

Illegal Migration – Changing Societies and Police Fields of Action

Autumn conference of the Bundeskriminalamt from 14 to 16 November
2006

**"EU External Borders - Problems and Potential Solutions in
the Overall Context of Migration/Facilitation and Human
Trafficking**

Abstract

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Thank you very much for the invitation to speak to you on the occasion of the Conference. I treat the participation as an honour and opportunity to give contribution into the discussion on problems and potential solutions in the overall context of illegal migration on EU External Border, from the position of Poland.

Problems and needs in the context of EU border.

When discussing problems and needs in the context of EU border, from Polish perspective, the general assessment of the situation at the external borders of EU, should be presented.

Poland's external borders are long, important and pose a considerable challenge. Poland has taken over responsibility for protection of 1570 km of the EU border, including 1.185 km of land borders with Russia (Kaliningrad Oblast), Belarus and Ukraine.

- No considerable changes in border crime trends have been reported. The largest threat of illegal migration exists at the Ukrainian section, where organised, group smuggle in illegal migrants, including Asian countries, prevails.
- Illegal migration of economic background of nationals of Ukraine remains at high level.
- The most difficult problem relates to the phenomenon of inflow of nationals of Russia of Chechen origin (asylum seekers).
- The number of cases of attempted use of false documents, visas and work permits, increased.
- The scale of excise-taxed goods (alcohol and tobacco) remains at the high level.

Does the Polish border security system is „effective” and „risks adjusted”?

- The Schengen 4-tier integrated border security model forms the basis of the border security system in Poland. This means: international cooperation with third countries, activities at the external borders in cooperation with the third countries, border surveillance and border checks at the external borders and inland activities.
- The Polish Border Guard (BG) is an independent, law enforcement, a fully professional organization with responsibility for border security in Poland as its main task. The organization of the BG is centralized and clearly structured. There is a direct line of command between BG units at central, regional and local level ensuring a common approach to border control, a unified planning system and an extensive and fast data flow at all levels of the organization. The command structure is clear. This guarantees a unified approach and rapid reaction along all the borders. The service is in possession of modern, and high-tech equipment and infrastructure. Border checks and surveillance at the border are performed solely by specially trained border guard professionals. Activities are based on systematic risk analyses and on the continuous exchange of information between national cooperative partners and international bodies. This is fully in line with Schengen best practice.
- The BG has powers to police-like activities, including investigation and reconnaissance actions along the green border and in the border zone, as well as in the field of prosecuting border crimes related to illegal stay of aliens and realization of decisions on expulsions – on the territory of entire country.

- Poland developed mechanisms of effective controls of legality of stay of aliens and built an effective removal system from the country. There are legal and executive regulations which determine the BG to play the significant and coordination role in the national system of readmission and expulsions of aliens.

Tactic applied to assure effective protection of the state border

- Cooperation with non-EU neighboring countries is well structured and effective at working levels. Some forms of the cooperation, especially with Ukraine, like common contact points, joint trainings, including tests to organize common patrols, regular exchange of information, JOs, exchange of liaison officers, are quite unique as far as the EU's external borders are concerned.
- The BG set up – wherever possible due to characteristics of the border – integrated border units responsible both for border controls at border crossing points, and the „green” border protection (unified management system and better use of means and resources). It could be considered as a good practice.
- The polish concept on border surveillance is an integrated system based on patrolling, observation by human and technical means, interagency and international cooperation and risk analyses. The border security system allows for effective actions and coordination between BG regions and units, both at central and at regional level as well as local level.
- The patrol system is based on general principles of patrolling, risk assessment and situational analysis and implemented according to daily information and situational factors. The territorial nature of the BG posts allows effective organization of the available means.
- The border control measures at the borders are carried out in accordance with Schengen requirements.

Challenges for the EU MS which result from the migration situation.

- There are a number of challenges the MS are facing and which result from the migration situation. Much of the work in this area relies on adopting harmonised systems, procedures, methods and equipment. In this sense standardisation, regulation and legislation could act as fundamental enablers to achieving an integrated border management strategy system. As it is known the Community policy to solve these challenges is strictly connected with the following elements:
 - a common corps of legislation,
 - a common and operational and co-ordination mechanism,
 - common integrated risk analysis,
 - inter-operational personal and equipment (harmonization of technical equipment),
 - burden-sharing between MS and the Union.
- A turning point in the community approach towards the Integrated Border Control Policies of EU MS was establishment of the European Agency – FRONTEX, with the seat in Warsaw. FRONTEX has identified a number of projects, JOs and border management pilot projects, risk analysis reports to coordinate operational co-operation on external borders of EU and create the mechanism for day-by-day co-operation with all border services of MS.
- FRONTEX is expected to take on an influential role in particular with respect to the coordination of information management systems, interoperability, training and

implementing best practice. But we also need to bear in mind that further progress will also require a lot of further efforts from all of MS. There are many important challenges for them how to implement in practice the following fundamental principles: co-operation, understanding, commitment and communication. The first test will be establishment of rapid reaction teams (RABIT) made of national experts from different MS who can assist in case of sudden mass influx of immigrants.

- The Polish BG was the host of two JOs and participated in some others projects organised under the auspices of FRONTEX. These were/are operations like: ZEUS, NIRIS, HERA II, POSEIDON, AMASON and BORTEC (project, which aims at the devoted to development of general overview of existing and currently used border surveillance systems.
- It is also worth to mention on the Community Programme *Strengthening security in Europe through Research and Technology*. The *Program* is related to presented strategy. Provision of border services with appropriate logistical support is to be regarded as extremely important objectives of the strategy of integrated border management.
- Equipment for border controls should meet all standards with respect to so called first and second-line controls. We are standing on the way to modern technologies of the border control, taking into account the works on introduction of digital images and biometric data. With introduction of this new generation of *e-documents* reading there is ensured facilitation of the process of documents verification and new standards of checking documents.
- As it is know, one of the Schengen recommendations and best practices is to have an integrated electronic surveillance system that covers critical sectors of the border to detect and identify targets and enable immediate reaction. So, on some specified parts of the external border of EU works should be continued on for the purpose of construction of digital systems for border protection. There is need to built an integrated, automated radar surveillance system for sea areas which will be able to cover totally the external border of EU on territorial and internal waters by radar surveillance. These electronic systems should be added to the border strategy as a modern tool which assist making reconnaissance, supply fast situation awareness and preliminary assessment.

Conclusions:

- Currently the prevailing border situation in Poland is relatively stable. But there is full awareness in Poland that the MS societies are greatly interested in problems of internal security. If countries like Poland, generate high level of illegal migration and others crimes related to border it will then have a negative impact on the Community towards the enlargement of Schengen. Hence there is full understanding on needs to monitor the picture very closely since the situation at the borders can change and the country will become more attractive to illegal immigrants once internal border controls have been lifted.
 - Polish experiences allow recommending verified solutions in the field of adjusting the border protection to EU standards. Poland has broad experience in creation a police-type formation dealing with border protection.
 - The enlargement opened a new stage of European co-operation in the area of border issues. We should still eliminate skeptical approach towards capabilities of border services of the “new” MS to provide effective protection of external borders. Border services, like the Polish BG, are reliable partners for all law enforcement agencies

dealing with border issues in the Community. Still trust, understanding, solidarity and readiness to give necessary support are needed. Common understanding, development of exchange of information, understanding problems, and mutual assistance are important factors.

- Membership in the EU reinforces Poland's position in the region. The country is a part of the union co-operation structure. Exchange experiences and information, application of unified methods and tools, participation in operational co-operation on external borders of EU strengthens Polish actions in the field of combating illegal migration. These factors are and will be used in contacts with eastern partners.
- It is necessary to continue to make aware the neighboring countries of the common interest in fight against border crimes. There is need to provide technical assistance to states expressing their will to co-operate with the EU and to improve standards of border protection.
- The use of modern technologies is very important tool to strengthen EU border controls. Changes, that take place at borders, result in the need of constant modification of its protection, among others, through implementation of new techniques and replacement and purchase of equipment of new generation.