



Council of the
European Union

Brussels, 1 August 2018
(OR. en)

14818/06
DCL 1

SCH-EVAL 176
FRONT 220
COMIX 915

DECLASSIFICATION

of document: ST14818/06 RESTREINT UE/EU RESTRICTED
dated: 13 November 2006
new status: Public

Subject: Schengen evaluation of the new Member States
- SLOVAKIA: Report on Land Borders

Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

RESTREINT UE



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 13 November 2006

14818/06

RESTREINT UE

**SCH-EVAL 176
FRONT 220
COMIX 915**

REPORT

from : the Schengen Evaluation Committee Land Borders
to: the Schengen Evaluation Working Party

Subject : Schengen evaluation of the new Member States
- SLOVAKIA: Report on Land Borders

This report was made by the Land Borders Evaluation Committee and will be brought to the attention of the Sch-Eval Working Party which will submit a report and a presentation of the follow-up thereto to the Council.

RESTREINT UE

TABLE OF CONTENTS

<u>1.</u>	<u>Introduction</u>	4
<u>2.</u>	<u>Management summary</u>	4
<u>3.</u>	<u>General information</u>	5
	<u>3.1. Strategy</u>	5
	<u>3.2. Organisational (functional) structure</u>	10
	<u>3.3. Operational effectiveness</u>	12
	<u>3.4. Risk analysis, intelligence and Data-flow management</u>	14
	<u>3.5. Investigation and alien policing</u>	16
	<u>3.6. Staff and training</u>	17
	<u>3.7. Readmission, expulsion and illegal immigration, carriers' liability</u>	21
<u>4.</u>	<u>Border Control Unit of Police Force Zboj</u>	23
	<u>4.1. General information</u>	23
	<u>4.2. Infrastructure and equipment</u>	24
	<u>4.3. Border surveillance</u>	24
	<u>4.4. Staff and training</u>	24
<u>5.</u>	<u>Border Control Unit of the Police Force Ubl'a</u>	25
	<u>5.1. General information</u>	25
	<u>5.2. Infrastructure and equipment</u>	27
	<u>5.3. Controls and procedures</u>	29
	<u>5.4. Staff and training</u>	32
	<u>5.5. Readmission, expulsion and illegal immigration, carriers' liability</u>	33
<u>6.</u>	<u>Border Control Unit of the Police Force Petrovce</u>	34
	<u>6.1. General information</u>	34
	<u>6.2. Staff and training</u>	34
<u>7.</u>	<u>Border Control Unit of the Police Force Vyšné Nemecké</u>	35
	<u>7.1. General information</u>	35
	<u>7.2. Infrastructure and equipment</u>	37
	<u>7.3. Controls and procedures</u>	39
	<u>7.4. Staff and training</u>	42
	<u>7.5. Readmission, expulsion and illegal immigration, carriers' liability</u>	44

RESTREINT UE

<u>8.</u>	<u>Border Control Unit of the Police Force Čierna nad Tisou</u>	45
8.1.	<u>General information</u>	45
8.2.	<u>Infrastructure and equipment</u>	46
8.3.	<u>Controls and procedures</u>	47
8.4.	<u>Staff and training</u>	50
8.5.	<u>Readmission, expulsion and illegal immigration, carriers liability</u>	52
<u>9.</u>	<u>BCP Velke Slemence</u>	52
<u>10.</u>	<u>Border Surveillance</u>	52
10.1.	<u>General information</u>	52
10.2.	<u>The visited sites</u>	53
10.3.	<u>Implementation of green border surveillance</u>	54
<u>11.</u>	<u>Conclusions and recommendations on the visited sites</u>	60
<u>12.</u>	<u>General conclusions including recommendations and follow-up</u>	62

DECLASSIFIED

RESTREINT UE

1. INTRODUCTION

Based on the mandate of the Schengen Evaluation Group (SCH/Com-ex (98) 26 def) and the programme of evaluation adopted by the Council (152275/04 SCH-EVAL 70 COMIX 718, and 7638/2/05 SCH-EVAL 20 COMIX 200), an expert team visited the land borders of the Slovak Republic.

PARTICIPANTS:

Finland	Mr Arto NIEMENKARI
Austria	Mr Daniel WEBER
Belgium	Mr Georges PIJL
France	Mr Didier GODARD
Germany	Mr Peter KAROHL
Netherlands	Ms Janneke BOK
Latvia	Ms Liga NEIDERE
Lithuania	Mr Vygintas KAZIUKONIS
Slovenia	Mr Gregor JANC
Spain	Mr Ricardo ALONSO ABAD
Commission	Mr Durante RAPACCIUOLO
Council Secretariat	Mr Julio VIJANDE RIVERA and MrAare EVISALU

The Evaluation Committee visited the following sites: Border Control Units of the Police Force Zboj, Ubla, Petrovce, Vyšne Nemecke and Cierna nad Tisou, the Operational Centre of the Border Police Directorate Sobrance and the Border Crossing Point Velke Slemence (unannounced visit).

The Committee would like to thank the Border and Aliens Police Bureau of the Police Force Presidium and the Ministry of the Interior of the Slovak Republic for the excellent organisation of the visits, well-prepared and structured materials and the hospitality, open attitude and commitment offered by the coordinators and interpreters who accompanied the Committee.

2. MANAGEMENT SUMMARY

Slovakia has a 97,9 km long land border with the Republic of Ukraine. The border is fully demarcated and defined by an agreement. The prevailing border situation is challenging since for several reasons this short but very difficult border is very attractive for illegal immigration and organised crime and the border situation will remain complicated. Slovakia is not a target country but mostly a transit country for illegal immigration.

The Evaluation Committee implemented its task mostly according to the agreed programme. However, some necessary and well-grounded changes to the programme were made very rapidly for the sake of quality of the evaluation. All proposed changes and unannounced visits were accepted without any problems from the Slovak side.

The Committee also had an opportunity to meet and discuss with representatives of the Ukrainian Border Guard.

RESTREINT UE

The border security strategy does not exist in written form. However, it was evident that the Schengen four-tiered border security system is well known in Slovakia. Some elements of the system are still at least partially missing or are not yet fully functional. In general, the powers of the border guards are in place. Some specialities relating to division of powers with Customs exist since Customs is responsible for public order at the crossing points.

There is no independent organisation responsible for border security but at the national level it is a task of the Border and Aliens Police Bureau (BAPB) of the Police Force Presidium. The newly based Border Police Directorate (BPD) Sobrance is responsible for practical border control issues at the Ukrainian border. The overall impression of the structures and organisation of this Directorate is confusing. The Committee considers that several elements are still fragmented and there is not yet a clearly organised and properly functioning organisation having all necessary instruments (intelligence, risk analysis) working as one solid entity.

In general, the border control system at the Slovak land border with the Republic of Ukraine is not fully in accordance with Schengen requirements. Considering the currently demanding border situation, the level of equipment, the poor infrastructure as well as the fragmented organisation, the border control system cannot yet be considered to be up to Schengen standards. However, the Committee noted that the quality, quantity and motivation of the personnel at the sites visited during the evaluation largely meet the Schengen standards. The real findings and the results of the evaluation can be found in "the general conclusions and recommendations" part of the report.

3. GENERAL INFORMATION

Information of a more general nature is contained in the answers of the Slovak Republic to the questionnaire addressed to the New Member States with a view to the evaluation of the application of the Schengen acquis, i.e. . 15565/05 SCH-EVAL 124 COMIX 829 (RESTREINT UE).

Reference is also made to the replies of the Slovak Republic to additional questions, as contained in 6908/06 (RESTREINT UE) and 7653/06 (RESTREINT UE). However, for reasons of clarity the Committee reiterates some of the main elements contained in these answers.

3.1. STRATEGY

3.1.1. Legislation

Border management in the Slovak Republic is based on:

- Act No 477/2003 Coll. of 23 October 2003 on national border protection;
- Act No 48/2002 Coll. of 13 December 2001 on residence of aliens and on amendments to certain related laws;
- Act No 381/1997 Coll. on travel documents as amended by subsequent legislation;
- Act No 171/1993 Coll. on the Police Force as amended by subsequent legislation;
- Act No 480/2002 Coll. on asylum and on amendments to certain laws as amended by subsequent legislation;

RESTREINT UE

- Ordinance of the Minister of the Interior No 75/2004 on activities of aliens police divisions of the Police Force, the asylum division of the Police Force and the passport service group of the Border and Aliens Police Department of the Border and Aliens Police Bureau as amended by subsequent regulations;
- Ordinance of the Minister of the Interior of the Slovak Republic No 117/2005 on operation of basic units of the Border Police service of the Police Force
- Related acts of the Schengen acquis.

3.1.2. *General strategy for border management*

The general border management strategy in the Slovak Republic is based on the integrated border security model and consists of activities in third countries, international border-related cooperation, measures at the external border and further activities within the territory of the country.

Border management is organised under the supervision of the Ministry of the Interior as a ministry working in the field of justice and home affairs and is performed by professional and specially trained Border and Aliens Police personnel.

The Border and Aliens Police Bureau is a unit of the Presidium of the Police Force, which directly manages the organizational bodies fulfilling the tasks in the field of border control, including border checks, and border surveillance, combating illegal migration, permits for aliens stays, controls of aliens stays, expulsion of aliens, visa practices and part of the asylum procedure and application of the Dublin Convention.

Border management in the Slovak Republic consists of border checks, border surveillance, risk analysis, intelligence and investigation carried out by the same organisation.

Regional units of the Border and Aliens Police Bureau perform border control at the land border and at the international airports.

There is no written strategy document on border management or a national border security plan in the Slovak Republic. Arrangements to fully apply the Schengen acquis were adopted in the Schengen Action Plan.

The yearly activities of the Border and Aliens Police Bureau are regulated by "The Time Schedule for Performance of Tasks by the Border and Aliens Police Bureau of the Police Force Presidium", which is based on the Annual Plan of the Police Force Presidium and the Plan of Main Tasks of the Ministry of the Interior of the Slovak Republic for the respective year.

The Committee considers it expedient to introduce a medium- and long-term planning system in integrated border management and to put a strategy into writing.

RESTREINT UE

3.1.3. *Analysis of environment and threats*

During 2005 more than 102 million passengers crossed the borders of the Slovak Republic, 1 877 209 of them crossing the land border with Ukraine. Only 0,3% of all passengers were in possession of a visa (326 569 persons).

In 2005, 16 392 persons were refused entry into the territory of the Slovak Republic: 6 885 persons for travel document deficiencies, 9 462 persons for other reasons. 45 persons were refused because they were included on the Inadmissible Persons Index (IPI) following a ban on staying within the area of the Slovak Republic or a judicial or administrative expulsion. Since 2000 the number of persons refused has more than halved (35 631 persons were refused entry in 2000).

In 2005, 4501 persons were refused entry at the land border with Ukraine, 3728 of them were nationals of Ukraine, 182 were nationals of Moldova and 57 were nationals of Russia. In 2006 the number of refusals has decreased dramatically. During the first half of the year only 538 persons were refused, including 488 nationals of Ukraine and 25 nationals of Moldova. The downward trend in refusals of entry at the land border with Ukraine seems to be connected with the introduction of a simplified procedure for the issuance of transit visas at the border. Due to the introduction of this procedure the number of visas issued increased more than 20 times.

The Slovak Republic remains mainly a transit country for illegal immigration. During 2004 a total of 3 756 persons were detected on entry into the territory of the Slovak Republic and 4 578 when exiting illegally. In 2005 a total of 2 939 persons were detected entering and 2 239 persons exiting the country illegally.

The number of detected cases of illegal crossing of the Slovak borders in 2005 decreased by 38% compared to the year 2004 (5 178 illegal immigrants were detained at illegal border crossings in 2005 and 8 334 in 2004). The biggest change during the year occurred at the Czech-Slovak border, where the number of detected illegal immigrants decreased more than 10 times (1 671 cases in 2004 and 128 in 2005). However, when asked, the representatives of the Border and Aliens Police estimated the number of undetected border crossings to be hundreds at the Slovak-Ukraine border.

As regards illegal entry, the highest number of illegal immigrants in 2005 was detected at the Ukrainian-Slovak border (2 554 persons - 86% of all detained illegal immigrants) while the largest number of illegal immigrants exiting (2 002 persons - 89%) was detected at the Slovak-Austrian border. The top five nationalities of illegal immigrants over the past few years were Moldovan, Indian, Russian, Chinese and Georgian.

RESTREINT UE

Illegal border crossings at the Slovak land border with Ukraine

Year	Number of persons			Top 5 Nationalities	
	to SR	from SR	total	Nationality	Number
2005	2 554	20	2 574	1. Moldova	506
				2. India	441
				3. Russia	437
				4. China	409
				5. Georgia	196
1st half- year 2006	1 001	2	1 003	1. Moldova	360
				2. China	189
				3. India	135
				4. Palestine	57
				5. Pakistan	53

The main modus operandi at all Border Control Units (BCU) at the State border with Ukraine is the illegal crossing of the green border without any document enabling the identity of the person to be established. Illegal migrants cross the State border on foot, usually in small groups or individually, mostly accompanied by facilitators. Bigger groups of illegal migrants have also been seized, mainly composed of migrants from Asia and facilitated by organized groups of facilitators. The most critical stretches of the State border are located in the vicinity of villages of the Ukrainian side, where the built road infrastructure extends to the vicinity of the State border.

Locations of illegal border crossings differ with the change of seasons (climatic conditions), day and night and other factors. Analysis of unauthorized cases of illegal crossings at the State border of the Slovak Republic and Ukraine show that approx. 77% of illegal (unauthorized) border crossings take place in the mountain areas. It is not always possible to prove exactly the factual place and time of the illegal State border crossing (difficult conditions for the survey of prints in the summer months).

A new trend in illegal migration is presented by illegal crossings of the State border by citizens of the former Soviet Union (mostly by nationals of the Russian Federation of Chechnyan origin and by the nationals of Moldova). While in the past these nationals have attempted the illegal crossing of the State border individually without a facilitator, at present they attempt the crossing with the assistance of facilitators. This trend was registered mainly in connection with the nationals of Moldova who, in contrast to the past, cross the border in larger groups.

The main routes of illegal immigration from the former Soviet Union:

- Moscow – Kiev – Lvov - Veľké Berezné – the Slovak border
- Moscow -Kiev (or Odessa) - Mukačevo – Užhorod – the Slovak border
- Ivanofrankovsk region – Chust – Mukačevo – Užhorod – Veľké Berezné – the Slovak border (used mainly by nationals of Moldova).

RESTREINT UE

The Committee was informed that the factors fostering illegal immigration in the Slovak Republic are:

- strong criminal networks at the border areas on both sides of the border,
- the geographical location and the size of the country, providing the possibility of reaching in 6 hours the next EU country, and
- the aliens and asylum legislation of the Slovak Republic, according to which all persons who have not been removed from the Slovak Republic will be released after 180 days of detention, and according to which it is relatively easy to stay in Slovakia during the judgment of an asylum application.

In 2005, 628 illegal immigrants applied for asylum on the territory of the BPD Sobrance. 296 of them were nationals of Russia, 92 were nationals of Georgia, 64 were nationals of India, 47 were nationals of China and 39 were nationals of Moldova. During the first half of 2006, 174 asylum applications were submitted. 52 of them by nationals of India, 26 by nationals of Russia, 16 by nationals of Moldova, 16 by nationals of Bangladesh and 13 by nationals of Georgia. According to the national statistics for 2005 fewer than 1% of the applications are granted, and about 80% of the applications are suspended due to unauthorised exit of the applicants from the Slovak Republic.

3.1.4. *International cooperation (regional, bilateral and readmission agreements)*

International bilateral cooperation is organised with Border Services of the neighbouring and some other countries. Bilateral cooperation with Border Forces of the Republic of Ukraine is based on the Agreement between the Slovak Republic and the Ukraine on the Rules Governing the Operation at the Slovak-Ukrainian State Border, Cooperation and Mutual Assistance in Border-Related Matters, and on the Agreement between the Government of the Slovak Republic and the Government of the Ukraine on the Readmission and Admission of Persons across the Common State Border, both signed on 14 October 1993. In October 2005 a Protocol on cooperation between operative units of Ukraine and Slovakia was signed. Cooperation is organised at national, regional and local level.

The Agreement on the Rules Governing the Operation at the Slovak-Ukrainian State Border, Cooperation and Mutual Assistance in Border-Related matters establish a system of border commissioners, consisting of a high border commissioner, deputies of the high border commissioner, border commissioners, deputies of border commissioners, assistants of border commissioners and experts for the implementation of this Agreement.

At the national level the Director of the BABP is a high border commissioner and he meets his Ukrainian colleague annually. At regional level the Director of the BPD Sobrance is the border commissioner responsible for practical cooperation on the whole Slovak-Ukrainian border. Cooperation includes meetings, exchange of experience and exchange of information. Means of communication are guaranteed on a 7/24 basis (telephone/fax) between the operational centres. At local level the assistants of the border commissioner implement the tasks given by the border commissioner (joint investigation, exchange of experience). At the border crossing points the shift leaders meet their Ukrainian colleagues daily. Telephone connections between the border crossing points exist.

RESTREINT UE

In 2003-2005 the Ukraine Border Service took part in three joint operations organised by the Land Borders Centre and FRONTEX.

The Department of International and Cross-Border Cooperation of the Border and Aliens Police Bureau cooperates with police attachés. The Border and Aliens Police Bureau also cooperates with the IOM and UNHCR in questions relating to illegal immigration, readmission and expulsion. There are no regular meetings for experience exchange and coordination of border control activities at the external land border with Ukraine between the Director of Border Police Directorate Sobrance and his counterparts in Poland and Hungary.

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

The Director of the BAPB is a member of the Management Board of the Agency.

There is a permanent contact point for cooperation with FRONTEX on the BAPB. The duty officer at Bratislava Airport is permanently assigned to act as a national contact point on air borders.

There is permanent cooperation with FRONTEX in the field of risk analysis, joint operations at the EU external borders and implementation of the Focal Point Office at the border crossing point Vyšné Nemecké. The policemen of the Border and Aliens Police (BAP) participate in other EU Focal Point activities, in FRONTEX joint operations on the EU land and air borders, as well as several development and training programmes.

3.2. ORGANISATIONAL (FUNCTIONAL) STRUCTURE

3.2.1. Centralised supervision and instructions

The Border and Aliens Police with national coverage was established on 1 April 2000 to ensure effective and systematic border control in compliance with Schengen requirements and with the aim of increasing the quality of border and aliens police service management. The Border and Aliens Police is a part of the Police Force of the Slovak Republic and has a centralised structure at three levels:

- At central level there is the Border and Aliens Police Bureau of the Police Force (BAPB). The structure of the Bureau includes the Border Police Department, the Aliens Police Department, the Investigation Department for Extremely Serious Offences with detached workplaces in Banská Bystrica, Košice, Kysucké Nové Mesto and Prešov, the National Unit to Combat Illegal Migration, the Travel Documents Analysis Division, the Analytical-Operational Division, the International and Cross-Border Cooperation Division and the Information Systems Administration and European Statistics Division. The Police Detention Centre for Foreigners at Medveďov and the Police Detention Centre for Foreigners at Sečovce are directly subordinate to the BAPB.

RESTREINT UE

- At regional level there are four Border and Aliens Police Directorates and the Border Police Directorate Sobrance.
- At the local level the following basic service units are directly subordinate to regional directorates: 28 Border Police Units, 14 Border Control Units (BCU), 20 Aliens Police Units and 3 Asylum Units of the PF.

The Border and Aliens Police Bureau is a unit of the Police Force Presidium which manages directly the subordinated units in their performance of tasks in the field of border control, combating illegal immigration, authorising and controlling the stay of aliens, expulsion of aliens, visa practice and in a defined scope asylum procedure and implementation of the Dublin Convention.

The Border Police Directorate Sobrance is responsible for border control all along the external land border of the Slovak Republic with Ukraine.

The management of Border Police Directorate Sobrance consists of a Director and 2 Deputy Directors, a Duty Division, an Operational Centre, an Internal Division, an Economy Support Division and a senior officer dog handler, totalling 42 persons. There are no intelligence and investigation units and no units for risk analysis in the management structure of the Directorate.

Border control at the external state border sector of the BPD Sobrance is carried out by 9 Border Control Units (BCU) of the Police Force and the Mobile Intervention Unit. There are 5 border crossing points located at the land border; 3 of them are road BCPs and 2 are railway BCPs.

The Committee found that the organisation of the Border and Aliens Police of the Police Forces centralised. The regional management structure of the Border Police Directorate Sobrance was found to be weak, with very limited planning, service control, risk analysis, intelligence and investigation capabilities.

3.2.2. *Coordination and inter-agency cooperation, division of responsibilities*

Internal cooperation is organised at all levels between the agencies of the Ministry of the Interior, with the Customs Directorate, the Ministry of Transport, Post and Telecommunications, the Ministry of Foreign Affairs, the Ministry of Labour, Social Affairs and Family, the Ministry of Defence and with agencies subordinate to these ministries.

Cooperation with Customs is based on the Agreement between the Ministry of the Interior of the Slovak Republic and the Customs Directorate of the Slovak Republic on Mutual Cooperation, signed on 4 July 2005. The Agreement makes provision, among mainly customs-oriented tasks, also for cooperation and coordination of procedures when performing duties on premises at the EU external border crossing points and fixes the spheres of cooperation. The Agreement provides for easing the capacity of border and custom controls and for performing mixed controls at the border crossing points. The Agreement stipulates that the rules governing the border crossing points' operation should fall within the province of the Customs Administration. According to the Agreement, movement of persons and means of transport within the customs area of the border crossing points is channelled by customs officers with due regard to *reasonable requirements* of the police officers of the BGD of the Police Force. The customs officers are responsible for maintaining public order at the BCPs and the border police officers must meet reasonable requirements of the customs officers for cooperation. The Customs Directorate of the Slovak Republic provides the border control departments with the premises necessary for the performance of their duties.

RESTREINT UE

3.2.3. *Specialised services*

Mobile Intervention Units of the PF are special executive formations within the Border and Aliens Police Directorates, which fulfill tasks concerning police transports and persons escorts, and if necessary, they support activities of executive formations of the Border and Aliens Police. They search the aliens who entered or stay illegally on the territory of the Slovak Republic, accept announcements about criminal offences and carry out shortened investigations.

At the land borders with Poland, the Czech Republic, Austria, Hungary and Ukraine mobile intervention units participate in carrying out border control in the territorial scope of the Directorate's activities. If necessary, according to the nature of service tasks and the scope of activity of the mobile intervention, they may be extended also outside its territorial scope of action, based on a decision of the Director of the Border and Aliens Police Bureau.

The Mobile Intervention Unit of the Border Police Directorate Sobrance detects illegal migration at the second and third level of border control. There are 61 policemen in the Mobile Intervention Unit of DBP Sobrance. For actions the Mobile Intervention Unit can be divided into three independent units: North-Ubla, Ubla-Sobrance, Sobrance-South.

3.3. OPERATIONAL EFFECTIVENESS

3.3.1. *Resources*

Human resources

The BAP had a total of 3 552 policemen as of 30 June 2006. At the BAPB central management level there are 96 policemen. At the medium level of management, i.e. at 4 Border and Aliens Police Directorates in Bratislava, Nitra, Banská Bystrica and Prešov, as well as in BPD Sobrance, there are in total 127 policemen.

In the National Unit to Combat Illegal Migration and the Investigation Department for Extremely Serious Offences with national coverage, there are 136 policemen.

793 policemen are deployed in the executive units that carry out border control at the future external borders of the Schengen area, 1586 policemen in units which currently carry out border control at future Schengen internal borders and 784 policemen in executive units of the Aliens Police.

There are 644 border police officers' posts in the Border Police Directorate Sobrance.

Technical resources

Border control is supported by technical means. A certain number of patrol vehicles are deployed to the border control units at the land border but many are missing because of technical and legal problems. Border surveillance equipment in limited numbers, equipment for border checks at the first and second line and IT hardware are available but often old-fashioned. Mobile equipment for the use of databases during border checks was missing, as well as an integrated electronic surveillance system for green border surveillance. Air support is currently not available because of legal problems.

Reference is made to point 10.3.4. of this report.

RESTREINT UE

3.3.2. *Level of controls at external border*

All persons crossing the border have to be checked on entry and exit. Third-country nationals are subject to thorough checks. Thorough consultations of third-country nationals' national databases were performed in order to ensure that such persons do not represent a serious threat to internal security. Border sections between border crossing points are under the surveillance of mobile patrols.

3.3.3. *Situational awareness and reaction capability at different parts of the borders*

Situational awareness at national level is based on risk analysis and a clearly structured reporting system. This system covers all different units within the BAPB and cooperation with international partners. The BAPB is relatively well aware of the border situation. There are no permanent joint intelligence structures with the other law enforcement authorities at any levels of the organisation.

Situational awareness at the BPD Sobrance is based on information (reports) from the upper level and reports and information coming from the sub-units (daily reports, periodical reports) and also from other sources. The daily and ad hoc situational picture is rather good. The role of the operational centre is important in this respect since it has direct contact (7/24) with all sub-units, general police, neighbours and upper headquarters. However, due to lack of intelligence and risk analysis capacity, situational awareness at the regional level is rather weak and capacity to conduct comprehensive regional crime analysis is poor. The local BP Units have a very good understanding of the current situation within their area of responsibility. Border policemen are briefed about the daily situation by the shift leader before they work.

Information about reaction capability is provided in the point 10.3.3. of this report.

3.3.4. *Availability and permanency of resources (human, technical)*

Of the 644 border police officers posts in BPD Sobrance 611 or 95 % are filled. 550 border police officers are deployed in the executive units. This number is intended to increase by 180 policemen after the accession of the SR to the Schengen area.

The Committee found the total number of personnel at the external land border broadly sufficient for carrying out border control in a satisfactory manner. However the structure and number of personnel used for central management of the border control activities in the Border Police Directorate Sobrance seems insufficient. The Committee also has doubts as to whether 136 policemen all over the Slovak Republic is sufficient to carry out intelligence and investigation of illegal immigration.

The availability of technical resources is problematic; the surveillance equipment of the border control units is not sufficient to cover this most important area.

RESTREINT UE

3.4. RISK ANALYSIS, INTELLIGENCE AND DATA-FLOW MANAGEMENT

3.4.1. Organisation

Risk analysis is organised and exercised mainly at central and to some degree at regional level. There are no special units for risk analysis. Risk analysis is one of the tasks of the Analytical and Operational Department of the Border and Aliens Police Bureau.

There are no persons responsible just for risk analysis at the regional or local level. The risk analysis is performed by the management of the BPD Sobrance, by the Operational Centre of the Directorate and the Duty Performance Department of the Directorate

Despite that fact the experts found that information was available about the trends and concrete facts of illegal immigration, and risk analysis was used for planning patrol activities and, to a limited extent, also for carrying out border checks.

Intelligence of illegal immigration is carried out mainly at the central level. Regional and local units of the Border and Aliens Police do not carry out criminal intelligence and do not have personnel appointed to perform these functions. Joint intelligence structures or intelligence teams with Customs do not exist.

3.4.2. Methods

The strategic risk analysis and some of the operative risk analysis is performed by BAPB, operative risk analysis by regional units of the BAP, and some elements of the tactical risk analysis by local units of the BAP.

The strategic risk analysis is made at national level. The risk analysis system is based on information gathering and processing. The final products are different types of analysis about possible crime trends, threats and changes of security environment. Analyses are made periodically or regularly. Some tailor-made case studies are also conducted.

Operational risk analysis at the BPD Sobrance (regional level) means in practice the work conducted by the managing officer of the operational centre. This is mostly related to daily work and can be considered more as a tactical, everyday risk analysis, not a real operational risk analysis. The Committee found out that there was no capacity to conduct operational risk analysis at regional level, since there was simply no intelligence system or specially trained staff to do risk analysis.

Tactical risk analyses at the local level were well structured and clear for border surveillance. Risk analysis and profiling at border crossing points were not so well developed and the lack of intelligence capacity lowers the level of analysis.

Regular and tailored risk analysis is carried out.

Based on the threat assessment, analyses have been drawn up, which are then used in operational activities. An analysis was made of illegal migration of Turks as well as the phenomenon of illegal migrants leaving camps. The above-mentioned analyses provided the basis for further criminal investigation of facilitators' networks.

RESTREINT UE

3.4.3. Responsibilities

The Analytical and Operational Department of the Border and Aliens Police Bureau performs the following tasks in the area of risk analysis:

- processes analyses for national and European institutions (evaluates, analyses information concerning illegal immigration and its impact on national policy-making within the area concerned, evaluates security situation);
- via its operational centre continuously coordinates the activities of individual bodies of the Border and Aliens Police Bureau units;
- provides the information flow in the designated scope within the Bureau as well as with other authorities.

Risk analysis at BCU level is mostly based on information coming via the Operational Centre of DBP Sobrance and from its own sources (patrols, neighbours, passengers). The managing officer is responsible for the processing of risk analysis. Risk analysis can be divided into two categories; tactical risk analysis relating to cases in hand or long-term predictions relating to the local situation. The system also involves daily briefings made by the shift leader. The BCU reports daily to the BPD.

3.4.4. Horizontal and vertical data flows

The Committee was informed that there is constant and regular information exchange between three levels of Border and Aliens Police organisation regarding current problems and latest developments in relation to illegal immigration and other cross-border crimes. The horizontal data flow is organised at all levels between cooperation partners in the country and also within the framework of international cooperation. However, during the evaluation the Committee notice any information exchange with the Customs authorities at local level ¹.

¹ SK: Information exchange between Customs authorities and Border police reflects different competencies and tasks when performing controls. The cooperation might not be noticeable at the first sight. Exchange of information on regional level is laid down by a document, so called “border regime”, which regulates the cooperation at particular border crossing points. Before moving up to the shift, the shift leaders of the Border Police and Customs authorities meet on a daily base in order to inform each other about actual situation.

RESTREINT UE

3.5. INVESTIGATION AND ALIEN POLICING

3.5.1. *Legal background*

See point 3.1.1.

3.5.2. *Organisation*

Investigation is mainly performed by the Investigation Department for Extremely Serious Offences. To carry out its tasks this Department:

- performs investigations of criminal offences, which are in the first instance handled by the special Court or a regional Court;
- investigates other crimes relating to the State border;
- performs procedural activities based on requests from other authorities, and
- processes relevant investigation analyses and statistics;

The National Unit to Combat Illegal Migration prevents, detects and documents criminal activities connected with illegal migration up to internationally organised illegal migration and other cross-border criminal activities, and identifies persons suspected of organising cross-border criminal activities. Officers of this unit may cover the area of responsibility of the Directorates and may be permanently present there. The directors of the units will decide amongst each other which body will deal with the initial investigation acts. The operative and search department EAST structured under the National Unit of Fight against Illegal Migration does closely cooperate with the relevant BCUs at the Slovak-Ukrainian border in the field of detecting criminal activities with involvement of traffickers. If a trafficker is apprehended, the case is passed to an investigator of the BAPB and to operatives of the operative and search department EAST. Handling each single case there is a close cooperation between the Operational centre of the BAPB and the Operational Centre of the BPD Sobrance.

At the regional level, the Border and Aliens Police investigates only a limited number of types of criminal cases, mainly the use of counterfeit documents and illegal crossing of the border by airplanes. There are no special structures for criminal investigation at BPD Sobrance and investigations have been carried out by investigators of the Investigation Bureau in Prešov.

BCUs situated on the future Schengen external border carry out a shortened investigation of offences punishable by imprisonment for three years maximum.

Although the division of investigative tasks is said to be quite clear formally, the experts were not convinced about the division of tasks in practice and about the exchange of information between the local and national level involved in the investigation of cases relating to illegal migration.

Control of persons within the territory is performed by the Aliens Police Units of the Police Force. They focus their activities in particular on checks of legality of stay, compliance with the conditions of residence and the alien's obligations arising from the Act on Residence of Aliens. They also check the fulfilment of obligations by other natural and legal persons in connection with residence pursuant to the above-mentioned Act.

RESTREINT UE

3.6. STAFF AND TRAINING

3.6.1. *Adequacy and the level of professionalism*

Border control is carried out only by professional personnel of the Border and Aliens Police of the Police Force who correspond to the determined selection criteria and have taken the necessary training in the respective training institutions of the Police Force.

3.6.2. *Responsibilities of the border police officers*

The Border and Aliens Police officers are responsible for:

- carrying out border checks and border surveillance;
- fighting illegal immigration;
- dealing with permits for and controls of aliens' stay;
- conducting expulsion and readmission of aliens;
- issuing visas at the border, and
- conducting, on a limited scale, asylum proceedings and implementation of Dublin Convention.

3.6.3. *Selection criteria*

In accordance with §14 of the Act on State Service of PF Members, a SR citizen above 18 years of age, who applies for acceptance in written form can become a policeman on condition that he/she is irreproachable, reliable, meets the level of education required for performing the function to which he is to be appointed, healthy, physically and mentally capable of performing the service, masters the national language and has a permanent residence on the territory of the Slovak Republic.

To verify if citizens meet the requirements for acceptance to the PF, they are obliged to undergo individual tests. These tests check command of the national language and physical condition and include a psycho-diagnostic and medical examination. In addition the PF carries out its own investigation during which the following complementary details are obtained:

- (a) screening from the information system of PF – persons of police interest (WPOLDAT),
- (b) extract from driver's record card
- (c) PF unit report on citizen's reputation from the location of his permanent residence.

Finally, after successfully completing the previous phases of the acceptance procedure, the applicant undergoes a medical examination.

RESTREINT UE

3.6.4. Basic training

Basic police education, which is a qualification precondition for performing the functions of a policeman with the desired warrant officer rank, is provided by high schools of the Police Force in Bratislava, Pezinok and Košice for a duration of 1 year with a total range of 1400 lessons.

Policemen undertaking the warrant officer studies, who were newly accepted for the units of border and aliens service, are assigned to an independent specialisation named "Border and Aliens Police". In the syllabus for this specialisation, there is an independent subject named "Border Police and Aliens Police" with a total of 104 lessons. It comprises 70 lessons (30 lessons of practical exercises) which provide policemen with knowledge and skills concerning border control on external EU borders, stay of aliens on SR territory, issuing visas, asylum policy and international police cooperation. Practical exercises with lectures from experts, complemented by the practical experience in actually performing the service, are also carried out at the workplaces of the Border and Aliens Police.

Higher police education is offered at the high school in Bratislava and the Academy of the Police Force in Bratislava (duration 6-10 months). The post A-level development studies at the Secondary Vocational School of PF Bratislava, so-called "officer study", offers specialised police education for policemen in permanent service who already have elementary police education, over a 12-month study period with 846 lessons taught in a combined form (alternation of four-week study cycles and the tour of duty), or distance study targeted according to individual PF services.

Officer study for policemen in the permanent State service who serve in the Border and foreign police units includes an independent specialisation named "Border and Aliens Police". In the syllabus there is an independent subject named Border Police and Aliens Police at overall length of 134 lessons.

University education is provided by the Academy of the Police Force in Bratislava (duration 3-5 years). University study is provided through study programmes at three levels (bachelor study, master study and doctoral study).

In the period 2002 – 2006, 1337 policemen were trained for the units of the Border and Aliens Police service; namely 1034 policemen acquired elementary police education in the warrant officer study, 133 policemen acquired specialised police education in the officer study, 116 policemen acquired specialised police education in the expert study for civilian and military university graduates and 54 policemen graduated from the further education courses (specialised CEPA course for integrated State border security, development course for BAPB employees).

Expert police study at the PF Academy provides specialised police education for the policemen – graduates of civilian and military universities, who are in the preparatory State service and are appointed to their function with the desired officer rank; or to policemen in the permanent State service in the functions with the desired warrant officer rank, and whose prospects, after they have followed specialised police study, involve appointment to the function where there is a demand for officers. Expert police study lasting 5 months (350 to 542 lessons) is tailored according to individual PF services (aimed at order police, transport police, border and foreign police, as well as criminal police).

RESTREINT UE

3.6.5. *Further continuing education*

Further continuing education is organised by individual units of the Border and Aliens Police Bureau, independently or in cooperation with domestic and foreign institutions. Police officers in active service are trained in three basic categories:

- Study organised within units. It involves briefings and self-study of methodological guidance, procedures, manuals, equipment maintenance and the use of software etc.;
- Qualification, re-qualification and innovation training courses and training. These training courses focus on improvement of the logistic level of work and implementation of new procedures. They are provided as special courses and training, mostly by external specialists and practitioners;
- International training events - focusing on comparison of experience, communication of best solutions and practices in order to achieve a new quality of service and problem-solving.

3.6.6. *Linguistic training*

Language training is included in police training programmes provided at all levels of police education, i.e. basic, specialised and further education.

The curriculum of the Police Force Secondary Vocational School in Bratislava includes compulsory language training in the form of full-time study totalling 124 lessons. The trainees have a choice of English or German language. The aim of the training is to acquire knowledge and language skills in the foreign language at an appropriate level, so that the policeman is able to master basics of professional terminology, and communicate with aliens in routine service-connected situations. The curriculum of the Academy of the Police Force includes 192 hours of foreign language training.

Foreign language training (English, German or Russian) is compulsory also in the university studies at the PF Academy – in the bachelor study course, with 136 lessons and in the master study course, with 210 lessons.

A further possibility for language education is offered by the intensive language courses (German and English) provided by the Police Force Secondary Vocational School at 3 levels (basic, intermediate, advanced):

- I. level (beginner) – 14-week course with 350 lessons
- II. level (intermediate) – 7-week course with 425 lessons
- III. level (advanced) – 16 week with 400 lessons

Despite that fact the Committee found the level of foreign language knowledge at all units inspected insufficient. The Committee is of the opinion that foreign languages knowledge should be improved also at managerial level.

RESTREINT UE

3.6.7. Specialised training in document checking

Basic training in document checking is provided during the basic training course for personnel of the Border and Aliens Police. Further specialised document-checking training is organised by the Border and Aliens Police Bureau and by the regional directorates of the Border and Aliens Police.

According to the information presented by the Border and Aliens Police Bureau regarding detection of falsified and forged travel documents, attention is paid to training the contact persons at regional directorates of the Border and Aliens Police. The contact persons are trained by the Bureau's Travel Document Analysis Unit. Training given to contact persons is aimed at new methods of falsification and forgery of travel documents. There are 2 contact persons in BPD Sobrance.

In 2004 a total of 315 persons from basic units of the Border and Aliens Police were trained by the Border and Aliens Police Bureau over 12 days on issues connected with FADO and falsification of documents.

In 2005 a total of 247 persons were trained for 10 days in the framework of the Memorandum of Understanding between the Netherlands and the Ministry of the Interior of the Slovak Republic, focusing on forged and falsified travel documents.

Some training activities per year were organised by the Border Police Directorate Sobrance.

There is a special Intranet website of the Border and Aliens Police Bureau with specimens of originals and forgeries of travel documents available for all border police officers.

3.6.8. Specialised training for different managerial levels

No information was presented to the Committee about systematic specialised training for the different managerial levels. Some officers of the basic units of the Border and Aliens Police told the Committee that there had been no specialised management training over the last ten years since their graduation from the officers' courses.

The Committee found the training provided to the personnel of the Border and Aliens Police basically adequate for the missions connected with border control. The Committee stresses the need for more systematic language training for the personnel of the Border and Aliens Police at the external borders. The involvement of the Border and Aliens Police Bureau of the Police Force in the organisation of language training is appreciated. Knowledge of languages should be compulsory for the staff working at the external borders. The Committee sees the need for the creation of a system of management training for all levels of leading officers.

RESTREINT UE

3.7. READMISSION, EXPULSION AND ILLEGAL IMMIGRATION, CARRIERS' LIABILITY

3.7.1. *Administrative structures and coordination*

The Slovak Republic currently has 23 valid readmission agreements, of which 19 are concluded at a bilateral level and 4 concluded at European Community level.

12 bilateral readmission agreements have been concluded in compliance with Council Recommendation of 30 November 1994 relating to a sample bilateral readmission agreement between a Member State and a third country and the Council recommendation on the guiding principles to be followed in drawing up the protocols on implementation of readmission agreements, as well as in compliance with Government Resolution No. 736 of 15 August 2001, under which a proposal for the sample readmission agreement has been adopted.

Based on a revision of bilateral readmission agreement texts and for the purpose of their harmonisation with the abovementioned Council Recommendations, the Slovak Republic has initiated new negotiations with Poland, Slovenia, Croatia, Bulgaria and Macedonia. Negotiations with Ukraine have not been initiated on account of ongoing negotiations on the readmission agreement at European Community level. The agreement will become binding also for the Slovak Republic after it comes into force. The Slovak Republic will initiate the conclusion of a bilateral protocol for execution of this agreement.

New proposals for readmission agreements texts at bilateral level have been prepared, according to EC Council recommendations, with Switzerland, Greece, Moldavia, Lebanon, Bosnia and Herzegovina, Jordan and Belarus.

3.7.2. *Removal and readmission of persons who are not admitted or who are found to be illegally present (identification, detention, issue of documents, escort, financing)*

Expulsion of persons who entered the territory of the Slovak Republic illegally is the responsibility of the police units. If for various reasons the person cannot be expelled, a police unit will grant the alien a permit of tolerated residence. Where an alien is not in possession of his/her own travel document, which cannot be issued through the embassy of the State of which he/she is a national, and has been granted a permit of tolerated residence, or where it has been decided that he/she will be administratively expelled or sentenced to expulsion, he/she will be issued with an alien's passport by the police unit. The alien's passport authorises an alien to leave the country.

At present there is no central body within the Slovak Republic which issues aliens' passports. These passports are issued by the competent divisions of the Aliens Police of the Police Force. The Slovak authorities have reported that this type of passport is issued very rarely and the countries admitting the alien very often do not recognise it.

In 2005 a total of 2011 persons were readmitted on the basis of these agreements. Compared to 2004 this number almost doubled. However, considering that 5178 illegal migrants were detected crossing the borders of the Slovak Republic illegally in 2005, 1041 illegal migrants were readmitted to the Slovak Republic from other countries and 2871 persons were discovered residing illegally in the country, the percentage of persons readmitted on the basis of readmission agreements forms 22% of the total number of illegal immigrants detected at the borders and within the country.

RESTREINT UE

1869 persons or 93% of all readmitted persons were readmitted to Ukraine, 1796 of them through the border crossing points on the territory of BPD Sobrance.

3.7.3. *Means deployed to combat illegal immigration networks*

The competent authority in the field of combating illegal migration and trafficking within the Bureau is the National Unit to Combat Illegal Migration with a nationwide competency. The Unit has been authorized to operatively detect, document and sanction crimes connected with illegal migration with competency throughout the territory of the Slovak Republic.

The National Unit carries out the following tasks:

- prevents, detects and reports the offence of unauthorised crossing of the State border;
- operatively analyses and reports particularly serious criminal offences;
- proposes and takes measures to dismantle criminal activities;
- evaluates and analyses the security situation;
- cooperates with other police units and partners abroad.

The National Unit to Combat Illegal Migration consists of the Coordination Division and Operational and Search Departments West, Middle and East. Operational and Search Department East with an office in Prešov has detached workplaces in Košice, Čierna and Tisou, and Sobrance is responsible for intelligence throughout the territory of Border Police Sobrance. However the Committee found the number of intelligence officers covering the Slovak-Ukraine border very limited, taking into account the complicated illegal immigration situation at this border. There are no units or persons carrying out criminal intelligence of illegal immigration in the structure of the regional and local units of the Border and Aliens Police.

In 2005 a total of 201 facilitators of illegal immigrants were charged (in 2004: 272). More than 70% of the facilitators were Slovak nationals but the number of facilitators who are foreign citizens has increased over the years.

Reference is also made to point.3.5.2.

3.7.4. *Implementation of carriers liability*

The Committee noted that at the land borders no use is made of the possibility of fining carriers in accordance with the Directive 2001/51/EC. Carrier liability is implemented in national legislation. However, the experts were told that road carriers are not being fined for transporting undocumented aliens into Slovakia as they always transport the persons back out of the country.

The Committee found this practice not in line with Directive 2001/51/EC, as the obligation to transport the person back is to be regarded separately from the issuing of a fine.

RESTREINT UE

4. BORDER CONTROL UNIT OF POLICE FORCE ZBOJ

4.1. GENERAL INFORMATION

4.1.1. *Environment, structure of border control unit, organisations, threats, crime statistics*

The Border Control Unit of Police Force Zboj carries out border surveillance in a section of the Slovak State border with Ukraine totalling 15 821 meters in length and in a section of the State border with Poland totalling 11 877 meters in length. It is hard mountain terrain, which is considerably rugged. The State border consists of 95% forest crop and the remaining 5% meadows. Illegal State border crossings from Ukraine to Slovakia have been registered from May to October, due to appropriate weather conditions.

In 2005 the personnel of BCU Zboj detected 236 illegal immigrants, 224 of them after illegally crossing the border crossing and 12 persons for unauthorised residence in the Slovak Republic. 107 of them applied for asylum, 90 were readmitted to Ukraine and 37 were sent to the police detention centre for aliens.

During the first half of 2006 101 illegal immigrants were detected , 81 of them after illegally crossing the border and 20 persons for unauthorised residence. 47 of them applied for asylum, 43 were readmitted to Ukraine and 10 were sent to the police detention centre for aliens.

The BCU consists of the director, deputy director for duty performance and deputy director, 26 senior officers, 10 senior officers/doghandlers and 19 officers. The total number of personnel is 58 persons.

4.1.2. *Regional or local strategy, inter-agency cooperation, international cooperation (regional and cross-border cooperation)*

Intra-ministerial cooperation is organised with the National Unit to Combat Illegal Migration, with other service PF (public police, criminal police, traffic police) and with the Migration Bureau of the Ministry of the Interior of the Slovak Republic.

Inter-ministerial cooperation is carried out mainly with the customs authority and self-government authorities, and if necessary with legal or natural persons, civil associations and non-governmental organizations.

International cooperation exists with border guard services of Ukraine and Poland.

The Committee found cooperation at the local level limited and performed mainly by heads of the BCU.

RESTREINT UE

4.1.3. *Risk analysis and intelligence functions*

Reference is made to point 3.4.

4.2. **INFRASTRUCTURE AND EQUIPMENT**

4.2.1. *Communication*

BCU are equipped with mobile radio transmitters, telephones and faxes.

4.2.2. *Transportation and mobility*

There are 8 jeeps, one personal car, one van designated for the transportation of illegal migrants and 4 snow scooters used to provide mobility of actions.

4.3. **BORDER SURVEILLANCE**

Information about border surveillance is provided in point 10 of this report.

4.4. **STAFF AND TRAINING**

4.4.1. *Adequacy and the level of professionalism*

The BCU personnel are professional border police officers. The Committee found personnel motivated.

4.4.2. *Selection criteria*

See point 3.6.3.

4.4.3. *Basic training*

See point 3.6.4.

4.4.4. *Further continuing education*

Further continuing training in BCU, is carried out daily as self-study of new legislation, international treaties and internal regulations, monthly – 4 hours training covering, in addition to the abovementioned topics, also checks on travel documents and detection of forged documents and Schengen regulations. Training materials prepared by the ad hoc Centre of Border Guard Training in the framework of the European Training Day were provided to all personnel of the BCU. Periodically some officers have an opportunity to participate in seminars and in courses organised by the BPABP or by the Ministry of Interior and also by international organisations.

RESTREINT UE

4.4.5. Linguistic skills and training

The Committee was presented with the following information about language skills of the personnel:

Foreign language	Level of knowledge		
	Basic	Intermediate	Advanced
English	7	-	-
German	1	-	1
Russian	5	25	-
Ukrainian	4	-	1

4.4.6. Availability and permanency of staff

53 border police officers were available at the BCUs. During the last month the number of personnel at the BCUs increased by 6 border police officers. Every day approximately 20 policemen were used for carrying out border control, 14-15 persons during the day shift and 5-6 persons during the night shift. Border surveillance is carried out every day by 2-5 patrols, at least by one patrol during the night shift.

5. BORDER CONTROL UNIT OF THE POLICE FORCE UBĽA

5.1. GENERAL INFORMATION

5.1.1. Environment, structure of border crossing point, organisations, traffic, threats, crime statistics

BCU UbĽa carries out border control on a section of the State border totaling 9 707 meters in length. The service section of the BCU covers an area of eight villages. This section of State border is rugged, forested and hardly accessible. On the border section of the BCU is an international road border crossing point (hereinafter BCP) UbĽa – Malyj Bereznyj, which is designated for pedestrians, personal cars and motorcycles and lorries of up to 3,5tonnes.

RESTREINT UE

Number of vehicles at the BCP Ubl'a – Malyj Bereznyj per day

	2005	1st half-year 2006
Cars	670	633
Buses	1	3
Lorries	23	22

Number of persons checked at the BCP Ubl'a per day in 2005 and in 1st half of 2006

	Slovak national	Nationals of Ukraine	Nationals of non visa States	Nationals subject to visa obligation	Total
2005	641	420	25	4	1090
1st half of 2006	750		378		1128

The information presented shows that BCP Ubl'a is mostly used by nationals of Slovakia and Ukraine.

In 2005 the personnel of BCU Ubla detected 578 illegal immigrants, 535 of them after illegally crossing the border and 43 persons for unauthorised residence in the Slovak Republic. 121 of them applied for asylum, 417 were readmitted to Ukraine and 40 were sent to the police detention centre for aliens.

During the first half of 2006 111 illegal immigrants were detected, 107 of them after illegally crossing the border and 4 persons for unauthorised residence. 5 of them applied for asylum, 105 were readmitted and one was transferred to APU PF

The BCU consists of the director, deputy director for duty performance and deputy directors, 5 heads of shifts, 42 senior officers, 10 senior officers/doghandlers and 15 officers. The total number of personnel is 75 persons

5.1.2. Regional or local strategy, inter-agency cooperation, international cooperation (regional and cross-border cooperation)

Intra-ministerial cooperation is organised with the National Unit to Combat Illegal Migration, with other service PF (public police, criminal police, traffic police) and with the Migration Bureau of the Ministry of Interior of the Slovak Republic

Inter-ministerial cooperation is carried out mainly with the customs authority and self-government authorities, if necessary with legal or natural persons, civil associations and non-governmental organisations.

RESTREINT UE

The Committee found that joint patrolling with Customs was carried out; however, at the BCP intra-service cooperation with Customs was not noticeable and should be reconsidered in order to avoid similar checks of travellers by two independent authorities and to improve communication between both authorities on the spot. ²

International cooperation exists with border guard service of Ukraine. The Committee found cooperation at the local level limited and performed mainly between heads and shift leaders of the BCP.

5.1.3. *Risk analysis and intelligence functions*

See point 3.1.3

5.2. INFRASTRUCTURE AND EQUIPMENT

5.2.1. *Separation of flows*

Border checks on entry and exit are carried out separately in different parts of the border crossing point; however, there are no elements of infrastructure for physical separation of entry and exit flows of pedestrians and vehicles.

The Committee is of the opinion that this could be used for uncontrolled entry to the territory of the Slovak Republic, especially taking into account the lack of clear border check technology of by border police and Customs and poor surveillance of movement of persons crossing the border at the BCP.

5.2.2. *Lanes for checks*

International road BCP Ubl'a is designated for pedestrians and personal and freight transport of up to maximum 3,5 tonnes with 24-hour service.

² SK: The existing situation at the state border with Republic of Ukraine does not enable to undertake standard procedures in the customs control of passengers and vehicles. In term of risk assessment by the customs administration, every transport had to be evaluated to be high risky (also from that reason it is ensure 100% X-ray control in case of freight traffic in order to minimize attempts to import goods illegally, in particular cigarettes). There is a similar situation as regards passenger traffic, what is evidenced by tendency of passengers to import on community customs territory as much as possible amounts of cigarettes and fuels.

RESTREINT UE

There are 2 lanes both on entry and exit, one for pedestrians and personal traffic and another for lorries. Due to the fact that the lanes are not separated, crowding takes place when cars and pedestrians are checked at the same time.

Moreover, on the Slovak side at the very beginning of the BCP and already behind the barriers which clearly indicate that this is the BCP area, civilians park their private vehicles in order to proceed as pedestrians to border control.

Neither on exit nor on entry lanes is signposting in place according to the Schengen standards.

5.2.3. *Control facilities*

The entire BCP is outdated and the overall situation is quite poor. There is one booth on entry and another on exit with one work station each. The booths present only minimum standards and are rather small. The second-line office with the document verification and detection equipment was situated in the main building of the BCP but some registers were located elsewhere. Control facilities for second-line checks of cars are not available.

5.2.4. *Equipment: first line, second line, mobile*

For the border checks at the first line the workplaces are equipped with computers together with optical passport readers, a document checking device (containing a magnifying glass, a retro-reflective lamp and a UV light) and an additional magnifying glass and a retro-reflective lamp.

The second-line office is equipped with a Projectina Docubox device for detailed examination of travel documents, a stereomicroscope with coaxial light source, a computer workstation, digital camera, printer and a collection of specimen travel documents in electronic and written form.

Three CCTV cameras are installed for the purpose of checking car number plates. The pictures transmitted by the cameras appear on the screen of the PC in the control booth for further handling.

The Slovak electronic handbook containing genuine and false passports and IDs is available but was found not to be comprehensive and lacking some samples of the newest travel documents.

5.2.5. *Communication*

There are three VH radio transmitters in the BCP and one telephone line available. Booths are equipped with local telephone lines. Cooperating institutions are accessible from the shift leader's office by conventional telephone line. During the inspection the telephone line with Ukrainian counterparts was not operational.

5.2.6. *Transportation and mobility*

The BCU is well equipped with transportation vehicles, having 8 jeeps, 2 personal cars, a van for transport of patrols or detained persons and 2 snow scooters.

RESTREINT UE

5.2.7. *Access control / fencing*

The entire BCP area is not fenced. Only two barriers on entry as well as on the exit side, together with traffic lights (red and green), are used to shift the traffic. All around the BCP is dense forest (except a small area of meadow to the south). Access control in this context cannot be carried out seriously.

Surveillance of the BCP is covered by a movement sensor located in the office area of the border crossing point, which is connected to the alert registration centre at the Local and District Unit of the Police Force Stakčín and Humenné. Surveillance of the area border crossing point is ensured by patrol activity.

5.2.8. *Detention / readmission premises*

There are no detention/readmission premises.

5.2.9. *Storage of blank visa*

The blank visas are kept in the safe in the office of the shift leader.

5.3. CONTROLS AND PROCEDURES

5.3.1. *Traffic handling / traffic modes*

Vehicles and pedestrians are checked at the same booth. The checks are carried out by two Border Police officers in both directions. The Customs' control booth is very close to the Border Police booth, but there are no common controls in the sense of "one-stop", so all cars and pedestrians have to stop twice to be controlled. The customs control follows border checks on entry as well as on exit.³

5.3.2. *Checking procedure on entry and exit (profiling, interrogation, checking conditions of entry, checking the documents, stamping)*

The checks were generally carried out in line with the Schengen requirements. The Committee observed that border police officers simultaneously process travellers, do the interviewing, search against the databases and stamp the documents. The interviewing is not very comprehensive, third-country nationals were not asked to present means of subsistence in every case. The available equipment for document examination in the first line was used during the Committee's visit.

³ SK: Taking into account the infrastructure of the BCP and the high risky stretch of the EU border as regards smuggling of goods (see also footnote to p. 5.1.2.), a thorough customs control is performed in the dedicated customs control space in order to minimise the waiting periods.

RESTREINT UE

The checks on exit, focusing on the search for stolen cars, wanted persons, etc. are not satisfactory due to the poor infrastructure. Since no separation of traffic between vehicles and pedestrians is in place, checks of pedestrians are performed on the street and do not always fully follow the rules for checks established by the Common Manual and by the Schengen Borders Code.

The shift leader has no response capabilities at his disposal to handle unforeseen events. He needs to call in either patrols from his own BCU or to go through the Operational Centre in Sobrance to ask for support.

Documents are stamped after finishing the entry procedures. Stamping in general is performed pursuant to the provisions of the Common Manual / Schengen Borders Code. However the Committee identified a problem concerning stamping of visas issued by Slovak consulates. Correct stamping of these visas by border police officers is not possible as the stamp (seal) of the consulate is affixed in the middle of the right hand edge of the visa sticker, which is the only possible place for stamping the visa during border checks. So the police officers have to affix a stamp not on the visa but on the page facing the one on which the visa is affixed. The Committee is of the opinion that the consulates should be asked to affix their seal on a visa in a different suitable place.

Stamps are stored in a safe in the permanent service room of the shift leader. Before starting duty the officer confirms the takeover of the stamp by his/her signature in the registration book. Security codes of the stamps are changed each month according to a written order from BPD Sobrance.

The Committee was presented with contradictory information about acceptance for border crossing of a visa affixed in a passport full of stamps, along with a new passport. In several cases the Committee was informed that valid visas affixed to passports full of stamps, are accepted if accompanied by new passports, even when the passport full of stamps had been officially invalidated. Since this practice seems not to be harmonised at EU level, the Committee invites Member States to further study this case in order to find a common approach.

5.3.3. Utilisation of registers

All non-EU citizens were referred to the registers and available databases, operated by BPBA, by other units of the Police Force and the Ministry of Interior. The information systems are used only for screening, apart from an information system BORIS which, in addition to a screening function, also has a recording function. BORIS (Borders Information System) is a central information system for border checks. When performing the screening of the entered data, the system automatically checks the data in information systems INO, IBO, VISION, PATROS, PATRDOC, PATRMV, CEMVO and TAXIS. At the next stage information about border crossing by third-country nationals and vehicles is recorded by the system.

5.3.4. Utilisation of the Common Manual

The Common Manual and the Schengen Borders Code in electronic form were available at the first as well as at the second line of border checks.

RESTREINT UE

5.3.5. *Processing of refusals and asylum applications*

The BCU Ubl'a issued 794 refusals in 2005, 791 of which were issued to Ukrainians on the basis of provisions of national law (reference to Vysne Nemecke). In the first half of 2006, 197 refusals were issued, mostly for insufficient means of subsistence, threat to public policy and the absence of valid visa.

In 2005 121 asylum applications were made within the area of this BCU. In the first half of 2006, this number was 5. The experts were told that at the time of the visit the number of applications amounted to about 9. All cases mentioned concerned persons apprehended at the green border. These persons are brought in by the patrol units, who bring them to the main building 3 km from BCP Ubl'a. In this building the BAP interviews them to collect information on personal data, travel routes and grounds for asylum. The interview is conducted with the help of an interpreter. Also, fingerprints of the asylum seeker are taken. These are checked both in Eurodac and AFIS. At the time of the visit the computers for Eurodac and AFIS were standing in the second-line office of the BCP Ubl'a. Therefore, asylum seekers had to be brought to the BCP especially for fingerprinting and checking these systems. The experts were told that this was temporary because the main building was currently in poor shape and therefore not suitable for the placement of the computers. A register is kept of all checks in the Eurodac system. According to this register 16 checks took place in 2006, compared to 40 cases in 2005. These checks concerned not only asylum seekers but also other illegal aliens apprehended.

5.3.6. *Issuance of visas*

Only transit visas and short-term visas can be issued at the border. In 2005 no visas were issued at BCP Ubl'a. In the first half of 2006 41 B-type visas and 4 C-type visas were issued. The issued visas are registered in the Issued Visa Journal. Blank visa stickers are stored in a secured box in the permanent service room by the shift leader. The Committee found that the register of the issued visas presented a misdemeanour because the visas issued did not follow the regular numbering of the codes.

5.3.7. *Second-line activities*

The second-line activities are usually carried out by the shift leaders, who have passed necessary advanced training in document examination.

The experts found that the second-line thorough control of documents was seldom carried out and the second-line activities were split up between several locations at the BCP and the seat of the Border Control Unit, located three kilometres away.

It was explained to the Committee that usually there is no need for thorough checks of travel documents due to the limited number of third-country nationals among persons crossing the border.

RESTREINT UE

5.4. STAFF AND TRAINING

5.4.1. Adequacy and the level of professionalism

The officers at the BCU Ubl'a can be regarded as professional and quite motivated. Most of them have followed the 12 months' basic training provided by the secondary vocational schools of the Police Force in Pezinok and Košice and received an elementary police education with a specialisation in border and aliens police. The interviews conducted by the experts during the evaluation of the main documents of the Schengen acquis confirmed that the border police officers of the BCP Ubl'a are aware of the Schengen provisions.

5.4.2. Selection criteria

See point 3.6.3.

5.4.3. Basic training

See point 3.6.4.

5.4.4. Further continuing education

See point 4.4.4.

Regarding the low traffic and the quality of the knowledge of the police officers interviewed by the Committee, the police officers carrying out border control seem to be able to conduct efficient self-training.

5.4.5. Linguistic skills and training

According to the information provided by the Slovak authorities, approximately half of the staff has knowledge of the Russian language.

Foreign language	Level		
	basic	intermediate	advanced
English	5	2	-
German	-	1	-
Russian	14	20	5
Hungarian	-	2	-

As a result of the visit the Committee has doubts about the adequacy of the numbers of police officers speaking Russian at intermediate and advanced level. Knowledge of other foreign languages was found to be rather limited.

RESTREINT UE

5.4.6. *Specialised document-checking skills and training*

Training in the detection of forged documents is provided to all border police officers in the framework of regular continuous training on a monthly basis for 4 hours. The shift leaders, carrying out second-line checks on documents have also been trained at least quarterly by the Border Police Directorate Sobrance. The Committee considered that the professional level of police officers in charge of document checks on the second line could be regarded as satisfactory according to the Schengen requirements.

5.4.7. *Specialised training for different managerial levels*

The director of the border control unit is trained at central level in Bratislava in the Border and Aliens Police Bureau. The Committee found that the director of BCU Ubl'a was trained in the provisions of the Schengen Borders Code as the person in charge of training staff of the BCU. Additional training in asylum matters, false document examination and investigation of stolen vehicles was provided in the framework of a twinning programme led by the Netherlands.

5.4.8. *Availability and permanency of staff*

During the visit to the Border Crossing Point Ubl'a, 5 police officers were on duty. Regarding the small number of border crossings, there is a sufficient number of staff on duty in this Border Crossing Point to perform efficient checks in line with the Schengen requirements.

5.5. READMISSION, EXPULSION AND ILLEGAL IMMIGRATION, CARRIERS' LIABILITY

5.5.1. *Administrative structures and coordination*

Only the director and his deputy are competent to take care of readmissions. The register of the readmissions is kept in the main building of the BCU at 3km from the BCP.

5.5.2. *Removal and readmission of persons who are not admitted or who are found to be illegally present (identification, detention, issue of documents, escort, financing)*

The Committee found that as of 30 September 2006 there had been 139 readmissions, out of 210 persons apprehended at the BCP Ubl'a. Approximately 66% of persons apprehended were therefore readmitted. For the purpose of readmitting persons illegally residing in Slovak Republic pursuant to the readmission agreement at the Slovak – Ukrainian border the BCP Ubl'a and BCP Vyšné Nemecké are approved as a border crossing points for carrying out readmission. Through these two border crossing points the readmissions of illegal migrants apprehended in the area of the BPD Sobrance can be carried out.

RESTREINT UE

5.5.3. *Means deployed to combat illegal immigration networks*

To increase the efficiency of the prevention of illegal border crossings at the level of the BCU Ubl'a equipment had been improved and the number of staff was increased from 30 to 68. According to the statistics the number of illegal border crossings has decreased in 2006 in relation to the figures for 2005. The number of illegal border crossings detected amounted to 535 in 2005 and 107 cases reported were in the first half of 2006. The experts were told that this was the result of a package of measures implemented since 2003. There are no special units or persons to combat illegal immigration networks in the structure of the BCU or the BPD Sobrance.

6. BORDER CONTROL UNIT OF THE POLICE FORCE PETROVCE

6.1. GENERAL INFORMATION

6.1.1. *Environment, structure of border control unit, organisations, threats, crime statistics*

The Border Control Unit Petrovce carries out border surveillance over a total length of 12 881 meters. The service section of BCU Petrovce covers seven villages. This section of the State border goes through mountains and forested terrain with large vertical intervals.

In 2005 personnel of BCU Petrovce detected 226 illegal immigrants, 187 of them after illegally crossing the border and 39 persons for unauthorised residence in the Slovak Republic. 70 of them applied for asylum, 108 were readmitted to Ukraine, 29 were sent to the police detention centre for aliens and 17 persons were transferred to APU PF.

During the first half of 2006 166 illegal immigrants were detected, 143 of them after illegally crossing the border and 23 persons for unauthorised residence. 30 of them applied for asylum, 115 were readmitted and 19 were sent to the police detention centre.

The BCU consists of the director, deputy director for duty performance and deputy director, 26 senior officers, 10 senior officers/doghandlers and 16 officers. The total number of personnel is 55 persons.

6.2. STAFF AND TRAINING

6.2.1. *Adequacy and the level of professionalism*

The personnel of the BCU consist of professional border police officers who are mainly sufficiently trained to fulfil border surveillance tasks. The border police officers were found to be motivated and aware of the situation in their area of responsibility.

RESTREINT UE

6.2.2. Selection criteria

See point 3.6.3.

6.2.3. Basic training

See point 3.6.4.

6.2.4. Further continuing education

See point 4.4.4.

6.2.5. Linguistic skills and training

Foreign language	Level		
	basic	intermediate	advanced
English	14	-	-
German	12	-	-
Russian	12	17	-

6.2.6. Availability and permanency of staff

In the BCU Petrovce, there is a temporary staff problem. 30% of the staff are still in training and are expected to join the unit by the end of 2006.

7. BORDER CONTROL UNIT OF THE POLICE FORCE VYŠNÉ NEMECKÉ

7.1. GENERAL INFORMATION

7.1.1. Environment, structure of border crossing point, organisations, traffic, threats, crime statistics

BCU Vyšné Nemecké is in charge of executing border surveillance of the border section covering a total length of 14 646 m. and 8 villages. The State border section may be divided into two parts, one passing from a hilly section to the plain and another with a flat terrain.

BCU Vyšné Nemecké is responsible for carrying out border checks at the international BCP Vyšné Nemecké which is designated for pedestrians and personal and freight transportation without limitation.

Number of vehicles at the BCP Vyšné Nemecké per day

	2005	1st half-year 2006
Cars	1504	1424
Buses	23	29
Lorries	160	173

RESTREINT UE

Number of persons checked at the BCP Vyšné Nemecké per day in 2005 and in the first half of 2006

	Slovak national	Nationals of Ukraine	Nationals of non visa States	Nationals subject to visa obligation	Total
2005	1914	1566	226	60	3766
1st half of 2006	2106	1775			3881

These numbers show that traffic of persons, personal cars and lorries through the BCP Vyšné Nemecké doubled in 2006.

Illegal crossings of the State border from Ukraine to the territory of the Slovak Republic take place most frequently at the green border before dark and early in the morning from 2.00 to 5.00. In general, the main threat to this BCU is estimated to be illegal crossings of the green borders. Whereas these crossings used to be made in bigger groups, the latest trend seems to be that groups are getting smaller. This is reflected by an increasing number of cases and a decreasing number of persons apprehended. According to the Border and Aliens Police in BCU Vysne Nemecke, undetected illegal border crossings take place via the green border. In 2004 3 cases were observed, 2 cases in 2005 and 4 cases in 2006, where it was subsequently possible to establish that an illegal crossing of the border had taken place. However, the police estimation that undetected border crossings amount to several hundreds on a yearly basis at the whole state border with Ukraine. This estimate is made on the basis of the information on illegal migration at the internal borders, the number of Dublin requests received by Slovakia and the number of readmissions to the country.

Attempts were registered at the border crossing point at Vyšné Nemecké to cross the State border illegally, using forged or falsified travel documents, while 4 forged and falsified travel documents were detected in 2005 and 21 forged travel documents were detected in the first half-year of 2006. The Committee considers that the number of detected false travel documents seems to be quite low compared to the traffic flow at this BCP.

7.1.2. Regional or local strategy, inter-agency cooperation, international cooperation (regional and cross-border cooperation)

Reference is made to point 4.1.2.

The situation of the BCP is defined by the relationship between the two border authorities: Customs and Border Police. The regime at the BCP is defined and maintained by Customs.

The Committee found intra-service cooperation between border police and customs officers at the BCP Vyšné Nemecké to be not noticeable ⁴.

⁴ **SK:** Taking into account the infrastructure of the BCP (and also the covered area) the existing cooperation might not be noticeable at first sight. The cooperation is performed by course of a document, so called "border regime at the border crossing point". Based on that, the daily information exchange, measures and other actions, which result from daily needs of both parties, are performed.

RESTREINT UE

7.1.3. *Risk analysis and intelligence functions*

No intelligence functions are carried out by personnel of the BCU Vyšné Nemecké. Tactical risk analysis is performed by a director of the BCU and his deputies and used for planning border control activities. The shifts are briefed about the situation by the shift manager.

7.2. INFRASTRUCTURE AND EQUIPMENT

7.2.1. *Separation of flows*

There is separation between entry and exit flows and separate terminals for checks of cars, buses and pedestrians and for checks of lorries. The pedestrian flow is separated from the transport flow by a fence on entry; however this is not in place on exit lanes. Since there are no or only few separations of flows (cars and passengers), pedestrians walk unguided and unobserved across the BCP area and would even be able to access the cargo terminals without any restriction.

7.2.2. *Lanes for checks*

Two lanes are available on exit where passenger cars as well as buses are checked. The distance to the Customs control booth is about 25 m, but there is a visual division which certainly influences communication and security on the spot.

At entry the situation is similar to the exit lanes, however, visibility is better due to the fact that the control booths of border police and Customs are not that far away. On both exit and entry, the location of the facilities is not suitable for up-to-date border control as regards security and inter-agency communication.

No pictograms, as provided in the Council Decision of 29 April 2004 (2004/581/EC), determining the minimum indications to be used on signs at external border crossing points, are used at the BCP Vyšné Nemecké on separate lanes for different means of transport. The only indications were signs with a scheme of traffic lanes on entry to the BCP from the Slovak and Ukrainian sides and dirty indications on the road surface showing directions for traffic at the BCP. Signposting was therefore found not yet to be in line with the Schengen standards.

7.2.3. *Control facilities*

The entire BCP is outdated. The booths present only minimum standards, they are rather small and do not face queueing pedestrians. The overall situation is rather poor. The facilities do not guarantee a complete overview by the BP of the movement of persons in order to prevent pedestrians from bypassing the control, and do not grant privacy to the travellers during their checks and interrogation.

The second-line office is situated in the main building of the BCP between the entry and exit lanes. The office is old, narrow and far away from the first line, because it is at the back of the building. There is no interviewing room. Control facilities for more thorough checks of cars are owned and managed by Customs but are available also for officers of the border police in case of need.

RESTREINT UE

7.2.4. *Equipment: first line, second line, mobile*

For border checks at the first line, the workplaces are equipped with computers together with optical passport readers, a document checking device (containing a magnifying glass, a retro-reflective lamp and a UV light) and an additional magnifying glass and a retro-reflective lamp.

The second-line office is equipped with a Projectina Docubox device for detailed examination of travel documents, a stereomicroscope with coaxial light source, a computer workstation, digital camera, printer and a collection of specimen travel documents in electronic and written form.

The Committee found the equipment in first and second line in general to be in accordance with the requirements. The Committee recommends considering the possibility of obtaining stationary UV and overhead light equipment for every control desk as is stated in Council Recommendation of 28 May 1998 on the provision of forgery detection equipment at ports of entry to the European Union. There is also a need for a wider variety of mobile document-checking equipment.

The Slovak electronic handbook containing genuine and false passports and ID documents, which was available at the first and second line, was found not to be comprehensive enough and lacks some samples of the newest travel documents.

The equipment for searches of lorries belongs to Customs. A fixed X-ray device for checking the trucks is used by Customs to search 100% of incoming trucks.

7.2.5. *Communication*

For communication at the BCU a phone, mobile phones, a VHS radio network, Internet and Intranet were used.

In the BCP Vyšné Nemecké only a local telephone line is available in the first line. Cooperating institutions are accessible from the leaders of the shift office by conventional telephone line.

7.2.6. *Transportation and mobility*

Suitable transportation means are in place. There is enough transportation capacity to guarantee mobile controls and green border patrols.

7.2.7. *Access control / fencing*

Surveillance of the BCP is covered by 3 rotary and 4 stationary CCTV cameras (cameras covered area of border crossing point on entry and on exit, access hall for pedestrians and bus passengers, area of arrival in Slovak Republic from Ukrainian side of border crossing point and, partially, cargo terminal, which belong to the BCU.

The authorities of the customs service have their own camera system, which covers the whole area of the border crossing point and provides a possibility of recording the information.

The office of the director of the BCU and his deputies and the office of the shift leader are secured by a movement sensor, which is connected to the alert registration centre at the Local Unit of the Police Force Sobrance.

RESTREINT UE

Although the entire BCP is completely fenced, access control is not fully functional. Next to the cargo terminal in the direction of Ukraine, a duty-free shop can be found. This shop is frequented permanently by both pedestrians and passengers of any transport means and is only separated from the BCP area by a weak fence. Neither cameras nor Border Police officers are in place to prevent uncontrolled access at this part of the BCP.

7.2.8. Detention / readmission premises

There are two rooms for detention which were found to be in good shape.

7.2.9. Storage of blank visa

The blank visa stickers were locked up in a safe in the office of the shift leader, accessible only by the shift leader. The use of visa stickers was registered correctly.

7.3. CONTROLS AND PROCEDURES

7.3.1. Traffic handling / traffic modes

The handling of traffic is not satisfactory due to the poor infrastructure, and the traffic of pedestrians and vehicles on exit is not separated. All travellers have to report to the same booth, so that sometimes the pedestrians were checked and interviewed on the road before their passports were taken to the booth for searching against the databases.

Uncontrolled movement of passengers is possible, as was monitored by the Committee during the visit.

On entry there are no functioning traffic lights or traffic signs in place for directing vehicles. Pedestrians are guided to the passport control and further on to the Customs terminal by a path that is fenced.

7.3.2. Procedure for checking on entry and exit (profiling, interrogation, checking conditions of entry, checking the documents, stamping)

Three officers were assigned to entry checks and two officers to exit checks of vehicles, buses and pedestrians.

Checks of travellers, searches against the databases and stamping of documents took place in an overlapping system, whereby police officers were checking pedestrians and travellers in vehicles simultaneously without a clear system and were using the same computer alternately, logging in before every single check and logging out afterwards.

Due to the permanent overlap of tasks in terms of checking the passengers of vehicles and pedestrians at the same time, it was monitored that not all passports of pedestrians were examined and not all third country nationals were checked against the databases. This procedure opens up the possibility that people may pass the system without thorough checks, especially pedestrians.

RESTREINT UE

The interrogation of travellers was found by experts to be quite poor; officers were very often satisfied with simple answers to the question as to the purpose of the trip, such as: "I'm going shopping" or "I'm going to visit a friend". It was explained to the experts that if the person announces that he/she is going to visit a friend, means of subsistence are not investigated as it is expected that this friend will take care of him/her in terms of accommodation.

It should be mentioned that invalid documents containing a visa (perforated passports) would be accepted for entry if the traveller can provide a new passport where there is space for stamps.

The available equipment for document examination in the first line was used during the Committee's visit, however not permanently.

The exit checks, focusing on the search for stolen cars, wanted persons, etc., were found to be unsatisfactory due to the poor infrastructure.

There were no hand-in-hand controls between border police officers and customs officers and no communication between these officers was visible. After the border police finish their tasks, the travellers are directed to the customs booth, where customs officers perform their checks. Both authorities check documents of travellers and vehicles at their disposal, searching vehicles and entering data on travellers and vehicles into the databases used by them.

Passports of all third-country nationals were stamped on entry and exit. The stamping was carried out correctly on the whole. The stamps were kept in the office of the shift leader in individual sealed boxes and issued for use by the shift leader. Issuance of stamps was registered correctly in a special journal.

As a result the Committee found the performance of border checks at BCP Vysne Nemecke for the most part not to be in line with the Schengen requirements.

7.3.3. Utilization of registers

Not all third country nationals were referred to the registers and available databases, especially pedestrians on entry.

7.3.4. Utilization of the Common Manual

A copy of the Common Manual without annexes was available in the booths on the first line and also at the second line.

RESTREINT UE

7.3.5. *Vehicle check*

The documents of vehicles are checked and vehicles were searched by both border police and customs officers. However, the level of controls needs to be improved. The Committee monitored the check of a Volkswagen Touareg equipped with a Czech licence plate that was driven by a Ukrainian driver with a Ukrainian passenger, who were not owners of the car. Although there were clear risk indicators underlining the possibility that this vehicle could have been stolen, only after the intervention of the Committee were the car and the drivers brought to a second-line check. The shift leader has no response capabilities at his disposal to handle unforeseen events. He needs to call in either patrols from his own BCU or to go through the Operational Centre in Sobrance to ask for support.

7.3.6. *Processing of refusals and asylum applications*

Refusals of entry are issued at the second-line office by the shift manager. The written EU format for refusals of entry is in use. The form is available through the computer systems in the second-line office. From the collection of completed forms in the binder it appears that a blank form is printed and then filled in by hand. The experts were told that from 13 October the form will be brought into line with the Schengen Borders Code. According to the list in the binder the last refusal was issued on the date of the visit. In the first half of 2006 the number was 284 according to the statistics presented to the team. In 2005, 3132 refusals were issued, 2852 of which were to Ukrainians. Of these Ukrainians, 2544 refusals were issued on the basis of national law. This corresponds with the decreasing number of refusals over the whole stretch of the Ukrainian border. It was explained to the experts that in the past national law provided a wider range of grounds for refusal than the Schengen acquis. For example, refusals could be issued because a vehicle did not comply with transport regulations, or because of the absence of health insurance.

Within the Border Control Unit of Vysne Nemecke 72 asylum applications had been received in 2005, and 22 in the first half of 2006. The experts were told that most of these applications are made at the green border, and not at the border crossing point. In 2006 there had not yet been any applications at the border crossing point.

The asylum procedure is handled in the main building of the BCU, standing apart from the border crossing point, where access to the Eurodac system is available. All asylum seekers were said to be checked in Eurodac and in the national database AFIS. The shift manager is responsible for the procedure. When a person applies for asylum, he has to fill in a form and is interviewed by the shift manager to establish his identity and purpose. Travel documents are taken in and are sent together with the personal information and an interview report to the Migration Office. The asylum seeker receives a temporary identity document and is issued with a travel ticket to travel by himself to the asylum centre. The team was told that in earlier years this procedure had led quite a few asylum seekers to abscond. However, it was said that nowadays a check is made to ensure that the asylum seeker arrives at the centre. For that reason, and because of the use of the Eurodac system, it is estimated by the BAPB that approximately 100% of asylum seekers arrive at the centre. According to the national statistics, however, about 80% of asylum applications are suspended due to unauthorised exit from the Slovak Republic. Therefore, the Committee recommends that the Slovak authorities consider the effectiveness/water-tightness of the current procedure.

RESTREINT UE

The experts found that the shift manager also informs the consular office of the home country of the asylum seeker about the personal data and the date and the place of the application for asylum. Reference is made to point 5.3.5.

7.3.7. *Issuance of visas*

While 68 visas were issued at the border control unit in 2005, the figure was 1106 at the time of the visit (861 in the first half of 2006). By far the majority of this number were B-visa issued to Ukrainian family members of one of the EU Member States. Visas for humanitarian reasons could only be issued after approval of the BAPB in Bratislava. In the first half of 2006, 7 C-visas for mostly humanitarian reasons had been issued. Visas are issued by the shift manager at the second-line office in the main building of the BCP.

The Committee found visa applications being processed correctly.

7.3.8. *Second-line activities*

The second-line activities are mainly performed by the shift leader, who is also a specialist in travel document verifications. So he executes two functions, which elsewhere are usually conferred on two different officers.

Taking account of the increase at traffic in BCP Vysne Nemecke and the large number of second-line activities already, it is highly recommended that additional personnel dedicated to second-line activities be prepared, especially to carry out thorough checks of travel documents.

7.4. STAFF AND TRAINING

7.4.1. *Adequacy and the level of professionalism*

The officers at the Border Control Unit of the Police Force Vyšné Nemecké can be regarded with limited practical experience but quite motivated. The Committee was told that from 2004 to September 2006, 70% of the staff of the BCU Vyšné Nemecké were renewed. Most of them have acquired the 12 months basic training provided by the secondary Police Force vocational schools in Pezinok and Košice and received elementary police education with specialisation in border and aliens police.

7.4.2. *Further continuing education*

Personnel follow continuous training programmes. The Committee received information that self-training is organised on a daily bases and 4 hours every month, provided by the deputy director of the Border Control Unit Vyšné Nemecké.

A European Training Day is also organised annually.

However, in the light of the mistakes noted by the Committee in the course of the border checks, the Committee has serious doubts about the quality and efficiency of this training. The Committee notes the lack of organisation and structure at regional level in BPD Sobrance to care about continuing education and support the local level in this matter.

RESTREINT UE

7.4.3. Linguistic skills and training

According to the information provided by the Slovakian authorities, approximately 1/3 of the staff have knowledge of Russian and knowledge of other foreign languages was rather limited.

Foreign language	The level of knowledge		
	basic	intermediate	Advanced
English	8	6	4
German	7	4	2
Russian	5	3	35
Hungarian	-	-	1
Dutch	-	-	1

As a result of the visit to the BCP Vyšné Nemecké, the Committee has serious doubts about the stated number of border guards speaking Russian at advanced level, as officers interviewed were not able to speak Russian at advanced or even at intermediate level.

In order to enhance the quality of the border checks on third-country nationals, in particular nationals of the former Soviet Union, it is recommended that the language skills of officers at the Border Control Unit Force Vyšné Nemecké be enhanced.

7.4.4. Specialised document checking skills and training

Training in detecting forged documents takes place during the continuous training which is provided monthly for 4 hours. 9 officers have been trained to perform checks on travel documents at the second-line level.

According to the complexity of the detection of forgeries and the increase in forgeries detection (from 4 forgeries detected in 2005 to 21 in 2006), the Committee recommends increasing the number of hours dedicated to forgeries training and increasing the number of border police officers able to carry out thorough checks of travel documents.

7.4.5. Availability and permanency of staff

During the visit to the BCU Vyšné Nemecké, 9 border police officers were on duty at the Border Control Unit of the Police Force Vyšné Nemecké, as follows: a shift leader, 5 persons on entry checks (2 of them in a terminal for lorries and 3 in a terminal for cars and pedestrians) and 3 persons on exit checks (2 of them in a terminal for lorries and one in a terminal for cars and pedestrians).

RESTREINT UE

The Committee evaluated the number of personnel on shift as insufficient in relation to the number of functions to be performed and the capacity of the Border Crossing Point. This situation is more worrying as usually there are about 7 to 8 police officers on duty at the same time at Vyšné Nemecké. Also, the Committee was told that during the night shift the exit checks of lorries are usually performed by one officer. For security reasons the Committee considers that at least two border guards should be employed on the lane to perform checks according to the Schengen Borders Code's relevant provisions.

7.5. READMISSION, EXPULSION AND ILLEGAL IMMIGRATION, CARRIERS' LIABILITY

7.5.1. Administrative structures and coordination

For the purpose of readmitting persons illegally residing in Slovak Republic pursuant to the readmission agreement at the Slovak – Ukrainian border the BCP Vyšné Nemecké is one of two BCPs approved as a border crossing points for carrying out readmission. Through BCP Vyšné Nemecké 235 persons were readmitted and 596 persons were expelled in 2005

7.5.2. Removal and readmission of persons who are not admitted or who are found to be illegally present (identification, detention, issue of documents, escort, financing)

A register is kept of all cases for which a special meeting has been conducted with the Ukrainian authorities. Reports are made of all these meetings, as well as bilingual protocols of takeover, and stored in the second line office. Where a person asks for asylum after illegally crossing the border this is also stated in the register. According to the statistics 235 readmissions and 598 administrative expulsions took place through BCU Vysne Nemecke in 2005. In the first half of 2006 84 readmissions took place and 134 administrative expulsions. No major problems were reported with regard to cooperation with Ukraine on readmission.

7.5.3. Means deployed to combat illegal immigration networks

There are no special units or persons to combat illegal immigration networks in the structure of BCU or in the structure of BPD Sobrance.

See p.3.5.

RESTREINT UE

8. BORDER CONTROL UNIT OF THE POLICE FORCE ČIERNA NAD TISOU

8.1. GENERAL INFORMATION

8.1.1. Environment, structure of border crossing point, organisations, traffic, threats, crime statistics

BCU Čierna nad Tisou carries out the State border surveillance with Ukraine over the total length of 6 125 m. This section of the State border is plain overgrown by low shrubby ground cover. One third of this section is made up of the dry tributary of the Tisa river. On the State border section with Hungary, BCU Čierna nad Tisou carries out border surveillance over the total length of 5 200 m.

BCU Čierna nad Tisou is responsible for carrying out border checks at the international railway BCP Čierna nad Tisou, which is designated for passenger and freight transport. It is the only railway BCP designated for passenger traffic at the State border of the Slovak Republic with Ukraine. Checks of passenger trains are performed in railway station Čierna nad Tisou, and checks of freight trains near the borderline outside the railway station.

Number of trains at the BCP Čierna nad Tisou – Čop per day:

	2005	1st half-year 2006
Passenger trains	8	17
Freight trains	22	16

Number of persons checked at the BCP Čierna nad Tisou per day in 2005 and in first half of 2006

	Slovak national	Nationals of Ukraine	Nationals of non- visa States	Nationals subject to visa obligation	Total
2005	82	43	47	61	233
1st half of 2006	103	119			222

The illegal crossing of the State border from Ukraine to the territory of the SR arises most frequently at night-time at the land border. The other critical places are rivers Latorica and Tisa where cigarette smuggling is carried out. However the threat of illegal border crossing is much lower here compared to other border sections, especially in the mountains.

In 2005 personnel of BCU Čierna nad Tisou detected 28 illegal immigrants, 17 of them after illegally crossing the border and 11 persons for unauthorised residence in Slovak Republic. 5 of them applied for asylum, 19 were readmitted to Ukraine and 4 were sent to the police detention centre for aliens.

During the first half of 2006 30 illegal immigrants were detected , 11 of them after illegally crossing the border and 19 persons for unauthorised residence. 11 of them applied for asylum, 12 were readmitted and 7 were transmitted to APU PF

The numbers provided indicate the increase of illegal immigration pressure in this border section.

RESTREINT UE

8.1.2. Regional or local strategy, inter-agency cooperation, international cooperation (regional and cross-border cooperation)

The Committee was informed that joint patrols with customs officers are carried out. As regards border checks in the train no joint control and communication between border police and customs officers was visible; after the border police finished their tasks in the train the travellers were checked by Customs.

8.1.3. Risk analysis and intelligence functions

The experts were told that specific risk-related information is received through one of the two representatives of the National Unit to Combat Illegal Migration, who are members of the unit. This information is therefore received orally on a daily basis. Based on this information and information provided by BPD Sobrance, patrols are briefed before the shift. The Committee had the possibility of monitoring the briefing of several patrols.

However, the experts were not convinced that real risk analysis takes place at the local level. See also point 3.4.3.

8.2. INFRASTRUCTURE AND EQUIPMENT

8.2.1. Control facilities

The second-line facilities are far away from the first line and are outdated. The Committee recommends considering the change of the location of the second-line office and improvement of facilities.

8.2.2. Equipment: first line, second line, mobile

The first line checks at this border crossing point are conducted inside the train using mobile equipment. For the border checks at the first line, mobile data terminals with passport readers, magnifying glasses, UV lamps and retro-reflective browsers are provided. There was one mobile terminal for two officers to check third-country nationals against main national databases. However the mobile data terminal was not used during the border checks observed. The magnifiers do not have a light source and during night-time usage of such equipment is not efficient.

The second-line office is equipped with a Projectina Docubox device for detailed examination of travel documents, a stereomicroscope with coaxial light source, a computer workstation with passport reader, a digital camera, a printer and a collection of specimen travel documents in electronic and written form.

The Committee found the equipment at first and second line in general in line with the requirements. However the mobile data terminal seemed not to be functional. The personal computer used for thorough checks at the second line needs updating. Regarding the state of the second-line equipment it seemed to be used randomly.

RESTREINT UE

The Slovak electronic handbook containing genuine and false passports and ID documents which was available at the first and second line was found not to be comprehensive enough and lacks some samples of the newest travel documents.

8.2.3. *Communication*

Communication means are in place. Radio transmitters with separation in working channels between the BCP and the Green Border Patrols and phones are used. The communication flow is handled by the shift leader and the operations centre.

8.2.4. *Transportation and mobility*

3 jeeps, 4 personal cars, one van, 2 snowscooters and one motorboat are used to provide mobility for patrols.

8.2.5. *Access control / fencing*

The railway border station Čierna nad Tisou is not properly fenced and a CCTV camera system is lacking for surveillance of the station. The railway from the border to the station is monitored only by one or two patrols using during night-time handheld night vision equipment. During night-time this part of the railway is not illuminated.

8.2.6. *Detention / readmission premises*

There are no detention/readmission premises in the BCP visited. The premises are situated in the BCU.

8.3. CONTROLS AND PROCEDURES

8.3.1. *Traffic handling / traffic modes*

On arrival from Ukraine a train is stopped close to the border where border police and customs officers enter the train and accompany it to the border station. In the station other policemen and customs officers are waiting for the arrival of the train and carry out controls of the locomotive and the external area of the train. On departure from the Slovak Republic the surveillance of the train is ensured in the same way as during arrival.

A cargo train from Ukraine is stopped on the border and border police officers and customs check the locomotive and external area of the train. After this control the train moves under surveillance to the cargo train station. Before the arrival of the train in the station the border police and customs officers watch all wagons of the train from the upper bridge.

RESTREINT UE

At Cierna Nad Tisou only railway traffic is handled. The checking of the traffic takes place at the train station in the town of Cierna Nad Tisou, which is situated 4 km from the border with Ukraine. The train is accompanied by a surveillance unit from the border to the railway station. When a passenger train enters the station, 2 border guards enter the train to collect passports from the passengers. During the visit, all passports of third-country nationals were collected and taken to the second-line office for further checking of the document and for a check of the personal data against the registers. One of the border guards on duty said that second-line checks were not often performed, because a large part of the travellers are regulars at the BCP. No register of checks conducted on the second line is kept.

8.3.2. Procedure of checking on entry and exit (profiling, interrogation, checking conditions of entry, checking the documents, stamping)

For border checks of the passenger train two border police officers enter the train together with Custom Guards 150 m behind the border. The train is accompanied and monitored by those officers in order to prevent that people try to jump off the train or to throw out things. The BCP is not informed beforehand by the Ukrainian Border Guards on the number of passengers.

Border checks on passengers are carried out after arrival at the station. During the checks the passengers are identified according to their travel documents and interviewed. The interviewing of passengers was found not fully sufficient⁵. The police officers were satisfied with answers like: "I'm going for some business or for shopping". One officer claimed that they never ask for means of subsistence if traveller provide a letter of invitation for business reasons. It is impossible to perform a crosscheck on such a letter due to the lack of time for the whole procedure and they said it was never done so.

Passports of the third country nationals are stamped in the train or after the first line checks in the second line office. The experts noticed in several passports stamps from different dates from this BCP that were unreadable due to the fact that not enough ink was used or different stamps were placed the one on top of the other, containing different dates.

During the checks mobile data terminal with portable passport reader was available however was not used. After first line checks of all passengers the passports of third country nationals will be collected and checks of passengers via databases will be carried out in the second line office. During these checks some of the documents were examined by using the available equipment. The BP officers have 50 minutes time for the whole procedure; than they return the passports to the passengers in the train.

⁵ **SK:** Due to the composition of passengers (mainly the citizens of Ukraine and Slovakia) and a limited time for performing the border control on the train, to conduct a detailed questioning is impossible and therefore profiling is short but very concrete. A detailed questioning is performed only in suspicious cases or with third-country nationals with exception of Ukrainians.

RESTREINT UE

The Committee is of the opinion that the limited number of police officers (two) and the limited available time for carrying out the thorough checks at the first and second line do not provide any possibility for performing those checks of third country nationals at the level required by Schengen standards.

The close analysis of the way of applying the checks procedure by the border police officers and the apparent astonishment of the passengers to the checks convinced the Committee that the applied procedure was not the usually executed one. Indeed a person who was refused the entry due to the lack of money, mentioned that she was using the train frequently before and that she never was asked about the money.

The Committee did not monitor that the BP officers were collecting the passports as it was described by them before, but observed that the Customs officers were collecting them. The Committee was explained that the Customs officers collected the passports from passengers who are supposed to leave the train at the station and by collecting the passports they want to ensure that these passengers report to the Customs at the station. After the Customs procedures the passports were returned to passengers.

In one passport, the experts noticed that a visa was cancelled by a stamp in the Slovakian language by the consulate when the validity of the visa had expired. Experts were told that this is a usual procedure. The Committee found this procedure not in line with Schengen standards and could lead to confusion for other Member States' border guards while conducting border checks. The Committee, with a view to preventing unjustified additional checks on persons holding such visas, recommends Slovak Republic reviewing this practice and restricting the cancellation of visas to the grounds stated in the Schengen Borders Code.

8.3.3. Utilization of registers

During the border checks, observed by the experts all third country nationals were referred to the registers and available databases, basically through Border Information System BORIS.

8.3.4. Utilization of the Common Manual

Common Manual and Schengen Borders Code were available in electronic and written form.

8.3.5. Vehicle check

Passenger and cargo trains have been checked by border police and customs officers on entry and exit the Slovak Republic. The Committee could monitor search of the passenger train in the process of border checks. Based on description presented to Committee checks of cargo trains seem quite basic.

RESTREINT UE

8.3.6. *Processing of refusals and asylum applications*

In 2005 125 refusals of entry were issued, mostly to Ukrainian and Moldavian citizens, in most cases because of national regulations and insufficient travel documents. In the first half of 2006 a total of 55 refusals were issued, mostly to nationals of Ukraine who had no valid visa.

According to the statistics provided during the visit, in 2005 5 asylum applications were received, while the number amounted to 11 in the first half of 2006. Experts were told that all applications were done by persons apprehended at the green border. However, the committee was not able to get a real picture of the number of asylum applications in the area of this BCU, because a higher number of apprehended persons to ask for asylum appeared from the register at the BCU.

8.3.7. *Issuance of visas*

Visas are not issued at the BCP Čierna nad Tisou

8.3.8. *Second line activities*

Second line activities consist of thorough checks of third country nationals via databases, thorough checks of travel documents, processing of refusals of entry, cases of illegal border crossing and asylum applications. Second line activities at the railway station are carried out mainly by the staff of the patrol however submitted documents should be signed by the shift leader.

8.4. STAFF AND TRAINING

8.4.1. *Adequacy and the level of professionalism*

The officers at the Department of the Border Control Čierna nad Tisou can be regarded as professional and quite motivated but missing full knowledge on Schengen regulations.

Most of them have acquired the 12 months basic training. Except for Police Officers who just finished the basic training or specialized police education (officer study), all police officers from Border Control Unit of the Police Force were retrained about the Schengen Convention, Schengen Border Code and the first part of Schengen catalogue.

However, regarding mistakes which were noted by the Committee in the process of carrying out border checks there is a question about the quality of this training.

RESTREINT UE

8.4.2. *Further continuing education*

Reference is made to p.4.4.4.

However, regarding mistakes which were noted by the Committee in the process of the border checks, the Committee have serious doubts about the quality and the efficiency of this training

8.4.3. *Linguistic skills and training*

According to the information provided by the Slovakian authorities, approximately 1/2 of the staff has knowledge on Hungarian language and 11 persons on Russian language. The knowledge on other foreign languages was rather limited.

Foreign language	The level of knowledge		
	Basic	Middle	Advanced
English	-	-	5
Russian	-	11	-
Hungarian	-	40	-

The Committee interviewed 2 border police officers who both had real basic knowledge of Russian. In order to enhance the quality of the border checks on third country nationals in particular from former Soviet Union it is recommended that the officers of the Border Control Unit Cierna nad Tisou to continue the improvement of language skill, especially Ukrainian and Russian languages.

8.4.4. *Specialised document checking skills and training*

See p.5.4.6.

8.4.5. *Specialised training for different managerial levels*

See p.5.4.7.

8.4.6. *Availability and permanency of staff*

During the visit of the Border Control Unit of the Police Force Cierna nad Tisou, 3 managers and 8 border police officers were on duty. 2 police officers were deployed for patrol and cargo train checks, 2 for passenger train checks and inland patrol, 2 for cargo and passenger train checks and 2 for green border patrol.

The Committee found the number of personnel deployed for border checks inadequate for carrying out appropriate checks on passenger trains and search of cargo trains. Moreover there is also a lack of fencing and technical surveillance of the railway station and of the site for checks of the cargo trains at the border.

RESTREINT UE

8.5. READMISSION, EXPULSION AND ILLEGAL IMMIGRATION, CARRIERS LIABILITY

8.5.1. *Removal and readmission of persons who are not admitted or who are found illegally present (identification, detention, issue of documents, escort, financing)*

In 2005 19 readmissions took place and 12 in the first half of 2006. All these numbers are based on statistics provided by the BCU and could not be checked by the team of experts.

9. BCP VELKE SLEMENCE

BCP Vielke Slemence is opened for pedestrians and cyclists, nationals of Slovak Republic, Ukraine, EU and EEA. The BCP is operating from 8 am to 8 pm. The BCP is manned by border police officers from BCU Velke Slemence and by customs officers.

The BCP is newly opened at the end of the 2005. During first half of 2006 132 385 persons crossed the border in this BCP. During above mentioned period 10 nationals of Ukraine were refused of entry, 6 of them were not in possession of valid visa, one not in possession of valid travel document, 2 persons did not have sufficient means of subsistence and did not have appropriate documentation justifying the purpose and conditions of stay. During this period was detected one falsified travel document and detained 2 wanted persons.

Regarding the status of the BCP the control facilities are in place. Communication means were found sufficient.

At the BCP is carried out both first and second line control. In general first and second line equipment is in line with the requirements. The Committee noted that border checks were carried out in line with the Schengen requirements.

10. BORDER SURVEILLANCE

10.1. GENERAL INFORMATION

The external Slovakian land borders have a total length of no more than 97,9 km with the Republic of Ukraine, of which 92,7 km are real land borders and 5,2 km are water flows. The Slovakian land border is however an extraordinary border. In the South, over a length of approx. 30 km, the borderline runs through a non-arduous flat terrain. But starting from the border crossing point of Vyšné -Nemecké towards the North, over a length of more than 67 km, the borderline runs through a very difficult, arduous, jagged and woody terrain. From the border crossing point Ubla, the borderline runs through a nature reservation ROZOK up to the BCU Zboj where the nature reservation STUZICA forms the highest and most difficult part. The nature of these regions does not allow the building of infrastructure (roads, advanced posts). The access to the Zboj area is limited and only possible by forest routes, whereas some stretches are simply not accessible for vehicles at all. Altitude lines rise from the South to the North from ground level up to 1200 meter.

RESTREINT UE

The state border with Ukraine is properly marked by means of a border signs based on the mutual agreement between the two states. Patrol paths and clearance strips are only available in the Southern section.

Green border surveillance at the Slovakian external land border is the responsibility of the SOBRANCE Border Police Directorate, responsible for the border management of the State border with Ukraine, as well as the borders with Hungary and Poland.

Border security is managed by Border Control Unit of 550 Police officers, supported by Mobile Intervention Unit of 61 Police officers.

10.2. THE VISITED SITES

The Evaluation Committee visited the BPD Sobrance and Operational Centre and 4 of the 9 Border Control Units at the border.

- The Border Control Unit at Cierna nad Tisou which secures a sector of 6,048 km State border and disposes of a staff of 58 Police officers. The Border Control Unit is also responsible for the international rail border crossing point Cierna nad Tisou – Cop (passenger and cargo traffic).
- The Border Control Unit at Vysné Nemecké which secures a sector of 14,646 km State border and disposes of a staff of 100 Police officers. The Border Control Unit is also responsible for the international road border crossing point Vysné-Nemecké-Uzhorod.
- The Border Control Unit at Petrovce which secures a rough sector of 12,881 km State border and disposes of a staff of 38 Police officers. The Unit is only responsible for the green border surveillance.
- The Border Control Unit at Zboj which secures the most difficult sector of 15,821 km State border dispose of a staff off 38 Police officers. The Unit is exclusively dedicated to green border surveillance.

The visited Border Control Units are responsible for 50% of the external land borders, equally spread over the Southern and the Northern sector and can therefore be considered as a representative sample for the whole of the State border.

The Evaluation Committee was able to get an air view oversight of the State border by a helicopter flight over the total length of the borderline.

10.3. IMPLEMENTATION OF GREEN BORDER SURVEILLANCE

10.3.1. *Tactics applied in the visited Border control Units*

According to the general management, the Border Police Directorate Sobrance is in charge of the organisation and the management of the border protection at the State border. The Border Control Units are directly responsible for the implementation of the border surveillance in their area.

Slovakia has developed an integrated system for State border surveillance based on patrolling, observation, cooperation and risk assessment. The Slovakian Border Police is the key player in the system in cooperation with other law enforcement agencies like the Customs in the fight against smuggling and other forms of cross-border crime. The border security system, centralised in 1 Border Police Directorate allows for effective actions and coordination between Border Control Units and the own Mobile Intervention Unit (MIU) at regional level as well as local level.

The patrol system is in general defined by the availability of roads, the environmental situation, the seasons and the structure of the BCU. Risk assessment is not complicated since the risk of illegal migration is high throughout the whole year. Since there is no independent electronic surveillance system, green border surveillance aims for 24 hours coverage of the border by manpower but this is hardly manageable in the Northern part of the area. The area of the Border Control Units is divided in sectors based on situational elements and followed routes of illegal border crossing groups. Border service and the execution of border operations including border surveillance are carried out on the border line (only in the South, since in the North the border line is almost inaccessible) mostly on the roads leading to and coming from the state border and connecting villages, with the use of human resources and technical resources.

Tactics are changed whenever needed to adapt them to the border situation and the information gathered. Locations of illegal border crossings differ with the change of seasons. There are various types of patrols in use (mobile, foot, dog patrols) in accordance with the tasks and missions to perform. Detailed examination of the patrol administration learned the experts that the system is in practice really implemented.

Duty hours are organised in various ways, going from 8 hours shifts up to 12 hours shifts on a 24 hours bases. Shifts do not follow each other, but overlap in order to ensure the continuous coverage of the area.

The patrols of the Border Control Units work in the so called 1st line, while the more inland operations (2nd line) and the mobile surveillance units are operated by the Mobile Intervention Unit, directly under the command of the Police Directorate Sobrance. Together they manage to get between 4 to 6 patrols in the sectors per shift (12 hours). Remarkable is the fact that the Mobile Intervention Unit operates almost independently; besides its own surveillance tasks, this unit often comes in support of the BCU patrols but always under the command of the Police Directorate. Operations are an initiative of the Directorate but can also be asked for by the BCU. In case of a collision of interests between the BCU and the MIU, the Police Directorate decides. The experts noticed that in 1 case a BCU commander was not aware of the presence of the MIU on his territory.

RESTREINT UE

Command, control and decision making on the green border surveillance are professional but separated according to the own patrols and the MIU. Tactics are based on directives of regional and local level. Commanding officers are aware of the current operational and situational needs on the green border. The experts organised exercises on maps on deployment of patrols and reaction on incidents; duty officers and commanding officers met largely the requirements. Executing officers know their tasks and missions and show excellent abilities to encounter incidents in routine situations. The Slovakian border guards show excellent attitude and discipline and are physically up to the job.

At national level, the Border Police cooperates with the National Unit for Fight against Illegal Migration; Investigation departments for serious offences; the Migration Bureau of the Ministry of the Interior and other Police departments. The Border Police further cooperates with civil associations and natural persons.

Slovakia puts into practise different forms and instruments concerning international cooperation. There is daily cooperation with the Ukrainian partners; immediate exchange of information about illegal border crossings and common investigation of border violations. The cooperation is based on the 1993 agreements but remains rather formal. In a country where a water tight security system is almost impossible to achieve, because of the nature of the border, a practical solution might be found in the coordination of border patrols up to the realisation of joint patrols.

10.3.2. Situational awareness

Situational awareness is aimed for by various means and techniques.

Risk assessment in general is organised on regional level. The Operational Centre in Sobrance consults and analyses all available information sources, including the BCU. Information on persons and vehicles is available on paper and in electronic form. There are no specific risk analyses or intelligence officers in the BCU.

The methods of surveillance are organised by human and technical means.

Patrols are planned 2 weeks ahead and executed according to the nature of the border, the environment and the seasons of the year on foot and/or by car as far as possible and by snow scooters in winter. The management and officers of the Border Control Units have in general good knowledge and awareness on the current operational situation at the green border. Based on the interviews, the experts are of the opinion that the police officers on all levels know the threats and difficulties in their area and positively estimate their orientation in a terrain (also on maps). The officers are able to identify the area where they perform their tasks, important places in the border zone and critical sectors on the area of responsibility of their units. They know their orders (general and in cooperation with others patrols). They know also how to cooperate with others patrols, the basic procedures, communication, etc.

Remarkable is the fact that at all levels, police officers are also aware of the shortcomings and problems still to solve and the difficult circumstances in which they have to work.

RESTREINT UE

Patrols are supported by 24 trained service dogs of which 50% are tracking dogs useful for border surveillance. In 2006, the service dogs played a decisive role in 32 cases of illegal border crossings which lead to the apprehension of 147 persons.

The Border Control Units do not dispose of mobile surveillance systems mounted on vehicles; these systems are in hand of the Mobile Intervention Units under the command of the Police Directorate but are currently not available for action.

The technical monitoring facilities are limited: there are no surveillance towers; no security trenches and almost no security fences (unless on the Ukrainian side). The nature of the border in the Northern part of the area makes it very difficult to use stationary surveillance systems. Border Control Units use portable thermo vision equipment and other night vision equipment.

Situational awareness could be enhanced by air support but is currently not available. The Border and Aliens Police can request the use of 4 Mi-117 transport helicopters, run by the Air Force Unit of the Ministry of Interior. These helicopters however are not suitable for border surveillance. Two Mi-2 helicopters are equipped with night vision equipment. Due to a legal problem however, night surveillance is currently impossible.

Situational awareness is also enhanced by the cooperation of the population in an organised way. The legal bases for border management foresee a system of Volunteer Forces. These citizens dispose of a number of contacts at the Border Police who they can reach at any time in order to communicate information on possible cases of illegal migration. On the other hand, the cooperation can be questioned. There is a lot of unemployment in this part of the country and some people try to make some profits through illegal activities. Large sectors of the border are scarcely populated or even not at all. In these areas the cooperation is limited to the presence of hunters and fishermen.

An additional tool could be the Operational Centre in SOBRANCE by collecting all information about illegal crossings of the State border; events at the State border; criminal activity relating to the State border on which they process daily reports. The OC can play a role in the information and data flow by providing information to the policemen at the BCU.

Situational awareness is enhanced by the cooperation with Ukrainian counterparts in exchanging useful operational information, joint investigation on border violations, and daily information exchange between duty officers of Border Control Units. However, international cooperation should be further developed towards concrete and practical solutions, like joint patrolling, parallel patrolling, etc.

The Slovakian Border and Aliens Police is well aware of the situation on illegal migration. Illegal border crossings are done on foot, usually in small groups accompanied by facilitators, but huge groups of 60 or more, are not exceptional. The most critical points are stretches of the State border located in the vicinity of Ukrainian villages, where the road infrastructure extends to the vicinity of the State border. The difficult circumstances of the mountainous area do not impede the attempts of illegal crossings. Facilitators enter the country legally as tourists and study carefully the possibilities in the woods, before going back to take up their "groups".

RESTREINT UE

10.3.3. *Reaction capability*

Reaction capability in routine matters is sufficient. Own patrols arrive at the place of an incident within reasonable time together with available patrols of neighbouring Border Control Units and the Mobile Intervention Unit. The experts noticed however that the equipment of the patrols regarding the protection of tracks and evidence of illegal border crossings is very basic and hardly sufficient in bad weather conditions.

Things are getting more complicated in the North; foot patrols in 1st line can count on the assistance of other BCU patrols and on the Mobile Intervention Unit but it will ask more time. Mobile patrols use exclusively jeeps for transport (except in winter where snow scooters are available). The jeeps have however a limited range and speed in the nature reservations; more adapted vehicles like quads and motorcycles would be more efficient.

In case of major incidents, the staff of the Border Control Unit is in first instance depending on its own resources and on the Mobile intervention Units. The people of these units however, are not different from the police officers of the basic units; they have no special training, no special equipment, no special skills to deal with specific situations. Qualified support for dealing with major incidents (use of violence, firearms, hostages taken, etc.) is not available.

In the Northern area, reaction capability in serious situations (major incidents and threats) becomes problematic. Foot patrols in 1st line can not be helped in reasonable time and have to adapt their tactics. When confronted with illegal border crossings these patrols have to pull back, keep the illegal crossers under observation and wait until they reach areas where reaction capability is restored. This tactic is surely acceptable in normal circumstances (peaceful border crossings, no violence, no threats). But in other circumstances a patrol can get in big trouble (violence, use of fire arms, etc).

The Slovakian authorities should consider the reinforcement of the Mobile Intervention Unit, by 1 or 2 sections specially trained police officers, equipped with the necessary armoury and tools to deal with threats, violence and other dangerous situations. The officers should be trained in quick reaction tactics and high speed interventions making use of special transport (even aircraft) to get on the spot.

In the actual circumstances, air support is not available.

Although assistance and first aid in case of incidents and accidents is not a Schengen requirement, the experts are worried about the lack of decent equipment at the disposal of the patrols. Especially the foot patrols in isolated areas depend on quick reaction of emergency services; waiting time can rise up to hours before professional help arrives.

RESTREINT UE

10.3.4. Availability and permanency

- *Human resources*

In general human resources are sufficient for fulfilling the tasks of green border surveillance. Border surveillance is carried out by professional police officers that are sufficiently trained to fulfil their basic tasks. The men and women are aware of the situation in their areas; they know what is available and what is not available and they have clear ideas on improvement of their working conditions.

However, in 2 of the 4 visited sites there is a temporary staff problem: 30% of the staff in the BCU Petrovce is still in training and is expected to join the force by the end of 2006. In the BCU Zboj is a lack of 34% of staff for the same reason. The BCU will not be at full strength before the summer of 2007.

The Slovakian Border Police does not have specialised units to deal with emergency or risk situations.

- *Technical resources*

There is no integrated electronic surveillance system that covers the entire border; that detects and identifies targets and enables immediate reaction. Slovakia is currently considering the implementation of a very ambitious plan to secure the State border with the republic of Ukraine; a system of physical and technical protection of the border. The experts had the opportunity to have a look at the plan and, without giving any appreciation at all, they can state that this plan certainly offers all the possible solutions to the present difficulties and threats. It will be very interesting to follow the development and the implementation of this plan.

In the mean time, the situation of the technical resources for border surveillance is almost dramatic.

The equipment of the different Border Control Units is basic and not fully available; many parts of the equipment was found broken or in repair. Each BCU has in average only 2 pieces of portable thermo vision camera; there is no reserve in case of a problem. The individual night vision equipment is available; each station has in average 4 pieces (VORON of different types) and approx. 10 hand free night vision sets (SAGEM).

There is no stationary or mobile ground surveillance equipment; no sensor systems and no fixed heat-sensing camera systems.

Mobile surveillance equipment is the responsibility of the Mobile Interventions Units of the Directorate SOBRANCE. There are 5 Mobile Surveillance Units (thermo vision camera on vehicle); 1 on VW chassis and 4 on Mercedes chassis. All units are out of order; 1 is broke and the others are subject to a claim procedure.

The Slovakian Border Police purchased recently 60 Land Rover – Defender jeeps; only 12 of them are currently available. The other vehicles are subject to a claim procedure. The car park has still a number of LADA Niva in use; these vehicles are old and used and very consuming in petrol.

RESTREINT UE

Air support is only available in theory; The Ministry of Interior disposes of 4 helicopters Mi-117 for transport. These helicopters could be useful as an element in the still to built reaction capability (on the condition that they are adapted with the necessary equipment) but are of no use for border surveillance. There are 2 helicopters Mi-2 with night vision equipment available, but they stay inactive on legal grounds.

10.3.5. Communication and encryption

Radio communications between the Border Control Units and the Operational Centre in Sobrance and between the patrols of the individual units and the groups of the Mobile Intervention Unit is possible via the SITNO system. Communication is also possible with the local Police offices of the Police District Directorates

In the South of the Border Control Directorate communication goes through via MATRA digital Radio Communication with stationary, mobile and portable units. The experts noticed that not all the vehicles were equipped with digital units; as a result the police officers can not communicate with their vehicle once they left it. Due to the difficult environmental circumstances, the Northern part of the Directorate needs two ways: the MATRA digital Radio Communication and the MIDLAND Radio Communication. Both systems do not individually cover the whole area; but the combination of the two allows the patrols to stay in contact with the BCU.

Non wireless communication goes through phone lines, fax lines, the intranet with access to the data of the Ministry of Interior, internet connection at all units+ e-mail.

Transfer of information that needs special protection (classified information) can be encrypted pursuant to the Act N° 241/2001 Coll. On Protection of Classified Materials.

DECLASSIFIED

RESTREINT UE

11. CONCLUSIONS AND RECOMMENDATIONS ON THE VISITED SITES

1. The major factor which has a huge impact on the quality of the border control is the quality of the infrastructures at the visited border crossing points. The worst situation is that of the main BCP at the Slovak-Ukraine border - Vyšné Nemecké.
2. The separation of traffic flows (if in place) is not in line with the Schengen standards. In practical any traveller is able to reach easily the exit and entry lanes without any previous profiling and constant surveillance. This situation permitted traffic jamming of pedestrians and car passengers in front of the control booths during the visit. There is also no separation of traffic flows between cargo and passenger area as regards the BCP in Vyšné Nemecké. Border crossing points were not properly fenced and perimeters were not guarded by sensors and monitored by video systems. Access control of the BCP's is therefore not carried out properly.
3. Most of the BCPs' facilities are outdated and inappropriate for up-to-date border control. The booths show only minimum standards and are rather small. As a second line office the rooms of the shift leader were used. The second line office in BCP Čierna nad Tisou was situated very far from the first line.
4. The Committee stresses that the visited Border Control Units except BCU Petrovce were almost 100% manned. However the number of border guards deployed for border checks at some BCPs was found not sufficient.
5. The Committee found that the staff of the visited Border Control Units was aware of the threats and risk indicators concerning their units. However, border police officers' profiling skills were rather modest and should be upgraded. The Committee is of the opinion that system of tactical risk analysis at the local and operational risk analysis at the regional level needs to be developed.
6. Although the quantity of the equipment at the border crossing points was sufficient and mainly in line with the Schengen requirements the quality and technical condition of some items were not satisfactory. The Committee is of the opinion that there is a clear need to deploy mobile electronic equipment that provides permanent online access to the available databases at the first line of the BCP Cierna nad Tisou.
7. The speed of the IT data network was found very slow (only 64 kBit/s available at the BCP Ubl'a), and the Committee has serious doubts about the possibility to use this network for implementation of SIS II. The Committee urges the Slovak authorities to ensure that data networks allow the implementation of SIS at all BCPs in due time.
8. With the exception of the BCP Vel'ke Slemence, the quality of border checks was found not fully in line with the Schengen requirements. The most unsatisfactory situation was in BCP Vyšné Nemecké where due to the poor infrastructure and the permanent overlap of tasks between Border Police and Customs the passengers, especially pedestrians, were submitted to inadequate though disturbing similar checks on entry and on exit⁶.
9. The Committee observed that thorough checks of third country nationals were often carried out very lightly and in some cases were not performed at all. The travellers were rarely asked to present their means of subsistence or to provide comprehensive answers about the reason of their trip or details of the stay.

⁶ SK: See also footnote no. 1 to p. 3.4.4.

RESTREINT UE

10. During border checks at the Cierna nad Tiscou passports were only very rarely examined using technical means. A random approach to the examination of travel documents by technical means was also observed by experts at visited road border crossing points.
11. Travel documents of all third country nationals were stamped regularly on entry and exit. The experts observed that stamps were not always affixed correctly (for example at BCP Cierna nad Tiscou). In some cases stamps were not readable, because of the use of insufficient ink or because stamps were placed on top of each other. Sometimes stamps were affixed at the machine-readable area of the visa, in some cases because the way of stamping by the consulate did not allow for enough room to stamp correctly.
12. Thorough checks at the second line are carried out rather seldom. The experts recommend carrying out second line checks in all justified cases.
13. The second line activities were found to be carried out mainly by shift leaders. The Committee recommends deploying additional second line document experts to international border crossing points with view to increase the level of thorough checks of travel documents and to reduce the workload of the shift leaders.
14. It is recommended to implement a system of internal supervision by the commanding officers (e.g. shift leader), especially in BCP Vysne-Nemetske, in order to guarantee common quality standards throughout the entire personnel of the BCU in performing the checks on entry and exit.,
15. The situation awareness on combating other border related criminal offences such as the transfer of stolen vehicles is very low and the procedures for the search for stolen cars do not meet the required level. Officers are not trained for this special form of crime and the search for stolen cars is limited to a very basic level. It is recommended to organise special training for officers in order to provide them with more knowledge on the modus operandi, risk factors and methodologies to search for stolen vehicles.
16. The Committee found intra- service cooperation between border police and customs officers at all BCPs not substantial enough and is of the opinion that cooperation at the spots has to be improved in order to avoid useless, double checking of travellers. Presently all passengers are checked twice as a result of separate control areas of Border Police and Customs, although the distance between control facilities of both law enforcement entities is short. The design of the present facilities also hinders the communication and cooperation of Border Police and Customs on the very control lane.
17. Despite the fact that regular additional training is organised in all the border control units on monthly bases, regarding shortcomings which were noted by the Committee in the process of the border checks, the Committee has serious doubts about the quality and the efficiency of this training and also about the basic professional training of border police officers. The Committee notes the lack of organization and structure to take care about continuing education and support the local level in this matter on regional level in BPD Sobrance.
18. The Committee recommends providing training in profiling to all personnel used for border checks and notes the need for extended training in detection of forged documents. In order to enhance the quality of the border checks on third country nationals it is recommended to continue improvement of foreign language skills of the personnel. Language skills necessary for operational cooperation at the EU-level should also be improved at all levels of the organisation.

12. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS AND FOLLOW-UP

1. Slovakia has a short (97,9 km) but at the same time very demanding and vulnerable external land border with the Republic of Ukraine. This border has been, and still is, one of the routes most often used by illegal immigrants heading towards the EU. This is also a border where criminal gangs are operating actively. The prevailing border situation in Slovakia's land border with Ukraine is challenging and it may become even more demanding in the future when visas for Ukrainians may not be free of charge. Also, Slovakia might become an even more attractive country for illegal immigrants after lifting the internal border control. The Committee recommends taking all possible measures to effectively combat illegal immigration and to tackle cross border crime.
2. The border security strategy in Slovakia is partially based on the integrated border security model. The strategy is however not yet very comprehensive or solid and does not exist in writing. The basic idea of the Schengen 4-tier border security model is also known in Slovakia though many elements of the model are still lacking or they are not effectively applied. The Committee considers it expedient to introduce a medium- and long-term planning system in an integrated border management and to put a strategy into writing.
3. The legal basis seems generally sufficient for effective implementation of border control. However, the Committee is of the opinion that there may be some problems at crossing points since the Border Police is not responsible for the public order but this is a task of the Customs. This means that the role of the Border Police in special and emergency cases related to border security is only supportive and its operational autonomy is territorially limited.
4. There is no independent border guard or border police organisation in Slovakia and the Border and Aliens Police Bureau is part of the Presidium of the Police Force within the Ministry of Interior. Organisational structure is not fully in line with recommendations and best practices of the Schengen Catalogue. Some units operate independently without regular information exchange with the units responsible for the border control. It is therefore difficult to have a functional commanding and control system and an effective and unified implementation of border control at all levels. There is a need for better coordination between the different bodies within the BABP and between the BABP and General Police units. The organisational, budgetary and financial statutes of the BABP as part of the SK Police within the Ministry of Interior as well as its subordinate logistic and operational statute seem to be substantially limiting the operational capacity of the Border Police.
5. The regional management structure of the BPD Sobrance responsible for border control at the Ukrainian border was found to be weak and small and due to that to be with limited or missing capabilities in such areas as intelligence, investigation, risk analysis, planning and supervision of border control and training activities. It is recommended to review from a legislative, operational, organisational and structural point of view the current institutional statute of the BPD Sobrance in view of granting to this authority a more adequate and comprehensive role dealing more directly with all operational and logistics needs and to strengthen the capacity of the BPD Sobrance regarding to management, risk analysis, intelligence and investigation of illegal immigration related crime.

RESTREINT UE

6. Border control is conducted exclusively by specially trained and professional border police officers. The number of police officers was increased from 294 in January 2004 to 624 in October 2006. Due to that fact there is a need to provide regular further training and guidance to young border police officers.
7. The Committee found the training system of the Border and Aliens Police to be comprehensive and professional, mainly in line with the Common Core Curriculum of border guard training. The Committee identified the need for more systematic specialised training for different managerial levels, further training on profiling, detection of document forgeries and for additional training to improve the language skills of personnel.
8. International cooperation is based on agreements. Co-operation with Ukraine exist at all levels. The Committee recommends improving practical cooperation at the local level with the Ukrainian border guards. Due to common threats and the need for unified implementation of border control at the external border of European Union the Committee recommends Border Police Directorate Sobrance organising regular meetings for experience and information exchange and coordination of border control activities with the Border Guard Districts from Poland and Hungary.
9. Inter-agency cooperation with the customs is based on agreements existing at all levels. There are no permanent cooperation structures like joint intelligence centres with Customs. In practical work in the crossing points during the visits there was no visible cooperation between these authorities and both of them were clearly working separately. This causes longer waiting times for travellers and hampers joint profiling. Means of communication are not interoperable. The positive remark concerns the full control of all trucks by customs scanning equipment in Vysne-Nemecke. The committee recommends to improve inter agency cooperation in order to enhance and facilitate cross border traffic, to reduce waiting time and to add the overall efficiency of border control. It is recommended that the relations/cooperation between Customs and Border Police is reviewed from a legal and operational point of view so to rendering the full, autonomous operational and logistic capacity to the Border Police.
10. The Committee notes that number of visas issued at the border is very high and increasing rapidly and reminds that issuance of visas at the border should be limited to exceptional cases. The Committee recommends removing visa issuance from the border to the consular post located in the neighbouring city of Uzhgorod and locating a permanent document advisor to this consular post in order to improve the level and quality of the pre-entry checks related to illegal immigration and cross border crime.
11. Situational awareness in Slovakia is based on analysis of security environment and internal reporting system. Due to fragmented structures it seems that also the situation image in national level is not always comprehensive. Risk analysis system is based on analysis of environment and several sources are being used. Statistical data was confusing since at the same presentation different figures were presented. Intelligence gathering and risk analysis resources at the Directorate of Border Control Sobrance are very limited and there are no instruments to create reliable and comprehensive operational risk analysis related to cross border crime but capacity to make only some very limited tactical level risk analysis.

RESTREINT UE

Basic understanding of the daily situation at the level of the border control units is rather good. The Committee considers, that it is very difficult to create reliable situational image with these instruments and recommends improving and concentrating all necessary elements at the regional level.

12. Infrastructure, procedures and equipment at the biggest border crossing point Vysne-Nemecke are not in line with the Schengen requirements. Due to very confusing traffic flow management, old infrastructure and very poor observation capacity at the crossing point it is possible to avoid border control. At the other border crossing points the checks procedures are better but the quality of interviewing, regular thorough checks of documents, situation awareness on different forms of trans-border crime and the operational response to those forms need further improvement. The overall situation presented to the Committee does not meet the Schengen standards.
13. The infrastructure at the visited border crossing points, administrated by Customs does not respond fully or partly to the Schengen requirements except at the BCP Velke Slemence. The separation of traffic flows is not fully provided, border crossing points are not properly fenced and perimeters are not guarded by sensors and monitored by video systems, the signposting was missing and in most of the BCPs' facilities are outdated and inappropriate for up-to-date border control. The booths show only minimum standards and are rather small. The Committee strongly recommends upgrading the infrastructure and equipment for border checks according to the provisions of the Schengen Borders Code and the Schengen Catalogue.
14. The Committee found the situation awareness on combating other border related criminal offences such as the transfer of stolen vehicles very low and in consequence of that the procedures of fighting those forms of crime, e.g. the search for stolen cars do not meet the requirements. It is recommended to organise special training for officers in order to provide them more knowledge on other cross border crime such as on the modus operandi, risk factors and methodologies to search for stolen vehicles.
15. Due to the fact that significant number of the asylum applications is suspended due to unauthorised exit of the applicants from the Slovak Republic the Committee recommends the Slovak authorities assessing effectiveness of the current procedure used by Border and Aliens Police for transport of asylum applicants to the asylum centre.
16. The Committee is of the opinion that the practice used by consulates of the Slovak Republic on cancelling of a visa which has expired is not in line with the Schengen Acquis and recommends reconsidering this procedure. The Committee also recommends reconsidering affixing the seal of the consulates on the middle of the right edge of the visa what makes impossible the correct stamping of this visa by border police officers during border checks.
17. The concept on border surveillance can be considered as an integrated system based on patrolling, observation with human and technical means, interagency and international cooperation and risk analyses. The border security system allows for effective actions and coordination between the Police Directorate and the Border Control Units at regional level as well as local level. Slovakia is invited to develop further this concept especially by implementing the System of physical and technical protection of the State border and on international cooperation with the third countries involved.

RESTREINT UE

18. The patrol system is based on general principles of patrolling, risk assessment and situational analysis and implemented on daily information and situational elements (season, weather, environment, road infrastructure, etc.). The cooperation between the Border Control Units and the Operational Centre allows for an effective organisation of the available means, taking into account the difficulties of some areas. Command, control and decision making on the green border surveillance are professional. The Slovakian border police officers responsible for border surveillance show excellent skills, good attitude and discipline.
19. In general, situational awareness is aimed for by various means: risk analyses, patrols on the ground, observation by human and technical resources, and close cooperation with the population in an organised way (Volunteer Forces). Situational awareness might be further enhanced by the Operational Centre in SOBRANCE, collecting information on all border related events all over the territory and by coordinating the activity of the Border Control Units and the Mobile Intervention Units. Slovakia is invited to enhance the situational awareness by the organisation of technical surveillance and air support.
20. The Slovakian Border Police is able to react in an adequate way on routine matters. Reaction capability on major incidents and threats is however problematic; due to the nature of the Northern part of the terrain but also due to the lack of specialised support. Slovakia is invited to create specialised support with the necessary training and equipment for patrols operating in difficult and less accessible areas in order to prevent fatal consequences of accidents and incidents.
21. In general human resources are sufficient for fulfilling the tasks of green border surveillance. Border surveillance is carried out by professional border police officers that are sufficiently trained to fulfil their basic tasks. There is however a temporarily staff problem in some Border Control Units. Taking into account, the constant and high pressure on the State border, Slovakia is invited to remedy as soon as possible these staff problems.
22. The availability and use of technical resources are problematic. The equipment of different Border Control Units is basic and insufficient to cover this most important area. There is no integrated surveillance system that prevents, detects and alerts all attempts of illegal border crossings. The ground surveillance equipment is almost non existent. Due to various reasons, large parts of the equipment are out of order, not available or legally not allowed to operate. Slovakia is urgently invited to remedy the most pressing needs and to try to develop the system of physical and technical protection of the border.
23. Radio communication on the green border is organised through two radio communication systems, MATRA and MIDLAND. Slovakia is invited to develop 1 digital radio communication network for the whole of the Directorate for audio communication or the secured confidential radio network VHF as an alternative, with possibilities of video, scanner, radar and data communication.
24. In general and taking into account all elements evaluated, the Committee can not conclude that the border surveillance in Slovakia is currently organised and implemented according the requirements of the Schengen Borders Code.