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- HUNGARY: Report on Land Borders

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THE EUROPEAN UNION

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REPORT

from : the Schengen Evaluation Committee Land Borders
to: the Schengen Evaluation Working Party
Subject : Schengen evaluation of the new Member States
- HUNGARY: Report on Land Borders

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1. INTRODUCTION

Based on the mandate of the Schengen Evaluation Group (SCH/Com-ex (98) 26 def) and the programme of evaluations adopted by the Council (15275/04 SCH-EVAL 70 COMIX 718, and 7638/2/05 SCH-EVAL 20 COMIX 200), the Land Borders Evaluation Committee visited Hungary from 19 to 27 May 2006.

During the mission, the experts visited the following sites:

- In Nagykanizsa Border Guard Directorate, Letenye Border Policing Office on 19 and 20 May 2006.
- In Kiskunhalas Border Guard Directorate, Kelebia and Szeged Border Policing Offices on 22 and 23 May 2006.
- In Orosháza Border Guard Directorate, Nagylak and Biharkeresztes Border Policing Offices on 23 and 24 May 2006.
- In Nyírbátor Border Guard Directorate, Csenger, Beregsurány and Záhony Border Policing offices on 25 and 26 May 2006.

This report is the result of what the Evaluation Committee saw and heard; of what was shown and explained and what the Committee was able to evaluate, depending on the available information given by the central and local authorities, the available time on the spot and the period of the year in which the visits took place.

The Evaluation Committee would like to thank the Hungarian authorities and specially the Ministry of the Interior and the Hungarian Border Guard for their cooperation and for the hospitality shown by the local authorities. All the information requested during the visit was put at disposal of the Committee and the additional documentation provided was of great value for the experts.

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2. GENERAL INFORMATION

The Republic of Hungary has an external land border of 1.103 km with four countries: a land border of 345 km with the Republic of Croatia; a land border of 175 km with the Republic of Serbia and Montenegro; a land border of 448 km with the Republic of Romania and a land border of 137 km with the Republic of Ukraine. In terms of illegal migration, Hungary is currently considered to be a transit country rather than a target country. Of the four land-based transit routes towards the EU, three directly cross Hungary, which challenges the responsibility of the State. As a result, Hungary becomes a key player in the management of the future central-east external border of the EU (almost 15%), together with Poland, the Baltic States and Slovenia.

The Hungarian State border is clearly defined and commonly marked.

2.1. STRATEGY

2.1.1. *Legislation*

The main legislation ruling borders management is based on the Act XXXII of 1997 (Act on Border Guard), that regulates Protecting the Borders and the Border Guard, the Act XXXIX of 2001 on the Entry and Stay of Foreigners (hereinafter Act on Aliens), the Act IV of 1978 on the Penal Code, and the Act LXIX of 1999 on Administrative offences and the Government Decree No. 218/1999.

The Decree of the Minister of Interior 40/2001 (XII. 23.) on the Internal Order of the Border Guard includes the detailed rules of the official functions of the Border Guard.

The Act on Border Guard differentiates the border area from the other territories of the country. This border area is the zone next to the border line consisting of the administrative territory of settlements specified by a Government decree. In addition, the separate specified area of an airport, railway station and harbour (port) open to international traffic, as well as the vehicle in international traffic on which border traffic is controlled during transit.

Besides the determination of the border area, this Act on Border Guard also determines the tasks of the Border Guard.

2.1.2. *General strategy for border management*

The National strategy for border security in Hungary is comprehensive and covers many aspects of

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the Schengen 4-tier model. The basic idea follows the Schengen approach including activities abroad, good cooperation with transit and neighbouring countries, border management and close cooperation with national law enforcement authorities. This strategy covers necessary actions for the full implementation of the Schengen system till the full Schengen membership and for the following period.

The border control and surveillance strategy is part of the broader Border Guard Strategy as developed in the “*Strategy of the Border Guard until full accession to the Schengen Convention and for the period immediately following accession*”.

The strategic objectives deployed in the mentioned Strategy document are to be implemented in the area of law enforcement activities, in the area of institutional development, the area of financial management, the area of networking and cooperation and in the area of quality management.

The strategic planning considers the full Schengen membership of Slovenia and Slovakia, the prospective EU accession of Romania and later of Croatia as well. It is reflected in the number of the staff, technical developments and policy making. Legal background is taken into account as well and international bilateral and multilateral cooperation is strengthened continuously.

The main objective of the state border control and surveillance is to prevent illegal migration (illegal entries and exits, illegal transit through the territory of the Republic of Hungary) and related security phenomena of organised crime, illegal residence and illegal work.

With regard to the configuration, physical dimensions and communications, effective state border surveillance outside border crossing-points is considered possible only if, in addition of the measures carried out on the border line itself, operational measures are implemented within the country as well.

Hungary established a unified, Integrated Border Management System, which should enable the implementation and fulfilment of the Schengen requirements. The main elements of this system are:

- the management of the external borders;
- the in-depth checks related to the fight against illegal migration;
- coordination by the Integrated Management Centre;
- the cross-border security cooperation.

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In order to enhance the effectiveness in the fight against illegal migration besides border surveillance and control of the border traffic, the Border Guard established and is operating a complex, countrywide in-depth control system which harmonises the tasks and municipal measures of all responsible law enforcement agencies and labour organisations. This migration filter-system (called "CHECKNET") was built up as a network. Executive units of the cooperating authorities implement their tasks coordinated (time, territory, used methods) by one authority and organised in one system. The main goal is that following the full Schengen membership with guaranteeing free movement of persons in the area, ability of enforcement of rights in the fight against illegal migration could be maintained by using the existing power and equipments.

The authorities perform their activities in the main points and routes related to illegal migration (cities, railway stations, bus stations, places for accommodation, highways, building operations, markets, agricultural regions).

The Integrated Management Centre, which is lead by the Border Guard, coordinates the tasks related to the fight against illegal migration of the Border Guard, the Police, the Office of Immigration and Nationality (OIN), the Customs and Finance Guard and the National Labour Inspectorate through its liaison officer system on central and regional level as well. Cooperation of these authorities includes common aliens policing, control on labour policy and protection of public order, implementation of such actions, exchange of information and experiences related to illegal migration, common training of the staff of the partner authorities.

2.1.3. *Analysis of environment and threats*

Hungary's geographical position is very demanding for border management. It has several types of external land borders and many well known channels of illegal immigration crossing the country.

The number of detected illegal acts related to illegal migration increased by 80% at the external borders in 2005. The Border Guard has estimated that within the last years it has apprehended 98% of the perpetrators of detected illegal acts. But in the first three months of 2006 the number of measures taken by the Border Guards (against 18.851 persons) increased by another 74% as compared to 2005. More specifically, the proportion of contraventions of alien policing rules was the highest (49%), followed by the crime of document falsification (28%). The share of illegal border crossings was 16%; that of the crime of smuggling in human beings and the crime of

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breaching ban on entry and stay was 4% and 3%, respectively. There was an increase in every category except for the crime of human smuggling, as compared to the same period of 2005. As regards the border sections, the Romanian and the Austrian border protrude with 36% and 28%, respectively. The Ukrainian section is also to be noted with 12% and with an increase of 121%. As for the citizenship categories of the perpetrators it is the Romanians on top by 46%, followed by the Ukrainians by 30%. The Romanians were mostly involved in contraventions of alien policing rules, whereas the Ukrainians rather committed document forgery.

A larger proportion of illegal acts were committed at the future EU internal borders, such as the administrative offence of illegal border crossing and criminal acts such as human-smuggling and document forgery. Offences of the infringement of prohibition of entry and stay have been detected mainly at the external border section.

In the 1st quarter of 2006 Hungary initiated 157 judicial procedures against suspected human smugglers. Regarding this type of crime, 69% of the procedures were initiated along the Austrian border section verifying the idea that the apprehended illegal migrants cross the eastern and southern borders of Hungary legally mostly, then “forced” to commit unlawful acts at the exit. Similarly to the previous years, the main citizenship categories of the perpetrators are led by the Hungarians with 38%, but the number of the Ukrainians is also notable, which rose to 27%.

The main migration routes crossing Hungary are the following:

1. From Ukraine: Záhony – Nyíregyháza - Budapest
2. From Romania: Nagylak/Gyula – Kecskemét – Budapest
3. From Serbia and Montenegro: Tompa/Röszke – Kecskemét – Budapest

At the future internal border:

1. Towards Austria: Budapest – Győr – Hegyeshalom
2. Towards Austria: Budapest – Veszprém – Rábfüzes.

In the 1st quarter of 2006, a number of 573 persons committed illegal border crossing, exceeding the figures of 2005 by 34%. The Austrian section keeps leading by 59% with an outward trend. The ratio of the increase is 39% along the internal borders and 16% along the external borders. The activity increased by 38% inward and by 22% outward as compared the same period of the last year. With respect to the inward tendency, it is the Romanian, the Serbian and the Ukrainian sections that lead the figures; the share of the Austrian section is 10%.

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Regarding the outward tendency, the Austrian border section is exclusively predominant by 79%. As regards the citizenship categories, the Ukrainians are predominating at 30%, followed by the Serbians at 18% and the Romanians at 15%. 54% of the illegal border crossings took place along the green borders, 38% along the border crossing points and the number of captions by the action teams also increased.

These figures indicate that it becomes harder to attempt to deceive the border traffic control and that the illegal migrants try to cross the borders illegally. Apart from this, a diversion effect is felt due to the strengthening of the Austrian side of the Austrian-Slovakian border section, through a westward illegal migration entering at the western Slovakian borders.

The Ministry of Interior has delegated attachés to the Hungarian embassies in Moscow, Kiev and Ankara. Their main tasks include the facilitation and support of information exchange related to border management.

2.1.4. International cooperation (regional, bilateral and readmission agreements)

The Border Guard cooperates in Twinning projects with Turkey, Croatia, Serbia and Montenegro in order to develop their national authorities responsible for border management.

International cooperation is based mainly on bilateral agreements. Agreements on border traffic control have been concluded also with all neighbouring countries. They cover in principle all levels (national, regional local) and the practical implementation differs from country to country.

Cooperation agreements were signed with Austrian, Slovenian, Slovakian, Croatian, Romanian and Ukrainian authorities responsible for border management. On the basis of these agreements, yearly Project Plans are prepared where:

- harmonization, coordination and evaluation of duties and tasks is implemented monthly;
- upon changing the shift, officials on duty discuss the implementation of border traffic control;
- common trainings tasks are carried out.

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A system of Contact Points has also been established at the Romanian and Austrian borders in order to facilitate cross-border cooperation. Officers of the Contracting parties cooperate in accordance with their national legislation. The Common Contact point at the Hungarian-Austrian border has been evaluated by the Evaluation Committee on Police Cooperation (February 2006).

With Romania a new common contact point is operational at the border crossing point of Ártánd since 1 July 2005. At this contact point the representatives are officers of the Hungarian and the Romanian border management authorities and customs services.

Several border crossing points, subject to a high pressure with regard to illegal migration (Röszke, Nagylak and Záhony) have been chosen to be established as Focal Point Offices (FPOs).

The Border Guard has delegated a liaison officer to Berlin to the German Federal Police from 1 May 2003, and the German authorities have seconded one liaison officer to the Hungarian Border Guard since 2004. There are also Border Guard liaison officers seconded to EUROPOL, Moldavia and Ukraine.

Taking into consideration the expected accession of Croatia to the EU, Hungarian, Slovenian and Croatian authorities responsible for border management started their preparation for introducing the integrated (one stop) border control.

Other contacts take place with the neighbouring countries with regard to border management in the framework of the Visegrád Group (Hungary, the Czech Republic, Slovakia and Poland) and the Salzburg Forum (Hungary, the Czech Republic, Slovakia, Poland, Slovenia and Austria).

Regular meetings of commissioners or authorities responsible for issues relating to state border are held as a part of the fight against illegal migration. At central level, the partners at these meetings are the chief commissioners of Ukraine and Romania and the chairs of the border management mixed committee (Serbia and Montenegro, Croatia). At regional level, the border management commissioners and the local level mixed committees inform each other about the volume, tendency and expected changes of illegal migration concerning the common borders, coming from neighbouring countries.

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

In the framework of the former Centre for Land Borders Hungary established the Border Crossing Points Nagylak, Zahony and Rösztke as so called Focal Point Offices, which hosted guest officers from several countries of the EU Member States.

When FRONTEX became operational in October 2005 the FPO system was not taken over. Nevertheless, this system was continued on a bilateral basis. During this evaluation, Hungary was hosting two Border Police Officers from the German Federal Police and one officer of the Spanish National Police Force at Záhony and Rösztke FPOs, and two Austrian Border Police officers at Rösztke FPO.

Hungary is supporting an initiative of some Member States, for the re-establishing the Focal Point Office system under the auspices of FRONTEX.

The Border Guard participates in FRONTEX activities through the establishment of a National FRONTEX Contact Point, appointment of a member of the Management Board and participation in several Joint Operations.

In addition the Border Guard has participated in different meetings, has implemented the Common Core Curriculum and EU-Training Day, has seconded two National Experts to FRONTEX and has the Vice-chairmanship of the Management Board

2.2. ORGANISATIONAL (FUNCTIONAL) STRUCTURE

2.2.1. *Centralised supervision and instructions*

The main forces involved in border management are the Border Guard, the Customs and Finance Guard, the National Police and the Office of Immigration and Nationality (OIN). In accordance with the Constitution (Chapter 8, Article 40), the surveillance and control of the border traffic at the state border is a task of the Border Guard.

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The Hungarian Border Guard is an independent and specialised law enforcement authority under the auspices of the Ministry of the Interior responsible for border security issues. Powers are clearly defined by law (*Act XXXII of 1997 on Protecting the Borders and the Border Guard*) and there seems to be no remarkable legal limitations for effective work. Investigation powers are limited to 10 special types of cross border crimes (including smuggling of human beings, document forgery, trafficking in human beings).

The organisation is divided into national, regional and local levels. At national level there is the National Headquarters; at regional level there are 10 Regional Border Guard Directorates that are directly under the supervision of the Headquarters. At local level there are 63 Border Policing Offices (including 112 Border Crossing points), 15 Mobile forces and 26+1 Criminal investigation and intelligence services acting under supervision of the regional directorates. Finally there are 8 Aliens policing centres, out of which only 2 are not operational.

Border control and surveillance are carried out under the supervision and support of the Regional Border Guard Directorates, by the Border Policing Offices, throughout the internal and external borders of the country. These tasks are carried out by Border Guard officers who obtained, during their education and advanced training, suitable qualifications for performing the tasks of state border control and surveillance. In the course of their work, Border Guard officers deploy all available technical means and equipment.

The Hungarian Customs and Finance Guard is an armed enforcement and administration body supervised by the Minister of Finance that takes part in border management with regard to control of passengers and goods at the external borders. Its main task is to control deliveries and goods, and the enforcement of custom rules according to the EU Customs Code and the national legislation. It is also structured at central, regional and local levels. The Customs and Finance Guard has no sole responsibility for carrying out border checks at the BCPs.

The National Police under the supervision of the Ministry of Interior can be involved in the border management as well. State border control within the country is performed by the Hungarian National Police, by the means of the patrols of the Territorial Police Forces within the country.

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The control on foreigners is performed by the Office of Immigration and Nationality (OIN) in cooperation with the Border Guard and the National Police.

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

Cooperation at central level between the Border Guard and the Police as well as between the Border Guard and the Customs and Finance Guard is performed on the basis of cooperation agreements signed by the heads of these authorities. Taking these agreements into consideration, the regional and local bodies prepare agreements and protocols for execution which include all the practical details. State border control within the country is performed by the Hungarian Police, by the means of the patrols of the Territorial Police Forces within the country.

The legal basis for the cooperation between the Border Guard and the Police concerning border surveillance is the Cooperation Agreement between the Border Guard National Headquarters and the Hungarian National Police Headquarters, based on the Act XXXII of 1997 on Protecting the Borders and the Border Guard and on the Act XXXIV of 1994 on the Police. In this Agreement, both Parties agree to cooperate on the reduction of illegal migration and on methods of cooperation, in particular: information sharing, exchange of experience, briefing, provision of data, establishment of joint investigative teams, organisation and conduct of joint control activities and duty details, coordination of certain official activities, joint events and meetings, and if required, rendering mutual criminal, technical and expert or personnel assistance. The Parties agreed to cooperate in the local, district, regional and national operations mounted with the aim of preventing and detecting illegal migration and arresting the perpetrators.

2.2.3. *Specialised services*

The Border Guard has 10 Regional Directorates and 15 Mobile Deployment units; 8 of them are at the external borders and 7 at the future internal borders. Each Directorate disposes of 1 to 3 Mobile Units. In addition, 10 “subunits” (for special missions) support each region. 10 deployment units have been established with regional competence.

The main tasks of the deployment units are the following:

- as central and regional forces:
 - concentration of capacities and forces,
 - assuring quick manoeuvres,
 - managing unexpected situations (crisis management)

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- planning and coordination of air support,
 - maintaining readiness and standby,
 - supporting regional directorates,
 - planning, organizing and implementing the complex in-depth checks.
-
- On request of the services of border policing, alien policing and law enforcement:
 - planning, organizing and implementing nationwide, regional and territorial operations,
 - implementing tasks of apprehension, securing and escorting requiring special training, knowledge, technical equipment and accessories.

At national level, the Deployment Division established the “Scorpio” Special Vehicle Detection Unit. The main tasks of this unit are the following:

- to prevent getting stolen vehicles abroad at the BCPs;
- to detect false-forged documents;
- to reinforce border policing offices with staff trained to carry out specific checks;
- gathering, analysing and forwarding information related to stolen vehicles, perpetrator groups and document forgery;
- gathering and forwarding information related to illegal acts within the jurisdiction of the Border Guard;
- to plan and carry out joint operations within the Directorates, at the border policing offices;
- to participate in the fight against illegal immigration, in operating the in-depth migration CHECKNET, etc.

In order to combat international organised crime at central level, the Central Investigation Department is functioning with the competence for the whole territory of the country. At regional level, 10 Departments of Criminal Investigation and Intelligence have the task to coordinate the concrete cases investigated by the Services. Locally 26 Criminal Investigation and Intelligence Services, are tasked to proceed the criminal cases in which the Hungarian Border Guard has competence according to the Law on Criminal Procedure. On the basis of the legal provisions, 10 crimes named in the Law on Criminal Procedure are in the scope of activity of the Hungarian Border Guard, which is entitled to initiate and conduct the investigations and as the result of which forward the cases to the Prosecution Office with competence in the case. In case one of the investigating services of the Border Guard is addressed with a case out of their competence or they have the first information on such a case, after doing the immediate measures, the case has to be officially sent to the competent investigating authority.

The investigation units are set up on the basis of the needs of the Hungarian and foreign services and with regard to the outcomes of threat assessment. The composition of these units at domestic level is based upon the type and nature of the crime to be investigated. There are also specialized intra- and inter-units in cooperation with other services.

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For the detection of crime it is possible to set up of joint crime detection teams in accordance with the Act LIV of 2002 on the international co-operation of the law enforcement agencies.

When criminal investigation is under way, in line with the Act CXXX of 2003 on the cooperation in criminal matters with Member States of the European Union, joint investigation teams can also be created.

2.3. OPERATIONAL EFFECTIVENESS

2.3.1. Resources

Hungary has altogether 112 border crossing points (104 +8). They are distributed as follows:

| | |
|---------------------------------|----|
| Road border crossing points: | 70 |
| Railway border crossing points: | 26 |
| River border crossing points : | 6 |
| International airports: | 2 |

(Not public but on request operating with international traffic: 8)

Human resources

The Hungarian Border Guard has a total staff of 11.500 men and women, of which 10.100 are Border Guards and 1.400 are civil servants.

In average about 1.000 officers of the National Police are involved in border management, together with 800 Customs officers.

Out of the 11.500 employees of the Border Guard, the Hungarian authorities state that 7.000 officers are involved in green border surveillance and border traffic control, 500 in investigation activities, 600 in aliens policing. 1.500 officers belong to the Mobile forces and 1.900 members carry out activities relating to management, logistics and training.

Technical resources

Border control at the border crossing points is supported by several types of technical and IT devices in use for checking travel documents. Document examination devices are linked through the HERR database to the different other databases. The FADO system, which is under development, will provide assistance for checking and recognising false documents as well.

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Land border surveillance is supported by an impressive arsenal of technical equipment on land by the use of fixed heat-sensing cameras, mobile heat-sensing cameras in vehicles, portable heat-sensing cameras, night vision devices and step sensors.

At present, 8 fixed heat-sensing cameras are deployed at the Serbian, Romanian and Ukrainian border allowing a theoretical (depending on the geographical circumstances) coverage of 160 km or 21% of these external borders. In combination with the available mobile heat-sensing cameras of the regions and a strategic use of the numerous portable heat-sensing cameras this result can be doubled.

The Hungarian Border Guard disposes of 1.349 automobiles (cars, jeeps and minibuses) 118 motorcycles, 37 boats and other rolling material, enough to transport the whole operational Border Guard units at the external border in one shot.

On the other hand, the Hungarian Border Guard does not dispose of air support of its own. Border surveillance from the air is possible with the help of the National Police.

The means of communication between the operational units and the operational centre are radios, GSM telephone systems, and a closed internal E-mail system (intranet).

The communication possibilities between the operational units and the operational centre are the following:

- GPRS: is the General Pocket Radio System which facilitates the transfer of data on higher, enlarged speed. This technology can be used through different means/devices (PDA/hand computers, Notebook) by the help of GPRS modem. In the interest of safer transfer of data a Virtual Private Network (VPN) is established through a client program which provides for / guarantees IP pocket-secrecy for the device.
- There is an analogue radio centre established at the Border Policing Offices of which the competence area is transmitted. The patrols being on duty keep contact with the centre through a manual and/or radio established in the car.
- Depending on the location of operational units, communication is possible through the closed circuit telephone system of the Ministry of Interior.

The implementation of the digital radio network TETRA is planned for the future.

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2.3.2. *Level of controls at external border*

At the border crossing points border checks are carried out systematically, on entry and exit. The Border Guards receive daily briefings with the last information on new trends and salient facts. During the checks the officers use several databases as the Border Registration System (HERR) to store the entry and exit data of third country nationals who cross the borders. These data can be stored up to a maximum of 90 days. The Border Guard has full online access to the central aliens policing register and part of the central registration is transferred to HERR on a daily basis (data on persons subject to prohibition of entry or stay).

The Border Guard estimates that in the last 3 years it has captured 95 % of the perpetrators of known illegal acts related to illegal migration. The calculation is based on information received from domestic (Police, OIN) and foreign authorities from which the Border Guard can presume the remaining percentage.

At the green border, surveillance is organised in 3 lines. Surveillance at the border in 1st line by human and technical means; surveillance and control in 2nd line in the border zone area by regular patrols and the Mobile Units (4 km inland) and more in-depth controls in 3rd line by the Mobile Forces of the Border Guard.

2.3.3. *Situational awareness and reaction capability*

Reference is made to point 7 (Border surveillance) of this report.

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

Reference is made to point 7 (Border surveillance) of this report.

2.4. RISK ANALYSIS, INTELLIGENCE AND DATA-FLOW MANAGEMENT

2.4.1. *Organisation*

The system of risk analysis and analysis of environment is an integral part of the border security system.

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Within the frame of the risk assessment strategy, gathering of public information is a task for the complete staff of the Border Guard. The Border Guard performs collecting, analysing and evaluation of the data and states general conclusions from the number of traffic of persons; from links and circumstances, tendencies (and changing tendencies) of committing criminal offences; efficiency and results of forces, equipments and methods applied. Domestic and international information exchange is performed. These data are filtered, analysed and forwarded to the users.

Risk assessment is performed at central level by the Analysing and Assessment Department belonging to the General Directorate of Policing; at regional level by the Analysing and Assessment Units belonging to Deputy Policing Director. At local level risk analysis is a task of the leaders or deputies of the Border Policing Departments.

The programme OZIRIS (reporting and register system) includes all measures given effect by the Border Guard: detected criminal offences, place, time and manner of committing the offence, and data of perpetrators. Information stored in the OZIRIS system gives the main basis for analysis and assessment. The programme provides a wide range of possibilities for preparing individual analysis, evaluations and background materials. In addition to this, daily reports, information originating from aliens policing and criminal investigations as well as data or other information received from domestic and foreign authorities are processed in the frames of risk assessment.

The prepared assessments can be divided into regular and individual parts. The Border Guard prepares weekly, monthly, half-yearly and yearly situation reports, statements and assessments. In these documents circumstances threatening the state border are demonstrated (migration pressure; size of passenger traffic; direction, territorial dispersion, type, size of illegal acts, citizenship of the perpetrators, modus operandi). The yearly report on 2005 and the 1st quarter report on 2006 were handed over to the Evaluation Committee.

In addition, individual assessments are prepared in relation to specific tendencies, series of a specific events and citizenship for use in international negotiations and for the government. Individual situation reports are prepared about specific events of which the edition assists the work of Border Guard officers (investigator, immigration officer, patrol). With this they receive daily, detailed information on concrete cases (circumstances of the event, supporting and hindering facts, experiences of apprehensions and questioning).

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The reporting system and dataflow management (horizontal) is clearly structured. Situational awareness is based on systematic reporting. Hungary is very well aware of the current and future situation along its external borders. The most vulnerable sectors of the borders have been identified and security system has been created accordingly.

2.5. INVESTIGATION AND ALIEN POLICING

2.5.1. *Legal background*

The following legislation provides the legal framework with regard to investigation and aliens policing:

- The Act on Entry and Stay of Aliens (Act on Aliens).
- The Government Decree 170/2001 on the Implementation of the Act on Aliens determines the rules of implementation of refusal of entry, readmission and the checks of foreigners inside the territory of the country.
- The Decree 25/2001 of the Minister of Interior on the Implementation of the Act on Aliens states the detailed rules for applying the law.
- The Joint Decree 27/2001 of the Minister of Interior and the Minister of Justice defines the rules on implementation of detention ordered in the aliens policing procedure.
- The Joint Decree of the Minister of Interior and the Minister of Justice 40/2004 (VII. 2.), determine the rules of implementation of readmission.
- The Act IV of 1978 on the Penal Code, Section 214.
- The Government Decree No. 218/1999 on Certain Administrative Offences, Section 22, Subsection.

2.5.2. *Organisation*

The effectiveness in the fight against illegal migration is ensured by the Border Guard through the country wide in-depth control system which harmonises the tasks and municipal measures of all responsible law enforcement agencies and labour organisations.

The control on foreigners is performed by the Border Guard, the Office of Immigration and Nationality (OIN), the Customs and Finance Guard, the Hungarian Labour Inspectorate and the Police in a coordinated way. This cooperation is the so-called "CHECKNET". It covers the entire national territory and it has been operational for two years now.

The Integrated Management Centre acts as strategist and coordinates those tasks related to the fight against illegal migration.

RESTREINT UE

The cooperation of the mentioned authorities includes common aliens policing, control on labour policy and protection of public order, implementation of such actions, exchange of information and experiences related to illegal migration, common training of the staff of the partner authorities. (See also point 2.1.2. (General strategy).

The Border Guard is, first of all, a border policing authority. It also acts as an administrative and investigative authority in relation to the following offences: man-smuggling; document forgery; damaging of border signs; facilitation of illegal stay; infringement of ban on entry and stay; restriction of personal freedom; trafficking in human beings; misuse of official documents; smuggling of arms and involvement in criminal organisation.

In addition, the Border Guard may act as an alien policing authority and an authority responsible for certain administrative offences (for instance, imposing prohibition of entry and stay, ordering detention, readmission, on-the-spot-fine, preliminary interview of asylum seekers).

Finally, it also acts as a cooperating authority in asylum cases.

2.6. STAFF AND TRAINING

2.6.1. *Adequacy and the level of professionalism*

In general, the number of personnel seems to be adequate to the current needs; the border guards are disciplined, professional and seem to be motivated to perform their daily duties. There is however room for improvement with regard to the general concept of the way in which border checks are carried out.

2.6.2. *Responsibilities of the Border Guards*

The main competences of the Border Guard are the surveillance of the borders, controlling border traffic, maintaining the order of the borders, investigation, aliens policing and border security.

In addition to the specific tasks carried out at the border area, the Border Guard is also authorised to perform tasks relating to illegal migration as mentioned in point 2.5.2.

First line officers do not have the competence to conduct the criminal investigation of the cases, as they are conducted at the level of the Directorates. The investigators of the Border Guard perform the entire investigation of the criminal cases that belong to their area of competence.

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Once the investigation is completed, the case is handed over to the Prosecutor's office with a motion to raise the charge.

In case of the lack of competency for the investigation, the case is immediately handed over to the authority with such competency (Police, Customs and Finance Guards, etc.).

2.6.3. *Selection criteria*

The candidates to border guards must be Hungarian, 18 years old, secondary education degree and a clean police records. If accepted, they have to go through a selection procedure that includes physical and mental tests.

2.6.4. *Basic training*

The basic training is provided at basic, intermediate and high level.

The basic professional training, at secondary level, serves for the preparation of border guards recruited as non-commissioned staff. It is a border policing professional training that prepares for filing the field of work of special subunits. The training is organized at the Secondary Law Enforcement Secondary School under the subordination of the Ministry of Interior.

The border policing professional training is carried out in the form of two-year regular school-system. Participants are in student legal relation during the training and after successful exams they become non-commissioned officers.

On the other hand, there is a one-year irregular distant training organised out of the school-system for officers with a basic qualification. It finishes with a special examination and is equivalent to the qualification obtained under the school training system.

The Schengen Acquis is an integral part of the curriculum studied in the secondary schools, higher education and further education of the Border Guard.

The basic professional Commissioned Officer training at higher level serves for the preparation of Border Guard's commissioned staff. This training lasts three years both at the Police Academy or at Zrinyi Miklós National Defence University. After the graduation the students can be nominated commissioned officers.

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There is also a two-year term correspondence university training at the Zrínyi Miklós National Defence University for those officers who have a college degree and three years of practical work. These officers are the ones called to occupy the higher positions in the organization.

In order to enhance the quality of this education, the training scheme of the law enforcement secondary schools was switched to the so-called 1+1 training (one year in school, one year on practice), which is more practical oriented. From 2005 the modernization of the higher education for border guards applies the standards and criteria of the “Bologna process”, in order to meet the new challenges and requirements.

2.6.5. *Further continuing education*

For the attainment of the Schengen Acquis among the staff, specialized trainings are organized at local, regional and central level. Further and self- education is also used by the border guards from their posts.

Training institutes and invited lecturers are also involved in cases of necessity. The level of attainment of the Schengen Acquis is centrally controlled and evaluated on regular basis. Generally the Border Guard operates on the basis of national programs, yet there is a possibility to include and integrate regional and local characteristics into the programs.

In order to enhance the efficiency of the training, the Hungarian Border Guard set up a multiplier network (at local offices, mobile forces, services and centres), consisting in officers responsible for the training in Schengen issues that have been appointed and are already trained to spread the knowledge at regional and local level.

Future trainings financed by the Schengen Fund are already fixed in the Educational Plan signed by general director of the Border Guard, the Chief of the Police, the general director of the OIN and by the general director of the Law Enforcement Training Centre of the Ministry of Interior. The experts of the Border Guard actively participate in the training of the assigned staff of the Police and the OIN.

Since 2002 and 2003, the personnel have been receiving education about the relevant parts of the Schengen Acquis.

RESTREINT UE

2.6.6. *Linguistic training*

During their career the officers can follow several trainings organised either at central level or by the Regional Police Directorates. The language trainings may be provided in regime of intensive, extensive or hospitalization. Additional courses are provided thanks to the international cooperation at bilateral level (Hungarian-French) or multilateral level, (Hungarian-English-Ukrainian).

Additional training is provided at regional level on English or German.

Some of the officers deployed at the different sectors of the border speak or understand at basic level the language of the neighbouring country, namely, Croatian, Serbian, Romanian, or Ukrainian. The knowledge of other languages as English or German is more limited.

The Committee considers that there is room for improvement with regard to the training on language skills, in particular on Serbian and Ukrainian in order to facilitate the communication with the travellers from those countries and thus improve the effectiveness of border checks. In addition, the training on English should also be promoted as an important tool to enhance the international cooperation with other countries.

2.6.7. *Specialised document checking training*

There is a system in place in order to regularly train the officers in document checking both at central and regional level. At the different BPOs and BCPs visited, there were experts on documents and in some of them, the most skilled officers, were also the multipliers within the unit.

The Committee considers that this training should be extended as much as possible in order to improve the quality of the verification of documents and the use of the available technical equipment not only at the second but also at the first line.

2.6.8. *Specialised training for different managerial levels*

The Border Policing Vocational exam and manager training is provided to those most suitable high ranking officers. This training is oriented to cover the needs derived from the activities linked to the tasks to be performed by the leading positions at the Border Guard stations. Currently there are 35 officers preparing the policing vocational exam, 6 the policing manager training and 1 the policing executive manager training.

RESTREINT UE

2.7. READMISSION, EXPULSION AND ILLEGAL IMMIGRATION. CARRIERS LIABILITY

2.7.1. *Administrative structures and coordination*

The OIN is responsible for naturalisation, aliens policing and asylum issues (legal migration).

Concerning illegal immigration, the OIN is entitled to order expulsion, prohibition of entry and stay and to implement the expulsion ordered by the Court. It can also order the use of coercive measures in order to execute final decisions: to order detention for aliens policing purposes, detention for preparation of the execution of expulsion orders, staying in a designate place, removal, issue warrants for wanted persons and wanted documents.

Concerning the unauthorized employment of foreigners staying illegally, the OIN is entitled to impose fines.

The Border Guard and the Police, upon request of the OIN can contribute to the supervision of the aliens policing rules, in case of readmission and forced return, escort the foreigner to the border crossing point, in case of detention transport the foreigner to the detention facility and ensures that the foreigner under detention appears before the Court.

In its aliens' policy competence, the Border Guard is entitled to carry out other activities, e.g. ordering prohibition of entry and stay, expulsion, taking fingerprints, executing of detention for aliens policy purposes, issuing warrants for wanted persons.

The Border Guard may impose fines in case of administrative offences related to illegal migration, such as infringement of aliens policing rules, illegal border crossing and administrative offences related to travel documents.

The Police, while carrying out its crime-prevention duties, detection tasks or duties connected to protection of public security, may supervise the legality of stay of the foreigners, examine the authenticity of documents possessed by the foreigner and establish the identity of the foreigner. For these purposes the Police shall contact any national databases.

The Police carries out its tasks independently, but often jointly with the Border Guard and the Customs and Finance Guard in the framework of joint actions, joint controls and joint patrol connecting to the in-depth checks.

RESTREINT UE

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

Hungary has signed readmission agreements with Austria, Italy, Germany, Greece, France, Portugal, the Netherlands, Belgium, Luxembourg, the Swiss Confederation, the Czech Republic, Poland, Slovenia, Latvia, Slovakia and Estonia.

In addition it has concluded readmission agreements with the following third countries: Romania, Ukraine, Bulgaria, Albania, the Former Yugoslavian Republic of Macedonia, Moldavia, Croatia, Serbia and Montenegro and Bosnia and Herzegovina, the latter signed but not yet into force.

Since 2000, 12288 cases were examined. Romania, Ukraine, Serbia and Montenegro were the more frequent countries of origin. Regarding the percentage of foreigners readmitted, Hungary has sent back on the basis of those agreements up to 99% of the persons: 98% mainly to Romania, Ukraine, and Serbia and Montenegro and 1% to non-neighbouring states (Albania, Moldavia).

The number of persons handed over under the readmission agreements were 3.895 in 2000, 2.622 in 2001, 1.600 in 2002, 1.721 in 2003, 1.467 in 2004 and 1.537 from January to October 2005.

2.7.3. *Means deployed to combat illegal immigration networks*

The following practical measures are at the disposal of the authorities to combat illegal immigration:

- 8 reception centres with a capacity of 589 persons maintained by the Border Guard; 2 penitentiary institutions have been designated for detained foreigners whose expulsion has been ordered by the time the forced expulsion will be executed. They are separated from the convicted persons.
- 4 community shelters with a capacity of 336 persons under less restrictive conditions have been set up for foreigners, whose expulsion have been ordered but may not be implemented by the end of their detention for aliens policing purposes because of lack of executive conditions.
- A "Migration network" has been established to enhance the effectiveness of measures taken against illegal migration and other relating illegal activities with the participation of immigration and police authorities, the Border Guard, Customs and Labour control authorities.
- The OIN cooperates with the Police and the Border Guard to implement forced expulsion and expulsion of those under the effect of readmission agreements.
- The OIN keeps a continuous contact with the Ministry of Foreign Affairs, the consular sections of foreign representations as well as the honorary consuls working in Hungary in order to identify the person, determine the nationality and issue travel documents. The regional branch of IOM may cooperate, if requested, to issue documents for foreigners, originating from a country that has no diplomatic mission in Hungary. In the field of identification the OIN cooperates with police attaches and immigration officers delegated from the EU.

RESTREINT UE

- By arranging forced repatriation by air, the OIN cooperates with the diplomatic mission of the targeted country as well as the Hungarian mission abroad. In the course of the execution of the forced repatriation by air with escort, the representation of the targeted country will be informed about the number of the repatriated, about the illegal actions committed by them, the sanctions imposed, the planned time and route of flight transport, the planned time and place of arrival as well as the number of the escort. These data may ensure the smooth way of reception and prompt delivery of the expelled.
- The OIN keeps continuous contact with airways, airport authorities of the designed countries of transit; who will be informed about the time of the transit, the number of escorted persons, the flight number and the planned route.
- During the flight, escort is guaranteed for unaccompanied minors and, if necessary, medical support may be granted for the expelled. During a preparation method the foreigner will be informed about the way, time and route of the transport.
- Regarding returnees cases of "non-refoulement" are carefully examined. In order to make undoubted decisions the OIN has a documentation centre and keeps contact with organisations involved (UN, IOM, AI, NGOs and human rights' organisations) by a continuous exchange of information. The OIN has an updated database with country reports and an adequate control system to make well-based decision.

2.7.4. *Implementation of carriers liability*

The legislation in force provides detailed rules on the liabilities of operators of vessels, air carriers and operators of coach services.

Prior to transfer to the territory or to another country through the territory of the Republic of Hungary the operator must ascertain that the foreigner meets the conditions of entry or transit, i.e. he/she is in possession of a valid travel document and visa.

The applicable legislation is the Act on Aliens Section 86, Subsection 1 and the Government Decree on the Rules of carriage by air of passengers.

Should the operator fail to fulfil the obligation to check whether the passenger meets the conditions of entry or transit, and transport a foreigner to the territory of Hungary whose entry is refused by the competent authority, or the foreigner is returned to Hungary following refusal of entry into the state of destination, or the carrier who should transport the foreigner to another destination country refuses the transportation, the operator is obliged to return the foreigner to the country where the foreigner was carried from or to a country which is under an obligation of readmitting him/her.

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When the return of the foreigner cannot be implemented immediately, the foreigner arriving on waterways or by rail or road shall be obliged to stay in the designated part of the border area for a maximum of 48 hours from the time of his/her arrival. Foreigners arriving by air shall be obliged to stay in the designated area of the airport for a maximum of 8 days from the time of his/her arrival.

If a carrier fails to fulfil its liability to return the foreigner within the deadline specified above, the Border Guard shall advance the cost of the return and shall execute it by way of another carrier.

In case that the foreigner applies for international protection, the obligation to return him/her cannot be ordered.

When the operator disputes its obligation to return the foreigner and to bear the costs, the aliens policing authority shall order the obligation by a formal decision which is immediately executable. The operator shall be exempted from the obligation to return the foreigner and to bear the costs if it proves that it fulfilled its checking obligation and the foreigner was in possession of a valid travel document and visa on boarding the vehicle.

A fine of € 4000 or equal HUF per passenger may be imposed on the operator obliged to return the foreigner and bear the costs by the competent aliens policing authority. The law does not allow discretion as regards the amount of the fine.

| | Number of cases | Penalties imposed (HUF)/€ | Penalties paid (HUF)/€ |
|------------------------------------|------------------------|--------------------------------------|--------------------------------------|
| 2002 | 60 | 20 600 000 (€ 76.364) | 20 400 000 (€ 75.615) |
| 2003 | 59 | 15 350 000 (€ 56.896) | 14 950 000 (€ 55.423) |
| 2004 | 217 | 209 863 880 (€ 778.017) | 181 299 080 (€ 672.070) |
| 1st half of 2005 | 100 | 119 739 080 (€ 443.869) | 81 060 360 (€ 300.562) |
| Total | 436 | 365 552 960 (€ 1.355.430) | 297 709 440 (€ 1.103.778) |

The fine is imposed on the operator of road vehicles and vessels by the local branch of the Border Guard. The statistics on the fines imposed and executed are kept in the database of the Border Guard.

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Appeals against the decision imposing a fine are dealt by the OIN as the authority of second instance.

The judicial review of the final decision of the authority of second instance can be requested on grounds and with reference to a breach of law. The judicial review is dealt by the court competent in administrative cases. If the court establishes a breach of law, it shall annul the administrative decision and, when necessary, oblige the authority to initiate a new procedure.

The figures on illegal migration are commented in point 2.1.3.

REPORTS ON THE VISITED SITES

3. REPORT ON NAGYKANIZSA BORDER GUARD DIRECTORATE (LETENYE BORDER POLICING OFFICE)

3.1. GENERAL INFORMATION

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

This Border Guard Directorate (BGD) is responsible for the border security at the in Hungarian-Slovenian (53 km) and Hungarian-Croatian (146 km) borders. It has 5 Border Policing Offices (BPOs) with 8 border crossing points and 2 mobile forces. According to the regional authorities this area is not confronted with a high pressure of illegal immigration. It concentrates mainly at the BCPs and the surrounding areas. Most of the false documents are detected at Letenye BCP.

Letenye Border Police Office (BPO) is responsible for border surveillance and border checks at three BCPs (road crossing point Letenye, railway BCP and a temporary airport). There are no permanent personnel responsible for border checks or border surveillance but, in principle, all border agents from the BPO could be assigned to do both tasks.

Border guards and customs work together at the BCPs.

Letenye BCP, which is in the only BCP visited by the Evaluation Committee in this BGD, has approximately 2.2 million travellers per year, most of them from Croatia, Poland, Slovenia, Slovakia and the Czech Republic. The traffic of trucks is increasing.

RESTREINT UE

This area seems to be relatively calm in terms of illegal immigration and cross-border crime and the statistics presented supported this statement. In addition, the river along the border creates another physical obstacle for illegal crossing. Illegal migrants travelling towards Italy prefer to use other routes via Slovenia. The number of false or fake documents detected is surprisingly low compared to the traffic flow.

97 persons were refused entry in the period from January to April 2006 (366 in 2005). The majority of refusals (mostly Romanians) are due to lack of valid travel documents.

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

The regional directorate is responsible for all border security tasks in its area of responsibility. The strategy covers all basic elements of border security and is in line with the national strategy.

Resources are allocated according to the risk analyses and the Border Guard, at all levels, is well aware of the current situation at the border.

The cooperation with customs was very visible at the BCPs and the Border Guard and Customs officials conduct their tasks together. Police are not present at the BCPs but the cooperation inland was reported to be good (an example is the use of joint patrols). The Committee could see one of these joint patrols while they were conducting a joint migration (border guard), traffic (police) and customs control. The operation took place approximately 20 km from the border and was led by the Border Guard.

The cooperation with the Croatian border police is most intense at the BCP. Regular meetings and exchange of information are the main forms of cooperation. At this area there is no joint patrolling but there are communication lines.

3.1.3. Risk analysis and intelligence functions

The risk analysis and intelligence system cover all levels of the organisation. These two tasks are organisationally separated but functionally integrated. For risk analysis and assessment there is a Risk Assessment Division at national level. At regional level the subdivision of the analysis and evaluation is done at the BPOs. The deputy head is responsible for local risk assessment.

RESTREINT UE

The BCPs report regularly to the Border Policing Office that in turn reports regularly to the regional level. The reporting system is comprehensive (daily, weekly, monthly, quarterly, six month, yearly, ad hoc, case studies, etc.) and the Committee saw good examples of these high quality reports during the visits to the BCPs.

The criminal investigation and intelligence department is responsible for these tasks at national level. At regional level, every directorate has their own department for criminal investigation and intelligence, and investigation and intelligence services which are located at the local level.

A joint criminal investigation group with the police is operational at national level.

Dataflow management is clearly regulated and the information flows in both directions. Specially trained investigators work at the regional level and some of them are deployed at local level (Criminal and investigation service).

3.2. INFRASTRUCTURE AND EQUIPMENT (LETENYE BCP)

3.2.1. Infrastructure

The infrastructure allows for a clear separation of entry and exit flows at Letenye BCP.

There are separate lanes for entry and exit checks on cars and additional lanes for trucks. Some of the lanes are reserved for EU-EEA-CH citizens and the signs are in line with the signposting mentioned in the SBC. The booths are also in place and meet the Schengen standards.

The premises are fixed, both at first and second line. The main building has several rooms for second line activities including an operational room, detention and interviewing rooms, etc.

3.2.2. Equipment: first line, second line, mobile

The first and second lines are equipped with the recommended material mentioned in the Schengen catalogue. In the second line a device to take fingerprints (AFIS.- Automated Fingerprint Identification System) was also available.

RESTREINT UE

The booths for checks on trucks are additionally equipped with alpha-beta devices, endoscopes, scales, underside mirrors, stationary gamma rays and CO₂ detectors.

This BCP is completely fenced in and permanently monitored by 6 cameras. In addition, there are 8 cameras for reading license plates and two patrol cars.

3.3. CONTROLS AND PROCEDURES

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

The Border Guard is responsible for border checks while Customs performs the control of goods.

Border checks are usually carried out by one border guard who has to do all the procedures alone (examination of the travel documents, questioning the person, making the searches in the available databases, and stamping the passports). In some cases this procedure results in long queues.

During the visit, the majority of Croatian nationals presented ID-Cards that were accepted as travel document. This practice means that their travel documents cannot be stamped, as foreseen both in the stamping Regulation and in the Schengen Borders Code (SBC), and it is not possible to calculate the period of stay. Some of the Croatian travellers were questioned about the purpose of their trip (most of them went shopping) and almost all of them were checked in the available databases.

The Committee was informed that, during peak times (summer) the checks on Croatian nationals are often relaxed in order to avoid long queues. This means that they are not checked against the databases or questioned about the purpose of their trip. The decision to relax checks is taken at national level, upon request from the Commander of the BPO.

Bus passengers are usually checked inside the bus by one border guard who is accompanied by a Customs officer. After verifying the identity of the passengers, third-country nationals' passports are then brought to the booth for deeper checks. Checks on luggage are conducted on a random basis.

RESTREINT UE

During the visit, based on profiling checks on vehicles were performed in close cooperation with Customs.

There were no in-depth checks on vehicles at exit although some of them belonged to the types of vehicles subject to theft.

Controls on trucks were made by one officer in a special lane, based on the procedure of routing slips (“Laufzettel”). The in-depth checks are performed on a random basis.

The Committee observed that the security codes of the stamps are not modified on a monthly basis.

In the area used as second line there are various databases available and all third-country nationals (except when checks are relaxed) are inserted in the national entry/exit register; registration is simultaneous with the search in the national databases.

3.3.2. *Processing of refusals asylum applications and issuance of visas*

The main reasons for refusals were lack of visa, expired documents, lack of proper documents and bans of entry. The refusals were correctly registered and the standard form for refusal of entry was available (but only in the Hungarian language).

The officers are aware of the procedures for the refusals and inform the persons about the appeal procedures. Appeals cannot be filled in at the border.

The visas issued were correctly registered and the empty visa stickers were safely stored. No visas have been issued in 2006 so far. 4 visas were issued in 2005 and 11 in 2004.

3.4. STAFF AND TRAINING

3.4.1. *Further continuing education*

The training is provided at central, regional and local level including courses on document checks and foreign languages. The officers have the possibility of continuing further studies at the Defence and Law Enforcement Higher Education Institutions and at the BG Faculty of the Police Academy. At local level there are 8 hours monthly training and 4 hours for self-education.

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3.4.2. *Linguistic skills and training*

Most of the officers speak Croatian and some others speak English and German. They have the possibility of following courses in languages and they can perform 2 intensive courses a year in German and English. Only 15% of the staff speak English.

3.4.3. *Specialised document checking skills and training*

Every month, all BCP officers have 8 hours for vocational training, which includes training in forged documents and shooting practice. The four shift leaders are specialists in falsified documents and act as instructors on their shifts.

3.4.4. *Availability and permanency of staff*

All personnel were professional and trained in accordance with the Border Guard training programme, both at national and regional level. The officers can be assigned to perform either border surveillance or border checks, according to needs, but the Committee was informed that only those officers specially trained are allowed to perform border checks.

This BPO has a total number of 129 officers. In the BCP the personnel work in 2 shifts with 7 to 11 officers plus the shift leader. Sometimes, specially in summer and weekends, the shifts can have between 12 to 13 officers and they can be reinforced by the mobile forces.

The Committee considers that, at the moment of the inspection, the number of border guards performing border checks was rather limited. According to the information provided by the Hungarian authorities, the number of personnel is increased on the peak days (Fridays, Saturdays and Sundays) of the main tourist seasons (from June to mid September). During these days, the maximum capacity of the BCP is used. Off the main seasons, the most highlighted days are Saturdays; then the number of personnel is selected in such a manner that they can perform the checks without causing any delay or waiting time. In case of necessity, (unpredictable rush) the number of personnel can be reinforced by the Mobile Forces.

RESTREINT UE

3.5. READMISSION, EXPULSION AND ILLEGAL IMMIGRATION. CARRIERS LIABILITY

The authorities advised that only 1 or 2 cases of readmission take place a year. The main nationalities are Turkish, Romanian and Ukrainian.

For further information reference is made to point 2.7 of this report.

4. REPORT ON KISKUNHALAS BORDER GUARD DIRECTORATE (KELEBIA AND SZEGED BPOS)

4.1. KELEBIA BPO (RAILWAY BCP AND TOMPA ROAD BCP)

4.1.1. General information

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

Kiskunhalas BGD is responsible for a 174 km stretch of land along the border with Serbia. It has 5 BPOs with 10 crossing points and 3 mobile units. This directorate detected 22.26 % of the total number of illegal migration targeting Hungary. The numbers of refused entries and detected false document are high.

The Kelebia Border Policing Office is responsible for Tompa road BCP and a railway BCP.

The railway BCP is in the route between Belgrade and Budapest. There are several daily trains and the average number of passengers per train is between 70 and 200; most of them are third- country nationals from different countries.

Tompa road BCP is also located on one of the main routes between Belgrade and Budapest. Besides car, bus, and lorry traffic, there is also an intense pedestrian traffic. The traffic flow is more than 2.5 million travellers per year and the great majority are Serbian nationals. Approximately 300 trucks and 100 buses cross the border daily. However, these numbers rise considerably in peak season (summer). Most of the trucks come from Serbia, Bulgaria and Turkey. According to the border guard, the use of false documents, the illegal crossing of the green border close to the BCP and the attempts to enter illegally hidden inside the trucks are the main threats at the moment.

RESTREINT UE

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

The cooperation with Serbia-Montenegro is regulated by an agreement signed in 1978 and a MoU signed by the Hungarian Border Guard and the Serbian Border Policing Directorate. It covers the fields of border control, control of illegal immigration routes and the fight against organised crime connected to illegal immigration. An action plan for the cooperation between the Hungarian Border Guard and the Serbian Border Policing Directorate was signed in 2006. Regular cooperation exists in the form of meetings.

At local level there were no direct means of communication between crossing points but the officers responsible can meet with their counterparts at the BCPs.

4.1.1.3. Risk analysis and intelligence functions

Reference is made to point 3.1.3. of this report.

4.1.2. Infrastructure and equipment

4.1.2.1. Infrastructure

In Kelebia railway station, the infrastructure is new and meets the Schengen standards. It has second line premises with a waiting room for readmission purposes and detention rooms.

In Tompa road BCP the infrastructure allows for a clear separation of entry and exit flows. There are enough lanes for entry and exit checks on cars and buses and additional lanes for checks on trucks. Some of them are reserved for EU-EEA-CH citizens and are marked in line with the signposting set up in the SBC. The premises are fixed and quite new. The second line has an operational room, an interview room, an office equipped with devices for in-depth searches and 2 waiting rooms for detention and readmission purposes (one for children and one for adults).

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4.1.2.2. Equipment: first line, second line, mobile

In Tompa, both in the first and the second line, the equipment meets the Schengen standards. In the second line the AFIS system to take fingerprints it is also available. The booths for checks on trucks are additionally equipped with alpha-beta devices, endoscopes, scales, underside mirrors, stationary gamma rays and CO₂ detectors.

There is a so-called "intermediate second line" that consists of a waiting room used for refusals and devices for in-depth checks on documents.

In Tompa, there is a video surveillance system installed in the truck terminal. During the visit, the system was not operational because of the reconstruction of the site and the fact that Customs and Finance Guard had not yet re-started the video surveillance operation. The Hungarian authorities have confirmed the Committee latter that the surveillance equipment is operational again.

In Kelebia railway station, apart from the necessary equipment, the fingerprint device (AFIS), a digital camera and kits for the detection of drugs are also available. The border guards communicate with the operational room by means of portable radios or GSM phones. Theses means will be modernised by August 2006.

For the consultation of the databases from the train, the officers have two portable passport readers.

Despite the fact that both BCPs are partially fenced, the areas are clearly marked and defined.

In the railway station step detectors, infrared cameras and portable night vision devices are available. However, the short zone (1 Km area) between the border and the station is not kept under constant surveillance.

RESTREINT UE

4.1.3. Controls and procedures

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

Checks on trains are normally carried out by 5 officers. They have only two portable devices for the consultation of the national databases (and to register third-country nationals). The Committee was informed that additional devices will be acquired in the future. The officers without portable equipment have to call the second-line officers and ask them to search the persons in the databases or, as happens in most cases, considering that the average waiting time of the train is only 25 minutes, write down on paper the names and data of the third-country nationals to be checked afterwards. In case there is a problem with a person the next station is informed.

The experts were informed that Serbian nationals in possession of a Schengen visa or a residence permit were checked less thoroughly than in other cases, i.e. they are only searched against the databases on a random basis.

Officers performing checks on trains did not have any portable equipment for the detection of forged documents. This equipment is only available on the second line. The Committee was also informed that additional devices are under acquisition.

With regard to the possibility of carrying out joint controls with the Serbian authorities on the train, the Committee was informed that there has been a political interest to reach an agreement since 1988, but the dialogue with the Serbian Government has not yet resulted in an agreement. The relations with the Serbian police are, at practical level, very good and there are daily contacts (Serbian officers were also present during the visit).

The road BCP is equipped with signposting in order to separate different types of vehicles, including the separation according to the nationalities (EU-EEA-CH citizens and All passports).

Checks on road traffic are carried out by two border guards, one is out of the booth making the first visual check and the other is inside the booth verifying the documents and making the searches in the national databases. Regular travellers who were well known by the officers (due to their frequent crossing to do shopping on the other side of the border) were not checked thoroughly. Croatian ID cards were also accepted as a valid travel document like at the border with Croatia.

RESTREINT UE

The above practices are not in accordance with the provisions laid down in the Schengen Borders Code.

Bus passengers are usually checked inside the bus by a border guard, who first cross checks the identity of the passenger with the travel documents and then checks the documents against the national databases, together with the list of passengers and with the routing slip of the bus. During the visit all these operations were performed by one officer. One person was refused entry and obliged to go back to the Serbian BCP on foot. Carriers can be fined up to €4000.

Checks on trucks are carried by one single officer in a separate lane. A more in-depth check is usually carried out on trucks coming from the Middle-East and Turkey.

The AFIS device is connected to national database and indirectly to EURODAC in the Central Office in Budapest.

4.1.3.2. Processing of refusals, asylum applications and issuance of visas

Kelebia had 151 refusals of entry in 2005, most of them due to lack of visa. At this BCP visas can not be issued at the border.

Tompa had 391 refusals of entry during the first four months of 2006 (1021 in 2005). In most cases the reason was the lack of a valid visa. The refusals were correctly registered; the Committee could verify that travellers with a valid passport but with no place left in the passport to further stamps were refused entry as the travel document is considered not valid.

Visas issued at the border are mainly transit visas.

Visa stickers are safely stored and properly registered. The stamps are also stored in a safe.

4.1.4. Staff and training

4.1.4.1. Further continuing education

Apart from the training provided at central and regional level, some of the staff followed special courses in document checking. Every month all the officers have 8 hours of local training and twice a year they have shooting practice.

RESTREINT UE

4.1.4.2. Linguistic skills and training

Some of the officers are able to speak Serbian and others can use English and German. There are some courses available for linguistic training at basic and intermediate levels. In the coming months, 54 more officers will be trained in these 3 languages.

4.1.4.3. Specialised document checking skills and training

The training in document checking is included in the 8 hours monthly training. In these BCPs there are 2 document experts and 2 car experts who train their colleagues from time to time.

4.1.4.5. Availability and permanency of staff

Kelebia BPO has a total number of 268 border guards that cover Tompa BCP, Kelebia railway BCP and the temporary BCP Kecskemét.

The officers are professional and trained in accordance with the programmes.

Kelebia railway border crossing point operates in 2 shifts with 4 to 6 officers and a shift leader.

When there is no train at the station the personnel carry out border surveillance activities.

In Tompa there are 2 shifts with 16 to 25 officers plus the shift leader.

The Committee considers that the number of officers assigned to conduct border checks should be increased in order to guarantee that all third-country nationals undergo thorough checks in line with Schengen standards, both at the railway and in Tompa BCPs.

4.1.5. Readmission, expulsion and illegal immigration. Carriers liability

In Kelebia there were no readmission cases in 2005, but there were 151 refusal cases from Turkey, Romania and Ukraine. The main reasons of these refusals were the lack of valid travel documents or the absence of visa.

For further information reference is made to point 2.7. of this report.

RESTREINT UE

4.2. SZEGED BPO (RÖSZKE ROAD BCP AND RAILWAY BCP)

4.2.1. General information

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

Szeged BPO is responsible for the border security along a stretch of land 64 km long at the Hungarian - Serbian border. It has 6 BCPs. This is one of the main routes between Belgrade and Budapest and there are also several possible routes across the border.

Röszke road BCP is located on highway E 75 (Belgrade – Budapest) and is therefore confronted with a high volume of traffic. Since the new premises of the Serbian BCP are not yet in use, special arrangements have been taken in order to organise the traffic between both BCPs. A special crossing point for pedestrians and bikers in the close vicinity of the new BCP (an average of 600 passengers per day) is also functioning. Röszke BCP has been designated as a EU Focal Point Office for border cooperation.

In 2005 the traffic was about 3.9 million travellers, with around 85 buses, 500 to 600 trucks and 3500 cars per day. The majority of the third-country nationals are Serbians and most of them are either workers (in Hungary or other EU countries) or regular shoppers.

The environment is relatively flat and there are no real natural obstacles at the border.

The Railway BCP Röszke is located 1 kilometre from the border. It is open from 06h00 to 22h00. There are 10 trains per day.

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

Reference is made to point 4.1.1.2. of this report.

4.2.1.3. Risk analysis and intelligence functions

Reference is made to point 3.1.3 of this report.

RESTREINT UE

4.2.2. Infrastructure and equipment

4.2.2.1. Infrastructure

At the road BCP the infrastructure allows for a clear separation of entry and exit flows and there are special lanes reserved for EU-EEA-CH citizens and All passports. The signposting is also in line with the signs mentioned in the SBC.

There are entry and exit lanes for cars and buses, one lane for CD personnel and additional lanes for trucks.

Currently, the traffic is canalised from the old Serbian BCP to the new Hungarian BCP using the old road. This point is considered by the Committee as a risk area from the point of view of the security due to the limited technical resources available for the surveillance.

The premises at the railway station were delivered in 2005. They meet the Schengen requirements and have facilities for second line activities, including waiting rooms for detentions and readmission purposes.

4.2.2.2. Equipment: first line, second line, mobile

The first and the second line meet the Schengen standards with regard to the equipment. In the second line the AFIS fingerprint device is available.

Between the first and the second lines there is an office equipped with technical equipment for the detection of false documents and facilities for interviews.

The booths for checks on trucks are also equipped with radiation detectors, CO₂ devices and endoscopes.

The premises of the railway BCP are equipped with the material mentioned above for first and second line.

Röske BCP is completely fenced and monitored by 22 cameras that are controlled by Customs; however the railway station is not fenced and has no video surveillance.

RESTREINT UE

The Hungarian authorities informed the Committee that as the territory of the railway station is not a border crossing point, the only authorised body to install video surveillance on the premises is the Hungarian State Railway.

4.2.3. Controls and procedures

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

Border checks were carried out following similar procedures to the ones mentioned in previous BCPs.

The Committee visited the railway station during the arrival of a small train that connects Serbia and Hungary. There were only 8 persons on board (but there can be up to 60 passengers during the weekend). The border check was carried out by three border guards and three customs officers. One border guard surveyed the platform while two other officers entered the train to collect the passports (including the driver) and ask some questions to the passengers but they were not questioned about their means of subsistence.

As there is no portable equipment, available the checks against the databases and the stamping were made inside the station where all necessary equipment was available. The checking procedure seems to be reasonable for this type of train. The area located between the border and the BCP should be monitored with attention as the train moves very slowly and it easy to get off the train before the arrival at the station.

The stamps are stored in a safe but the security code has not been changed since 1 May 2004. The colour of the ink was however changed in December 2004.

A special stamp is affixed to the passports in special circumstances (i.e., when it has not been stamped previously and the person can prove his/her good faith).

4.2.3.2. Processing of refusals, asylum applications and issuance of visas

In 2005, the number of refusals was 596 (mainly due to lack of visa). During the first 4 months of 2006 the number is 240.

Visas are issued only at the road BCP. The types of visas issued are either C visas or B visas, issued mainly to Serbian citizens or Turkish nationals, in transit respectively.

RESTREINT UE

4.2.4. Staff and training

4.2.4.1. Further continuing education

The officers receive training at central, regional and local level. Some of the staff have received special courses in document examination.

4.2.4.2. Linguistic skills and training

Training courses are organized at regional level. Languages include: English, German, Serbian and Romanian. The Committee was informed that 75 officers have basic level English, German or Serbian, 18 have intermediate level English or German. 3% of them have an advanced level in Serbian, Rumanian, or Russian. During the visit only a few border guards were able to speak English.

4.2.4.3. Specialised document checking skills and training

The Committee was informed that every month all officers have 2 training sessions (each for a duration of 8 hours) including detection of forged documents and Schengen legislation).

4.2.4.4. Availability and permanency of staff

Szeged BPO has a total number of 286 officers (not including the mobile forces). The staff are professional and trained according to the border guard programme.

Röszke BCP has proximately 20 officers per shift plus a shift leader. The number of officers in the shift is changed depending on risks analyses and traffic. Each day, at the beginning of the shift, all officers receive a short briefing where they receive relevant information (stolen vehicles, forged documents etc.) for their duties.

The number of officers deployed at the BCP seemed to be adequate for the traffic flow existent during the visit. However, taking into account that during the summer the traffic doubles, the Committee presumes that the number of officers performing border checks is reinforced to ensure an adequate level of performance.

The railway station has no permanent staff and they are deployed there from Röszke BCP.

RESTREINT UE

4.2.5. Readmission, expulsion and illegal immigration. Carriers liability

In Szeged the data concerning illegal immigration is as follows:

| | 2004 | 2005 |
|-----------------------------------|------|------|
| Refusal of entry | 1083 | 614 |
| Apprehended crossing greeb border | 37 | 50 |
| Asylum seekers | 11 | 7 |
| Visas issued at the border | 395 | 245 |
| | | |

The main reasons for the refusals were: the fact of not being in possession of valid travel documents, not having visas or presenting false documents. The main nationalities were Serbians, Bulgarians, and Turkish.

5. REPORT ON OROSHÁZA BORDER GUARD DIRECTORATE (NAGYLAK AND BIHARKERESZTES BPOS)

5.1. NAGYLAK BPO (NAGYLAK BCP)

5.1.1. General information

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

Orosháza Border Guard Directorate is responsible for a stretch of land 282 km long along the border between Hungary and Romania. It has 8 BPOs with 10 BCPs and 3 investigation services. It is responsible for 11% of the traffic control in Hungary and 25 % of the refused entries. The Directorate has detected 30% of all illegal acts detected by the Hungarian Border Guard.

The environment is challenging and evolving. Most problems at the border relate to Romanian and Moldavian citizens. When Romania joins the EU the situation will be different, as their nationals will be EU citizens and thus only subject to minimum checks. The statistics will then change dramatically since most of the refused entries refer now to Romanian citizens who try to enter Hungary illegally.

RESTREINT UE

The Directorate is a basic comprehensive functional unit since, at this level, all different components of border management and crime prevention (intelligence, investigation) are combined together.

Nagylak BCP is one of the most important crossing points in this directorate with an increasing volume of traffic. The main road connection is the “high road” E68/E5. In 2005 there were approximately 17 million entry travellers, the majority being Romanian and Hungarian.

This crossing point cooperates with several official and civilian partners. The threats affect more to the BCP to the green border. There are good road connections between Central Europe and the Balkans. An EU Focal Point Office is located at this point.

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

The regional strategy covers all the basic elements of border security, is in line with the national strategy and is adapted to the local situation and environment. Resources are allocated according to risk analyses and border guards at all level were aware of the current situation at the border.

The cooperation with the Romanian border police is based on bilateral agreements (readmission, criminal matters) and on a protocol on "Border Commissioners". At the regional and local level, the authorities have both regular and ad hoc meetings (exchange of intelligence, harmonisation of technical and human resources). Human and technical resources are harmonised, meaning that Hungarian and Romanian authorities have clearly shared operational areas and do not use patrols or technical equipments at the same areas. There is no joint patrolling so far.

Cooperation at the local level is visible at the first line where border guards and customs work together. There are monthly meetings between border guards and customs for exchange of information. There are no joint groups for intelligence or risk analysis since both organisations are working separately in these areas.

5.1.1.3. Risk analysis and intelligence functions

Reference is made to point 3.1.3. of this report.

RESTREINT UE

5.1.2. Infrastructure and equipment

5.1.2.1. Infrastructure

The infrastructure allows for a clear separation of entry and exit flows. There are entry and exit lanes for cars and buses and additional ones for trucks. There are special lanes for EU-EEA-CH citizens which are marked in line with the signs mentioned in the SBC.

The infrastructure is fixed, modern and meets the Schengen standards. The main building has detention facilities and other rooms for readmission procedures.

5.1.2.2. Equipment: first line, second line, mobile

The first and the second line are equipped in line with the Schengen standards.

Between both lines there is a special office that is used for in-depth checks and it is equipped with second line equipment. An AFIS device is also available.

The booths used for checks on trucks are all equipped with radiation and CO₂ detectors, endoscopes and underside mirrors.

This site is completely fenced and monitored by cameras (by Customs).

5.1.3. Controls and procedures

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

During the visit one or two officers were performing the checks in each lane, but the Committee was informed that usually it is just one officer who performs all the checks at the first line, including checks in the databases, examination of documents, stamping, etc.

RESTREINT UE

Travellers were questioned only about the purpose of their trip and only rarely were they asked for the means of subsistence. The amount requested was 1000 Ft (€ 3,7) as established in the Hungarian legislation, even when the traveller was in transit towards other Member State. In some cases they had to present their hotel bookings and vouchers, but they were not checked by the officer. The travel documents were examined under the UV light on a random basis and occasionally after having been stamped, which seems to suggest that documents are not examined with technical devices on a routine basis.

Approximately 20000 buses per year cross the border on entry as well as a high number of mini buses with passengers (they use the car lanes for entry). Usually, one border guard officer and one customs officer enter the bus, make the first identity checks and collect the passports. The passports are then checked against the databases and, on a random basis, checked with the available UV-devices.

Checks on trucks are performed in accordance with similar procedures to the ones followed at other BCPs. During the visit a mobile X-ray device (belonging to Customs) was available.

The stamps are correctly stored but the security code was last changed in May 2004.

Romanian ID-cards are not accepted as a travel document to enter Hungary and the travellers were checked in the available databases regularly.

5.1.3.2. Processing of refusals, asylum applications and issuance of visas

The number of refusals was 516 in 2006 (1731 in 2005). The majority of the affected persons were Romanians and Bulgarians. The main reasons were: ban on entry, lack of visa (or visa expired) and lack of means of subsistence (in accordance with the Hungarian legislation). The refusals were correctly registered and the officers were aware, both of the procedures for the refusals and the ways to appeal. The standard forms were available only in the Hungarian language.

The BCP had no asylum applications during the last two years. The second line personnel is aware of the procedure to be followed in such cases (i.e., an initial interview is done at the BCP and the person(s) are then handed over to the Immigration Office for examination).

RESTREINT UE

128 visas were issued in the first four months of 2006. Like the other BCPs, these are mainly “B” visas, issued to Turkish nationals in transit towards other EU countries (in most cases, truck drivers). According to information provided by the responsible local officer, the charge for the issuance of such visas amounts to €100, which does not correspond to the standard amount for issuing visas applied in other BCPs and foreseen in the Hungarian legislation.

In this regard, the Hungarian authorities informed the Committee that the same type of visa have the same fee at whichever BCP it is issued. The misunderstanding might have been caused by the fact that when the visa application is dealt via a travel agency, apart from the visa fee requested by the Border Guard, the agency may charge for a commission or fee on their own business. The Hungarian authorities recalled that according to the Act of Accession of Hungary, the rules on visa fees fall under the second category of the Schengen acquis, therefore Hungary is obliged to apply them upon full membership.

There were various databases available at this line and one of them, the DOKIS- system, was available only in German.

5.1.4. Staff and training

5.1.4.1. Further continuing education

Every month all officers have 8 hours of training and once a year they have shooting practice.

5.1.4.2. Linguistic skills and training

Training courses are organized at regional level. 28% of officers are trained in English, German, Rumanian and Russian.

5.1.4.3. Specialised document checking skills and training

This training is included in the 8 hours for vocational training that is given to the border guards every month. The staff are trained in document checking and among the officers are 4 experts that train their colleagues from time to time.

RESTREINT UE

5.1.4.4. Availability and permanency of staff

Every day, at the beginning of the shift, all officers receive a briefing at which time they are informed about the relevant facts (stolen vehicles, forged documents etc.) for their tasks.

Nagylak border crossing point operates on 2 shifts with 14 to 20 officers. The number of officers in the shifts is changed depending on risks analyses and traffic. The number of border guards seemed to be adequate for the traffic flow and the permanency ensured.

5.1.5. Readmission, expulsion and illegal immigration. Carriers liability

In 2005 there were 1100 readmission cases; almost all of them were Romanian and Moldavian nationals.

For further information, reference is made to point 2.7 of this report.

5.2. BIHARKERESZTES BPO (ÁRTÁND ROAD BCP AND BIHARKERESZTES RAILWAY BCP)

5.2.1. General information

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

The traffic at Ártánd BCP is increasing. Passenger traffic was approximately 4 million in 2005 with a volume of 39000 buses and 3.2 million trucks. Most of the travellers are Romanians (59%) and EU citizens (40%) and most of the trucks come from Turkey, Bosnia and other Balkan states.

The basic structure follows the same principles as in previous BCPs and there are separate controls for heavy traffic and personnel traffic.

The number of refusals of entry was 1725 in 2005 (1214 in 2004) and the number of false documents detected was 52 (42 in 2004).

This BCP has been established as an EU Focal Point Office.

RESTREINT UE

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

A common contact point is operational in Ártánd BCP where Hungarian and Romanian border guards work together in the same office. They have access to their respective national databases; they exchange information and also support border control and surveillance activities. In some cases this centre cooperates with the national contact point at the Austrian – Hungarian border. Once a month this centre organises trilateral actions with Austrian law enforcement authorities. This concept appears to be very functional.

The Committee considers that this is a very good concept and brings additional elements to increase the border security.

The cooperation at local level is visible at the first line where border guards and customs work together. There are monthly meetings between border guards and customs for the exchange of information. There are no joint groups for intelligence or risk analysis since both organisations are working separately in these areas.

5.2.1.3. Risk analysis and intelligence functions

The risk analysis is carried out at BPO level and is based on gathering of information. The result is regular reports transmitted at local levels.

5.2.2. Infrastructure and equipment

5.2.2.1. Infrastructure

The infrastructure allows for a clear separation of entry and exit flows and the signs for the separation of the traffic between EU-EEA-CH citizens and All passports are in place.

There are entry and exit lanes (including lanes for cars, CD and buses) and additional lanes for checks on trucks that are separate from the other areas.

The facilities are fixed, modern and equipped with all the necessary equipment. The main building has one operational room with a radio station, an interrogation room and detention facilities.

RESTREINT UE

5.2.2.2. Equipment: first line, second line, mobile

The first and the second line are equipped in line with the Schengen standards.

The second line has additional equipment to take the fingerprints (AFIS).

The booths for the checks on trucks, are equipped with radiation detectors, endoscopes, underside mirrors and CO₂ devices,

This site is not fenced but monitored by video surveillance. Most of the cameras are operated by Customs. In addition, there is one heat-sensing camera operated by the border guards.

5.2.3. Controls and procedures

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

At Artand road BCP, the border guard and the Customs officers performed the checks jointly under the principle of "one stop" (integrated control).

During the visit, border checks were carried out by two officers in each lane. While the officer on the lane performed the first checks (questioning on the purpose of the trip and on a random basis about the means of subsistence for Hungary, vehicle controls, etc.) the officer in the booth searched in the databases and stamped the passports where required. The Committee was informed that normally there is only one officer per lane and he or she has to do all the checks alone.

The Committee was informed that, like in other BCPs, valid passports without space for stamps are not accepted and the holder is refused entry.

The officers did not appear to routinely use the technical equipment available in the booth, as very often they only used it after having stamped the passports. In one case, the Committee could verify that the entry of a Romanian national was not refused although the passport had expired.

The Committee was informed that bus passengers are checked in the bus by one border guard and one Customs officer. After having cross-checked the identity of the passenger with the travel document, the passports of third-country nationals are collected and searched in the databases. On a random basis and based on profiling, the passengers undergo deeper checks in the second line.

RESTREINT UE

Checks on trucks are carried out following the procedure mentioned in previous BCPs and based on the principle of the “routing slip” (Laufzettel). Based on profiling, trucks undergo an in-depth check together with Customs. A mobile X-ray device belonging to Customs was available.

Checks on vehicles at the first line are not always made based on profiling. However, there are experts on vehicle examination in the second line (1 per shift); the expert interviewed during the evaluation was very professional, well trained on the detection of forged vehicle documents and the use of the EUFID database and seemed to be highly motivated.

The Committee visited also the railway BCP Biharkeresztes, but could not see how border checks were carried out there since there was no inbound train during the inspection.

The Committee was informed that there are six trains per day with approximately 100 to 150 passengers. The trains stop for 15 minutes and during this time the border checks have to be done by using two mobile passport readers.

Checks are performed by one officer who surveys the train, two searchers and three passport controllers. In cases where they do not have enough time to check all the passengers they use the same system as in Kelebia (i.e., they write down the data of the passengers and check them afterwards in the databases). The control of freight trains is performed by two officers together with Customs.

In the second line there are various databases available. The DOKIS- system is available only in German language.

5.2.1.4. Processing of refusals and asylum applications and issuance of visas

The officers were aware of the procedures, the registration of refusals and the procedures on asylum applications at the border. The main reasons for refusals are: bans on entry in the national data base, lack of visa (or visa expired), overstays and insufficient means of subsistence (for Hungary). The standard forms for refusal were available but only in Hungarian. They are stored for 24 hours in the second line before they are sent to the BPO.

In 2006, the number of refusals currently stands at 705. In 2005 there were 1725.

RESTREINT UE

Visas are issued in an office so-called "intermediate second line" where an officer makes the decision whether to issue a visa or not. Most visas are "B" visas, issued to Turkish nationals already in possession of a Schengen visa/residence permit. In some specific cases, this officer needs the permission of the superior to issue visas.

10 visas have been issued so far in 2006. The fee applied at this BCP seems to amount to € 50, which is not paid directly to the border guards but to a travel agency based at the BCP. In this regard, reference is made to the Hungarian comment set out in point 5.1.3.2.

5.2.4. Staff and training

5.2.4.1. Further continuing education

Some of the staff have received special courses in document checking and every month all officers spend 8 hours training and once a year they have shooting practice.

5.2.4.2. Linguistic skills and training

Training courses are organized at a regional level. Most officers speak Romanian at basic level. The Committee was informed that other officers are able to speak at basic level English, German and Russian.

5.2.4.3. Specialised document checking skills and training

This subject is a part of the monthly 8-hour vocational training that also includes Schengen issues. Among the officers were 2 document experts and 7 document examiners, who train their colleagues from time to time. The document experts receive 1 year for training at central level and the document examiners receive 2 weeks training, also at central level.

5.2.4.4. Availability and permanency of staff

Each day, at the beginning of the shift, all officers receive a short briefing with the relevant information on stolen vehicles, trends, forged documents etc.

The officers perform their duties in a professional way, but the Committee considers that there is room for improvement with regard to the procedures followed to check documents in the first line.

RESTREINT UE

Artand BCP operates on 2 shifts with 20 to 25 officers. The number of officers on shift is changed depending on risks analyses and traffic. The number of officers at the BCP seemed to be adequate to the traffic flow observed during the visit. However, during summer time this number should be adapted to the increase of the traffic flow.

With regard to the railway BCP, the Committee considers that the number of officers performing border checks is very limited and that it should be increased in order to ensure that all third country passengers undergo thorough checks.

5.2.5. Readmission, expulsion and illegal immigration. Carriers liability

In 2005 there were 74 cases of readmission. Almost all of them were Romanian and Moldavian nationals.

Reference is made to point 2.7 of this report.

6. REPORT ON NYÍRBÁTOR BORDER GUARD DIRECTORATE (CSENGER BPO, BEREGSURÁNY BPO AND ZÁHONY BPO)

6.1. CSENGER BPO

6.1.1. General information

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

Nyírbátor Border Guard Directorate is responsible for the border security along the Romanian (165 km), Ukrainian (136.7 km) and Slovakian (5 km) borders. The Directorate has 8 BPOs and 15 BCPs. The total number of the staff is 1891.

This area is one of the main routes for illegal immigration towards the EU. The Directorate has identified three main routes: two from Ukraine and one from Romania. The environment will also change in this area after Romania joins the EU but will also change in Ukraine, since the Ukrainian border security system is also under development.

RESTREINT UE

The organisational structure is similar to other directorates with one exception, the special group called “Scorpio” that has been established for mobile and rapid reinforcement of border checks if needed (12 persons).

Csenger BPO is responsible for border management along the 52 Km part of the Hungarian - Romanian border and the 6 km part of the Hungarian - Ukrainian border. It has 2 BCPs.

Csenger crossing point is a modern and functional crossing point that has been established as a Common Contact Point with the Romanian authorities. 300000 trucks cross the border every year. Most of them come from Romania, Bulgaria and Turkey. Bus traffic amounts to 25000 buses a year and most of the passengers are Romanians (75%) and Hungarians. The local authorities estimate that the main threat at this point is both the illegal crossing of the green border (50%) and the attempts to cross illegally through the BCP (50%).

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

The Regional Directorate is responsible for all border security tasks in its area of responsibility and the strategy covers all basic elements of border security. It is in line with the national strategy and adapted to the regional situation. Resources are allocated according to risk analysis and the border guard at all levels is well aware of the situation at the border.

The cooperation in the field of crime prevention is possible with police and customs if needed. One good example of this cooperation is the creation of a joint team called Hurricane, where border guards, police and customs work together.

The cooperation with Romania is functional in all fields including crime prevention. Investigators can cooperate directly with their colleagues.

Cross-border cooperation with Ukraine is based on a bilateral agreement. The system of "Border Commissioners" is a basic framework for this cooperation. The directorate Commander is the Border Commissioner and he has two deputies. One of them is also responsible for criminal investigations.

RESTREINT UE

Border Commissioners meet regularly and they exchange information related to the border situation and future prospects. Written situation reports are exchanged every third month. Practical cooperation includes joint investigations at the border in order to collect information and evidence for readmission procedure. This procedure was considered to be effective. At the level of Border Policing Offices the heads meet their colleagues regularly and shift leaders have a meeting at the border twice a day or when needed. During these meetings they exchange information and analyse possible threats. They also harmonise their border surveillance and Hungarian officers give information about the places where they use their technical equipment.

6.1.1.3. Risk analysis and intelligence functions

The system of risk analysis is similar to other directorates. It is quite comprehensive and covers all elements of border security.

Intelligence and investigation functions are carried out by Criminal Investigation and Intelligence department. This organisation has a unit in the HQ and 4 Criminal intelligence services which are located to local level (BPO). The number of staff is 57; out of this number, 50% are investigators and the rest work in administrative or intelligence tasks.

In 2005, this unit investigated 195 cases. Investigators cooperate with prosecutors and are responsible for the whole investigation process. Investigations are supported by intelligence. In some cases there is a need for special support from the national level. Some modest investigation elements are already included to BPO-level.

6.1.2. Infrastructure and equipment

6.1.2.1. Infrastructure

There are entry and exit lanes for cars and buses and the trucks are controlled in different lanes. There is no separation of lanes by nationality (EU-EEA-CH citizens – All passports); the signs rather reflect customs needs (something/nothing to declare).

After Romanian accession to the EU, there are plans to establish infrastructures for a one-stop control at both sides of the border.

RESTREINT UE

The BCP has been recently rebuilt and has fixed premises with special rooms for second line checks. It has an operational room equipped with a radio, a room for interviews and detention facilities.

There is a special office (so-called “intermediate second line”) in order to perform thorough checks that is located close to the booths and is equipped with equipment for detection of false documents.

6.1.2.2. Equipment: first line, second line, mobile

The first and the second line are equipped in line with the Schengen standards.

The booths for the controls on trucks are equipped with endoscopes, CO₂ detectors, and underside mirrors.

This BCP also has a room for identification that is equipped with a SAGEM identification device connected to the AFIS system.

The BCP is partially fenced and monitored by cameras. One of these cameras is used to monitor the roof of the trucks in the lanes.

This site is also monitored by a stable heat-sensing camera and the surveillance is made by a border guard continuously during the 12 hour night period, and occasionally during the day. The officer communicates with the green border patrol by means of portable radios and cellular phones.

6.1.3. Controls and procedures

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

Border checks are carried out normally by one officer per lane (two at the bus lanes) in a similar way to the one mentioned in previous BCPs at the Romanian border. The travellers were not routinely questioned about the purpose and duration of the journey. The means of subsistence requested amounted to 1000 Ft per person and day, (about 4 Euros) even when the passenger was in transit towards a Schengen State. Persons are always searched in the national databases but the documents are not often checked under the UV lamp. The Committee could observe that in those cases the documents were checked after the entry stamps had been affixed.

RESTREINT UE

The Committee could verify that the documents of third-country nationals having a residence permit issued by Hungary or by a Schengen State are not stamped.

Passports full of stamps, and without space to affix more entry or exit stamps, are considered as invalid documents. The general rule is to refuse the entry of the person concerned.

The stamps are correctly stored but the security code has not been changed since May 2004.

6.1.3.2. Processing of refusals and asylum applications and issuance of visas

Most of the refusals concern Romanian citizens. The main reason is exceeding the 90-days visa-free period of stay and not having a long-term visa/residence permit. The rest of the cases are mainly due to the existence of an entry ban in the national system. Apparently, in 2005, it was decided to control the duration of stay more strictly, which led to a doubling (compared to 2004) of the figures relating to refusals of Romanian nationals.

There is always one person per shift who is responsible for issuing visas at the border. This officer also performs the refusals of entry. Visa stickers are stored correctly and properly registered.

Only 1 visa has been issued at the border in 2006. Like in other BCPs, the majority of visas issued are "B" visas issued to Turkish citizens who have a Schengen visa or a residence permit. According to the local officer, the fee to be paid amounts to 45 Euros for "B" visas and 70 Euros for "C" visas, to be paid in the travel agency which is located in the premises of the BCP.

6.1.4. Staff and training

6.1.4.1. Further continuing education

Apart from the training provided at central level, some staff at regional level have followed special courses in document and in vehicle checking. Every month all border guards receive 8 hours vocational training (including training in forged documents), 8 hours for training on Schengen issues and once a year they have shooting practice.

RESTREINT UE

6.1.4.2. Linguistic skills and training

Training courses are organized at regional level. The Committee was informed that most of the officers speak Romanian at basic level. Only a few were able to speak English, German or Russian.

Further language training will be provided as of the second half of 2006.

6.1.4.3. Specialised document checking skills and training

The staff are trained in document checking and among the officers there is 1 document expert, 5 document examiners and 1 vehicle examiner, who train their colleagues from time to time. The document expert followed a 1-year training course at central level, and document examiners followed a 2-week training course, also at central level too.

The Committee considers that the presence of a document expert should be ensured at all times in the BCP.

6.1.4.4. Availability and permanency of staff

Csenger BPO has a total number of 180 border guards.

The BCP visited operates on 2 shifts with 10 to 14 officers. The number of officers on the shift can change, depending on risk analysis and the traffic.

Every day at the beginning of the shift all officers receive a short briefing with the relevant information for their tasks (i.e. stolen vehicles, trends, forged documents etc).

The officers are trained and perform their tasks in a good way. However, the Committee considers that additional training should be provided to them to ensure that the checks are carried out fully in line with the Schengen standards.

The availability of the staff is ensured and the number of officers seemed to be adequate to the traffic flow experienced during the visit.

RESTREINT UE

6.1.5. Readmission, expulsion and illegal immigration. Carriers liability

In 2005 there were 28 readmissions. Most of them were Romanian, Moldavian and Georgian nationals.

For additional information, reference is made to point 2.7. of this report.

6.2. BEREKSURÁNY BPO

6.2.1. General information

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

Bereksurany BPO has competence over 24.6 km, of the external border with Ukraine

The traffic flow is around 2 million travellers per year, the majority are regular travellers from Ukraine and Hungary. The BCP is open to all type of traffic (cars, buses, trucks and pedestrians). The number of pedestrians that cross the border daily is approximately 2000.

There is a good cooperation between the border guards and customs for the detection of stolen cars. The detection of false documents mainly concerns residence permits (mostly Italian) and visas. Most of these falsifications are used by Ukrainians nationals.

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

Reference is made to point 6.1.1.2. of this report.

6.2.1.3. Risk analysis and intelligence functions

Reference is made to point 6.1.1.3. of this report.

6.2.2. Infrastructure and equipment

6.2.2.1. Infrastructure

The infrastructure allows for a clear separation of entry and exit flows. Pedestrians are controlled in one of the booths. There are different lanes according to the type of vehicle but there are no special lanes for EU-EEA-CH citizens. Exceptionally, the trucks can use the bus lanes.

RESTREINT UE

The facilities are quite new and have special premises for second line activities. They include an operational room equipped with a radio, room for interviews and detention facilities. There is also a special room for identification purposes equipped with a SAGEM identification device connected to the AFIS system.

Between the first and the second line there is also here a special office ("intermediate second line") in order to perform thorough checks on travellers. It is equipped with devices for the detection of false documents.

6.2.2.2. Equipment: first line, second line, mobile

The first and the second line are equipped in line with the Schengen standards.

In the booth used for checks on trucks and buses there is additional equipment composed of radiation detectors, endoscope, CO₂ detectors and underside mirrors.

The area is fenced and monitored by 2 cameras and 1 heat sensing camera.

6.2.3. Controls and procedures

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

Border checks are carried out by the border guards, but there is no integrated control with customs as in other BCPs.

Usually it is one officer per lane who carries out all the checks. The purpose of the stay was rarely requested from the travellers and there were no systematic check of documents in the UV lamp and similar tools.

In one of the lanes the docubox was switched off, which seems to indicate that the use of devices to check documents is not a routine procedure. Checks on vehicles at exit seemed not to be performed very thoroughly.

RESTREINT UE

Like in Csenger, documents are not stamped systematically. It was also noted that often the code "013" was added manually to the entry/exit stamp. The Committee was informed that this procedure is used to indicate that the person entered Hungary without a Schengen visa.

The stamps are correctly stored and registered. The security code has not been changed since May 2004.

6.2.3.2. Processing of refusals, asylum applications and issuance of visas

764 persons were refused entry in 2005 and 237 in the first four months of 2006. The daily average of refusals of entry is 2 persons. The great majority are Ukrainian nationals, who are refused mainly because of an invalid passport (this also covers the case of passports which are still valid but full of stamps). Other reasons are the lack of valid visa (visa forged or expired) or the lack of means of subsistence.

The refused persons are informed about the procedure and the reasons for refusal. The standard form for refusal is in use (only in Hungarian).

The entry may also be refused by Customs officers for violation of customs related regulations. In this case they affix a specific customs stamp and the person is handed over to the border guards who escort him/her to the exit lane.

This BCP is authorised to issue visas at the border, but none has been issued since at least 2004, probably due to the fact that the Hungarian consulate is located 10 kilometres from the border.

A high number of visas (mainly "C", in few cases "D" visas) are cancelled at the border (161 in 2005). The main reason is the existence of an entry ban in the national database. They are cancelled by means of a stamp ("invalid") affixed to the visa sticker and a cross line. However, none of the security features of the visa sticker (kinegramme, latent image effect) are destroyed.

The information about the cancellation of the visa is provided to the Immigration Office, which then informs the Minister of Foreign Affairs.

RESTREINT UE

6.2.4. Staff and training

6.2.4.1. Further continuing education

Some border guards have followed courses in document and vehicle checking, border policing management and dog handling. Every month all border guards receive 8 hours of vocational training (including training in forged documents), 8 hours for training on Schengen issues and once a year they have shooting practice.

6.2.4.2. Linguistic skills and training

Languages training courses are organized at regional level. 16 officers have a language certificate in Russian, German, or English.

The Committee was informed that approximately 40% of the officers speak Ukrainian, at basic level; however, during the visit only a few officers were able to speak that language.

Additional language courses will be provided during the second half of 2006.

6.2.4.3. Specialised document checking skills and training

The staff are trained in document checking, and among the officers there is 1 document expert and 4 document examiners. They train their colleagues from time to time. The document expert followed 1 year training course at central level and document examiners followed a 2 week training course, also at central level.

6.2.4.4. Availability and permanency of staff

Beregsurány BPO has a total number of 162 border guards.

As in other posts, the border guards receive a briefing at the beginning of their shift with any relevant information. They are trained and perform their tasks in a professional way. However, the Committee considers that additional training should be provided to the border guards in order to improve the quality of the border checks, specially in relation to the use of technical equipment available and, the clarification of stamping procedures and of the mechanism for the correct cancellation of visas.

RESTREINT UE

The availability of the staff is ensured. The officers work in 2 shifts with 12 to 14 officers. The number of officers per shift can change depending on risk analysis and traffic. In need be, those border guards working at the green border that are qualified to perform border checks, can be deployed at the BCP.

6.2.5. Readmission, expulsion and illegal immigration. Carriers liability

In 2005 there were 16 cases of readmission; most of them were Ukrainian, Moldavian, Russian, Georgian and Belarusian nationals.

For additional information reference is made to point 2.7. of this report.

6.3. ZÁHONY BPO

6.3.1. General information

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

Záhony BPO is responsible for one of the most important areas at the Ukrainian border, covering both the border surveillance and the border checks in an area where the Slovakian, Hungarian and Ukrainian borders join. This is one of the most important routes used by illegal immigrants trying to enter the Schengen area.

The pressure is specially high at the road crossing point compared to the railway crossing point and the green borders.

The BCP is located at the Hungarian/Ukrainian border and is the biggest BCP along the common border with Ukraine. It is frequented by approximately 1.6 million travellers per year. The BCP is one of the "hot spots" for illegal immigration, smuggling of goods and trafficking of human beings along the common border with Ukraine. Záhony has been established as a Focal Point Office.

Tisa River is located very close to the border crossing point. The bridge that connects both sides of the border and the entire area of the BCP were fully occupied by vehicles.

RESTREINT UE

The main method used to try to cross the border illegally is by using falsified documents (passports, resident permits, visas). It was reported that 75% of the forgeries concern Italian residence permits (the blue A 4 format). Other common cases concern forged Portuguese and Spanish residence permits.

It is worth mentioning the high number of minibuses cross the border from Ukraine towards Austria and Italy. In peak times (Thursday/Friday on entry, Monday/Tuesday on exit) the BCP is frequented by between 200 to 300 mini buses, with 5-6 passengers on average, mostly on their way to Italy (95% of the cases).

Záhony railway station is located one kilometre from the border. The trains are under surveillance whilst making approach. There are two daily long distance international trains (Moscow – Budapest – Belgrade) and some local international trains. Long distance trains are operated by Russian or Ukrainian carriers, and on average, they carry between 60 and 80 passengers. The night train from Moscow to Belgrade carries from 100 to 140 passengers. Those passengers, the majority Ukrainian, Russian and Hungarian are checked in the international train and then they have to change to another local train. In the summer, there are additional tourist trains.

The average waiting time of the train at the station is of about 20/25 minutes (45 minutes for the Moscow-Belgrade train).

The freight traffic is composed of 2 to 3 freight trains per day.

The number of false document detected has increased considerably (1039 in 2005 and 454 in 2004). The local authorities estimate that this will be the most common modus operandi used to illegally cross the border in the future.

The authorities should continue to monitor the heavy traffic and minibuses to avoid illegal crossings with the procedure of hidden people in these vehicles.

Illegal immigration across the green border was considered as a small threat at this point.

RESTREINT UE

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

Reference is made to point 6.1.1.2. of this report.

6.3.1.3. Risk analysis and intelligence functions

Reference is made to point 6.1.1.3. of this report.

6.3.2. Infrastructure and equipment

6.3.2.1. Infrastructure

The infrastructure allows for a clear separation of entry and exit flows for vehicles. Pedestrians are controlled in one of the booths.

There are 6 lanes for cars and buses, both for entry and for exit. Two of them are used by buses in each direction. There are additional lanes for heavy traffic that are totally separated from the area used by light vehicles.

In all the cases there were separate lanes for EU-EEA-CH citizens and All passports.

The facilities are quite new and meet the Schengen standards. There are special rooms to carry out the second line activities, including an operational room equipped with radios, rooms for interviews, and detention facilities.

In the Záhony railway station there are also premises to conduct second line checks.

6.3.2.2. Equipment: first line, second line, mobile

The first and the second line are equipped in line with the Schengen standards. In the second line equipment was available to consult fingerprints (AFIS).

In the booths used for checks on trucks there were radios, radiation detectors, endoscopes, underside mirrors and CO₂ detectors.

RESTREINT UE

In the BCP premises at the train station the equipment also meets Schengen standards. In addition, there were 4 mobile devices for passport controls (+ 1 extra), a CO₂ detector, endoscope and material for taking fingerprints manually.

The BCP is fenced and monitored by cameras. Most of them belong to Customs and only two belong to the Border Guard.

The train station is not fenced and no video surveillance of the platforms is carried out.

6.3.3. Controls and procedures

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

Border checks are carried out first by the border guards and then by the customs officers, as the integrated control system is not in place here.

During the visit at the road BCP of Záhony, border checks were carried out by one border guard in each lane.

The officers seemed to be very familiar with the procedures and the examination of documents. Third country nationals were checked in the databases and their travel documents examined under the technical equipment on a regular basis. However, there was no detailed questioning on the purpose of the trip, means of subsistence etc.

The practice of writing the code “013” in the visa sticker – where the person has no Schengen visa or residence permit – was confirmed. On the other hand, when the person has a residence permit or visa, the number is included in the stamp.

In the lanes used for checks on buses there were 2 border guards per lane, each officer checking the passengers of a bus. They checked the identity of the passengers, searched in the available databases and examined the documents. Passengers were asked only superficially about the purpose and destination of the trips, without checking the supporting documents or the means of subsistence, even in doubtful cases which would have justified a more in-depth check.

RESTREINT UE

All mini buses undergo the Customs checks after having been subject to the border guard check.

Checks on trucks were performed by 2 or 3 border guards. The available X-ray device is located out of the terminal used for trucks.

Border checks at the train station are carried out by 3 or 4 border guards per shift. If needed, some support can be asked to the road BCP.

During the visit the checks were performed by three officers by searching in the databases and questioning the passengers only about the purpose of the trip and without deeper inquiries on passengers on transit. The checks on the databases were performed by means of three mobile passport readers.

The officers had also mobile equipment for the examination of documents (e.g., UV lamps) that were not used. Two other officers were surveying the platform while two other (searchers) were searching the train.

The Committee could not see the procedure for checks on freight trains but it was informed that these checks are carried out on a regular basis by two border guards jointly with Customs.

The number of refusals of entry at the station during this year amounts to 50. In those cases the person is kept in the waiting room and is obliged to take the next train back. The administrative formalities for the refusals and the issuance of visas are made at the road BCP.

The stamps are stored in a safe and registered correctly but the security code has not been modified since 2004.

All travel documents were checked systematically against the available databases.

From this BCP there is direct access to the database on visas used by the consulates. The officers can thus consult directly the visa application of a person, the reasons for applying or the photo. It is also possible to insert directly the cancellation of the visa at the border and the reason for it.

RESTREINT UE

6.3.3.2. Processing of refusals, asylum applications and issuance of visas

1001 persons have been refused entry so far in 2006 (approximately 3000 in 2005). The main reasons were the existence of a ban on entry, lack of visa and forged documents.

The Committee confirmed the practice to refuse entry of persons with valid passports full of stamps (even if the person has a new passport but the visa/residence permit – still valid – is affixed on the old one). The refusals were stored correctly and the officers were aware about the procedures and the means of appeal.

Asylum applications are very rare. The last case was in 2002 and at the green border, not at the BCP. The officers were well informed about the procedure to be followed.

The Committee also confirmed the high number of visas that have to be cancelled at the border (391 only in 2006), mainly due to the existence of an entry ban or forged documents, and the procedure followed for the cancellation (crossing of the visa sticker with a special pen, but no destruction of the security features) of the visa.

At this BCP, officers have direct access to the national database concerning visa applications (the same used by consular officers). They can thus consult directly the visa application of a person, the reasons for applying, the photo of the person etc; the cancellation of the visa at the border, and the grounds for it can also be inserted directly in the system.

Empty visa stickers are stored correctly and issued visas properly registered.

6.3.4. Staff and training

6.3.4.1. Further continuing education

The border guards followed special courses in document and in vehicle checking. Every month all BCP's officers follow 8 hours for vocational training (including training in forged documents) and 8 hours for training on Schengen issues.

RESTREINT UE

6.3.4.2. Linguistic skills and training

Language training courses are organized at regional level. 12 to 14 officers have language certificate on German, English, Ukraine or Russian and most of them are able to speak at basic level Ukrainian. Additional language courses will be organised during the second half of 2006.

6.3.4.3. Specialised document checking skills and training

The staff are trained in document checking. Among the officers there are document experts and document examiners. They train their colleagues from time to time. The document expert had to follow 1 year training at central level and the document examiners 2 weeks training at central level too.

6.3.4.4. Availability and permanency of staff

Every day at the beginning of the shift all officers receive a daily briefing as mentioned in previous BCP. They are trained and perform their task in a professional way, using in general the available technical devices to check the documents. At the railway BCP this equipment should also be used more regularly.

Záhony BCP operates on 2 shifts with 10 to 16 officers but this number can be modified depending on risk analysis and traffic.

The Committee was informed that in each shift there is a document expert or a document examiner.

The availability of the staff is ensured.

6.3.5. Readmission, expulsion and illegal immigration. Carriers liability

The number of readmission cases is 10 to 20 every month. They all are Ukrainians.

For additional information, reference is made to point 2.7. of this report.

RESTREINT UE

7. BORDER SURVEILLANCE

7.1. GENERAL INFORMATION

The external green border of Hungary is covered by 5 of the 10 Border Guard Directorates (BGD) and 30 Border Policing Offices (BPO) responsible for border management.

BGD KISKUNHALAS – 175 km border line with Serbia and Montenegro – 5 BPO

BGD NAGYKANIZSA – 146 km border line with Croatia – 3 BPO

BGD NYIRBATOR – 165 km border line with Romania/ 138 km with Ukraine – 8 BPO

BGD OROSHAZA – 282 km border line with Romania – 8 BPO

BGD PECS – 197 Km border line with Croatia – 6 BPO

The total of available staff for border management in these Directorates at the moment of the evaluation was presented up to 6.588 officers or 63% of the total staff in Hungary. It is however not possible to know how many of these border guards are available for green border surveillance. The two tasks, border control and border surveillance have been separated until 2004. At that moment the offices have been integrated as Border Policing Offices with the aim of training everybody for both specialties.

Based on the figures of total staff for Border management, the relation between available staff and border line is 6 officers per km border line.

7.2. THE VISITED SITES

The Evaluation Committee (EC) visited 4 Border Guard Directorates and 8 Border Policing Offices, at the Croatian, Serbian, Romanian and Ukrainian border. The Evaluation Committee inspected in total 303 km border line or 28% of the external border in an area covering 4.667 square km and staffed by 1.747 Border Guards.

BGD KISKUNHALAS

- BPO Kelebia – 20 km of Serbian border line
- BPO Szeged – 64 km of Serbian border line

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BGD NAGYKANIZSA

- BPO Letenye – 45 km of Croatian border line

BGD NYIRBATOR

- BPO Csenger – 58 km of Romanian/Ukrainian border line
- BPO Beregsurany – 24 km of Ukrainian border line
- BPO Záhony - 23 km of Ukrainian border line

BGD OROSHAZA

- BPO Nagylak – 40 km of Romanian border line
- BPO Biharkeresztes – 36 km of Romanian border line

7.3. IMPLEMENTATION OF GREEN BORDER SURVEILLANCE

7.3.1. *Tactics applied in visited Border Policing Offices*

Every Border Policing Office ensures a 24 hours service in shifts of 12 hours of work. The areas of competence are divided in sectors. The number of patrols (2 officers + vehicle) depends on the size of the sector. The patrols work in the 1st line (on the green border or the zone immediately behind the green border). Remarkable is the fact that patrols perform also general police tasks in the border zone (One patrol was found dealing with a domestic fight in a village near the border). Patrols are using technical means individually or are attached to a fixed or mobile HSC as intervention patrol. Patrol tactics are also determined by the vegetation; difficult areas are covered by dog patrols.

In some of the visited BPO the managing officers explained the harmonization of the patrol tactics with neighbouring BPO, which explained at least in one case the absence of sophisticated electronic equipment.

The Mobile Forces are patrolling in second line, deeper in the area and perform more in depth checks on persons and vehicles.

Except for the Croatian border, there are no mixed patrols at the external border.

The involvement of the National Police in border management is possible. Joint patrols and air support are possible but not frequently used. The cooperation with other Government agencies (Customs, Aliens Department, Labour Department) is organized and functioning.

RESTREINT UE

Command, control and decision making on the green border is to be considered as professional. The duty officers are aware of the operational and situational needs. Executing officers are very committed and disciplined and show excellent knowledge of their tasks and responsibilities.

7.3.2. *Situational awareness*

The Republic of Hungary has no integrated electronic surveillance system that covers the whole of the green border and detects and identifies targets enabling immediate reaction. According to the Hungarian authorities, the combination of geographical and political aspects, and the rational use of fixed, mobile and portable heat-sensing cameras, assures the adequate protection of the borders.

The situational awareness is based upon risk assessment, integrated cooperation with the local population; limited cooperation with the neighbouring states (except for Croatia) and the use of the large amount of technical and human resources.

Remarkable is the analysis and the use of the road system. Based on the schedules of apprehension of illegal migrants the roads are covered by an electronic surveillance method, implemented by the patrols.

The cooperation with the local population is exemplary, not only informally with plain inhabitants but also formally with the Civil Guards based on the Civil Guards Act LII of 2006. Civil Guards have been recognized by the Parliament as voluntary organizations by civilians to support the local and regional units of law enforcement authorities in their official tasks. Civil Guards have no formal authority and can not use coercive measures; their role is strictly informative. Financed however by the State budget, these civilian units – comparable to Neighbourhood Watch – can be of substantial use as informers.

A lot of civilians are united in hunting and fishing associations that cooperate with the authorities watching and observing the countryside.

RESTREINT UE

7.3.3. *Reaction capability*

Of the 10 Directorates, 5 are involved in green border surveillance. State border surveillance outside the border crossing points is performed by the staff of the 30 Border Policing Stations belonging to these Directorates, without however a clear distinction between state border surveillance, border checks and more general tasks. The Republic of Hungary can deploy at the external border a force of 6.588 border guards, which means 63% of the total amount of available staff.

The border guards performing surveillance at the border are supported by border guards of the Mobile Units. Hungary disposes of 15 of these Mobile Units (1.500 officers) of which 8 are at the disposal of the Directorates working at the external border.

In addition, the Border Guard disposes of 10 mobile deployment units. The units have competence throughout the regional territories (Border Guard Directorates). The main tasks of the deployment units are the following:

- managing unexpected situations (crisis management);
- assuring quick interventions;
- planning and coordination of air support (by the National Police);
- maintaining a permanent readiness and standby;
- planning, organizing and implementing the in-depth checks.

The reaction capability in routine matters is sufficient: patrols that are dealing with illegal border crossings are sufficiently equipped to handle the situation in normal circumstances. The reaction capability of nearby patrols has been tested; on demand of 1 patrol, two other patrols reached the place of the incident within 10 minutes. During another test the supporting patrol reached the place of the incident after 14 minutes, after being located at more than 20 km from the place of the incident.

The reaction capability in case of a major incident has been tested also. In a hypothetical case of a patrol facing armed facilitators hiding in a building at the green border, the call for reinforcements resulted in the assistance of 34 members of the Mobile Units from the BPO in less than 30 minutes. This kind of assistance is possible in every Directorate and goes up to 100-200 officers within the hour.

RESTREINT UE

Further assistance was possible by the Special Units from the Directorate within the hour. Although not formally demanded, the Special Unit of the Directorate of Nyirbator gave a demonstration of their skills in disarming and overwhelming armed persons.

7.3.4. *Availability and permanency*

The establishment of the border surveillance system on green borders is established and operated according to the consequence of assessment reports on relevant border policing situations. Based on cooperation and own efforts, the focusing of powers and devices applicable to the border policing tasks with regard to directions presenting particular migration risk is realised in the possible period of committing. The patrols are present in the highest number which should guarantee the realization of continuous control in time and place. In some directorates the monitoring is continuous (24 hours) by operating of stable heat-sensing cameras. In the areas meaning a lower migration risk and in such periods when migration risk is lower mobile patrols and heat-sensing cameras are applied according to the principles of unpredictability and unexpected events.

The availability of human resources in the visited Directorates and Border Policing Offices is more than satisfactory. The number of staff available in the visited BPO varies from 129 border guards in Letenye up to 286 border guards in Szeged, all supported by at least 1 Mobile Force Unit.

Experts were able to test the patrol system in one of the major BPO. No less than 12 patrols were scheduled in different sectors. All of the chosen patrols were in place and perfectly aware of their mission and tasks.

In theory, all border guards can be used for all tasks (border checks and border surveillance). In practice this exchange is not so evident. Almost all border guards interviewed by the Committee at the green border declared to do nothing else than patrolling. The switch from patrol work to the more specialized task of border checks is not an easy challenge. The switch in the other direction is more likely and could be interesting to give border guards a break in hectic periods of border traffic.

The Hungarian authorities informed the Committee that all commissioned border guards receive some training on every field relating to border guarding, so that they are fit to perform any kind of tasks. However, it is the exclusive competence of BPO commanders to decide, based on their knowledge of their personnel and their capabilities, what border guard is assigned to each position.

The availability of technical means is less satisfactory.

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It seems that the effectiveness of green border management suffers from a lack in maintenance of the equipment and from outdated material. From the 5 visited fixed heat-sensing cameras, 2 were out of order and 1 failed at the moment where the experts wanted to check it. One fixed heat-sensing camera seems to be installed ineffectively because it is too close to the ground. Remarkable is the fact that not all the fixed cameras possess a laser distance reader. In absence of such a piece of equipment and in case of a perceived incident, the observer has to measure the distance on a map in order to lead the patrol to the right spot. Some mobile heat-sensing cameras were also out of order. Parts of the older (Russian) night vision equipment is no longer effective at wider range.¹

The experts visited sights where intensive attempts and effective illegal border crossings have been recorded. The patrolling activity was adequate for the area (8 patrols for 18 km border line), but it was clear that 1 fixed camera system could do the job perfectly.

The experts were able to test the night vision equipment, the heat sensing cameras – fixed and mobile – at the Ukrainian border. The material worked satisfactory and the range was impressive, deep into the Ukrainian territory, giving clear and detailed image up to 6 km. It seems that the combination of 1 fixed heat-sensing camera, flanked by 2 mobile cameras gives the most effective result in border surveillance.

The availability of air support by the National Police is only theoretical. Practically no Directorate has asked for such a support in the first 4 months of this year.

The car park of the Border Guard is extensive; almost 900 automobiles and jeeps are available for patrolling. The problem is that all these vehicles run on – very expensive – petrol; specially the older type jeeps are very consuming. The result is a limitation in the use of vehicles, although with a double goal. First, there is an economic goal – to save petrol – and second a goal of effectiveness by avoiding the Border Guards to sit and ride in their car all day or night.

7.3.5. *Communication and encryption*

Reference is made to point 2.3.1. of this report.

¹ **HU.** The Hungarian authorities are aware of these problems and will remedy them for the future.

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8. CONCLUSIONS AND RECOMMENDATIONS FOR THE VISITED SITES

1. The strategy for border management at the visited sites is in place. There is a system available in order to ensure the analysis of information and the transmission of the relevant data from the central to the regional and local levels and vice versa.
2. International cooperation is wide and active, but cooperation with the neighbouring countries at regional level has different approaches. Tools like Common Contact Points, Focal Point Offices and other activities give proof of a cooperation based on border security. With Croatia this cooperation seems to be very fluent at the level of the BCPs and the exchange of information is regular. With Serbia and Montenegro the cooperation is also present and based on an action plan signed between both countries in 2006. With Romania the cooperation seems to be intense. Through the Common Contact Points established between both countries this cooperation is transformed into harmonisation of human and technical resources at both sides of the border what certainly may result in a positive impact in the quality of the border management. With Ukraine the cooperation is based on the concept of “Border Commissioners” who ensure the exchange of information between both countries at regional level. In this case, the cooperation could be enhanced by the periodical presence of Italian Border Guards to check the traffic of minibuses through Austria to Italy. The Záhoni Focal Point Office is, according to the Hungarian authorities, ready and willing to welcome Italian experts in the future.
3. Risk analyses appear to be well structured, organised and ensured at all levels of the system through the activities of the Border Policing Offices.
4. The premises of the BCPs visited were in general new, constructed in line with the Schengen standards and with the necessary equipment, both at first and second lines.
5. At Rösztke road BCP the premises are also brand new and constructed in a harmonised way with the new premises of the Serbian BCP. As the latter has not yet been opened, the traffic is canalised from the old Serbian BCP to the new Hungarian premises using the old road. This point is considered by the Committee as a risk area from the point of view of the security, due to the limited technical resources available for the surveillance.

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The Committee recommends increasing the surveillance at this point until the moment the new motorway is opened.²

6. As regards rail traffic, certain shortcomings have been identified, in particular at some railway border crossing points (i.a Rösztke) where the officers do not have portable equipment for the detection of false or falsified documents and the number of mobile devices available for the consultation of the national databases is very low, resulting in a limited capacity to carry out thorough checks on third-country nationals in line with the Schengen standards. The Committee recommends increasing the availability of this material.
7. At Tompa road and Kelebia railway BCP (both at the railway station and in the area situated between the border and the station itself), the surveillance systems available, are very limited.³
8. The Committee could see that at the borders with Croatia and Serbia-Montenegro, (Letenye and Kelebia) Croatian identity cards are accepted as travel documents. This practice means that travel documents cannot be stamped and it is not possible the verification of the period of stay. In addition, in most of the BCPs visited (road and railway border crossing points), border checks on third-country nationals were not carried out fully in line with the Schengen standards, as third-country nationals were not questioned systematically about the purpose of their trip or the means of subsistence, and the technical equipment for the detection of false documents seemed not to be used as a routine.

² **HU.** A fence has been built from the border crossing point to the Serbian border; the area is secured by the patrols of the BPO reinforced with the staff of Tisza Mobile Force, equipped with mobile heat-sensing cameras, step and movement sensors.

³ **HU.** The Border Guard receives the international train and secures it from the arrival to the departure. Besides securing it, the Border Guard searches the train and checks the passengers. Because of inland train services, the station can not be fenced. During the arrival of an international train, the platform and the train are treated as border area. Before, during and after the arrival of trains, patrols check the railway station. With this method the Border Guard excludes the possibility of avoiding border control and the arrival area can be kept under control.

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With regard to the means of subsistence, in particular, the Committee could verify that they are not checked in accordance with the amounts foreseen for the State(s) of destination⁴. In one BCP, (Ártánd) a third-country national with an expired passport was not refused entry. Those practices are not in line with the provisions laid down in the Schengen Borders Code. Therefore the Committee recommends modifying the control procedures, aligning them with the provisions laid down in the Community legislation.

9. In Letenye, the Committee was informed that checks on Croatian nationals are often relaxed in order to reduce and avoid long queues during summer time. This practice means that they are not controlled systematically against the databases or questioned about the purpose of the trip. Since this practice is not in line with the provisions laid down in the Schengen Borders Code the Committee recommends modifying this procedure so that checks are only relaxed on grounds of unforeseeable or unexpected events as mentioned in the Schengen Borders Code.⁵
10. The Committee could verify that the security code of the entry/exit stamps are not modified on a monthly basis, as set out in the SBC, and that documents of third-country nationals having a residence permit issued by Hungary or by a Schengen State are not stamped (Csenger and Beregsurány). The Committee recommends modifying the security codes every month and apply the stamping procedures as mentioned in the Community legislation.⁶

⁴ **HU.** Hungary is not yet a full member of the Schengen area and therefore the Schengen external borders between Hungary and Austria are still in place. That is the reason why Hungary is only asking for the means of subsistence necessary to enter the Hungarian territory.

⁵ **HU.** Letenye BCP is under reconstruction and will be ready by August 2007. Taking into account that the risk of illegal activities in this border section is very low and that Letenye is the main BCP where 600.000 Hungarian tourists are crossing the border every summer, checks are relaxed on Croatian citizens but only in peak seasons, in order to avoid long queues and only till the end of the reconstructions.

⁶ **HU.** The modification of the security code of the entry/exit stamps, is not defined by any of the obligatory regulations at present, although the possibility of its application is established (multi-variant identification system). After the entry into force of Regulation 526/2006/EC, the relevant variant-time interval will be applied.

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11. In some BCPs, the Committee could see that third-country nationals are refused entry when their passports are full of stamps even when they are in possession of valid visas, as the travel document is considered invalid. With regard to this practice the Committee considers that the current Community legislation does not fully define the procedure to be followed, giving the Member States the possibility to apply different procedures for the same case. Therefore the Committee invites the Commission and the Member States to explore the possibility of harmonising the procedures for these cases in the future.
12. Visas are cancelled by means of a stamp affixed to the visa sticker, but none of the security features (i.a. optically variable feature, latent image) are destroyed as foreseen in the Schengen Borders Code. These elements should be destroyed in order to prevent any later misuse.⁷
13. In some of the road BCPs visited border checks were carried out by one officer in each lane. In some cases, the staff available to carry out border checks seemed to be adequate to the traffic flow observed during the inspection. However, when possible these checks should be carried out by two officers, and specially in peak seasons, where the traffic flow increases considerably. The committee recommends increasing the number of officers deployed at the BCPs (i.a. Letenye, Tompa, Rösztke, Artand) and ensure that document experts and experts on stolen vehicles are present in every shift. With regard to Kelebia and Biharkeresztes railway BCPs, the number of officers should also be increased, in particular in summer season, to ensure that all third-country nationals are subject to thorough checks while the train is stopped at the station.
14. The equipment available at BCPs for the comparison of finger prints (AFIS-Automated Finger Identification System) as well as the direct access (available at certain BCPs) to the Visa database used by the Hungarian consulates are considered by the Committee as a valuable tool and an added value for border guard activities.

⁷ HU. Part II. 1.4.4 of the Common Manual presently in force is observed entirely, since the necessary CANCELLED (“ERVÉNYTELEN”) sign is stamped in. As soon as Regulation 526/2006/EC enters into force, Annex V, Part A 1/c concerning the destruction of the special security features (i.a. optically variable feature) will be applied.

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15. Border guards are professional and trained in accordance with the national training programmes. The Committee acknowledges the fact that many training activities are underway and that further training will be provided in the coming months. The Committee however considers that there is room for improvement with regard to training on languages (specially from the neighbouring countries), detection of false documents, the use of the technical equipment available at first line, and the detection of stolen vehicles. Routines for the use of these tools should be put in place at all BCPs.
16. The Committee noted the fact that a high number of visas were cancelled at both Beregsurany and Záhony BCPs, mainly due to the existence of entry bans and forged documents. The Committee invites the Hungarian authorities to carefully analyse this question and to reconsider the effectiveness of visa issuance procedures at the consulates located near the Ukrainian border.
17. The Committee also noted that different fees seem to be applied in different BCPs for visas issued at the border. The Committee invites the Hungarian authorities to monitor this situation and recalls that, upon full membership of Schengen, the harmonised Schengen visa fees should be applied to the issuance of Schengen visas.⁸
18. Regarding border surveillance, the Evaluation Committee visited no less than 4 Border Guard Directorates and 8 Border Policing Offices, at the Croatian, Serbian, Romanian and Ukrainian borders, over a border line of 303 km, or 28% of the external border, in an area covering 4.667 square km and staffed by 1.747 Border Guards.
19. Thanks to the impressive human resources, tactics at the green border are very satisfactory. Surveillance is organised in 3 lines. Surveillance at the border in 1st line by human and technical means; surveillance and control in 2nd line in the border zone area by regular patrols and the Mobile Units (4 km inland) and more in-depth controls in 3rd line by the mobile forces of the Border Guard. The close cooperation at the green borders with the neighbouring countries is satisfactory; the cooperation with Serbia can be improved but is not always in hands of the Hungarian authorities.

⁸ HU. Reference is made to the clarification of the Hungarian authorities in point 5.1.3.2.

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20. The Hungarian Border Guard is well aware of the risks and threats at the border; situational awareness is supported by the excellent cooperation with the local population, the Civil Guard Association and several other civilian associations.
21. Reaction capability has been tested in routine situations and in a major incident case. The response was massive, quick and effective. The reaction on intensive threats can be properly organised thanks to the disposal of 1.500 officers of the Mobile Units.
22. The availability and permanency of human resources is more than satisfactory.
23. The availability and permanency of technical resources is less satisfactory because of some malfunctioning, partly outdated material and very costly maintenance. The Hungarian Border Guard considers permanent air support as unnecessary.

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9. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS AND FOLLOW-UP

1. The Republic of Hungary has a very important external land border with four countries: Croatia, the Republic of Serbia and Montenegro, the Republic of Romania and the Republic of Ukraine. In terms of illegal migration, Hungary is currently considered to be a transit country rather than a target country. Of the four land-based transit routes towards the EU, three directly cross Hungary, which challenges the responsibility of the State. As a result, Hungary becomes a key player in the management of the future central-east external border of the EU (almost 15%), together with Poland, the Baltic States and Slovenia.
2. The legal basis for border management is very solid and even based on the Constitution.
3. The National strategy for border security in Hungary is comprehensive and covers many aspects of the Schengen 4-tier model. The basic idea follows the Schengen approach including activities abroad, good cooperation with transit and neighbouring countries, border management and close cooperation with national law enforcement authorities. This strategy covers necessary actions for the full implementation of the Schengen system till the full Schengen membership and for the following period. The border control and surveillance strategy is part of the broader Border Guard Strategy as developed in the “*Strategy of the Border Guard until full accession to the Schengen Convention and for the period immediately following accession*”. The implementation, however, may have some problems at practical level as the coordination with the consulates seems not to be fully effective, resulting in the cancellation of many visas at the border. The activities in third countries can be improved.
4. The Hungarian Border Guard has limited financial resources. The current budget is sufficient for answering the obligations towards human resources; possibilities for investment and maintenance of the equipment are, however, too limited.
5. Basic organisational structure and commanding line is clear. Unified and specialised organisation guarantees a unified approach and similar understanding of border security at all levels of the organisation and along all the borders.

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6. Inter-agency cooperation at central level, between the Border Guard and the Police as well as between the Border Guard and the Customs and Finance Guard, is performed on the basis of cooperation agreements signed by the heads of these authorities. Taking these agreements into consideration, the regional and local bodies prepare agreements and protocols for execution which include all the practical details.
7. The fight against illegal migration is a combined effort of different agencies in Hungary, through the concept of the “CHECKNET”, allowing to organise an integrated fight against illegal migration all over the territory of the country and united in the Integrated Management Centre. This Centre is led by the Border Guard and it coordinates the tasks related to the fight against illegal migration of the Border Guard, the Police, the Office of Immigration and Nationality (OIN), the Customs and Finance Guard and the National Labour Inspectorate, through its liaison officer system, both at central and regional level. Cooperation of these authorities includes common aliens policing, control on labour policy and protection of public order, implementation of such actions, exchange of information and experiences related to illegal migration and common training of the staff of the partner authorities.
8. Operational effectiveness can be improved by further developing human and technical resources in perfect balance with strategic and organisational needs.
9. Risk analysis, intelligence and data-flow management are an integral part of the border security system. Within the frame of the risk assessment strategy, gathering of public information is a task for the complete staff of the Border Guard.
The Border Guard performs collecting, analysing and evaluation of the data and states general conclusions from the number of traffic of persons, from links and circumstances, tendencies (and changing tendencies) of committing criminal offences, efficiency and results of forces, equipments and methods applied. Domestic and international information exchange is performed. These data are filtered, analysed and forwarded to the users. As a result, Hungarian authorities are well aware of the situation at the borders. Some BCP’s have direct access to national databases used by Consulates. This is an important tool to support activities carried out at the border

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10. The Hungarian border guards are basically well trained and educated. The training programmes are in place. They are very ambitious as some are planned to be finalised in one year time. This will be an essential element to increase the quality of the border checks, not only with regard to linguistic skills but also from the point of view of the specialisation of the officers. Based in interviews at the BCPs and at the green border, the Border Guards seem to be disciplined, aware of their duties and the importance of their tasks.
11. In general border checks are not always carried out fully in line with the Schengen standards. Thorough checks on third-country nationals are not always performed as set out in the Schengen Borders Code. The stamping procedures, the regular modification of the security codes, the inspection of the travel documents to verify their authenticity as well as the destruction of security features when visas are to be cancelled are procedures that should be modified in line with the Community legislation.⁹
12. The procedures for border checks on rail traffic should also be revised, in particular by increasing the necessary technical devices, to ensure that all passengers and trains undergo the border checks in line with Schengen standards.
13. The current deployment of human resources at the border crossing points has several consequences: there is no time to do border checks always according to the Schengen requirements, the number of second line checks is very low and there is no possibility for more thorough checks. The surveillance procedures within the border crossing point may also lead to a situation where not all areas of the border crossing point are controlled and checks may be avoided. Therefore, it is recommended to enhance the surveillance of the border crossing points and their adjacent areas by patrols or technical surveillance means. According to the Schengen Borders Code *“In the interests of staff safety, checks shall be carried out, where possible, by two border guards”*. On the other hand, the Border Guard has a force (Mobile Force) that can be deployed in necessary and urgent cases also at the BCPs.

⁹ **HU.** According to the Act on Accession of Hungary, second category of the Schengen acquis will be applied upon full Schengen membership of Hungary. The Schengen Borders Code will be applied after it comes into force.

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14. The organisation and implementation of border surveillance is organised according the main purpose of preventing unauthorised border crossings, to counter cross-border criminality and to take measures against persons who have crossed the border illegally. The Hungarian Border Guard should continue to meet the objectives of the strategy of the Border Guard, relying on its own potential but in close cooperation with the national law enforcement agencies.
15. With one exception, (Croatia) border surveillance is not sufficiently and practically implemented on international level in close cooperation with the relevant neighbouring states. This might, however, not always be the full responsibility of the Hungarian authorities.
16. Border surveillance is carried out using stationary and mobile units, patrolling at places known to be sensitive, supported by technical and electronic means. The operational human resources are in place and up to the job. The technical resources, however, are so far not on the level of the strategic purposes and the possible risks and threats, and should be enhanced. The strategy of protecting the external borders suffers from a lack of sophisticated equipment and maintenance of the existing equipment. The car park is very impressive but exceedingly consuming.
The Committee suggests rationalising the mobile resources and bringing them to a level of utility in accordance with the objectives of the Border Guard strategy. The sophisticated technical resources could be improved, specifically by increasing the use of fixed surveillance systems in combination with mobile units and the replacement of outdated material.
17. The Hungarian authorities are invited to study carefully these conclusions and recommendations and to report in due time to the SCH-EVAL Working Group.