off the spot in a safe place.

#### **INTERCEPTION/APPREHENSION**

Persons who crossed or tried to cross the border illegally shall be brought to the nearest border guards' station.

Actions to be taken towards apprehended persons

During the control process of a suspect and when there is evidence connecting the individual to a criminal action, the suspect is apprehended and body search is conducted while at the same time evidence is collected.

If there are reasons that justify the arrested individual to be enchained (suspect of escaping or reacts violently), then he is enchained always with his hands behind his back and never in front of him.

The tactic of enchainment is always conducted by one police officer, while the second one covers his partner from a proper distance. The same tactic is been followed in case more police officers participate in the control process or there are more individuals to be apprehended.

All the apprehended persons are transferred to the respective police service or to a designated for them place. For safety reasons and respect to the personality of the apprehended the police officers must avoid if possible transfer on foot, and call for support of a vehicle unit.

#### **Rules for security body searches**

Security body search takes place immediately after the arrest and aims at:

Discovering and seizing weapons or other objects that may facilitate the escape of the apprehended person.

Collecting evidence related to the crime, which could be destroyed by the apprehended person.

Body search on women is conducted by a woman police officer. If there is not one on the spot, the police officer indicates another woman to conduct the body search.

During the search the police officers must take care to not offend the personality or to unreasonably bother the individual under search, to the level that this is feasible.

In case no other woman is in the area, police officers pay special attention to secure that women apprehended do not carry any weapon or attempt to throw away possible evidences.

#### **Evidence collection on the spot**



The police officers that arrive first on the spot shall:

Keep intact the crime scene prohibiting to anyone non-authorized to approach and affect traces or objects found on the spot which can help in the investigation of the crime.

If the crime was committed in a room, to guard it at the exterior and not allow the entrance to anyone non-authorized.

Verify and report to their superiors the identity of the persons found, upon arrival at the crime scene or within short distance from it.

When evidences is possible to be lost, police officers arriving first on the spot and have no jurisdiction to investigate, list everything in details and submit their report to the investigating officers. They also gather any evidence and any information on the crime and the perpetrator given by the victims and other persons and where possible act in order to pursue and arrest the perpetrator.

#### **Transportation of migrants**

Transportation of the apprehended persons on land takes place with special service cars. Exceptionally, if there are no such cars available, any other services vehicle can be used, given that the Commander of the Unit responsible for this transportation considers this vehicle appropriate.

All the apprehended persons are transferred to the respective police service or to a designated for them place.

For safety reasons and respect to the personality of the apprehended the police officers must avoid if possible transfer on foot, and call for support of a vehicle unit.

#### **FOLLOW UP MEASURES AT THE BPU/BCP/RECEPTION CENTRE**

Basic human needs met prior the reception activities;

Members of the EBGTs shall, prior to any other action described below, and when required, support the host MS authority rendering the basic human needs of apprehended persons such as food and medical assistance, etc

#### **Status assessment and procedure to be followed**

Members of the EBGTs may assist the local authorities on the examination of the personal circumstances of each person before removal processes. Collective expulsions are prohibited.

Members of the EBGT may conduct their tasks with respect to the principle of non refoulement. No person shall be returned to a country where there is a serious risk that he or she would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment, or where his or her life or freedom would be threatened on account of his or her race, religion, nationality, sexual orientation, membership of a particular social group or political opinion; or from which there is a serious risk of such an expulsion or removal to another country in contravention of the principle of *non-refoulement*.

#### **Special measures applicable to vulnerable persons**

Members of the EBGTs may support the host MS authorities in applying the special measures foreseen for the protection of vulnerable groups, who have been detected in the area of deployment. For this purpose and in accordance with the relevant EU and national legislation, the Members of the EBGT will take into account the

specific situation of vulnerable persons such as minors, unaccompanied minors, victims of human trafficking disabled people, elderly people, pregnant women, single parents with minor children, persons with serious illnesses, persons with mental disorders and persons who could have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

#### **Introduction and access to asylum**

The newly established First Reception Service is the competent authority to inform third country citizens for both their rights and obligations after their detection in Hellenic territory by the Hellenic Police officers. Those who seek international protection are being sent over to the responsible Asylum Office, a department of which may be in operation in the first reception center.

In each stage of first reception procedure, submitting a demand of being under international protection obligates the separation of the demanding person and his being sent over to the proper Asylum Office. Receiving the demands and the interviews of the seekers may be held inside the facilities of the first reception services, and the persons remain in the facilities for as long as the examination of their demands lasts. Priority is given to the examination of international protection applications of persons under detention.

If the above mentioned timelines are expired and the international protection demand is not completed, the Asylum Office provides the seeker with a Bulletin of Asylum Demand, and he is being sent over to proper facilities, for which is responsible the Health and Social Care Ministry.

Since the demand and the recourse are rejected while the third country citizens remain in the first reception center or unit, they are being sent over to the responsible for the deportation, return and readmission authorities.

After the suggestion of the medical and psychosocial support subdivision supervisor, the Head of each Center or Unit sends over those who persons who are considered to be vulnerable to the circumstantial responsible service of social support or protection. In each case, the appropriate cure treatment is ensured when it is demanded. As vulnerable groups are considered the following individuals:

- Unaccompanied minors.
- Disabled persons or persons with incurable diseases.
- Elder people.
- Pregnant women.
- One parent families with minor children.
- Victims of torture, rape, or other severe psychological, somatic, sexual violence or exploitation.
- Trafficking victims.

According to the Hellenic Legislation, every alien has the right to submit in person a demand for international protection either for himself/herself or for the members of his/her family, as long as the above mentioned adult members, agree with the demand.

More specifically, for victims of human-trafficking and unaccompanied minors

#### 1. Vulnerable persons-Potential victims of human-trafficking

In the case when in entry points (BCPs, airports, etc.) individuals with evidence of being potential victims of human-trafficking are detected, the first-line (Police) officers (borderguards) transfer them to the second-line (Police) Services (Departments and Teams responsible for combating human-trafficking), the personnel of which has undergone special training on the identification, approach and conduct of interviews with potential victims of trafficking with the purpose of acknowledging with certainty their true status.

In the latter case, the competent Judicial Authority identifies the person as a “victim of human-trafficking”. Afterwards, via the National Center for Social Solidarity, assistance is provided to the victim, in terms of accommodation, legal and psychological support, medical care, residence permit etc. (further details are foreseen in the Presidential Decree N. 233 of 2003 on the “Protection and assistance of victims of human-trafficking”), with the purpose of social inclusion or the safe repatriation of the victim.

#### 2. Unaccompanied minors

Every unaccompanied minor who is detected arriving in Hellenic territory is referred to the competent Judicial Authorities, according to the national legislation. Afterwards, they are transferred to the First Reception Services, which are responsible for the identification of their nationality and overall status (as unaccompanied). Furthermore, these Services conduct every possible effort for the localization of their families in due time and take all necessary measures for their legal representation. It is important to stress that the Legal Representative can either be a member of the competent local Judicial Authority (on a provisional basis) or a social worker (on a permanent basis).

Then the minors are transferred to “Pre-Removal Detention Centers”. In such centers are accommodated migrants awaiting repatriation. The minors are separated from the rest of the migrants and are accommodated in special until the procedures for the specification of their infancy, origin identification and asylum status are completed. Afterwards, they are transferred, according to the national legislation and in cooperation with the National Center for Social Solidarity and NGOs, in special accommodation facilities/youth hostels.

In the case of minors not applying for asylum and when after the conclusion of the relevant investigation, their parents are not tracked in Greece, the INTERPOL is informed for further investigation. Then, repatriation decisions are issued with or without detention for the minors. When they are detained, they are accommodated in special facilities, apart from the rest of (adult) migrants. When their repatriation is not possible due to a variety of reasons, such as the lack of direct flight, they are transferred to Special Centers of Accommodation for youths. Repatriation is always subject to the protection of the child, the reassurance that the child is not put in danger in the country of origin and that the social and family environment can provide for the normal reintegration of the minor.

In the case of unaccompanied minors applying for asylum, the Police Services following the principle of family-reunification, are trying to reunite the minors with other members of their families residing in other MSs of the EU. For this purpose, they cooperate with the UNHCR and with NGOs, in order to compose the relevant applications and manage the transfer of the minors close to their families guaranteeing their safety. Then they are transferred to appropriate accommodation facilities, where all necessary procedures are taking place for the nomination of a guardian, who is assisting the minor through all the asylum processes.

#### Guide to Behaviour

Thousands of individuals with different religious beliefs and cultural background live in Greece. In order to promote the protection of fundamental rights and to avoid discrimination towards any human-being living in Greece, the following safeguards are foreseen by the National Constitution:

Article 251 of the Constitution guarantees the fundamental constitutional principle of respect of human value as a person.

Article 552 of the Constitution absolutely protects the human life, the honour and the freedom of everyone who lives in the Greek territory without discrimination on nationality, race, language and religious or political beliefs.

Article 13 of the Constitution guarantees the inviolability of freedom of religious conscience and in addition protects according to the law every known religion and everything about its worship, which are committed without hindrance, if these do not offend public order and morality.

During police checks, identification, arrest or detention, police officers should be professional avoiding any racist or degrading behaviour. Moreover, police personnel should treat every person equally according to the provisions of the Constitution and relevant national legislation..

#### Religious Beliefs

- All religions are worthy of respect.
- It is prohibited to insult sacred texts or symbols.
- The disturbance of places in which worship and ceremonies are taking place is prohibited.

#### Minors

Any person stating that has not yet reached the age of 18 is considered a minor.

Minor residing outside the country and away from any parent or legal guardian is considered an unaccompanied minor.

During the police checks, identification, arrest or detention, police officers should:

- know that when there is no evidence of a person being a minor, then it is considered a minor.
- not bind minors in handcuffs unless it is considered necessary
- inform the parents of the minor immediately
- inform the minor about his/her right to contact a lawyer
- be aware that restricting the freedom of minors is always the last resort and is necessary only for the minimum required time
- be aware that minors are detained in premises specially designated and separate from adults
- be aware that unaccompanied alien minors have the right to seek international protection and asylum.

#### USE OF FORCE/WEAPONS

Principles on the use of force

When using force, members of the EBGTs shall not exceed the minimum degree that is necessary, proportional and reasonable in the circumstances. The use of force or coercive measures is possible for the performance of duty or in legitimate self-defence and in legitimate defence of other persons.

#### Principles on the use of weapons

The use of firearms, as it may affect the life or health of persons is the last resource of the actions of guest officers. Firearms may only be used in case of legitimate self-defence and in legitimate defence of other persons. If the use of a firearm is inevitable the members of the EBGs shall ensure that it will be done in such a way that causes the less possible injuries.

#### Permissible weapons

According to the provisions of the laws n. 2168/1993 and 3169/2003, policemen (police personnel, special guards and border guards) may carry revolvers and semi-automatic pistols.

The following rules apply for the carrying of service weapons:

“Policemen shall be allowed to possess and carry firearms for which they have been trained, since they are considered physically and mentally appropriate. Policemen shall carry fixed firearms, in accordance with the provisions of the Presidential Decree 141/1991.

Policemen shall always carry personal service firearms during their service, while they shall be allowed to carry such firearms while they are out of service. Exceptionally, policemen shall not carry firearms, when carriage is prohibited by electoral legislation and during their service, upon relevant order. This order shall be given in the event of a particular danger for the success of a mission or their own and the citizens' security or for the keeping of firearms”

#### Permissible equipment

Following the provisions of the law 3169/2003, the following equipment may be carried:

- Metal handcuffs and Rubber baton.

The above list is exhaustive and restrictive to any other equipment.

#### Conditions to use weapons

Use of firearms is defined, according to the law 3169/2003, as activation of firearm against a target and the projection of a missile (shooting). Shooting, accordingly to shooting target shall be ranged in:

Intimidating shooting, when no causation of harm is intended against any target.

Against objects, when causation of harm is intended to objects.

In order to immobilize, when causation of harm to non vital parts of the body -especially to lower limbs- is intended, and elimination, when causation of harm to a person is intended and his/her death is possible.

(Armed attack shall exist when the person who attacks uses a gun, stipulated in art.1 of Law 2168/1993 against a person or threatens someone by its direct use. As armed attack shall be also defined threat under a convincing imitation of a gun or an inactive gun)

According to the article 3 of the above mentioned law:

(1) Policemen while executing their service shall be allowed to precede their firearm, since there is danger of armed attack against them or a third person.

(2) Policemen shall be allowed to make use of firearms, if is necessary in order to execute their duty, and the following conditions apply:

- All lighter than shooting means have been used, unless they are not available or convenient in a particular case. Lighter means shall be defined as advice, suggestions, use of barriers, physical violence, police bar, allowed chemical substances or other means, advance notice for use of firearm and threat under firearm.
- They have declared their capacity and have clearly and understandably notice for possible use of firearm, giving enough time of response, unless something like this is futile under these specific circumstances or intensifies danger of death or physical damage.
- Use of firearm shall not consist of excessive means in relation to kind of damage and risk of threat.

(3) In the event that the aforementioned conditions apply, lighter use of firearms shall be done, unless such action is futile under such circumstances or intensifies death risk or physical damage. Lighter use of firearm shall be defined as escalation of its use with the least possible and necessary harm, pursuant to subparagraph d of article 1.

(4) Shooting for intimidation purposes or shooting against objects shall be permitted, especially in cases of danger from an animal or advance notice for shooting against person, since all proper measures have been taken, so as no man shall be hurt by miss or banishment of missile. Shooting against a vehicle, which involves danger of physical damage of persons in it, shall be allowed exclusively under conditions of the following paragraph.

(5) Shooting for immobilization purposes shall be allowed, since it is required:

In order to repel an armed attack, since such attack commenced or is about to commence, and any delay may render defense ineffective.

In order to prevent materialization or continuance of dangerous crime or crime that is committed under the use or threat of physical violence.

In order to arrest a sentenced person or a person under trial or a person under pursuit who shall be detected to commit "flagrante delicto" a felony or a regulatory offence, since such person demonstrated opposition to his/her arrest and there is direct risk to make use of firearm.

In order to prevent illegal entrance in the country or exit from it of persons that shall attempt illegal transfer of people (trafficking in human beings) and objects and shall carry firearms of subparagraph 1, art.1 of Law 2168/1993.

In order to protect public utility facilities or places in which objects that are dangerous for public health or public order or evidence for a crime are kept, since their keeping has been exclusively assigned to policemen and violent access, caution of harm or removal of kept objects is attempted.

In order to prevent an escape or release of a prisoner that is attempted under armed attack.

In order to prevent disarmament of policemen during their service.

(6) Elimination shooting shall be allowed, if required:

In order to repel an attack that involves death risk or heavy physical damage of a person.

In order to rescue hostages who are in risk of death or heavy physical damage.

(7) Shooting for immobilization or elimination shall be prohibited:

If there is serious danger to cause a third person due to miss or banishment of missile.

Against armed crowd, if there is serious danger to cause harm to unarmed people.

Against minors, if it is the only means to prevent a risk of danger.

Against a person who runs away, when he/she is called to go under legal control.

(8) When policemen act as a group, in order to make use of firearms, command by the group head is required, unless policemen are under attack, which involves possibility of heavy physical damage or death.

(9) Unconstitutional or profoundly illegal command by a senior for use of firearm shall not repeal the illegal nature of policemen's action.

(10) Every use of firearms by policemen shall be directly reported in the competent police Authority and Judicial Authority.

#### **Conditions to use police equipment**

Following the provisions of the 8517/4/7-µ8' dated 17-02-2004 decision of the Minister of Public Order, as it has been amended with later acts:

(Article 9)

Police constables, sergeants and warrant officers are equipped with police baton, the type of which depends on their task.

The use of the police baton is allowed only in the following cases:

- After an order of a superior and
- In the case of self-defense.

The policeman, who has used his baton, on his own initiative, must report the incident to his Service immediately, also reporting in details the reasons that led him to this decision.

(Article 119)

During the arrest of a person the following rules must be followed:

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If there is any suspicion that the person might attempt to escape, because of his record or his behavior during the arrest, he may be handcuffed, to prevent escape.

Immediate measures to be taken following the use of weapon.

In case there is use of firearms by a police officer he has to immediately report this incident to his Police service.

#### **Special rules to dog handlers**

Police dog handlers must always keep their police dogs under constant control. This rule applies with special attention close to the borderline area since the Military Authorities consider crossing of the border line by persons, animals, vehicles and objects, from any point other than the officially designated as "Border Incident".

## HUNGARY

### Description of the tasks and special instructions for the members of the EBGT<sup>17</sup>

#### ARTICLE 3b (4) OF FRONTEX REGULATION

*"Members of the European Border Guard Teams shall, in the performance of their tasks and in the exercise of their powers, fully respect fundamental rights, including access to asylum procedures, and human dignity. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures..."*

The national border guard service of host countries and first of all the local staff has the leading role of the implementation this joint operation. The members of EBGTs, support the local staff and based on their (different) mandate carry out measures in line and in agreed way with the officers of local staff based on in accordance with the Schengen Border Code.

#### 1. Border surveillance

##### a) Surveillance methods (stationary surveillance, patrolling, etc)

Patrol is a small group of two or more police officers performing duties in its area of responsibility.

The composition, specific mission and patrol area of responsibility is determined by the head of the police service who orders it.

Patrols are divided into foot and vehicle patrols.

##### b) General tasks of the members of the EBGT

In general, the tasks performed by the member of the EBGT, as defined in Schengen Handbook are:

- to monitor the terrain they operate in,
- to ensure that there is no risk to public policy and internal security in the patrolling area,
- to check documents of persons being in the area, who are not known to the patrol team,
- to stop all suspected persons who do not have any documents and ask them to explain in detail their reasons for being in that area,
- to stop and bring to the nearest border guard's station persons who crossed or tried to cross the border illegally.

##### c) Specific tasks/instructions in relation to each surveillance method

##### d) Definition of restrictions on access to some areas (e.g., military area and who/under-what-conditions is entitled to access)

<sup>17</sup> Pursuant to the provision of Article 3a(d) of the Frontex Regulation



- e) Definition of the possibility/conditions of hot pursuit

**RELEVANT APPLICABLE LAW:**

The relevant information will be given by the Local Coordinator at the briefing.

**2. Interception/apprehension**

*Persons who crossed or tried to cross the border illegally shall be brought to the nearest border guards' station according to the Schengen Handbook.*

- a) Definition of the actions to be taken towards apprehended persons

*Security body searches, transportation to the nearest BPU/BCP, escort them, etc*

- b) Rules for security body searches and evidence collection on the spot

*The GO shall follow the instructions of the border guard of the Host member state, in case of any suspicious act (corruption, break of human rights) the Head of Local Coordinator.*

- c) Transportation of migrants to the nearest BPU/BCP - security standards; rules and instructions;

*The GO shall follow the instructions of the border guard of the Host member state, in case of any suspicious act (corruption, break of human rights) the Head of Local Coordinator.*

**RELEVANT APPLICABLE LAW:**

The relevant information will be given by the Local Coordinator at the briefing.

**3. Follow up measures at the BPU/BCP/reception centre**

- a) Rules for security body searches and evidence collection in the BPU/BCP/reception centre;

*The GO shall follow the instructions of the border guard of the Host member state, in case of any suspicious act (corruption, break of human rights) the Head of Local Coordinator.*

- b) Basic human needs met prior the reception activities;

*Members of the EBGTs shall, prior to any other action described below, and when required, support the host MS authority rendering the basic human needs of apprehended persons such as food and medical assistance, etc*

*The GO shall follow the instructions of the border guard of the Host member state, in case of any suspicious act (corruption, break of human rights) the Head of Local Coordinator.*

- c) Status assessment and procedure to be followed

Members of the EGBT shall assess whether a possible removal could lead to a violation of the principle of non refoulement. Members of the EGBTs shall also refer to the authorities of the host MS the cases when a person intercepted/apprehended expresses, in any way, a fear of suffering serious harm if (s)he is returned to his/her country of origin or former habitual residence, or if he/she asks for asylum.

d) Special measures applicable to vulnerable persons

Members of the EGBTs shall support the host MS authorities providing special treatment to vulnerable groups of apprehended persons, i.e.: unaccompanied minors, women victims of trafficking or pregnant, disabled persons and victims of exploitation or trafficking, etc

**RELEVANT APPLICABLE LAW:**

The relevant information will be given by the Local Coordinator at the briefing.

**4. Use of force/weapons**

a) Define the principles on the use of force

When using force, members of the EGBTs shall not exceed the minimum degree that is necessary, proportional and reasonable in the circumstances. The force of force or coercive measures is possible for the performance of duty or in legitimate self-defence and in legitimate defence of other persons.  
The GO shall follow the instructions of the border guard of the Host member state.

b) Define the principles on the use of weapons

The use of firearms, as it may affect the life or health of persons is the last resource of the actions of guest officers. Firearms may only be used in case of legitimate self-defence and in legitimate defence of other persons. If the use of a firearm is inevitable the members of the EGBTs shall ensure that it will be done in such a way that causes the less possible injuries.

c) Define the type of equipment/weapons permissible

- service weapon with ammo, handcuffs, police baton (rubber), chemical spray (capsicum)

d) Define the conditions to use coercive measures/weapons (warnings, targets, etc)

The relevant information will be given by the Local Coordinator at the briefing.

e) Define the immediate measures to be taken following the use of coercive measure/weapons

The relevant information will be given by the Local Coordinator at the briefing.

f) Special rules to dog handlers

The dogs must be muzzled.

**RELEVANT APPLICABLE LAW:**

*Provisions pertaining to the members of foreign organizations, carrying out border control tasks*

**POLICE ACT of the Republic of Hungary  
Act XXXIV. of 1994 on the Police**

Article 62/A (1) A member of the agency carrying out border control tasks of a State applying the Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers may solely, on the territory of the Republic of Hungary:

- a) use physical coercion, under Article 47., handcuffs, under Article 48. and truncheon, under Article 49.,
- b) may keep his/her service firearm on his/her person, but may only use it in case of rightful defence or a case of emergency;
- c) may apprehend the person unlawfully present on the territory of the country but is obliged to hand the apprehended person over to the police without delay.

(2) According to (1) a) and b), a member of the agency carrying out border control tasks may use means of coercion or a firearm as regulated in the country of his/her place of service if the use of such means of coercion or firearm is not prohibited by law on the territory of the Republic of Hungary.

(3) The member of the foreign agency carrying out border control tasks shall be instructed about the conditions pertaining to the taking of measures and use of means of coercion as under (1).

**5. Border checks**

- a) Rules guaranteeing protection of fundamental rights of any person seeking to cross borders, i.e. prohibition of inhuman and degrading treatments, prohibition of discrimination, protection of human dignity, right to be informed, etc.

Fundamental Rights enshrined in the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union must be guaranteed to any person seeking to cross borders. Border control must notably fully comply with the prohibition of inhuman and degrading treatments and the prohibition of discrimination enshrined, respectively, in Articles 3 and 14 of the European Convention on Human Rights and in Articles 4 and 21 of the Charter of Fundamental Right of the European Union.

All travelers have the right to be informed on the nature of the control and to a professional, friendly and courteous treatment, in accordance with applicable international, EU and national law.

EBGTs shall, in the performance of their duties, fully respect human dignity. Any measures taken in the performance of their duties shall be proportionate to the objectives pursued by such measures. While carrying out border checks, border guards shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

b) Examinations of applications for international protection (including asylum)

All applications for international protection (including asylum) lodged at the border must be examined by Member States in order to assess, on the basis of the criteria laid down in Council Directive 2004/83/EC of 29 April 2004, whether the applicant qualifies either for refugee status, in accordance with the Geneva Convention relating to the Status of Refugees of 28 July 1951 as supplemented by the New York Protocol of 31 January 1967, or for subsidiary protection status, as defined in the same Directive.

c) Define the tasks of the member of the EBGT while border checking of third country nationals (first line check, second line check, etc.)

d) Rules for security body searches and evidence collection in the BCP

The GO shall follow the instructions of the border guard of the Host member state, in case of any suspicious act (corruption, break of human rights) the Head of Local Coordinator.

e) Status assessment and procedure to be followed

Members of the EBGT shall assess whether a possible removal could lead to a violation of the principle of non refoulement. Members of the EBGTs shall also refer to the authorities of the host MS the cases when a person intercepted/apprehended expresses, in any way, a fear of suffering serious harm if (s)he is returned to his/her country of origin or former habitual residence, or if he/she asks for asylum.

f) Special measures applicable to vulnerable persons

Members of the EBGTs shall support the host MS authorities providing special treatment to vulnerable groups of apprehended persons, i.e.: unaccompanied minors, women victims of trafficking or pregnant, disabled persons and victims of exploitation or trafficking, etc

g) Rules regulating consultation of national databases

The relevant information will be given by the Local Coordinator at the briefing. (SIS,VIS)

h) Procedure related to stamping

The relevant information will be given by the Local Coordinator at the briefing.

## LATVIA

### Description of the tasks and special instructions for the members of the EBG<sup>18</sup>

#### ARTICLE 3b (4) OF FRONTEX REGULATION

*"Members of the European Border Guard Teams shall, in the performance of their tasks and in the exercise of their powers, fully respect fundamental rights, including access to asylum procedures, and human dignity. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures..."*

The national border guard service of host countries and first of all the local staff has the leading role of the implementation this joint operation. The members of EBGs, support the local staff and based on their (different) mandate carry out measures in line and in agreed way with the officials of local staff based on in accordance with the Schengen Border Code.

#### 1. Border surveillance

##### (a) Surveillance methods (stationary surveillance, patrolling, etc)

For border control and surveillance the border guards may travel without hindrance on foot and by vehicles on temporary or private roads adjacent to the state border and transboundary water bodies or leading there and on shore paths without the consent of the owner or possessor. In performing state border surveillance and ensuring the border regime, the border guards may use relevant technical, including electronic, devices for the purposes of detecting illegal border crossing, identifying objects, ensuring safety in border crossing points and combating cross-border crime.

##### (b) General tasks of the members of the EBG

##### (c) Specific tasks/instructions in relation to each surveillance method

- **Patrol:** border guard mission in the composition of one or more border guards for the surveillance of certain border section or state territory, moving on foot, by vehicle or vessel non determined route.
- **Observation post:** border guard mission in the composition of one or more border guards with the task - surveillance of certain border section during the determined period.
- **Technical surveillance post:** border guard mission in the composition of two or more border guards with the task - surveillance of certain border section by use the specially equipped vehicle.
- **Control post:** border guard mission in the composition of two or more border guards with the task of control and surveillance the intersection of the roads or the section of road near the border.
- **Search group:** border guard mission in the composition of two or more border guards with the task to pursue and detention the state border violators. Search group tasks can be performed by walking or on a vehicle or vessel.

<sup>18</sup> Pursuant to the provision of Article 3a(d) of the Frontex Regulation

*(d) Definition of restrictions on access to some areas (e.g., military area and who/under-what-conditions is entitled to access)*

Border guards in the whole border area, as well as the border control points and the border crossing points have the right in prosecuting persons violating the State border or persons violating the regimen of the State border, border areas, border zones, border control points or border crossing points, as well as persons who reside illegally in the State, to enter the premises or buildings that are the property of the State or local government, or natural or legal persons.

*(e) Definition of the possibility/conditions of hot pursuit*

- The Border Guard Act: When the border guards fulfill the task to search and pursue the state border violators, they have the right to operate throughout the country.

**RELEVANT APPLICABLE LAW:**

1(d): Border Guard Law, Section 15 (1)

1(e): Border Guard Law, Section 15 (2)

## 2. Interception/apprehension

*a) Definition of the actions to be taken towards apprehended persons*

- Border guards have the right to arrest persons, who are suspected of the committing of such a criminal offence the investigation of which is within the competence of the Border Guard, as well as persons who have committed administrative violations the examination of which is within the competence of the Border Guard, persons who have attempted to move or have moved across the State border items prohibited to be imported into or exported out of the Republic of Latvia by laws or other regulatory enactments, or otherwise have attempted to import or export goods and other items, evading customs control, and persons or means of transport being sought and persons located in such means of transport. Border guards have the right to expel persons from the State who have entered Latvia or crossed the State border without a valid travel document or a permit from the relevant authority or have not observed prescribed procedures. Persons to be expelled shall be detained in the offices of the border guard authorities, border guard detention houses or expulsion centres.
- Officials shall take fingerprints of persons apprehended in connection with irregular crossing of the border, if he or she is at least 14 years of age, and shall transmit the data collected upon the taking of the fingerprints for comparison to the Central Unit of Eurodac.

*b) Rules for security body searches and evidence collection on the spot*

Prior to the placement of a person in the premises (place) of temporary keeping the official shall invite the person to hand over for temporary storing the items which may be used to attack the officials or with which it would be possible to inflict bodily injuries to other persons or to himself or herself and the person shall be searched, in order to remove the mentioned items the person has not willingly handed over. A person shall be

searched by an official of the same sex. If it is determined that the person has obvious bodily injuries or he or she complains of his or her state of health, the official shall provide first aid, if necessary, shall ensure the provision of emergency medical assistance and make an entry in the registration journal thereof

c) Transportation of migrants to the nearest BPU/BCP - security standards; rules and instructions;

Security standards shall depend on circumstances specific to the task and a relevant risk assessment. In general, the escorting officials are required to prevent a possible escape by the apprehended person, while ensuring the safety of the apprehended person as well as that of their own.

**RELEVANT APPLICABLE LAW:**

2(a): Border Guard Law, Section 15 (1) 3)

2(b): Cabinet Regulation No.735 2009

**3. Follow up measures at the BPU/BCP/reception centre**

a) Rules for security body searches and evidence collection in the BPU/BCP/reception centre;

See 2 b) above.

b) Basic human needs met prior the reception activities;

In initial reception centres as well as reception centres, asylum seekers shall be provided information regarding their rights and duties, temporary accommodation, food, essential clothing and other necessities and toiletries, emergency care and medical examinations, essential translation services, transportation services necessary for the performance of acts performed on the basis of law and other essential services.

c) Status assessment and procedure to be followed

*A foreigner shall not be removed, if exist such circumstances: on the basis of justified fear from persecution due to his or her race, religion, nationality, membership of a specific social group or his or her political views is located outside the country where he or she is a national, and is unable or due to such fear does not wish to accept the protection of the country where he or she is a national, or a stateless person who being outside his former country of habitual residence is unable or unwilling to return there due to the same reasons or a third country national or a stateless person who cannot be granted refugee status, may apply for alternative status if there is a reason to believe that he or she may be exposed to serious harm after return to the country of origin thereof and due to this reason is unable or does not wish to accept the protection of the referred to country.*

d) Special measures applicable to vulnerable persons

- The operations of the Border Guard shall be organised in conformity with the law, humanism, human rights, transparency, a single command structure, and based upon the assistance of the inhabitants.
- The Border Guard shall protect the rights and lawful interests of persons irrespective of their citizenship, social, financial or other status, race or nationality, gender or age, education or language, attitude towards religion, or political or other opinions.

- The Border Guard shall ensure that the rights of a person to move from one state to another state are observed.
- The Border Guard shall provide an opportunity for arrested persons to exercise their rights to a legal defence.
- It is prohibited to use force and firearm against women, persons with visible signs of disability and minors except in cases when their actions threaten the life or health of other persons or when they demonstrate armed resistance or conduct an armed attack.

**RELEVANT APPLICABLE LAW:**

3(c): Immigration Law, Section 47, Asylum Law, Sections 20 (1), 23 (1)

**4. Use of force/weapons****a) Define the principles on the use of force**

According to Latvian Border Guard Law Border guards, during performance of service duty, have the right to use of force, in order:

- to repel an attack on border guards and other persons;
- to arrest law-breakers who, with malicious intent, do not submit to or resist border guards; and
- to repel assault to buildings, separate premises and means of transport that are guarded by border guards, as well as to liberate these objects if they have been taken over by armed persons.

**b) Define the principles on the use of weapons**

A border guard is entitled to use a firearm in order:

- to repel an armed attack in the territory of Latvia or to terminate armed resistance by attackers;
- to arrest a person violating the State border, if there is no other way of arresting the person;
- to repel an attack and to terminate resistance, also an attack and resistance by unarmed persons, if actual threats are created to the life of the border guard or other persons and if it is not possible to prevent such or if it is necessary to prevent an attempt to obtain a firearm through violence;
- to stop a means of transport, causing damage to it, if its driver through his or her actions is causing actual threats to the life or health of a border guard or other persons and does not submit to a request by a border guard to stop the means of transport and if there is no other way to arrest the driver.

**c) Define the type of equipment/weapons permissible**

Border guards, during performance of service duty, have the right to use physical force, special devices (handcuffs, truncheons, electric shock, tear gas or other substances, stopping devices for means of transport).

**d) Define the conditions to use coercive measures/weapons (warnings, targets, etc)**

A border guard is entitled to use a firearm in order:

- to repel an armed attack in the territory of Latvia or to terminate armed resistance by attackers;
- to arrest a person violating the State border, if there is no other way of arresting the person;



- to repel an attack and to terminate resistance, also an attack and resistance by unarmed persons, if actual threats are created to the life of the border guard or other persons and if it is not possible to prevent such or if it is necessary to prevent an attempt to obtain a firearm through violence;
- to stop a means of transport, causing damage to it, if its driver through his or her actions is causing actual threats to the life or health of a border guard or other persons and does not submit to a request by a border guard to stop the means of transport and if there is no other way to arrest the driver.  
Before using a firearm, a warning that it will be used must be given. If necessary, a warning shot may be given.

A firearm may be used without a warning if the attack is sudden or if weapons or any other type of mechanical means of transport are used in the attack.

A border guard has the right to use a firearm to give an alarm signal or to summon help.

It is prohibited to use a firearm:

- against women, persons with visible signs of disability and minors except in cases when their actions threaten the life or health of other persons or when they demonstrate armed resistance or conduct an armed attack; and
- in cases when other persons may suffer as a result of its use.

e) Define the immediate measures to be taken following the use of coercive measure/weapons

The type of special device used shall be determined by the nature of the specific violation and the individual features of the person committing the violation. In using special devices, the injury caused by such devices shall be maximally restricted, and first aid shall be ensured for victims if it is necessary. If, as a result of the use of physical force or special devices, an injury has been caused to a person, or his or her death has occurred, the border guard shall without delay inform his or her immediate supervisor regarding this, who shall communicate this fact to the relevant district (republic city) prosecutor.

f) Special rules to dog handlers

Service dogs are considered special equipment Border Guard Law and are subject to conditions specified under 4 a) and 4 d).

**RELEVANT APPLICABLE LAW:**

4: Border Guard Law, Sections 17, 18

## 5. Border checks

- a) Rules guaranteeing protection of fundamental rights of any person seeking to cross borders, i.e. prohibition of inhuman and degrading treatments, prohibition of discrimination, protection of human dignity, right to be informed, etc.

(1) The operations of the Border Guard shall be organised in conformity with the law, humanism, human rights, transparency, a single command structure, and based upon the assistance of the inhabitants.

(2) The Border Guard shall protect the rights and lawful interests of persons irrespective of their citizenship, social, financial or other status, race or nationality, gender or age, education or language, attitude towards religion, or political or other opinions.

(3) The Border Guard shall ensure that the rights of a person to move from one state to another state are observed.

(4) The Border Guard shall provide an opportunity for arrested persons to exercise their rights to a legal defence.

*b) Examinations of applications for international protection (including asylum)*

(1) A person shall submit an application regarding granting of refugee or alternative status (hereinafter - application) in person to the State Border Guard:

- at the border control point prior to entering the Republic of Latvia; or
- in the territorial unit of the State Border Guard, if the person is in the Republic of Latvia.

(2) An asylum seeker shall be identified by the State Border Guard. The State Border Guard has the following rights:

- to perform inspection of an asylum seeker and possessions thereof, as well as to seize objects and documents, if they may have a significance in examination of an application or if they may pose a threat to the asylum seeker or those around him or her. A report shall be drawn up regarding these activities;
- to specify and organise expert-examinations and inspections of documents, objects or language or medical and other expert-examinations and inspections in order to identify an asylum seeker; and
- to take the fingerprints of an asylum seeker and photograph him or her.
- The State Border Guard shall conduct an interview with an asylum seeker. The interview may be recorded by sound and image recording, informing the asylum seeker thereof beforehand. The interview shall not be conducted if, in accordance with the conclusion of a physician, the asylum seeker has permanent health disorders which do not allow it.
- The State Border Guard shall submit information regarding an asylum seeker at the disposal thereof, the information obtained during interviews and the application to the Office of Citizenship and Migration Affairs (hereinafter - Office).

*c) Define the tasks of the member of the FBGT while border checking of third country nationals (first line check, second line check, etc.)*

As specified in Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 (Schengen Borders Code).

*d) Rules for security body searches and evidence collection in the BCP*

See 2 b) above.

*e) Status assessment and procedure to be followed*

See 3 c) above.

f) Special measures applicable to vulnerable persons

See 5 a) above.

g) Rules regulating consultation of national databases

The State Border Guard shall organise a Border Guarding Information System for the provision of the State border regime. The following information shall be registered in the Border Guarding Information System:

- regarding events related to illegal crossing of the State border, non-compliance with the requirements specified for the State border zone, borderland and border area or at border crossing points, illegal movement of property and goods across the State border, as well as the persons involved in such events;
  - regarding the vessels registered with the State Border Guard and vehicles, which are used in internal waters, along which the external border has been determined; and
  - regarding the persons to whom special passes have been issued, cancelled or refused.
- The Cabinet shall determine the amount of information to be included in the Border Guarding Information System and the time periods for storage, as well as the State administrative institutions, which shall be granted access to such information.

h) Procedure related to stamping

A border guard shall affix, according to the Schengen Borders Code, on the travel document of a third-country national a stamp authorizing crossing of the border if such national has been granted authorization to cross the external border (See Article 10 of Regulation 2007/2004).

**RELEVANT APPLICABLE LAW:**

5(a): **Border Guard Law**, Section 3.

5(b): **Asylum Law**, Section 6.

5(g): On the State Border of the Republic of Latvia, Section 9.<sup>1</sup>

## LITHUANIA

### Description of the tasks and special instructions for the members of the EBGT<sup>19</sup>

#### ARTICLE 3b (4) OF FRONTEX REGULATION

*"Members of the European Border Guard Teams shall, in the performance of their tasks and in the exercise of their powers, fully respect fundamental rights, including access to asylum procedures, and human dignity. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures..."*

The national border guard service of host countries and first of all the local staff has the leading role of the implementation this joint operation. The members of EBGTs, support the local staff and based on their (different) mandate carry out measures in line and in agreed way with the officials of local staff based on in accordance with the Schengen Border Code.

#### 1. Border surveillance

##### (a) Surveillance methods (stationary surveillance, patrolling, etc)

- Patrol
- Observation post
- Barrier
- Ambush
- Video and (or) alarm system operator

##### (b) General tasks of the members of the EBGT

In general, the tasks performed by the member of the EBGT, as defined in Schengen Handbook are:

- to monitor the terrain they operate in,
- to ensure that there is no risk to public policy and internal security in the patrolling area,
- to check documents of persons being in the area, who are not known to the patrol team,
- to stop all suspected persons who do not have any documents and ask them to explain in detail their reasons for being in that area,
- to stop and bring to the nearest border guard's station persons who crossed or tried to cross the border illegally

<sup>19</sup> Pursuant to the provision of Article 3a(d) of the Frontex Regulation

(c) Specific tasks/instructions in relation to each surveillance method

- Patrols: on foot, by ski, bikes, service cars, etc. It is a main border surveillance method to organize border surveillance at the “green border”.
- Observation post could be stationary then officers are located in observation towers or other facilities with stationary equipment or mobile then officers perform their duties in one or more designated places without fixed monitoring equipment.
- Barrier - it is border guards group aligned along threshold to detain persons who illegally crossed the border or have intentions to do that in an unspecified location.
- Ambush - it is a type of border surveillance method then border guard have preliminary findings about possible illegal activities at the border and are waiting in hidden places to prevent those activities.
- Video and (or) alarm system operator is working in border stations or BCP and monitor all situation at the border sections where surveillance cameras, alarm systems, etc. are installed.

(d) Definition of restrictions on access to some areas (e.g., military area and who/under-what-conditions is entitled to access)

Armory - it is allowed to enter this room only for duty officers, who are responsible for the security of this room, management of the units and gunsmiths who are responsible for weapons maintenance.

(e) Definition of the possibility/conditions of hot pursuit

In accordance with Lithuanian State Border Guard Service Act Border Guard officers can carry out hot pursuit at all territory of Republic of Lithuania.

**RELEVANT APPLICABLE LAW:**

**2. Interception/apprehension**

*Persons who crossed or tried to cross the border illegally shall be brought to the nearest border guards' station according to the Schengen Handbook.*

a) Definition of the actions to be taken towards apprehended persons

Persons who have not been permitted to cross the border or have illegally crossed the external border shall be detained and returned into the state from or through which they arrived, taking account of the specifications provided for in the Citizen of the European Union Act. Expulsion shall be completed within 48 hours from the moment of detainment. Persons to be expelled shall be detained in the border stations, BCP or other places where is temporary detention facilities.

b) Rules for security body searches and evidence collection on the spot

In accordance with Lithuanian Administrative Code and Lithuanian State Border Guard Service Act Border Guard officers can do searches to check and seize personal as follows (Article 20 point General Officer's powers):

- Make a personal inspection and inspection of objects, to detain individuals suspected of breaking the rules of border crossing and customs rules, border sector or border crossing point regime, deliver

offenders to the Office, the police official premises for personal identification and administrative offense protocol recording.

c) Transportation of migrants to the nearest BPU/BCP - security standards; rules and instructions;

Security standards shall depend on circumstances specific to the task and a relevant risk assessment. In general, the escorting officials are required to prevent a possible escape by the apprehended person, while ensuring the safety of the apprehended person as well as that of their own.

**RELEVANT APPLICABLE LAW:**

**3. Follow up measures at the BPU/BCP/reception centre**

a) Rules for security body searches and evidence collection in the BPU/BCP/reception centre;

See 2 b) above.

b) Basic human needs met prior the reception activities;

According to Lithuanian Act "On the legal status of foreigners" the basic human needs are guaranteed only for foreigners who are applying for international protection (including asylum). For them are guaranteed transportation from BCP to Foreigners Registration Centre, accommodation there, food and medical assistance. All basic human needs are only provided till the decision on foreigner status is made.

c) Status assessment and procedure to be followed

In case when a person is trying to cross the border expresses, in any way, a fear of suffering serious harm if (s)he is returned to his/her country of origin or former habitual residence, or if he/she asks for asylum members of the EBGs shall refer to the senior supervising officer of the host MS who will start procedure of the alien's legal status determination.

d) Special measures applicable to vulnerable persons

All special treatment to vulnerable groups of apprehended persons, i.e.: unaccompanied minors, women victims of trafficking or pregnant, disabled persons and victims of exploitation or trafficking, etc. is provided after delivering them to Foreigner's Registration Centre, so EGBT members will not be involved in this activity in Lithuania.

**RELEVANT APPLICABLE LAW:**

**4. Use of force/weapons**

(a) Define the principles on the use of force

When using force, members of the EBGs shall not exceed the minimum degree that is necessary, proportional and reasonable in the circumstances. The force of force or coercive measures is possible for the performance of duty or in legitimate self-defence and in legitimate defence of other persons.

Border guard's rights of the use of special measures and service weapons are established in the Lithuanian State Border Guard Service Act.

**Article 22. Firearm and the use of special measures principles:**

"Officials have the right to use firearms and the specific measures only in situations, established by legal acts and taking into account kind of offence, the offender's personality and particular situation."

The force of force or coercive measures is possible for the performance of duty or in legitimate self-defence and in legitimate defence of other persons.

If circumstances warrant, the firearm and the use of special measures should be aware of shouts a warning shot.

**(b) Define the principles on the use of weapons**

The use of firearms, as it may affect the life or health of persons is the last resource of the actions of guard officials. Firearms may only be used in case of legitimate self-defence and in legitimate defence of other persons. If the use of a firearm is inevitable the members of the EBGs shall ensure that it will be done in such a way that causes the less possible injuries.

The same answer as in point a)

**(c) Define the type of equipment/weapons permissible**

- All type of firearms
- Other equipment:
  - Aerosol gas jets, sticks with built-in sprinklers, gas generators, handcuffs, gas ammunition, forced stopping means of vehicles, electric shock devices, rescue equipment, sticks, special non-lethal ammunition and guns, service dogs and marking cartridges

**(d) Define the conditions to use coercive measures/weapons (warnings, targets, etc)**

Border guard's rights of the use of special measures and service weapons are established in the Lithuanian State Border Guard Service Act.

**Article 23. p 1 . The officer has the right to use a firearm:**

1. countering an armed invasion of the Republic of Lithuania, the protected object or preventing a theft of aircraft, ship, or other vehicle with no passengers;
2. When a person, ship, aircraft or other vehicle cross the border outlawed in unidentified place or location or cross the border in an unauthorized way and this creates a real risk officer or another person's life or health, or disobey official's clearly expressed orders to stop or there was no possibility to arrest them in any other way;
3. detaining the vehicle in border area, if the driver with his act creates a real risk officer or another person's life or health, or disobey official's clearly expressed orders to stop or there was no possibility to arrest them in any other way;
4. in other cases established in police law.

Article 23. p 2. Use of special measures.

The officer performing its official duties have the right to use special tools (batons, handcuffs, strapping, gas, forced vehicle suspension measures, service dogs, a firearm with a special non-lethal munitions and other active and passive defense measures, confirmed by the Minister of Internal Affairs) in case of:

1. Countering the assault against the officers and other persons who carry out duties at the border, at the border control point and other in the protected areas;
2. Detaining violators of the border or other protected areas, who disobey legal requirements of Officer;
3. Releasing the hostages;
4. Preventing violations of law at the border, border crossing points and protected areas;
5. Countering assaults of protected officials, buildings, individual rooms and vehicle or releasing these objects;
6. In other cases established in police legal acts.

Article 23. p 3. Firearm, special measures may be used without warning:

1. When the officer or other person is attacked using a weapon unexpected;
2. When attacked using combat technique, vessel, aircraft or other vehicle;
3. In case of armed resistance;
4. Releasing of the hostages;
5. In other cases established in police law.

Article 23. p 5. Use of firearms or any special tools is forbidden:

1. against a ship, aircraft and other vehicles with passengers;
2. against those officers face accidentally crossed the border by accident or in case of force majeure;
3. in places with explosives, ammunition, flammable materials that could pose a risk to human life and health or public safety;
4. against persons, buildings, facilities, vehicles, having the integrity of law;
5. In crowded places if it endangers other persons;
6. against a person who has got a minors with;
7. against women, it is clear that they are pregnant, as well as against individuals, where it is clear that they are disabled, against minors, if their age is known to official or the appearance matches the age, unless they attack in way dangerous to life or health.

*(e) Define the immediate measures to be taken following the use of coercive measure/weapons*

The use of firearms against person shall be reported to the prosecutor immediately and the use of special measures to the direct superior officer.

*(f) Special rules to dog handlers*



Then person (s) check is performed by dog handler with service dog he/she must be warned that it is not allowed to do sudden moves and resist to legitimate officers actions, otherwise service dog will be used without warning. During documents check all person should be visible for service dog.

During foot patrol dog handler goes ahead of other officers in distance which allows to keep good interaction between them.

Before a search of locations, buildings or other objects dog handler must loudly announce: "The State Border Guard Service, please go out, otherwise it will be used service dog" and then repeat, "The State Border Guard Service, stand still, service dog is released".

During inspection of the vehicles dog handler with service dog must check passengers, their luggage, also be familiar with vehicle constructions, possible hiding places installations and give special attention to these places. Be aware of the risk factors, to be able according to the risk characteristics to profile passengers, their luggage and vehicles.

<b>RELEVANT APPLICABLE LAW:</b>
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## 5. Border checks

- (a) Rules guaranteeing protection of fundamental rights of any person seeking to cross borders, i.e. prohibition of inhuman and degrading treatments, prohibition of discrimination, protection of human dignity, right to be informed, etc.

Fundamental Rights enshrined in the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union must be guaranteed to any person seeking to cross borders. Border control must notably fully comply with the prohibition of inhuman and degrading treatments and the prohibition of discrimination enshrined, respectively, in Articles 3 and 14 of the European Convention on Human Rights and in Articles 4 and 21 of the Charter of Fundamental Right of the European Union.

All travelers have the right to be informed on the nature of the control and to a professional, friendly and courteous treatment, in accordance with applicable international, EU and national law.

EBGTs shall, in the performance of their duties, fully respect human dignity. Any measures taken in the performance of their duties shall be proportionate to the objectives pursued by such measures. While carrying out border checks, border guards shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

- (b) Examinations of applications for international protection (including asylum)

Applications for international protection (including asylum) should be delivered personally by foreigners (exception in case of minors, then one of the family members can do that of behalf of them) to State Border Guard Service officers at BCP, in the territory of the Republic of Lithuania, which is covered by the legal regime and Foreigners Registration Centre or to police officers at local Police offices. In 24 hours border guards or police officers should collect all necessary data about foreigner and send his/her case to Migration Department which is responsible for examination of applications. Till decision regarding status of foreigner is made he/she remains in Foreigners Registration Centre.

In case guest officer will have a procedure with a person that would express wish for international protection, she/he would have to inform Lithuanian officer, who would take over the procedure.

- (c) Define the tasks of the member of the EBGT while border checking of third country nationals (first line check, second line check, etc.)

Border check procedures in Lithuania are carried out in accordance with Schengen Borders Code and Lithuanian State Border Guard Service Act.

- (d) Rules for security body searches and evidence collection in the BCP

See 2 b) above.

- (e) Status assessment and procedure to be followed

See 3 c) above.

- (f) Special measures applicable to vulnerable persons

See 3 d) above.

- (g) Rules regulating consultation of national databases

In purpose to get an access to National data base and SIS, national border guard officer must fill an access request and after short check get an access key. Since the interface of our national databases and SIS is in Lithuanian language, members of the EBGT will be able to consult these national databases only through Lithuanian border guard officers.

- (h) Procedure related to stamping

Members of the EBGT cannot stamp travel documents.

RELEVANT APPLICABLE LAW:
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## Norway

### Description of the tasks and special instructions for the members of the EBG<sup>20</sup>

#### Use of force/weapons

##### a) Define the principles on the use of force

When using force, members of the EBGs shall not exceed the minimum degree that is necessary, proportional and reasonable in the circumstances. The use of force or coercive measures is possible for the performance of duty or in legitimate self-defence and in legitimate defence of other persons.

The GO shall follow the instructions of the police/border guard of the host member state.

##### b) Define the principles on the use of weapons

At Storskog BCP, weapons are not carried by the border guards, police officers or customs officers, neither openly nor concealed

##### c) Define the type of equipment/weapons permissible

Handcuffs, weapon-stick, pepper spray are being carried by the police and border guard.

Handcuffs are being carried by the Customs.

#### Access to information systems

Guest officers have access to wi-fi internet. Guest officers will also be given training and access to the registration systems relevant to the border control, in cooperation with Norwegian police/border guard.

#### Border checks

Rules guaranteeing protection of fundamental rights of any person seeking to cross borders, i.e. prohibition of inhuman and degrading treatments, prohibition of discrimination, protection of human dignity, right to be informed, etc

Fundamental Rights enshrined in the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union must be guaranteed to any person seeking to cross borders. Border control must notably fully comply with the prohibition of inhuman and degrading treatments and the prohibition of discrimination enshrined, respectively, in Articles 3 and 14 of the European Convention on Human Rights and in Articles 4 and 21 of the Charter of Fundamental Right of the European Union. All travellers have the right to be informed on the nature of the control and to a professional, friendly and courteous treatment, in accordance with applicable international, EU and national law.

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<sup>20</sup> Pursuant to the provision of Article 3a(d) of the Frontex Regulation

EBGTs shall, in the performance of their duties, fully respect human dignity. Any measures taken in the performance of their duties shall be proportionate to the objectives pursued by such measures. While carrying out border checks, police/border guards shall not discriminate against persons on grounds of sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation

Any GO's practical activities shall be conducted under supervision

Examinations of applications for international protection (including asylum)

All applications for international protection (including asylum) lodged at the border must be examined by Member States in order to assess, on the basis of the criteria laid down in Council Directive 2004/83/EC of 29 April 2004, whether the applicant qualifies either for refugee status, in accordance with the Geneva Convention relating to the Status of Refugees of 28 July 1951 as supplemented by the New York Protocol of 31 January 1967, or for subsidiary protection status, as defined in the same Directive.

Define the tasks of the member of the EBGT while border checking of third country nationals:

- to assist at performing border checks in joint teams consisting of officer of police, services of the host MSs, special advisers and observers and share expertise on his specific subject
- to support the first and second line checks
- to profile passengers in order to detect irregular migrants and victims of cross-border crime
- to detect false/falsified documents and more kinds of cross-border criminality
- to detect stolen vehicles in cooperation with the competent authorities
- to share experience and exchange expertise with officers from the border guard service of the host MS.

Special measures applicable to vulnerable persons

Members of the EBGTs shall support the host MS authorities providing special treatment to vulnerable groups of apprehended persons, i.e.: unaccompanied minors, women victims of trafficking or pregnant, disabled persons and victims of exploitation or trafficking, etc

Any GO's activities in this range shall be undertaken only under strict supervision and coordination of a Norwegian police.

## POLAND

### Description of the tasks and special instructions for the members of the EBG

All guest officers deployed to perform duties shall realise any service activity under the supervision of the Polish Border Guard officers.

#### 1. Border surveillance

##### (a) Surveillance methods:

- in the border crossing points:
  - border traffic control
  - border crossing points monitoring
- directly at the state border:
  - patrolling
  - use of surveillance vehicles
  - use of mobile thermo-vision cameras
- in the border region:
  - mobile patrols

##### (b) Specific tasks/instructions in relation to each surveillance method:

- to cooperate closely with the host staff;
- to perform tasks described in the operational plan especially the ones assigned to the place of deployment;
- to support practically the local staff in carrying out their tasks;
- to contribute actively to the process of full integration of the host officers and other guest officers (FP missions);
- to report any incidents concerning his/her deployment including indisposition, health problems, travels/transportation issues, etc./

##### (c) Definition of restrictions on access to some areas:

the guest officers will have access to the PBG systems/areas under supervision of the local staff

##### (d) Definition of the possibility/conditions of hot pursuit:

General rules for pursuit are indicated in the Art. 41 of the Schengen Convention implementing the Schengen Agreement. With respect to the Polish Border Guard the pursuit issue is regulated by the bilateral agreements and executive acts in the form of Ordinance No 40 issued on 13.10.2011 by the Commander-in-Chief of the Polish Border Guard.

## 2. Interception/apprehension.

- (a) Definition of the actions to be taken towards apprehended persons;
- (b) Rules for security of body searches and evidence collection on the spot;
- (c) Transportation of migrants to the nearest BPU/BCP - security standards; rules and instructions;

Any GO's activities concerning a, b and c shall be undertaken only under strict supervision and coordination of a PBG officer.

Actions to be taken towards apprehended persons, rules for security body searches and evidence collection on the spot as well as transportation of migrants, security standards, rules and instructions are elaborately indicated in the Regulation of Council of Ministers of 05.09.2014 on the manner and procedure of exercising certain powers by the border guard officers.

## 3. Follow up measures at the BPU/BCP /reception centre.

- (a) Rules for security body searches and evidence collection in the BPU/BCP/reception centre

If any activity concerning body searches or evidence collection is necessary from the EBG Member, it shall be realized under strict supervision of a PBG officer.

Actions to be taken towards apprehended persons, rules for security body searches and evidence collection on the spot as well as transportation of migrants, security standards, rules and instructions are elaborately indicated in the Regulation of Council of Ministers of 05.09.2014 on the manner and procedure of exercising certain powers by the border guard officers.

- (b) Basic human needs met prior the reception activities;

Members of the EBGs shall, prior to any other action described below, and when required, support the host MS authority rendering the basic human needs of apprehended persons such as food and medical assistance, etc.

- (c) Status assessment and procedure to be followed;

Members of the EBGs shall support PBG officers in examining the personal circumstances of each person before removal. Collective expulsions are prohibited.

Members of the EBG shall support the host authorities in assessing whether a possible removal could lead to a violation of the principle of non refoulement. No person shall be returned to a country where there is a serious risk that he or she would be subjected to the death penalty, torture, persecution or other inhuman or degrading treatment or punishment, or where his or her life or freedom would be threatened on account of his or her race, religion, nationality, sexual orientation, membership of a particular social group or political opinion; or from which there is a serious risk of such an expulsion or removal to another country in contravention of the principle of non-refoulement.

- (d) Special measures applicable to vulnerable persons;

Members of the EBGs shall support the host MS authorities providing protection to vulnerable groups of apprehended persons. They shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, victims of human trafficking disabled people, elderly people, pregnant women, single parents with minor children, persons with serious illnesses, persons with mental disorders and persons who could have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence. Any GO's activities in this range shall be undertaken only under strict supervision and coordination of a Polish border guard.

As for the mechanisms applicable at the border for asylum seekers and unaccompanied minors, they are as follows:

The institutions responsible for reception of application for international protection at the border are Commanders of Border Guards Posts. The institution responsible for dealing with the application for refugee status (issuing decisions on refugee status) is the Head of the Office for Foreigners.

As a general rule the decision on international protection is issued within 6 months. If the application is manifestly unfounded the decision is issued within 30 days.

If the applicant is to be located in the open reception centre he/she is obliged to report to the reception centre within 2 days as of submitting the application.

The authority admitting the application for granting the international protection, submitted by an unaccompanied minor shall apply immediately to the custody court having jurisdiction over the place in which such minor stays, with an application to establish a custody to represent the minor in the proceeding for granting the international protection and place the minor in care and educational centre.

In case the fact that the applicant is an unaccompanied minor is disclosed already during the proceeding, the Head of the Office for Foreigners shall submit the above mentioned application to the custody court.

The authority admitting the application shall bring an unaccompanied minor to professional non-related with the child foster family functioning as emergency shelter in crisis situations, or care of an educational centre.

The unaccompanied minor shall stay in the professional non-related with the child foster family functioning as emergency shelter in crisis situation or in care of an educational centre until the moment decision is given by the custodian court.

National legislation does not allow the detention of unaccompanied minors seeking a refugee status. Regular unaccompanied minors of age above 15 years staying illegally (not seeking a refugee status) may be placed in the detention centre. The unaccompanied minors placed in a detention centre are separated from the adults. The placement of unaccompanied minor in detention centre however has the character of last resort measure because a general rule is to place such a person in care of an educational centre.

The minors may be located in detention centre with their families if there are grounds for detention. The minors are located only in detention centres with appropriate infrastructure and organisation to accommodate families with children. Such detention centres provide for the minors a possibility to attend school and realize a standard school programme appropriate for their age. Except for school programme, there are also special educational recreation and sport classes organised by professional pedagogues trained also in the area of multicultural education.

#### **4. Use of force/weapons.**

##### **1) PERMISSIBLE SERVICE WEAPONS**

Border guards are equipped with service weapons on the basis of the Border Guard Act of 12 October 1990 on the Border Guard and implementing provisions, ie:

Regulation of the Minister of Interior of 09.05.2014 on Border Guard's weapons and Ordinance No. 66 of the Commander-in-Chief of the Border Guard of 29 December 2005 regulating the quotas of weapons for individual border guards and groups, as well as quotas of special equipment for organizational units and individual Border Guard officers, as well as the conditions of assigning and using the Border Guard's weapons.

The Border Guard is equipped with the following firearms:

- firearms, in the form of:
  - pistols, eg.: 9 mm P-83; 9 mm p-99,
  - revolvers, eg.: 9,65 mm revolver 38 R-2; 9,65 mm revolver 38 R-4,
  - smoothbores, eg.: 12/70 smoothbore MOSSBERG
  - submachine guns, eg.: 9 mm PM-98,
  - carbines, eg.: 7,62 mm carbine AKMS,
  - sniper carbines/rifles, eg.: 7, 62 carbine SWD
  - machine guns, eg. 7,62 mm machine gun PKM
- devices used for throwing chemical and other incapacitating agents (gas pistols and revolvers, gas (gel) throwers, eg.: disabling net throwers /SZO-84 disabling net set/);
- signal pistols eg. 26 mm signal pistol model 78.

## **2) PERMISSIBLE AMMUNITION**

Border Guard officers are equipped with ammunition for their service weapons on the basis of the Border Guard Act of 12 October 1990 on the Border Guard and implementing provisions, ie:

Regulation of the Minister of Interior of 09.05.2014 on Border Guard weapons and Ordinance No. 66 of the Commander-in-Chief of the Border Guard of 29 December 2005 regulating the quotas of weapons for individual border guards and groups, as well as quotas of special equipment for organizational units and individual Border Guard officers, as well as the conditions of assigning and using the Border Guard's weapons.

It is allowed to use all types of ammunition used in a given type of weapons certified for use on the territory of Poland.

## **3) PERMISSIBLE EQUIPMENT**

Means of direct coercion allowed for use by Border Guard officers are specified by Regulation of the Minister of Interior of 09.05.2014 on the coercion means and firearms allowed to be used by the Border Guard. They include:

- physical force in the form of incapacitating holds and other similar techniques of defense and attack;
- (multifunctional) service clubs;
- electric paralyzers;
- handcuffs;
- disabling belts;
- leads;
- straitjackets;
- disabling nets;
- road spikes or other obstacles for stopping vehicles;
- chemical agents (gas, gel throwers);
- dogs;
- non-penetrating bullets fired from firearms;
- battlefield simulation systems;
- disabling nets for devices and throwers etc.



Apart from the above: all special technical equipment and individual protection measures, border traffic control equipment, optical, night vision, laboratory and inspection equipment, equipment for securing micro-traces, criminalistics equipment sets, engineering, optical, photographic and audiovisual equipment, individual means for protection against chemical agents and contamination, equipment for small arms and special equipment.

#### **1. THE CONDITIONS OF USE FOR THE PERMISSIBLE WEAPONS**

Cases in which firearms may be used are specified in the Law on Direct Coercion Means of 24 May 2013.

The permissible weapons may be used in case at least one of the below circumstances occur:

- in order to repel direct and unlawful attempt against life, health or freedom of the officer or another person and in order to counteract activities leading directly to such attempt;
- in order to repel direct and unlawful attempt against structures serving state defense or important to the national economy, as well as structures of the Border Guard or serving state border protection;
- in order to repel attempt against property, also constituting direct threat to human life, health or freedom;
- in order to repel direct attempt against integrity of the State border by a person / persons attempting to cross the State border by force using a vehicle, firearms or other dangerous objects;
- in order to repel a violent, direct and unlawful attempt against a convoy protecting persons, documents containing information constituting a state secret, money or other valuables;
- against a person not obeying the order to immediately drop their weapons or another dangerous tool the use whereof may endanger life, health or freedom of the officer or another person;
- against a person attempting to take, unlawfully and by force, the firearms from the officer or another person authorised to carry firearms;
- in direct pursuit of a person with regard to whom the use of weapons has been permitted in cases provided for in (1) - (6) or of a person with regard to whom there exists a justified suspicion of committing murder, terrorist attack, abduction of a person in order to extort ransom, or of specific behaviour, mugging, robbery with violence, extortion racket, intentional severe bodily injury, rape, arson or otherwise intentional threats to life or health;
- in order to detain a person / persons suspected of committing a crime, if they have taken refuge in a place difficult of access, and accompanying circumstances imply they may use firearms or another dangerous tool the use whereof may endanger life or health;
- in order to detain or prevent the escape of a person / persons detained, temporarily arrested or serving a sentence of imprisonment, if:
  - escape of an imprisoned person / persons constitutes a threat to human life or health,
  - there exists a justified suspicion that an imprisoned person / persons may use firearms, explosives or a dangerous tools;

(...)

In actions by reserve troops within the territorial range of the border crossing point and in the border zone, the use of firearms can solely take place upon the order of the commander thereof.

The use of firearms should not be aimed at deprivation of life; the least possible harm should be caused to the persons against whom firearms have been used; third persons should not be exposed to the risk of losing life or health.

#### **Procedures of use of firearms by border guards.**

Border guards may use firearms in cases specified above (the Law on Direct Coercion Means of 24 May 2013).

Use of firearms should be understood as releasing a shot in the direction of a person with the aim to overpower this person, after all other procedures have been used.

When using firearms border guards shall act with particular deliberation, and they should treat their firearms as a means of last resort.

Before using firearms the border guards shall :

- (1) shout "Freeze! Border Guard" ("Stój! Straż Graniczna") and then order the person to act in accordance with the law, and especially to drop weapons or dangerous tools, cease escaping, cease carrying out illegal activities or committing violence.
- (2) in case of disobedience to the orders mentioned in point 1, threaten to use firearms by shouting: "Freeze, or I shoot" ("Stój, bo strzelam"),
- (3) if the orders, mentioned in points 1 and 2, prove ineffective - release a warning shot in such a way as not endanger human life or health.
  - Provisions of section (1) shall not be applied if any delay could cause danger to human life.
  - Use of firearms in the circumstances mentioned in section (2) should be preceded by shouting "Freeze! Border Guard".
  - Use of firearms by releasing a shot shall not involve shooting into the territory of the neighbouring country.

Firearms shall not be used in relation to visibly pregnant women, persons whose appearance suggest that they are in the age of 13 or younger, elderly people or persons with visible disabilities.

If a person is injured as the result of use of firearms, the border guard shall immediately provide first aid to this person, as well as take steps to ensure emergency medical assistance, within the meaning of the Act on State Medical Emergency Services.

The border guard may refrain from providing first aid in case it endangers life, health or safety of the border guard or other persons.

When the use of firearms has caused death of a person or damage of property, the border guard shall:

- 1) secure traces present in the place where the incident occurred and protect this place against access of strangers,
- 2) if possible, identify (establish) witnesses of the incident.

The border guard officer shall inform his/her direct superior about every case of use of firearms and he/she shall submit a report concerning the incident in writing to the superior.

The above mentioned report shall include:

- the rank, name and surname of the border guard involved,
- time and place of use of firearms,
- data of the person against whom the firearms was used,
- particular reasons for use of firearms and type of firearms used,
- description of the procedure preceding the use of firearms,

- effects of use of firearms,
- other important circumstances of the incident,
- data of the identified (established) witnesses of the incident,
- signature of the border guard preparing the report.

Direct superior of the border guard shall immediately secure all traces and evidence connected to the use of firearms and provide the border guard with the necessary assistance.

The competent territorial unit of the Border Guard shall:

- immediately notify every case of use of firearms to a direct superior, and if the use of firearms resulted in death or injury of a person - also to the prosecutor,
- investigate if the use of firearms took place in accordance with applicable provisions.

#### **5. THE CONDITIONS OF USE FOR THE PERMISSIBLE AMMUNITION**

There are no separate provisions regulating the conditions of use of live ammunition. However, there are general conditions and rules of use means of direct coercion, including firearms (see conditions of use for permissible weapons).

#### **2. THE CONDITIONS OF USE FOR THE PERMISSIBLE EQUIPMENT**

Conditions and methods of use of means of direct coercion by Border Guard officers are provided for in the Law on Direct Coercion Means of 24 May 2013.

#### Conditions and methods of use of means of direct coercion by Border Guard officers:

- 1) Means of direct coercion may be used after previous order to act in accordance with the law and after a warning about their use, which proves ineffective.
- 2) A border guard may refrain from ordering the person concerned to act in accordance with the law and warning him or her about using the means of direct coercion if any delay could result in a danger to:
  - human life or health,
  - property, if human life, health of freedom is directly threatened at the same time.
- 3) Means of direct coercion shall be used in such a way as to force obedience to the orders given on the basis of the law and at the same time cause the least possible harm.
- 4) Various means of direct coercion may be used at the same time if it is necessary to achieve obedience to the orders given.
- 5) The means of direct coercion should cease to be used once the person, against whom the means were used, begins to obey the orders given.
- 6) In relation to visibly pregnant women, persons whose appearance suggests that they are in the age of 13 or younger, elderly people or persons with visible disabilities only, incapacitating hold may be used.

The border guard has the right to use the following means of direct coercion:

- 1) physical force in the form of incapacitating hold and other similar techniques of defense or attack:
  - physical force may be used in defense against an attack or to force obedience or to apprehend a wanted person;

- the use of physical force shall not consist in hitting, striking, punching etc. unless the border guard acts in defense of necessity or in defense against an attempt against human life or health;
- 1) technical devices in the form of handcuffs, leads, straitjackets, disabling belts or nets, as well as road spikes or other obstacles for stopping vehicles:
    - handcuffs may be used in relation to apprehended persons in order to prevent their escape, attack or active resistance.
    - handcuffs may be used by the border guard on the basis of his/her own decision or an order from his/her immediate superior, the court, or the prosecutor.
    - handcuffs are put on hands at the front (of a person). In case a person is aggressive or dangerous, handcuffs may be put on hands at the back (behind the person's back).
    - handcuffs shall be immediately removed after bringing the person to the official premises, as well as during interrogation, unless the person performing the interrogation decides otherwise.
    - handcuffs shall not be used in relation to persons under the age of 17, apart from minors over 15 suspected of committing a crime against life or health.
    - straitjackets, disabling belts or disabling nets may be used in relation to persons whose behaviour constitutes a danger for:
      - human life or health,
      - property, if human life, health or freedom is directly threatened at the same time - if using other means of direct coercion is not possible or have proved not effective,
  - 7) straitjackets or disabling belts may be used in relation to persons present in the official premises in case of:
    - aggressive behaviour,
    - self-aggression,
    - destruction of property
  - 1) disabling net may also be used:
    - in pursuit of a person, about whom there are grounded suspicions that he/she committed a crime,
    - in order to prevent escape of a detained or apprehended person.
  - 2) Persons in relation to whom a straitjacket, a disabling belt or a disabling net was used, should immediately be provided with medical rescue assistance within the meaning of the provisions on State Medical Emergency Service, if there are medical indications for such assistance;
  - 3) A straitjacket, a disabling belt or a disabling net shall be removed immediately if the reasons constituting the grounds for its use cease to exist, or upon the request of a physician;
  - 4) An order to use a straitjacket, a disabling belt or a disabling net is issued by local Border Guard authorities, a person authorised by this authority, or during their absence - the officer on duty (shift manager);
  - 5) During performance of border surveillance tasks, especially patrols or escorting, the order to use the means mentioned in item 1 is issued by the immediate superior of the border guards who carry out the task.
- 2) individual chemical incapacitating agents in the form of gas weapons and handheld gas throwers,
    - Individual chemical incapacitating agents may be used in case of:
      - defense against an attack,
      - counteracting active resistance,