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# Introduction

Solon Arditis and Frank Laczko<sup>1</sup>

Welcome to the fifth issue of *Migration Policy Practice*, which focuses on border management and irregular migration, with special reference to current developments in the European Union. This theme has risen considerably on the EU policy agenda over the last 10 years. This can be explained, in particular, by the fact that the Schengen area currently extends along nearly 8,000 km of external land borders and nearly 43,000 km of external sea borders. The number of irregularly staying third-country nationals apprehended in the EU each year is in excess of 500,000 people. In addition, thousands of people are trafficked into the EU or within the EU every year.

The European Commission has developed a range of new measures to improve EU border security by reinforcing border checks, border surveillance and operational coordination between Member States. The Stockholm Programme has also stressed that integrated border management and cooperation with countries of origin and of transit should remain a key priority in this area.

This issue of MPP includes three articles which discuss some of the key tenets of the current EU border management strategy. The first article, by Myria Vassiliadou (the EU Anti-Trafficking Coordinator at the European Commission), is on “Current trends and policies in trafficking in human beings in the European Union”. Coinciding with the launch last month of the European Commission’s 2012–2016 EU Strategy to Eradicate Trafficking in Human Beings, the article discusses the current levels and factors of human trafficking in the European Union, as well as the EU’s political and legal framework to address this phenomenon.

The second article, by Tony Smith (Senior Director for the London 2012 Olympic Programme at the United Kingdom Border Agency), is on “the UK’s immigration control procedures during the London 2012 Olympic Games”. The article discusses some of the UK’s immigration and border control strategies during the 2012 Olympic Games in view of the over 9 million spectators and 120 Heads of State who are expected to attend this event.

The last article, by Tony Mercer (a Director of Eurasyllum Ltd), is on “the modern-day challenges of border security”. The article discusses some of the current threats to border security worldwide and outlines a range of recommendations for the development of a coherent strategic framework for effective border management.

We hope you enjoy this issue of *Migration Policy Practice*, and as always, we look forward to your comments, suggestions and possible contributions to future editions of the journal.

<sup>1</sup> Solon Arditis is Managing Director of Eurasyllum Ltd and Frank Laczko is Head of the Migration Research Division at IOM Headquarters in Geneva. They are co-editors of *Migration Policy Practice*.

# Current trends and policies in trafficking in human beings in the European Union

Myria Vassiliadou <sup>1</sup>

## Introduction

When talking about trafficking in human beings, we refer to people being kept in conditions of slavery. We further refer to a severe form of human rights violations. Indeed, freedom from slavery can possibly lay claim to be the very first human right recognized by international law. And it takes many forms. Whether trafficking for forced labour or sexual trafficking, forced begging, domestic servitude, illegal adoption, or trafficking of people for the purpose of the removal of organs, these abuses are an affront to our conscience and to our values. Trafficking is not something happening somewhere else. It is happening in every community, in our streets, on our doorsteps.

While there is no one type of victim, trafficking in human beings is a gendered phenomenon. Vulnerability to recruitment into trafficking is shaped by gender. Furthermore, women and men, girls and boys, tend to be trafficked into different forms of exploitation. Although not a definite, while women and girls tend to be trafficked for exploitation in the sex industry, in domestic work or in the care sector, men and boys tend to be exploited in agriculture, construction, mining, forestry and on fishing fleets.

This illegal trade in all its forms nets an estimated USD 32 billion dollars each year for traffickers, according to the International Labour Organization (ILO) and the United Nations. About USD 10 billion is derived from the initial “sale” of individuals, with the remainder representing the estimated profits from the activities or goods produced by the victims.

Trafficking in human beings is often used interchangeably with the concepts of human smuggling and irregular migration. Although links can and do exist, it is very important to make a clear distinction between trafficking and the latter two. Trafficking in human beings has as its main objective the exploitation of an individual for profit (often using coercion and control); it is thus first of all a violation of human rights and freedoms and a crime against the person. Trafficking does not need to have a transnational element in order to be defined as such. Human smuggling, on the other hand, is by definition a cross-border phenomenon; it is the illegal movement of

people across borders in exchange for payment but with no exploitative end-purpose (although the smuggled person may still end up being exploited in reality). It is therefore a crime against the State or it concerns the protection of the State against violation of its borders.

It is clear then that the work that the European Union is undertaking to address trafficking in human beings is of utmost importance and urgency. With this article, I aim to present the phenomenon of trafficking in human beings and the steps that the EU is undertaking in the process.

## Trafficking in human beings

### What is it?

The first widely accepted definition of trafficking in human beings is that given by the 2000 United Nations Protocol on Trafficking in Persons (Palermo Protocol), supplementing the United Nations Convention against Transnational Organized Crime.<sup>2</sup> It defines trafficking in terms of the act (recruitment, transportation, etc.), the means (threat or use of force, deception, etc.), and the purpose (exploitation). EU legislation has expanded on this definition in its Directive 2011/36 on preventing and combating trafficking in human beings and protecting its victims. This instrument, in fact, includes forced begging and the exploitation of criminal activities within the definition of exploitation. This Directive recognizes that trafficking in human beings is not only a crime but also a gross violation of human rights – this is also reflected in the Charter of Fundamental Rights of the European Union, which explicitly prohibits trafficking.

It is very difficult to gauge the extent of trafficking in human beings due to its criminal aspect and because it takes place “within” widespread phenomena such as prostitution or immigration. Nevertheless, there are estimates: at the global level, ILO estimates that there are 2.45 million individuals in forced labour as a result

<sup>1</sup> Myria Vassiliadou is the EU Anti-Trafficking Coordinator at the European Commission.

<sup>2</sup> “The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

of trafficking at any time – a number which includes 1.2 million children;<sup>3</sup> of these, 2.45 million, or at least 43 per cent, are victims of sexual exploitation. The remainder is trafficked into labour/economic exploitation (32%) or for mixed forms of exploitation (25%).<sup>4</sup>

### Trafficking in human beings in the European Union

Having reliable data at the EU level is fundamental for effective policymaking; this is why the European Commission initiated a data collection exercise in 2011. The first statistics, based on the 21 Member States that were able to give gender-specific data, show that in the analysed time frame (2008–2010) female victims accounted for 80 per cent and men for 20 per cent. Further disaggregation according to age group shows that 65 per cent of the victims were women, 20 per cent were men, 12 per cent were girls and 3 per cent were boys. The data per year shows an increase in the number of identified victims of sexual exploitation from 70 per cent in 2008 to 79 per cent in 2010. Regarding labour exploitation, the data shows a decrease from 24 per cent of victims in 2008 to 14 per cent in 2010.

Further, there has been an increase in cases of some less known forms of trafficking such as trafficking for the removal of organs, forced begging and criminal activities. Children are predominantly used for the two latter forms of trafficking.

Trafficking in the EU used to be a criminal phenomenon coming predominantly from third countries, but nowadays we see an increasing number of cases of internal trafficking. Internal trafficking includes in-country trafficking and trafficking between EU Member States. Therefore, it is now even more important to have a harmonized EU approach to trafficking. Directive 2011/36 is an important step in this direction, as will be outlined below.

At the same time, though, trafficking in human beings also extends beyond EU borders. Consistency in the EU's internal and external policy measures is, consequently, essential to ensure efficient response in anti-trafficking efforts. Indeed, coherence of policy is fundamental: relevant public policies, at different levels, between different stakeholders and at the international level, must work together systematically to ensure synergies towards fulfilling agreed aims and priorities. It is precisely my main task as the EU Anti-Trafficking Coordinator

<sup>3</sup> ILO, International Programme on the Elimination of Child Labour (IPEC) Statistical Information and Monitoring Programme on Child Labour (SIMPOC), *Every Child Counts – New Global Estimates on Child Labour* (Geneva, April 2002).

<sup>4</sup> ILO, *A Global Alliance against Forced Labour - Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, International Labour Conference, International Labour Organisation, Ninety-third Session 2005 (Geneva, 2005), p. 14.

to improve coordination and coherence between EU institutions, agencies, Member States and international actors.

### How the European Union addresses trafficking in human beings

#### *The political and legal framework to address trafficking in human beings*

Preventing and combating trafficking in human beings is a priority of the EU and its Member States.<sup>5</sup>

The Commission's policy and legislation, in particular the recently adopted Directive 2011/36 on trafficking, is characterized by a comprehensive approach. This means that the focus is now equally on prevention of trafficking, prosecution of criminals, protection of victims, and partnerships across relevant disciplines and between different levels. This integrated perspective is consistent with a human rights-centred approach, which does not only focus on repression but aims at preventing the crime, and ensuring that people who are victims of trafficking are given an opportunity to recover and to be reintegrated into society. The Directive, for example, supports the principle of non-prosecution or non-imposition of penalties and unconditional assistance for victims. Moreover, in line with a gender perspective, it also recognizes that women and men are trafficked for different purposes and that, consequently, support and assistance measures should also be gender-specific.

Member States have to transpose the Directive by 6 April 2013. This means that, if properly transposed and implemented, the Directive has a real potential to play an important role in combating trafficking and protecting victims by guaranteeing their human rights.

To follow up on this, the Commission has been working on a strategy to address the different aspects of trafficking in human beings; this strategy will take the form of a Communication to the European Parliament and the Council. The aim of this five-year strategy is not only to further elaborate on issues addressed in the Directive, but also to initiate action in emerging areas of concern. It does so by concentrating on very concrete and ultimately feasible actions that are targeted to deal with the phenomenon in a comprehensive manner and pay equal attention to prevention, protection and prosecution.

The Strategy, like the Directive, includes a strong gender and human rights perspective and reflects the importance that the EU is giving to partnerships. In fact, many actors, as well as the Commission and Member States, are referred to in the Strategy and commit to playing a role to achieving the listed actions.

<sup>5</sup> Directive 2011/36/EU, Recital 1.



Another thing to note about Directive 2011/36 is the special focus that this instrument gives to the assistance and protection of child victims of trafficking, specifically to the increased vulnerability of unaccompanied child victims. In this sense, it is relevant to mention the Action Plan on Unaccompanied Minors (2010–2014), which recognizes that there are various reasons behind the arrival of these children and that some of them arrive as victims of trafficking destined for exploitation.

The importance of assessing the best interests of the child and taking into account the specific situation of vulnerable persons such as minors, unaccompanied minors or victims of trafficking in human beings have also been reflected in the Commission proposals to the asylum instruments, specifically in the amended proposals to the Reception Conditions Directive and the Qualification Directive. They specifically refer to the category of victims of trafficking as vulnerable persons in order to ensure that particularly vulnerable asylum applicants and refugees receive appropriate treatment and protection. The Reception Conditions Directive amended proposal also addresses trafficking as an instance of particular vulnerability, and it makes specific reference to the best interests of the child and the risk of a minor being a victim of trafficking. It also establishes provisions in relation to early identification of the special needs of vulnerable people, especially women, who might be victims of trafficking in human beings.

Another instrument which is part of the legal framework of the EU and relates to trafficking in human beings is Directive 2004/81 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate irregular immigration, who cooperate with the competent authorities. This instrument also demonstrates the link at the EU level between trafficking in human beings and immigration. The objective of this Directive is twofold. It protects the human rights of the victims and ensures that there are measures in place to assist in their recovery (e.g. medical services, translation and attendance to the special needs of minors). On the other hand, it provides incentives for victims, for example, with regard to the issue of the residence permit, to cooperate in dismantling networks of traffickers.

### ***Coordinating efforts***

As already mentioned, coordination is extremely important in addressing trafficking in human beings. It avoids duplication of work and efforts; it increases coherence in policy and actions; and it allows for mainstreaming of trafficking in human beings within various services and policy areas. This is why, during the EU's Fifth Anti-Trafficking Day on 18 October 2011, I invited the seven EU Justice and Home Affairs

agencies to participate. Their cooperation led to a Joint Statement<sup>6</sup> being issued, in which they committed to address trafficking in human beings in a coordinated, coherent and comprehensive manner. Cooperation amongst these agencies is already taking place in a bilateral manner and, after a meeting of the trafficking-in-human-beings contact points of these agencies in May 2012, cooperation and sharing of information will become even more frequent and comprehensive.

Obviously, it is not enough to have effective internal policies and measures to address trafficking in human beings without taking into consideration the external relations part – especially considering that many victims of trafficking and members of organized crime groups dealing with trafficking are nationals of third countries. Hence, the Council adopted in 2009 the Action Oriented Paper (AOP) on strengthening the EU external dimension on combating trafficking in human beings. This aims, indeed, to strengthen the commitment and coordinated action of the EU and its Member States, in partnership with third countries, regions and organizations at the international level. Further, the first updated implementation report of the AOP recommends developing a list of priority countries and regions for future partnerships in the area of human trafficking.

In terms of external relations, it is also important to highlight the 2005 EU Global Approach to Migration – the external dimension of the EU's migration policy and a complement to EU foreign policy and development cooperation. The revised Global Approach to Migration and Mobility (GAMM) was adopted recently and aims at building long-term cooperation with countries of origin and transit of migrants in order to achieve a set of shared objectives. Among these objectives is the prevention of irregular migration and trafficking in human beings in an effective yet humane way – this is, in fact one of the four pillars of the GAMM. Within this framework, the EU is establishing both migration dialogues and more operational cooperation with the governments of non-EU countries and will work towards better protection and empowerment of victims of trafficking. Trafficking in human beings is also included systematically in all migration dialogues the EU has entered into with different regions and countries worldwide.

### ***Tackling the root causes***

There are a number of root causes that make individuals vulnerable to taking risks and potentially becoming victims of trafficking. These include poverty, lack of opportunity, civil conflict, gender inequalities and gender-based violence in the countries of origin. Other

<sup>6</sup> [http://ec.europa.eu/anti-trafficking/download.action?nodeId=90d0d164-bcd0-42b4-9da0-f650469a04b2&fileName=joint\\_statement\\_final\\_18\\_oct\\_2011.pdf&fileType=pdf](http://ec.europa.eu/anti-trafficking/download.action?nodeId=90d0d164-bcd0-42b4-9da0-f650469a04b2&fileName=joint_statement_final_18_oct_2011.pdf&fileType=pdf).

root causes are the growth of the sex industry and the demand for cheap labour and products, both of which have a pull effect. The EU recognizes that if the root causes of trafficking persist, there will continue to be global growth in this crime area. It is therefore committed to promoting a clearer understanding of the root causes of trafficking, also in its external dimension, and to fully addressing them as directly as possible. For example, many European Commission services are engaged in policy and funding initiatives from a variety of perspectives (e.g. employment, development, enlargement, fundamental rights) that attempt to address precisely these root causes.

At the same time, we need to remember that trafficking in human beings is a constantly evolving phenomenon, with criminal networks and traffickers aiming at new markets and new technologies to avoid detection. The Internet, for example, is being used more and more to recruit victims. Moreover, demand for services by victims of trafficking plays a strong role as a root cause. In fact, the Member States, in Directive 2011/36, are obliged to take effective and practical measures to raise awareness of this phenomenon and reduce demand.

Specifically, discouraging and reducing demand that fosters all forms of exploitation related to trafficking in human beings is important. This matter is consequently addressed in Directive 2011/36, which, for example, encourages Member States to consider taking measures to establish as a criminal offence the use of services which are the objects of exploitation. Demand reduction should be on several levels, targeting consumers, employer demand for cheap and pliable labour, and demand from parties involved in human trafficking, such as recruiters, facilitators and brokers. Businesses should have supply chains free from human trafficking. Therefore, one of the actions included in the Strategy is that of launching a study on demand and supply, which would also contribute to better understanding of the root causes of trafficking.

### *The way forward*

In order to effectively address trafficking in human beings, the EU has developed a strong human rights-based legislation and policy framework. This framework allows tackling the various aspects of trafficking in human beings, which go from law enforcement to victim assistance to prevention. In addition, action at the EU level needs to be coherent and coordinated in order to be really effective. Working in partnership with the various stakeholders and actors involved is a practice which, I believe, needs to be used more and more and even at the international level. Joint investigation teams and transnational referral mechanisms are some examples of ways in which cooperation could work in practice.

It is my belief that, by strengthening existing partnerships and developing new ones, and ensuring the participation of civil society at the same time, we will be better equipped to achieve an effective multisectoral and inclusive response to trafficking.

# How the UK Border Agency prepares for the London 2012 Olympic Games

Tony Smith<sup>1</sup>

The London 2012 Olympic and Paralympic Games will be the biggest event ever held in the United Kingdom. Over 9 million tickets have been sold and an estimated global audience of 4 billion will be watching the opening ceremony on television. About 120 Heads of State are expected to arrive at the UK border in the week before the Games, along with an extra 650,000 spectators. Seventy thousand accredited Games Family Members – 40,000 of whom are foreign nationals – will be seeking entry specifically to participate in the Games. In addition, the East End of London has seen the biggest construction project in Europe over the past five years. All of this has required a huge amount of planning, preparation and operational delivery by the United Kingdom Border Agency (UKBA).

For any country planning to host the Olympics, the journey begins at the bidding stage. The International Olympic Committee (IOC) requires all bidding nations to meet certain requirements, known specifically as the “Olympic Guarantees”. From an immigration and borders perspective, the most relevant of these relate to the requirement to accept the “Olympic and Paralympic Identity and Accreditation Card” (OPIAC) in lieu of a visa and a work permit for people from all over the world coming to take part in the Games. This group – which comprises not just athletes but also judges, coaches and national media – is known as “Games Family Members”. It is important to note that the Olympic Accreditation System is owned by the IOC and not by the host government.

The OPIAC is manufactured and distributed to responsible organizations (National Olympic Committees) around the world by the Organizing Committee (in our case, the London Organizing Committee for the Games or LOCOG), then passed on to individuals before they travel. When presented with a valid national travel document, the OPIAC acts as a “visa waiver”, thus facilitating travel and admission processes for those coming to take part in the Games. This, of course, is precisely why the IOC demands that host countries sign the Olympic Guarantees in the first place. Once validated by LOCOG, the OPIAC also acts as a security pass to access the Olympic venues.

Therefore, UKBA has taken a particular interest in Olympic accreditation, and how it will work in practice.

For the past three years, UKBA has been working closely with Home Office colleagues in the Olympic Security Directorate (OSD) and LOCOG to design a safe, secure and efficient accreditation system for London 2012. Working with Atos Origin, our information and communication technology supplier, we have designed an electronic screening system which enables us to receive bulk data from LOCOG for cross-checking names against a range of immigration, police and security databases. In this way we are able to “screen out” cases of concern before the OPIAC is issued. For Games Family Members, a comprehensive “pre-clearance” takes place in advance of travel, thus mitigating the risk of the OPIAC entitlements being abused to circumvent border controls. It is important to emphasize at this point that the OPIAC is only valid for travel when presented with a full valid national passport, and that we will still conduct 100 per cent checks on all OPIAC holders when they arrive at the UK border.

The accreditation story does not end there, however. We also need to consider the risks of document fraud and identity abuse. In respect of the former, UKBA has had a team of document experts based at the Olympic Park in Stratford since 2007. They have been providing expert advice to the Olympic Delivery Authority (ODA) and Olympic contractors on identity and document checks, so as to ensure that only those who are properly entitled to work in the UK gain access to the site. Over 200 people have been prevented from doing so as a result of their work.

As the Olympic sites are handed over to LOCOG, this team will remain in place and it will perform a similar role at the Uniform Distribution and Accreditation Centre (UDAC) when accredited workforce applicants present themselves in person to collect their OPIAC. Imposter and forgery training has been given to LOCOG front-line staff and any workforce applicants suspected of fraud will be arrested. In respect of the latter, we have taken our lead from Vancouver 2010 and provided expert advice on the manufacture and production of the OPIAC itself. Our experts from the National Document Forgery Unit (NDFU) have been closely involved in developing the specifications of the card, which will contain several of the features found in International Civil Aviation Organization (ICAO) compliant passports. Full training is now underway to airlines and rail and ferry operators on the security features of the card, through our Risk and Liaison Overseas Network (RALON).

<sup>1</sup> Tony Smith is Senior Director for the London 2012 Olympic Programme at the United Kingdom Border Agency (UKBA).

Finally, we have tried to replicate our “business as usual” processes as best we can, without compromising our commitment to the Olympic Guarantees. The UK biometric visa system is widely regarded as being the best in the world, with the capacity to take biometrics (10 finger scans and a digital photo) from every visa applicant and run these against biometric watch lists before a visa is issued. This mitigates the risk of identity fraud via a second passport, and also enables the police and security services to check visa fingerprints against latent marks on serious crime and security databases.

Given that the OPIAC acts as a visa waiver, we cannot require accredited Games Family Members to obtain a visa before they travel. So in order to maintain full checks against visa nationals, we have taken specific powers to capture biometrics from visa Games Family Members at the UK border. We expect to receive about 20,000 accreditation requests from visa nationals. We aim to capture 10,000 sets of biometrics abroad through bespoke mobile biometric enrolment processes in visa countries.

Those who have already registered biometrics with us in advance will not need to do so again when they arrive, although they will still undergo biometric verification in the same way that visa nationals do now. We will have special “Olympic” lanes available at Border Control at Heathrow for Games Family Members, but we will also have mobile teams equipped with mobile biometric equipment to undertake checks at smaller ports and airports where necessary. Thus, we will be the first country in Olympic history to capture biometrics from participants.

Most countries in the world want to play host to a major international sporting event such as the Olympics or the FIFA World Cup. In considering whether to do so, they should first examine the implications of delivering any guarantees imposed by the governing body, and how they will meet them without compromising the integrity of their existing border and visa systems. We believe we have achieved that for London 2012 – and we are now ready to welcome the world to London this summer.



# Border security: Responding to modern-day challenges

Tony Mercer<sup>1</sup>

Growing public concerns across the EU about the social impact of uncontrolled migration and high expectations for public protection mean that border security is likely to remain high on the domestic political agendas of Member States – and indeed governments worldwide – for the foreseeable future. Border security is now fundamental to a country's national interest and the challenges it presents are real, changing and likely to intensify.

The context in which governments now operate has become increasingly complicated and difficult, due to accelerating global mobility, the increasing sophistication and variety of threats, a more competitive economic environment and a tighter financial climate. Now more than ever, governments need to stay ahead of a fast-evolving political, security and economic situation, in which border controls play an important part in protecting a country as well as its prosperity. Borders have to be secure but also ensure that a country remains open for business and competitive as a destination of choice for tourism, trade and investment and education. Balancing the threats of globalization with the economic opportunities is now a major strategic objective for many countries.

So what are the threats to borders and how do they present themselves?

Most potential threats to a country arise from organized crime in the following forms:

- Terrorism presents a major challenge, with those involved and other extremists being determined and well-organized. They tend to exploit weak border systems and processes.
- Third-country criminals can present a high level of harm to the national interest, with financial and other implications arising from the need to deal with those identified as criminally active, including issues around their removal.
- Illegal immigration, including human trafficking, with the prospect of clandestine entry and identity fraud is increasing as tougher checks are made at main points of arrival.
- Illegal work harms legitimate businesses and undercuts legal workers, creating a “shadow”

economy and illegal profits. It can also lead to exploitation, sometimes with tragic consequences for those being exploited.

- Illicit trade in drugs is possibly the most visible form of organized crime and it operates on a large scale. Tackling this is a priority for most governments, including increasing seizures and detecting those involved and disrupting their networks.
- Smuggling of prohibited goods (including drugs) becomes a more significant problem as increased globalization and world population drive the need for greater movement of goods from low-cost producers to international markets, increasing the volume of container movements and unlawful delivery by land, sea and air.
- Migration pressures driven by pull factors (e.g. opportunity, media images, communal and family ties, availability of work, limited risk of detection) and push factors (e.g. poverty, environment, political instability, conflict).

The challenge for governments in responding to these threats, as suggested by the 9/11 Commission, is to prevent entry of a few who may pose overwhelming risks whilst facilitating the entry of the vast majority who are perfectly genuine. Getting this balance right at the border is no easy task. It requires clarity of vision and strategy and is best achieved through an integrated and intelligence-led approach that encompasses interventions pre-arrival, at the border and in-country.

The most effective systems of border control are supported by joined-up technology, effective identity management and strong inter-agency cooperation. They work to common objectives and have a consistent strategy across their pre-arrival, border/frontier policing and in-country operations. Processes, technologies and organizational structures are properly linked and coordinated through an integrated programme involving all those with a responsibility for border security: borders/immigration agency, police and customs (if separate), and those involved in national security. Access to a common data set at each point of intervention is also a key feature of modern-day border and migration management.

<sup>1</sup> Tony Mercer is a Director of Eurasyllum Ltd and a former Director at the United Kingdom Border Agency (UKBA).

All of this is best set against a clear and coherent strategic framework with three basic components:

**Pre-arrival screening:** The concept of exporting the border is now recognized by many governments as an effective means of dealing with potential threats before they reach their borders. Prevention is invariably better than cure; by the time a person has been identified at the border as posing a threat it can be too late as they will have achieved their goal of reaching the country. Screening can take several forms. Some countries simply require people to have visas to travel, and these are issued at their missions abroad. Some of these systems require biometric enrolment, with checks made against national databases before a visa can be authorized. Those not requiring a visa are often free to travel without any pre-arrival checks. Whilst visas are an effective way of identifying people a country would not wish to welcome before they travel, they are not always universally applied and therefore create the risk of displacing those who pose a threat to identity fraud as a non-visa national. Visas are likely to remain an integral part of most countries' border control systems, but many countries are strengthening their offshore controls to include:

- **Electronic Authority to Travel (ETA):** ETA is a form of electronic visa based on real-time biographic checks against government watch lists before departure. This can be developed into risk profiling with an automated requirement for those posing a potential risk to apply in person to a country's diplomatic mission for a visa, with biometric checks forming part of that process. This information is available to the carrier at check-in, as well as to the border agencies, and those operating controls overseas and in-country.
- **Advanced Passenger Information/Processing (API/APP):** API/APP involves the transmission of a passenger's personal and travel document data (from the machine-readable zone of the passport or identity card), check-in data and flight details by the carrier to the country of destination prior to departure. The information is checked against watch lists and is available to border staff prior to the person's arrival. It can be linked to any earlier decision on authority to travel.
- **Passenger Name Record (PNR):** PNR is the data related to a reservation for a passenger's journey that is normally stored in the carrier reservation systems. PNR data can include information such as payment information, itinerary, other passengers on the booking and number of bags checked. Again, the information can be data collected under any ETA or API scheme.

Collecting passenger information in this way is an increasingly common feature of border security strategies worldwide and has proved successful in

identifying those posing a threat, including wanted or convicted criminals involved in serious offences such as terrorism, murder, rape and fraud.

Many governments now recognize the value of e-border type programmes in responding to the challenges of global mobility and the need to balance the safety of the country with the facilitation of legitimate access. These systems provide a number of critical capabilities: the ability to pre-screen people against watch lists, analyse data to identify and target potential threats, automate and facilitate clearance through major control points, and enable enforcement agencies to deploy more effectively to areas of highest risk. The systems also provide the important capability to confirm departure from the country.

Biometric visas (often with facial/fingerprint enrolment undertaken by outsourced commercial partners) are also an increasingly important feature of exported borders, helping governments reduce identity fraud and improve watch-listing against a country's immigration and police/criminal records to help tackle modern-day threats and pressures. All of this supports governments' agenda on public protection, but can also help them facilitate clearance through the border.

At the same time, a number of countries are working closely with international partners to build stronger and more effective alliances and share information to tackle irregular migration and cross-border crime, including terrorism. They are also strengthening their own overseas network of border security advisers (or carrier liaison officers) to help carriers deal with people who may not have the necessary documents for travel and to prevent their arrival in the country of destination. These are two important, but often less well-developed, considerations in building a secure but open border management system.

**Border/frontier policing:** A secure but open border which can process greater volumes of people and goods more securely and more quickly is now more fundamental than ever to the national interest. Recent media interest in delays in passenger processing at UK ports highlights the importance of achieving this balance, as well as the toxic nature of border control at the political level.

Border management programmes have to be developed as part of a clear and coherent strategic framework that integrates technology, processes and data collected from interventions overseas and in-country. There are several important features:

- Surveillance systems (including use of satellite) – to monitor and report movements in the more remote areas of a country, the physical border, small airfields, maritime and freight.

- Technology – systems that not only integrate data collection offshore, onshore and in-country, enable real checks against watch lists and help identify potential risks, but also facilitate the clearance of those with a legitimate reason for travelling. The technology will invariably allow border control authorities to capture and check biometric data as part of the passenger clearance process and link that with pre-arrival information and enable authorities to deploy resources to areas of highest risk. Technology to tackle the smuggling of people and goods is also important: freight targeting systems to provide real-time intelligence on freight movements, advanced number plate recognition, X-ray scanners and radiation detection equipment are all important tools in the screening of traffic passing through the border.
- Resourcing – professional, well-trained and managed teams operating within a clear legislative framework, with adequate powers with regard to examination, arrest and detention, and operating a flexible shift system to provide sufficient coverage across variable volumes of passenger movements throughout the day.
- Process – partnerships with airport/seaport operators, airlines, shipping companies and other stakeholders to ensure that clearance procedures are secure and efficient; all will have a vested interest in making the country a destination of choice for tourism, trade and investment. Cooperation and information-sharing can only strengthen the border management process.
- Innovation – high-performing border management systems tend to have innovation strategies which help them identify trends and best practices worldwide, experiment with new technology to improve efficiency and security, learn lessons from past operational experience and look ahead to anticipate potential pressures and demands on their border controls. Planned change is usually more effective than change based on a reaction to events. Developing sustainable innovation requires input from all agencies involved at the border and those with an interest in it (e.g. carriers, port authorities, representative organizations). It also requires the right mechanisms to manage change and innovation. A good example of recent and important innovation in border management is automated passenger clearance through electronic gates. Helping passengers move in and out of a country with a minimum of inconvenience is essential to its competitiveness and prosperity. As border transaction times increase, secure but simplified processes become increasingly important. Immigration queuing space is often limited and expensive and adds little value. Automated clearance combining individual biographic and biometric data with travel

document information now offers a solution to the volume-related challenges of increased passenger growth in the future; it tends to be around five times as efficient and has been used successfully in many locations worldwide in various forms of registered/trusted traveller schemes.

**In-country systems:** Managing migration and enforcing the law in-country is integral to any immigration system. In-country activity will often cover granting permission to remain for education, work, family reunion or asylum. It will also deal with the detention, removal or deportation of those who remain illegally or break the law. The most effective in-country systems operate to a common corporate strategy covering operations overseas and at the border with processes, technology and access to data properly integrated across each function. The challenge is common worldwide: agree to immigration where it is in the country's interest, prevent it where it is not.

Some countries, such as the UK, now operate a “points-based system” of controls to manage the flow of migrants seeking to work or study or otherwise remain in their country. Most want to identify and attract migrants who have significant skills to contribute to the country. At the same time, they want to create a more efficient, transparent and objective process, improve compliance and reduce the scope for abuse. Technology and identity management has a critical role, with biometric residence permits for foreign nationals now being fairly standard and issued only after checks against national immigration and police biometric watch lists. These “tokens” often establish an individual's status and entitlement and provide access to a range of government services, as well as reassurance to colleges, employers and others of a person's right to study, work or remain in the country. The challenge in any “points-based system” of managed migration is to get the policy parameters right. Failure to do this opens the gate to many who would not ordinarily qualify for permission to enter or remain, and undermines controls upstream and at the border.

Border and migration management programmes also need to be supported by a central caseworking system, preferably one which simplifies processes and modernizes and integrates technology so that biographic and biometric data is consolidated as a unique, single identity, with records accessible by those operating overseas, at the border and in-country, and updated at each intervention with an individual. In many countries, caseworking systems are also designed to provide operational staff with clear guidance and advice on how to deal with categories of applicants: asylum, family settlement, work, study and visitor. Caseworking models tend to be based on the concept of registering an application, and then deciding and concluding it

(issue/grant permission or refuse/return). The benefits of a properly designed and constructed system are: consistent and properly informed decisions, generic and simplified processes, and greater efficiency from automation and consistent business rules, with each action considered as part of an end-to-end process with information accessible to other government agencies.

Enforcement capability is also fundamental to successful migration management. It provides a deterrent and reinforces the integrity of the overall system. It involves the detection, possible detention and removal of those in the country unlawfully, tackling illegal work, cross-agency action on organized crime, and the detention and removal of foreign national prisoners. Enforcement is a cross-business activity. It requires a proactive approach overseas, working with other law enforcement agencies, and at the border working with those involved in national security, to target those posing the highest risk and bearing down on organized traffickers. In-country systems need to make life difficult for people intent on breaking the law or causing other harm to the national interest.

Effective integration of the offshore, on-arrival and in-country elements of border and migration management systems is critical to both security and the facilitation of services. This requires a common purpose across the organization and agencies involved and the integration of three capabilities within the end-to-end system:

**Identity management:** This is a fundamental requirement. Recent advances in biometric technology provide an opportunity to improve identity assurance. An ability to capture and apply data taken from people seeking to enter or remain in a country either from the people themselves or their documents, or from carriers or international partners, is central to successful border management. Biometric data is now the global standard for identity assurance. In border management terms, biometrics linked to a person's biographic data and integrated within a system starting overseas, continuing at the border and then within the country provides the basis for enhanced security, a more efficient clearance process and greater operational flexibility. The technology allows data to be checked against other records to indicate whether someone poses a security risk, has previously committed crimes, or has tried to enter or remain in a country under false pretences.

Developing excellence in this area, being able to link someone to a single unique identity and having a greater level of assurance about the many identities that have to be checked overseas, at the border and in-country, is critical to securing the border. This is why over 60 countries worldwide have invested in biometric technology to help them screen people more effectively and deliver challenging strategic programmes on border security and migration. Identity data is an asset

and is integral throughout the border and migration management process in targeting potential harm, facilitating those travelling legitimately, and creating a more efficient and flexible system. The best systems now promote identity management as a core corporate capability, managed within their wider strategic framework, with data captured, stored and then made accessible across the entire system. This has helped many countries improve performance, security and value for money within their border systems.

**Intelligence:** This is another very important capability for border and migration management systems, the most effective and efficient of which are intelligence-led. They use accurate useable information to drive business delivery and identify and tackle potential threats and resources to operational priorities. Their strategic aim is to improve the security and resilience of their border and immigration system to avoid exploitation, abuse and misuse by organized criminals and others, and to maximize opportunities for law enforcement to intervene before harm is caused.

This requires the right structures and a coherent corporate intelligence model with an integrated approach to the collection, analysis and dissemination of intelligence. Developing good intelligence requires a process to identify emerging threats, task and coordinate, collect information, analyse it and convert into a finished intelligence, distribute that intelligence, re-evaluate and assess the quality and impact of the intelligence. Oversight should fall within a corporate functional structure linked to operations overseas, at the border and in-country, and working closely with partners at the national and international levels.

**Cross-agency and international collaboration:** Collaboration with partners at the national and international levels is important in maximizing efforts to reduce harm while ensuring that a country remains competitive and open for business. At the national level, there will inevitably be a range of organizations that work at the border or have an interest in it, including those involved in national security. Some will be responsible for border controls processing people and goods, while others will be responsible for the protective security of facilities, the people working there and the planes, ships and trains that operate from them, and the people and goods in transit. Other interests across government are likely to include trade, tourism, education and health. Collaboration across these interests is an important feature of many of the best-performing border management programmes.

A good example of collaboration at the national level can be found in the UK's National Border Targeting Centre, a multi-agency operation processing well over 100 million passenger movements each year. The Centre brings together analysts from the UK Border Agency,



the police and security services to monitor travel into and out of the UK, including to and from EU Member States, to identify people of immigration or criminal/terrorist interest who threaten the UK. It also helps build intelligence for those agencies involved.

At the international level, many governments recognize that strong international relationships are central to the delivery of their border management objectives: making legitimate travel easier and irregular travel as difficult as possible. Collaboration can involve the development of interoperable or compatible technology to manage identity, share information and promote global technical standards in the collection of passenger data. Collaboration also often extends to sharing facilities and best practices and the exchange of law enforcement liaison officers, as well as joint initiatives to tackle organized crime and police key routes for irregular migration, working with transit countries in the process. Pre-clearance arrangements in third countries, juxtaposed controls, and the return/repatriation of illegal migrants or foreign prisoners are other areas where international collaboration has successfully supported national border management.

Building or transforming border and migration management systems to meet twenty-first century challenges is no easy task. Borders have to adapt to changing threats and pressures. Planned and proactive remodelling will often avoid the need for fundamental

change in response to a major incident; it might even help avert that incident. Integrating systems should be a major part of any reform and provides an opportunity for a critical look at overall border protection. A review of the overall system should include an analysis of how the system functions at present, as well as an assessment of the threats and pressures it must respond to and its capacity to mitigate the risk of these materializing. Is the system supported by joined-up technology, effective identity management and inter-agency cooperation? How will it function in the future and what needs to be done to achieve this? What are the benefits of change and how will success be measured? What are the implications of change for the system as a whole and how can governments ensure that operational risks are not simply being moved elsewhere?

Integration helps address these issues and enhance border security, facilitate legitimate trade and travel, improve efficiency, reduce costs, and provide a more flexible and resilient system. However, it is a complex journey involving people, processes and technology and affecting multiple agencies and stakeholders. For this reason, governments aiming to transform their border security should do this within a clear and coherent strategic framework, with the right expertise to guide them through design, development and implementation. Getting it right is so fundamental to the national interest.