



Council of the
European Union

025793/EU XXVI. GP
Eingelangt am 12/06/18

Brussels, 8 June 2018
(OR. en)

10474/06
DCL 1

SCH-EVAL 102
FRONT 121
COMIX 540

DECLASSIFICATION

of document: ST10474/06 RESTREINT UE/EU RESTRICTED
dated: 20 June 2006
new status: Public

Subject: Schengen evaluation of the new Member States
- SLOVAKIA : report on Air Borders

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THE EUROPEAN UNION**

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**SCH-EVAL 102
FRONT 121
COMIX 540**

REPORT

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

Subject : Schengen evaluation of the new Member States
- SLOVAKIA : report on Air Borders

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

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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 evaluation adopted by Council (152275/04 SCH-EVAL 70 COMIX 718, and 7638/2/05 SCH-EVAL 20 COMIX 200), an expert team visited the air borders of the Slovak Republic

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The Evaluation Committee visited the following sites:

M.R. Stefanik Bratislava Airport and the Department of the Border Control of the Police Force Bratislava Ruzinov – Airport, Košice International Airport and the Department of Border Control of the Police Force Košice - Airport.

The information about the Poprad -Tatry International Airport and the Department of Border Control of the Police Force Poprad Airport was provided to experts.

The projects and status of the reconstruction works at the airports for the separation of Schengen and non-Schengen flights were presented by administrations of the airports: M.R. Stefanik Bratislava Airport and Košice International Airport.

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

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2. MANAGEMENT SUMMARY

The Committee is on opinion that the border management strategy of the air borders of the Slovak Republic responds to the basic Schengen principles of the integrated border management. The professional and motivated personnel of the Border and Aliens Police of the Slovak Republic is providing a good level border control that meets mainly the Schengen requirements. However there is room for improvement concerning several issues: profiling and interrogation as well as language skills. Additional training on these matters will be needed in order to provide higher level of border control at the Slovak borders.

Infrastructure is largely in place. Necessary reconstructions have been planned and have to be implemented as a precondition for the full accession to the Schengen area. The Committee has an opinion that the competent authorities of the Slovak Republic should further inform the Schengen Evaluation Working Party about the success in the development of the infrastructure and the problem of the separation of the passengers of Schengen and non-Schengen flights needs follow-up.

The Committee would like to highlight the great efforts of the Ministry of Interior and the Border and Aliens Police of the Slovak Republic on supplying the units at the border with the necessary amount of modern border control equipment, transportation means, communication techniques and IT systems. The Committee stresses the need to continue preparation for the implementation of SIS II, VIS, use of the EURODAC and FADO at the border.

Current EU legislation formed the bases of the evaluation of the Committee. The responsible authorities of the Slovak Republic are aware of the fact that the new Schengen Borders Code will enter into force on 13 October 2006. All the procedures have to be adopted by this date.

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3. GENERAL INFORMATION

3.1. Strategy

Border Management in the Slovak Republic is based on:

- Act No 477/2003 Coll. of 23 October 2003 on the national borders protection;
- Act No 48/2002 Coll. of 13 December 2001 on the residence of aliens and on amendments to certain related laws;
- Act No 381/1997 Coll. on travel documents as amended by subsequent legislation;
- Act No 171/1993 Coll. on Police Force as amended by subsequent legislation;
- Act No 480/2002 Coll. on asylum and on amendments to certain laws as amended by subsequent legislation;
- Ordinance of the Minister of Interior No 75/2004 on activities of aliens police divisions of the Police Force, asylum division of the Police Force and the passport service group of the Department of Border and Aliens Police of the Bureau of Border and Alien Police as amended by subsequent regulations;
- Ordinance of the Minister of Interior of the Slovak Republic No. 117/2005 on operation of basic units of Border Police service of the Police Force
- Related acts of the Schengen Acquis.

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

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

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The Border and Aliens Police Bureau of the Police Presidium is responsible for:

- protection of the state border;
- border control;
- fight against illegal immigration, cross-border crimes and facilitation of illegal border crossing;
- approval and control of the stay of foreign nationals (migration policy);
- return policy;
- visa policy and its implementation;
- initial asylum proceedings and implementation of the Dublin Convention. The Border and Aliens Police is responsible only for fulfilment of preliminary proceedings related to asylum procedure. Further action is taken by the Migration Office of the Ministry of Interior;
- development of information technologies and their utilization mainly for the purposes of foreigner migration analysis.

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

Regional units of the Bureau of the Border and Aliens Police perform border control at the land border and at the international airports. There are currently 8 international airports in the Slovak Republic: Bratislava, Košice, Poprad, Nitra, Piešťany, Prievidza, Sliac and Žilina currently. Only three of them are planned to use for organization of non-Schengen flights after the full implementation of the Schengen Acquis: the airports of Bratislava, Košice and Poprad.

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

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International bilateral cooperation is organised with Border Services of the neighbouring and some other countries. In the framework of the cooperation of the border services of the EU it is the Director of the Bureau of the Border and Aliens Police who represents the Slovak Republic in the Management Board of the FRONTEX, experts of the regional and local units participate in the activities of the Agency, including the joint operations.

The Department of International and Cross-Border Cooperation of the Bureau of Border and Aliens Police cooperates with police attaches.

The Bureau of Border and Aliens Police cooperates with the IOM and UNHCR in questions related to illegal immigration, readmission and expulsion.

The bodies of the Border and Aliens Police performing border checks at the international airports have access to the lists of passengers provided by the airport/air carriers upon request. The Slovak Republic has transposed the stipulation of the Council Regulation No 2004/82/EC of 29 April 2004 on obligation of carriers to announce data about passengers in the Act No 558/ 2005 Coll., which changes and amends the Act No 48/2002 Coll. on the residence of aliens.

Some elements of the international cooperation are performed at the regional and local level.

There is no written strategy document on border management nor national border security plan in the Slovak Republic. Arrangements for admission of to the countries fully applying the Schengen Acquis were adopted in the Schengen Action Plan.

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

The Committee considers it expedient to introduce of middle and long term planning system in the integrated border management.

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During 2005 more than 102 millions passengers crossed the borders of the Slovak Republic. Only 0,3% of them crossed the border with the visa (326 569 persons).

During the year 16 392 persons were refused to enter the territory of the Slovak Republic, 6885 persons for the travel documents deficiencies, 9462 persons for another reasons. 45 persons were refused since they were included in the Inadmissible Persons Index (IPI) as a result of a ban to stay within the area of the Slovak Republic or a judicial or an administrative expulsion. Since 2000 the number of refused persons has decreased more than twice (in 2000 35 631 persons were refused of entry).

Slovak Republic remains mainly a transit country for illegal immigration. During 2004 3756 persons were detected at entrance to the territory of the Slovak Republic and 4578 during at illegal exit. In 2005 2939 persons were detected entering and 2239 persons exiting the country illegally.

The number of detected cases of illegal crossing of the Slovak borders in 2005 decreased 38% compared to the year 2004 (5178 detected cases in 2005 and 8334 in 2004). The biggest change occurred during the year at the Czech-Slovak border, where the amount of detected illegal immigrants decreased more than 10 times (1671 cases in 2004 and 128 in 2005).

At illegal entry the biggest amount of illegal immigrants in 2005 was detected at the Ukraine-Slovak border (2554 cases - 86% of all cases) while the biggest amount of illegal immigrants at exit (2002 cases - 89%) was detected at the Slovak-Austrian border. The top five nationalities of the illegal immigrants during the last years were nationals of the Afghanistan, India, Russia, China and Iraq.

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The Committee was wondering about the reason for such a decrease in the detected cases of the illegal immigration during the year. The explanation that the decreasing numbers of foreigners who were refused to enter the territory of the Slovak Republic as well as illegal immigration derived from EU membership was not understandable for the experts ¹. The experts stress that the assessment of the situation is one of key elements of the integrated border security model. Valid and reliable data should form a part of a permanent evaluation which could be shared by other member States.

3.2. Organisational (functional) structure

The Border and Aliens Police is part of the Police Forces of the Slovak Republic and has a centralised structure at three levels:

- At the central level there is the Bureau of Border and Aliens Police of the Police Force. In the structure of the Bureau there are Border Police Section, Aliens Police Section, Section of Investigation of Particularly Serious Criminal Activities, National Unit for Fight Against Illegal Migration, Department of Travel Documents Analysis, Analytical-Operational Department, Department of International and Cross-Border Cooperation and Department of Information Systems.
- At the regional level there are four Headquarters of Borders and Aliens Police: Police Detention Unit for Aliens Medved'ov and Police Detention Unit for Aliens Secovce. In the structure of the Headquarters of the Border Police Sobrance there is a Mobile Squad.
- The main units at the local level are the Border Control Departments, the Border Police Departments, the Alien Police Departments and the Asylum Departments.

¹ **SK:** The decrease in number of detained foreigners is connected to an effective operating of the National Unit for the Fight against Illegal Migration, namely detecting of criminal groups committing crime of trafficking in human beings. The decrease in number of illegal immigration is also connected with the stricter asylum procedure (EURODAC). The decrease in number of foreigners who were refused to enter the territory of the Slovak Republic is connected to the accession of the Slovak Republic to the European Union (1.5. 2004). From this date on the conditions to refuse entering the territory of the Slovak Republic to citizen EU are stricter (only if he/she is a threat to the public order, internal security, public health and international relations).

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The Bureau is a unit of the Presidium of the Police Force and it directly manages the organisational units in their performance of the tasks in the field of national border protection, fight against illegal immigration, border control, authorising and controlling the stay of aliens expulsion of aliens, visa practice and in a defined scope asylum procedure and implementation of the Dublin Convention.

Pyrotechnical services of the local units of the Border and Aliens Police primarily perform the pyrotechnical inspections of airport premises, passengers and their luggage, airplanes and other vehicles as well as other necessary activities related to the pyrotechnical protection of the airports.

The Committee found the organisation of the Border and Aliens Police of the Police Forces centralised and clearly structured.

3.3. Operational effectiveness

As of 1 January 2006 in total 3 563 police officers were deployed by the Bureau of the Border and Aliens Police.

At the basic units designated for the protection of the future external border (9 Border Control Departments of the Police Force at the sector of the state border with Ukraine, 3 Border Control Departments of the Police Force at the international airports, Mobile Squad of the Border Police Headquarters in Sobrance), there were deployed 793 police officers. Out of that, 182 police officers were deployed at 3 international airports planned in future for the non-Schengen flights: Milan Rastislav Stefanik Airport in Bratislava, Košice International Airport and Poprad – Tatry International Airport.

Border management at the temporary external borders between the Slovak Republic and other Member States of the EU (future internal borders) is provided by 28 departments of the Police Force Border Police (future mobile strike forces of the Police Force) with a total number of 1.620 policemen.

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The number of police officers deployed to the airports was found to be sufficient by the Committee to perform the border checks of all persons crossing the border both on entrance and on exit, to exercise second line control and to fulfil another responsibilities connected with border management. Regulations about border control procedures were mostly followed in performing the duties. The Committee was of the opinion that Slovak authorities provide good level border management with some minor exceptions.

According to the opinion of the Slovak authorities it can be assumed that in detecting illegal immigration the border police achieves a detection rate of approximately 75%. The experts were not able to comment this figure as no calculations were presented.

The Ministry of Interior of the Slovak Republic and the Bureau of Border and Aliens Police have made great efforts to supply units at the border with necessary border control equipment, communication means, databases and vehicles.

EU financial means (Phare and Schengen Facility) have been largely used for providing necessary equipment and for training the personnel.

3.4. Risk analysis, intelligence and data-flow management

The risk analysis is organised and exercised mainly at the central and regional level. There are no special units for risk analysis. Risk analysis is one of the tasks of the Analytical and Operational Department of the Bureau of the Border and Aliens Police. The Department fulfils the following tasks in the area of the risk analysis:

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

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

There are no risk analysis units or persons responsible just for the risk analysis at the level of the basic units. Despite that fact experts found that there was information available about the trends and concrete facts of illegal immigration.

3.5. Investigation and alien policing

Investigation is mainly performed by the Section of Investigation of Particularly Serious Criminal Offences. For fulfilling its tasks this Section:

- performs investigation of criminal offences, which are at the first instance handled by the special Court or a regional Court;
- investigates other crimes related to the state border;
- performs procedural activities based on requests from other authorities;
- processes relevant investigation analyses and statistics;
- examines information, notices and complains from citizens and organisations within its jurisdiction.

The control on persons inside the territory is performed by the divisions of the Aliens Police of the Police Force, which are basic units of the Police Force. They direct their activities in particular on the checks on the eligibility of the stay, the fulfilment of the conditions of residence and the obligations of an alien arising for him/her from the Act of the Residence of Aliens. They also check the fulfilment of obligations by other natural and legal persons in connection with residence pursuant to the above mentioned Act.

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3.6. Staff and training

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

A person applying for the job in the Border and Aliens Police must be the citizen of the Slovak Republic, at least 18 years old and without the criminal record. He/she should have a good health condition and a good knowledge of the Slovak language. To be accepted he/she has to pass a psychological test.

Basic police education is provided by high schools of the Police Force in Bratislava, Pezinok and Košice for the duration of 1 year. Higher police education is offered at the high school in Bratislava and the Academy of the Police Force in Bratislava (duration 6-10 month). University education is provided by the Academy of the Police Force in Bratislava (duration 3-5 years). For special education various specialised training courses are organised (detection of forged travel documents etc.).

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

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

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Language training is included into the training programmes of police education. In the curriculum of the Police Force Secondary Vocational School in Bratislava there are 124 or 115 hours of English or German language training, in the curriculum of the Academy of the Police Force there are 192 hours of foreign language training. Despite that fact the Committee found the level of knowledge of the foreign languages in all inspected units not sufficient. The Committee is of the opinion that knowledge of languages should be improved also at the managerial level.

Further linguistic training is organised at several language courses for a limited number of officers. Additional language skills are compulsory only for certain functions. Participation in language courses is voluntary for most of the Border Police officers. Often officers at the regional and local level have to take the courses individually on the own initiative.

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

According to the information presented by the Bureau of the Border and Aliens Police regarding detection of falsified and forged travel documents attention is paid to preparation of the contact persons at regional directorates of the Border and Aliens Police. The contact persons are trained by the Unit of Travel Documents Analysis of the Bureau. Training delivered to the contact persons is aimed at new methods of falsification and forgery of travel documents.

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

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

Some training activities per year were organised by the Regional Headquarters of Border and Aliens Police Bratislava and by the Regional Headquarters of Border Police Sobrance.

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

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

3.7. Readmission, expulsion and illegal immigration, carriers liability

The Slovak Republic has concluded readmission agreements with 9 Schengen States, with 4 other Member States of the EU and with 7 third countries (Ukraine, the Republic of Bulgaria, the Former Yugoslav Republic of Macedonia, Romania, Hong Kong and Special Administrative Region Macao of the People's Republic of China, Democratic Socialist Republic of Sri Lanka and the Republic of Albania.

In 2004 1041 persons were readmitted on the basis of these agreements. Considering that in 2004 8334 illegal migrants were detected crossing of the borders of the Slovak Republic illegally the percentage of the persons readmitted on the basis of readmission agreements forms 12% of the whole number of illegal immigrants, detected at the borders. All of them were readmitted to the neighbouring countries and 187 of them were the citizens of these countries.

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

At present there is no central body within the Slovak Republic which issues alien passports. These passports are issued by the competent divisions of the Aliens Police of the Police Force. Slovak authorities have provided information that there are very rarely cases of issuing such type of passport whereas the countries admitting the alien very often do not recognize them.

Above mentioned information gives to the Committee a reason to assume that a significant part of illegal immigrants detected at the territory of the Slovak Republic have not been readmitted or expelled and some amount of them have stayed in the territory of the country or have left it without any documents ¹.

National Unit for Combating Illegal Migration participates in the detection of illegal immigration and fulfils the following tasks:

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

¹ **SK:** The difference between the persons who were detained at the territory of the Slovak Republic as illegal migrants (in the year 2004 – 8334 persons) and the number of persons who were readmitted, originates from the fact that these persons asked for asylum at the territory of the Slovak Republic. After submitting the asylum application the foreigners are transported to the asylum facilities. Many foreigners leave the facility and try to cross the state border illegally. These persons are detained repeatedly and sent back to the asylum facilities. This big amount of persons – illegal migrants in the territory of the Slovak Republic is the impact of multiple detentions of asylum seekers apprehended when crossing the state border illegally.

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There are the units with the same tasks at the level of the regional units of the Border and Aliens Police.

In 2005 201 facilitators of illegal immigration were charged 201 (in 2004 – 272). More than 70% of the facilitators were Slovak citizens but the number of the facilitators who are foreign citizens has increased every year.

It is possible to impose sanctions on the air carriers in accordance with the Act No 48/2002 Coll. on Residence of Aliens. According to the Act No. 69/2005 Coll. on amendments of the Act on Police Force the police authority shall impose the fine on the air carriers from SK 120 000 to SK 200 000 for every transported foreigner without a travel document or a valid visa or with a counterfeited travel document.

The same fine will be imposed on the air carrier in case that the carrier does not provide the data on travellers adopted by the Council Regulation 2004/82/EC or provides these data incorrect or incomplete.

In 2002 – 2003 no sanctions were imposed. In 2004 39 sanctions were imposed and in 2005 23 sanctions were imposed by the Unit of Border Control of the Police Force Bratislava – Airport. No sanctions were imposed at other airports.

Taking into account the number of refusals of entry on the ground of the missing the travel documents the Committee found the number of imposed sanctions adequate.

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3.8. Comments and recommendations of the Evaluation Committee:

The experts were appreciative of the following facts:

- The general strategy of the border management in the Slovak Republic presented to the Committee is based on the integrated border security model.
- The Committee found the organisation of the Border and Aliens Police of the Police Forces centralised and clearly structured.
- The number of police officers deployed to the airports has been found sufficient by the Committee to perform border checks of all persons crossing the border both on the entrance as well as on the exit, to exercise the second line control and to fulfil other responsibilities connected with the border management.
- Respective regulations about border control procedures were mainly followed in performing the duties.

The experts took a special note on the following items:

- There is no a written strategy paper on the border management in the Slovak Republic.
- There is a need for more systematic specialised training for different managerial levels.

Experts consider that there is a room for improvement in the following points:

- The Committee has a reason to assume that significant part of illegal immigrants, detected at the territory of the Slovak Republic have not been readmitted or expelled and some amount of them have stayed in the territory of the country or have left it without any documents¹.
- The Committee stresses the need for more systematic language training for the personnel of the Border and Aliens Police at the external borders including at the managerial level. The involvement of the Bureau of Border and Aliens Police of Police Forces in organisation of the language training is appreciated. Profiling and interrogation techniques could also be brought to a higher level.
- The Committee considers it expedient to introduce of a middle and long term planning system in the integrated border management.

¹ See footnote 1 on page 16.

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4. M.R. STEFANIK BRATISLAVA AIRPORT.

4.1. General information

M.R.Stefanik Bratislava Airport is the main and biggest international airport in the Slovak Republic operating 24 hours. The territory of the apron is 125 000 m². There are 27 stands and 2 heliports on the territory of the airport. The passenger terminal has 9 gates. The capacity of the passenger terminal is about 2 millions passengers per year. A new terminal will be ready in 2008 with the capacity of approximately 4,5 million passengers per year. Traffic in 2005 reached 1326 493 passengers, the increase compared to 2004 was 48 %. There were 1 258 127 passengers of the international flights in 2005 (increase 47%). The number of the passengers of the scheduled international flights in 2005 was 908 464 (increase 73%) and non-scheduled international flights 349 663 (increase 6%). In the first quarter of 2006 compared to the first quarter of 2005 the increase of the scheduled international flights was 92%. The proportion between non-Schengen and Schengen traffic was 38% to 62%. There were 30 380 aircraft movements at the airport during the 2005. The role of the domestic traffic was very small - only 5 % of the overall amount of passengers.

The main carriers are SkyEurope Airlines and Slovak Airlines. The scheduled connection airports in the non/Schengen third countries are Moscow (4 flights per week), Bucurest (4 flights ber week), Sofia (4 flights per week) Amritsar (India) and Tel Aviv (both by 3 flights per week) and Kiev (2 flights per week). Non-scheduled connections exist with the Egypt, Tunis, Turkey and Bulgaria. The biggest amount of non-Schengen passengers arrived in 2005 from London (about 17% of the entire passenger flow).

The airport was privatised in February 2006.

Border management at the airport is provided by the Department of Border Control of the Police Force Bratislava Ruzinov - Airport what is subordinated to the Border and Aliens Police Headquarters Bratislava.

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The Department of Border Control (DBC) is led by the Director. There are 2 Deputy Directors. The Deputy Director for Duty Performance who is the superior of 5 Heads of Shifts is responsible for the border control. There are 72 senior officers, 10 senior officers – pyrotechnics and 10 senior officers – dog trainers in the structure of the DBC. Dogs are used only for the detection of the explosives.

The tasks of the DBC are:

- carrying out border control;
- cooperation in the protection of civil aviation and public order in the premises of the airport;
- fight against cross-border crime;
- detection of falsified or forged travel documents;
- handling of administrative offences committed by carriers;
- acting as a contact point at the air border.

Existing acts and agreements regulate the cooperation between the authorities not only at the national but also at the regional level. Regional cooperation is organised on the basis of the agreements between the Border and Aliens Police and the other authorities, operating at the border or who's duties are connected with the Borders and Aliens Police missions.

At the level of the DBC cooperation is organised with other Police units, other authorities and international cooperation partners.

Cooperation between the Police and Airport authorities is based on the Act No 171/1993 Coll. on the Police Force, the Act No 143/1998 Coll. on Civil Aviation, the Resolution of the Government of the Slovak Republic No. 748/2004 and the Coordination Agreement between Airport Bratislava and the Ministry of Interior of the Slovak Republic. In cooperation with the airport operator the DBC:

- carries out patrolling activities at the airport terminals;
- performs oversight over restricted areas and public areas using technical equipment;
- exercises supervision over the detection control performance;
- performs entry control to airport restricted areas during extraordinary security measures;
- takes other security measures in case of a threat of criminal interference acts.

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The Committee found the cooperation system to generally respond to the Schengen regulations and recommendations. There is a well designed information flow between the local and regional units as well as horizontally inside the DBC. The experts noticed that some cooperation connections could not be managed quickly.

There is no risk analysis unit or responsible persons on the level of the BCP. Respective unit exists in the regional headquarters.

For the risk analysis at the level of the DBC information is gathered from the different sources and some measures have been taken. The following sources of the information are used: internal sources, information submitted via the superior units, information from other authorities and information obtained through international cooperation.

The following measures have been taken:

- immediate use of information during duty performance;
- getting acquainted with new information at the beginning of the shift during debriefing on the security situation;
- incorporation of information into long-term or permanent (standing) instructions, directives and regulations.

Several analytical documents concerning the situation on illegal immigration, about the use of the counterfeited documents and a Yearbook of the Border and Aliens Police were presented to the Committee.

The experts pointed out that a comprehensive and efficient reporting system at the regional level is in place and the common attitude toward risk analysis is creditable. The experts found that even though information is available via the intranet not all officials at the DBC were experienced to use the analytical information, distributed via the intranet.

In 2005 164 persons were refused of entry at the DBC (in 2003 – 153, and in 2004 – 244 persons). The biggest amount of refused persons in 2003 was from Iraq, in 2004 and in 2005 from Turkey.

The number of expelled persons was in 2003 – 18 persons, in 2004 and in 2005 – 30 persons per year.

RESTREINT

Counterfeited documents were discovered in 2003 in 21 cases, in 2004 and in 2005 in 10 cases per year. The counterfeited travel documents were detected only at the exit from the Slovak Republic.

The illegal immigrants detected at the DBC were mainly nationals of Afghanistan, India, Russia, China, Iraq and Ukraine.

Illegal migrants from Ukraine entered the Slovak Republic usually legally and having obtained counterfeited documents tried to leave Slovak Republic to Austria or to Czech Republic.

In 2005 30 blocked persons and 71 wanted persons were detected and 111 different offences were discovered in the process of carrying out border checks. In 2004 there were 212 blocked persons and in 2003 326. The committee was explained that the decrease in the number of blocked persons is connected with the accession of the Slovak Republic to the European Union (1.5. 2004). As of this date the minimal control of the EU citizens was introduced in line with the Schengen legislation. There is no systematic search in the evidences database of the Police Force carried out.

4.2. Infrastructure and equipment

The Committee found sign posting responding to the Council Decision 2004/581/EC on the minimum indications on signs at external border crossing points and to the annex III of the Schengen Borders Code. Signs were illuminated and generally well visible.

The experts pointed out that in the bright sunlight it is not easy to understand what signs are illuminated on the departure boots that makes the choice of the right control line for the passengers complicated.

There is a separation arranged between the arrival and departure and the domestic and the international flights.

RESTREINT

The reconstruction plan of the airport for increasing the capacity of the airport and providing separation of the passengers of Schengen and non-Schengen flights foresees four building phases. In the course of the reconstruction a new arrival terminal for the Schengen flights will be built. Dispositional changes will be made in the old terminal building for adoption of that building for non-Schengen flights.

During the building phase "A" the following construction work will be done:

- Building the new arrival hall for Schengen flights.

The deadline to finish construction work is May 2006. The new arrival terminal is almost finished. The experts visited the new arrival terminal and found the construction of the building suitable for the separation of the passenger flows. The construction of the connection between two terminals gives the possibility to use the arrival terminal for border checks of the passengers of the non/Schengen flights in the case of need. The experts had doubts whether passengers from more than one plane could be handled simultaneously because of the construction of the booths and available space in the arrival hall for non/Schengen flights.

During the building phase "B" the following work will be carried out:

- Modification and increasing the capacity of the gates on the 2nd floor of the terminal for Schengen and non-Schengen departures.
- Area rearrangement for the Police Force at the 1st floor of the terminal for non-Schengen arrivals/departures, including the working area of the Screening Unit and the Passport Control at the non-Schengen transit area.
- A new separation wall at the Passport Control at the 1st floor of the terminal for non-Schengen arrivals/departures.
- Separation of the VIP area of Schengen and non-Schengen flights.
- Removing the VIP area of non-Schengen and Schengen flights.
- Dispositional changes related to building of a customs control station at the 1st floor of the terminal for non-Schengen arrival/departure.

The deadline to finish the construction works is December 2006.

RESTREINT

During the building phase "C" the following work will be accomplished:

- A new departure bridge for passengers of the non-Schengen flights - extension of the terminal for non-Schengen arrivals/departures.
- Relocate the existing Passport Control Desk of the non-Schengen flights from the terminal for Schengen/non-Schengen departures to the terminal for non-Schengen arrivals/departures
- A new separation wall and relocation of the service entrance and making of the new one on the 2nd floor of the terminal for Schengen/non-Schengen departure.

The deadline to finish construction works is October 2007.

The Committee was informed that if there will be a delay in construction works due to privatisation, then temporary solutions would be used.

After finishing the construction works there will be a separate new arrival hall for the Schengen traffic (first/ground floor), a separate bridge for the non-Schengen departure (at the second floor), a reorganised and reconstructed old terminal for non-Schengen arrivals (first/ground floor) and Schengen departures (second floor) possible.

Representatives of the airport administration guess that there is a space for 270 passengers waiting for border checks in the new arrival hall for the passengers of the non-Schengen flights.

For non-Schengen transit passengers there is a special area where border control can be performed.

There is a special bus service to ensure the correct flow of arriving non-Schengen passengers. This system is based on an agreement between the airport dispatch, the handling agent and the Border Police. The bus service is under permanent physical surveillance of the Border Police officers.

Arrival and departure of international flights and domestic flights is handled in one terminal, general aviation in a separate terminal. There is no special cargo terminal.

RESTREINT

Crews and general aviation traffic are handled at General Aviation Terminal which is manned 24 hours per day by Border Police officers. In the General Aviation Terminal the arrival and departure directions are mixed but taking into account the current flight schedule the experts did not see a problem there as it is possible to arrange the separation of flights by the time of arrival or departure (Schengen or non/Schengen flights).

At the passenger terminal there are 4 booths at arrival and 4 at departure. For the control of the crew members and general aviation there is 1 additional booth at the General Aviation Terminal. Lines are divided between lines for EU, EEA and CH citizens and for all another nationalities (all passports).

The Committee noticed that this principle was followed.

Control facilities are new and have a unique design. First line control booths at the departure and at the arrival border control have curved front side and look nice but experts found them not most suitable for the passport control technologically as these booths do not provide the front view at the waiting passengers. The experts had the opinion that the chairs used were too low for the observation of the passengers. The experts were told that there were discussions about the change of the booths, but taking account the architecture of the airport a decision was made not to change the construction of the booths.

The arrival booths on the ground floor are turned 75 degrees. Due to this fact there is space only for several waiting passengers in front of these booths. The entrance door to the arrival area is quite close to the booths, which makes queuing complicated.

There is only one second line office which is situated in the premises of the arrival terminal. The second line office is situated close to the first line of the passport control of arrival and provides a good possibility for the observation of the arriving passengers.

The experts were of opinion that there was suitable space for the operational activities available at the second line.

The booth in the General Aviation Terminal is not facing the persons to be checked.

RESTREINT

All first line booths are equipped with a personal computer (connected into network and providing access to national information systems IPI, BORIS, PATROS), a travel document reader, a magnifying glass, an UV lamp, a phone and a radio transmitter. Booths at the departure are equipped additionally with a retro-respective reader and booths on arrival with a retro-check.

The second line office was equipped with a PC providing access to national databases, a device for the examination of the travel documents Projectina Docubox, a stereoscopic microscope, a digital camera and a photo-printer.

The DBC has means of the transport guaranteeing necessary mobility of the personnel for performing the service tasks.

The airport security unit is responsible for monitoring the entrance and exit regimes by technical equipment, security control of entrances and the supervision of the perimeter fencing and the airport gate lookout. Screening unit is responsible for screening of persons, luggage and cargo. The airport is fenced.

There is no special detention room in Bratislava Airport. Persons who have to be readmitted are waiting readmission in the common waiting area behind the departure passport control line.

The experts propose to reconsider the need for the detention rooms in the Bratislava Airport taking into account the number and character of the non-admitted persons.

4.3. Controls and procedures

The experts observed the border control at the arrival of the flight from Moscow. The experts noticed that all passengers were checked. The EU citizens passed a minimum control. On third country citizens thorough checks were carried out.

During the checks of a third country citizens UV lamps and passport readers were used on regular bases. In the process of the passport control third country citizens were checked via several databases e.g. the police information system IPI (Inadmissible Persons Index) comprising information about blocked persons and wanted persons.

RESTREINT

In case of any irregularities in travel document or in case of any other doubts, the police official requests the passenger to undergo the second line control.

The experts observed that in some cases the ability of the Border Police personnel to identify the documents and the security features was insufficient. The experts noticed that interviewing and profiling of the persons was not performed regularly because of language problems or lack of knowledge about the interrogation and profiling techniques.

In the General Aviation Terminal the experts observed that some crew-members tried to pass the control booth without border checks but were stopped by a Border Police officer. Above mentioned technical features and mobile computers were used during the checks at the General Aviation Terminal.

Stamping of the travel documents of third country nationals was in general performed pursuant to the provisions of the Common Manual but in some cases the experts observed that stamp the at the visa covered the machine readable area of the visa.

Before starting the duty a police official confirms the take over the stamp by his/her signature in the registration book. Stamps are stored in a safe in the permanent service room. Protection codes are changed each month. Information about the actual protection code for the respective month is stored by the Head of the Shift in the operation centre.

The experts noticed that some officers left a data-stamps in the booths when they had to leave the booths.

Every officer has a login-name and a personal password, which is approved to him/her by the Director of the DBC and which is not known to the other officials of the DBC.

During border checks at the first line the computer system provides access to the databases BORIS, IPI and PATROS of the Police Forces.

Database BORIS is a database of the Alien and Border Police for checking persons and vehicles, crossing the border.

RESTREINT

Database IPI (Inadmissible Persons Index) comprises data about the expelled foreigners, those who have been imposed the penalty of expulsion and the persons who shall be refused entry for another reasons.

PATROS is the database of the search of persons and identify of the found dead bodies.

At the second line there is additional access to the database of the travel documents of the Slovak Republic (CDO), the database of inhabitants (REGOB), the database of identity cards (IDC) and the database of the foreigners with granted residence permit at the territory of the Slovak Republic (ECU 2).

By phone there is access to the databases on documents, weapons, persons of police interest, register of prisoners in the Slovak Republic and the Czech Republic and to the citizens register.

The Common Manual was available electronically at the first line and at the second line and as a paper version at the second line.

A decision about the refusal of entry has to be taken by the Head of the Shift. In 2005 164 persons were refused of entry in the DBC including 22 persons for a missing travel document and 85 for misuse of stay for other purposes.

The Committee inspected the carrying out the refusal of entry by the personnel of the DBC and found that the proceedings were registered; necessary forms were filled in using responding digital forms and printed out.

DBC is responsible for the primary processing of the asylum applications.

The asylum applications should be admitted by the Head of the Shift. For the control of the identity of the asylum seeker via EURODAC fingerprints are taken manually, scanned and distributed to the appropriate unit. The Committee was explained that there are only 3 workstations in the EURODAC Department of the Forensic Science Institute in Bratislava providing direct access to EURODAC. It is planned to install relevant equipment at the DBC Bratislava -.Ružinov.

RESTREINT

There was 1 asylum application submitted in 2003, applications were no submitted in 2004 and 55 applications were submitted in 2005 (by the 9 nationals of China, 7 nationals of Vietnam, 4 nationals of India, 3 nationals of Syria and Palestine and others).

At the DBC only two types of visas are issued: a transit visa and a short-term visa. Blank visa stickers are stored in a secured box in the permanent service room. The issued visas are registered in the Issued Visa Journal. The experts found that the visas were issued according to the provisions of the Common Manual. Visas were issued by the second line officers; decisions were taken by the Head of the Shift.

In 2005 the number of visas issued in DBC has increased. If in 2003 195 visas were issued and in 2004 185 visas then in 2005 431 visas were issued. The biggest amount of visas in 2003 was issued for the nationals of Georgia, in 2004 and 2005 for the nationals of India. In 2005 427 visas were issued in the interest of the Slovak Republic and 4 for the humanitarian reasons.

The storage of visas and the Issued Visas Journal were inspected by the Committee and were found appropriate. Visa stickers were kept in a briefcase in a locked safe in the room of the Head of the Shift.

The second line activities consist of:

- detailed verification of the submitted travel documents;
- examination of the documents concerning the purpose of travel and when necessary verification of the person's background;
- assessment of sufficient means of subsistence for the whole stay, return to the country of origin or transit and whether these means can be obtained in a legal way;
- direct verification of the personal data in the police information systems;
- verification whether the person or transported items are not threat to the public order, national security or international relations.

RESTREINT

13 officers have been prepared for the work at the second line at the DBC. There are 2-3 officers always available for performance of the second line activities. The second line officers can work also at the first line. The experts observed that the second line officers regularly provide support to the first line officers. The experts found the second line officers very experienced, well prepared and motivated.

During the second line control 10 cases of the use of the counterfeited documents were detected in 2005.

4.4. Border surveillance

According to the Civil Aviation Act the Border Police is responsible for the landside and airside patrolling of the airport. The Airport Security Unit is responsible for passenger screening and access control. The Airport Security Unit also provides supervision of the perimeter, fencing and the airport gate lockout, supervision of the movement of persons inside the airport road.

Additionally there are 25 CCTV cameras which are connected to the Operational Centre of the Border Police. The experts were told that in the near future the number of cameras for the surveillance of the perimeter and territory of the airport will be increased up to 180.

4.5. Staff and Training

The number of the personnel in the DBC has increased from 72 officers in 2003 to 100 officers in 2006. After the Slovak Republic joins Schengen it is planned to increase manpower by about 40 police officers.

All the personnel of the DBC has the posts of a senior officer or higher. Police officers were found highly motivated, shift leaders experienced and well prepared for all tasks. All the personnel of the DBC had passed the necessary basic training responding to their posts.

RESTREINT

Refreshment training is organised once per month on new legislation, internal and Schengen regulations and travel documents. Personnel of the DBC participates in European Training Day activities.

The experts were informed that 2 persons in Bratislava Airport DBC can communicate in English, 10 in Russian, 2 in German and 8 in Hungarian. 12 persons understand to some extent English, 18 Russian, 12 German and 4 Hungarian. For certain functions language skills are compulsory.

Only 5 language training courses for 19 persons were organised at the level of the Regional Headquarters of the Border and Aliens Police Bratislava during the period 2004-2006. 3 of these courses (for 17 persons) lasted 5 days.

The experts found the languages skills of the personnel not sufficient to carry out the thorough checks and interrogation. The number of English or German speaking officers does not respond to the characteristics of the passengers. The Committee is of the opinion that knowledge of languages at the managerial level should be improved.

All police officers at the DBC have passed some training on travel documents and the security features of travel documents during their basic training. Further training is provided in the framework of additional short time workshops or training hours at the working place. Only five training events on travel documents and the forgery and falsification of travel documents (for 34 officers of the Region) were organised in 2004-2006 by the regional headquarters.

Sometimes a training of the use of the advanced control equipment is included in the procurement agreement and provided by the producer or the supplier of the equipment. Quarterly there is a document control training for the police officials assigned to the second line control.

Heads of the shifts have not attended a special management training. There is no system of comprehensive follow-up training after officers finish their special border police training.

The personnel is divided into 4 teams covering two shifts per day (13-14 police officers per shift). The experts found that every first line Border Police officer performs about 10 000 border checks of non-Schengen passengers per year so the amount of personnel seems to be adequate.

RESTREINT

4.6. Readmission, expulsion and illegal immigration, carriers liability

In 2005 as in 2004 30 persons were expelled by the personnel of the DBC.

Representatives of the Border and Aliens Police consider the readmission activities as highly successful due to the fact that 94% of illegal immigrants have been readmitted based on the readmission agreements. The authorities also underlined the good cooperation with the embassies and consulates what enabled to expel 50 % of the persons subject to the expulsion with new travel documents issued.

The Committee found the percentage of the readmitted illegal immigrants not responding to the statistics about detected illegal immigrants and the number of the readmitted and expelled persons ¹.

In 2002-2003 no sanctions were imposed on carriers. In 2004 39 sanctions and in 2005 23 sanctions were imposed by the Unit of Border Control of the Police Force Bratislava-Airport. The amount of the fines imposed in 2004 was about SK 10 million and in 2005 about SK 3 million.

4.7 Comments and recommendations of the Evaluation Committee:

The experts were appreciative of the following facts :

- The sufficient number of police officers at the DBC.
- The motivation and knowledge of the heads of the shifts.
- Motivation of the personnel.
- Use of databases and access to the databases at all levels.
- Use of the digital forms of the procedural documents in the computer.

¹ Comment of SK. See footnote 1 on page 16.

RESTREINT

The experts took a special note of the following items:

- Insecure keeping of the data-stamps during the breaks.
- Current construction and position of the departure and arrival booths.
- On the concept of queuing up of passengers and location of the entrance in the non-Schengen arrival gate reconsideration is recommended.
- Managers should be aware of all delivered information and risk analyses products available in intranet.

The experts consider that there is room for improvement in the following points

- Profiling, interrogation of third country nationals and language skills.
- The procedure of the control of the crews at the General Aviation Terminal
- Refreshment training concerning travel documents (security features, forged documents).
- Experts propose to reconsider the need for the detention rooms in the Bratislava Airport taking into account the number and character of the non-admitted persons.

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RESTREINT

5. KOŠICE INTERNATIONAL AIRPORT

5.1. General information

Košice International Airport is the second largest airport in the Slovak Republic. The total surface area of the airport is about 3,6 km². The airport provides 24 hours service. Construction of the new passenger terminal was completed in 2004. The maximum traffic volume of the airport currently constitutes about 700 000 passengers per year. The airport is in the process of the privatisation and it will be finished after the final decision of the Antimonopoly Authority. The winner of the privatization is consortium TWO ONE.

The airport is used for scheduled and non-scheduled flights, charter flights and general aviation. There are no regular non-EU flights at present. The destination countries of the charter flights are Tunis, Egypt, Turkey, Bulgaria and Croatia. Main carriers are the Czech Airlines, SkyEurope Airlines and Austrian Airlines. There were 269 885 passengers in 2005, the growth compared to 2004 was 17%. The top international destination with transfer via Prague, Bratislava and Vienna was London. There were 114 000 non-Schengen destinations' passengers in 2005 (approximately 40% of all passengers). The negotiations about the opening of the flights between Kosice and Kiev are taking place. There are 5-6 international flights per day at the airport.

There are four terminals at the airport: Terminal 1 and Terminal 2 for the passenger traffic, General Aviation Terminal and Cargo Terminal.

The Department of Border Control of the Police Force Košice-Airport is responsible for the border control. The Department is subordinated to the Border and Aliens Police Headquarters Prešov.

The Department of Border Control (DBC) is led by the Director. There are 2 Deputy Directors subordinated to the Director in the DBC. The Deputy Director for Duty Performance who is the superior of 5 Heads of Shifts is responsible for border control. There are 37 senior officers, 5 senior officers – pyrotechnics and 2 senior officers – dog trainers in the structure of the DBC.

RESTREINT

The Department of Border Control is responsible for carrying out border control, cooperation in protection of civil aviation and public order in the premises of the airport, fight against cross-border crime, handling of administrative offences committed by carriers and search for persons and items.

In the framework of the Ministry of Interior cooperation is organised with the National Unit for Fight Against Illegal Migration, local police departments, district police headquarters, regional police headquarters, the Bureau of Judicial and Criminal Police, the Bureau of Protection of VIP persons and Diplomatic Missions.

Outside the framework of the Ministry cooperation agreements have been concluded with the Slovak Intelligence Service, the Military Defence Intelligence, the Military Police, the operator of the Košice Airport and the Customs Administration concluded.

The cooperation agreement with the airport operator foresees common actions in:

- supervision and protection of the control sites;
- patrolling in the restricted security areas;
- safeguarding of the flights to and from Tel Aviv;
- protection of the passengers in the terminal public space and
- direct protection of the airplanes at the dispatch area.

Some international cooperation is organised at the level of the DBC: visits of foreign experts, visits to airports in other states, cooperation via joint contact workplaces and cooperation via carriers with the border control institutions of neighbouring countries. The experts found that regular cooperation with the border control institutions of the neighbouring countries or at the airports of the destination countries of the flights does not exist and there is no contact information about contact points in foreign countries available in the office of the Head of the Shift.

There is no risk analysis unit or responsible staff on the level of the BCP. There is a risk analysis unit in the regional headquarters.

RESTREINT

For the risk analysis at the level of the DBC information is gathered from different sources and some measures have been taken. The following sources of information are used: internal sources, information submitted via superior units, information from other police units and information obtained through the international cooperation.

Processing and analysis of the received information are executed by the managing officer or by the Head of the Shift.

Measures taken as a result of the risk analysis contain:

- immediate use of information during the duty performance;
- providing the new information on security situation at the beginning of the shift during the briefing;
- incorporation of the information into long-term or permanent standing instructions, directives and regulations.

In 2004 19 persons were arrested and apprehended at the DBC and the same number in 2005.

One counterfeited travel document was discovered in 2004 and 2 documents were discovered in 2005.

5.2. Infrastructure and equipment

The sign posting was found partly in accordance with the Council Decision 2004/581/EC on the minimum indications on signs at external border crossing points and with the Annex III of the Schengen Borders Code. Signs were illuminated and well visible.

In the Terminal 2 one departure booth has only information “passport control” The same situation is in the Terminal 1 with the departure booth and arrival booth.

During the border check of an arriving flight the experts observed that personnel used both signs on one cabin simultaneously or did not illuminate the signs at all.

RESTREINT

Terminal 1 (2 departure gates and 1 arrival gate) is used for:

- Arrivals and departures of domestic flights.
- Arrivals and departures of charter flights.

Terminal 2 (4 departure gates and 1 arrival gate) is used for:

- Arrivals and departures of international and domestic scheduled flights.
- In exceptional cases non-Schengen flights arrivals.
- Departures of international and domestic flights.

Proceeding of the flights with different regimes is separated by the time of the operation.

In the General Aviation Terminal the same one gate is used for the arrival and departure control. Separation is organised by the time of the proceedings: or arrival or departure, Schengen or non-Schengen flight. The officials of the DBC, the Customs and the employee of the Airport Safety and Security Department are responsible for the separation of these regimes.

The crews of the general aviation and passenger flights pass the border checks by the same way as passengers of regular flights.

Buses are used when it is necessary to guarantee the separation of passengers but usually passengers move to and from the plane by foot. The officials of the DBC are responsible for the closing and opening of the doors and observing the non-Schengen and Schengen passenger flows.

According to the information provided by the administration of the airport the adaptation of the infrastructure for the separation of Schengen/non-Schengen flights will be finished by 1 April 2007. The administration presented the list of the works what have to be done.

RESTREINT

The concept of the separation of Schengen and non-Schengen flights foresees:

- Terminal 1 is foreseen to use for the arrival of non-Schengen flights and for the departure of non-Schengen and Schengen flights (gate F). There is a possibility for the joint operation of both departure gates for non-Schengen traffic.
- It is planned that Terminal 2 will be mostly used for the Schengen flight arrivals with use of both entrance gates 22 and 23. In exceptional cases it will be used for the non-Schengen arrivals with the use of the entrance gate 23 only. Gates A, B, C, and D will be used for Schengen flight departures only.

The experts found the concept acceptable if all planned works will be completed according to the presented schemas and description.

There are 6 booths at the arrival and 4 booths at the departure at the first line of the border control. 1 booth is used for the control of the general aviation and the crew members. There is one second line office in the premises of the arrival terminal for both directions.

The construction of the booths on arrival and departure in the Terminal 1 and arrival booths in the Terminal 2 fully responds to the recommendations and the booths are facing the passengers.

There are 2 booths with 2 working positions each at the arrival and one booth with 2 working positions at the departure in the Terminal 2. The booth at the departure does not give the possibility for observing the passengers waiting for the control because of its position just behind the doors. It is impossible for the Border Police officers to have a view to the people queuing up.

No booth and only a desk is used for the border checks in the General Aviation Terminal

All booths at the first line in the Terminal 2 were equipped with a PC connected to network, a travel documents reader, a portable magnifying glass, a portable UV lamp, a retro-reflexive browser, a DOCUTEST and a phone. The booths in the Terminal 2 at the arrival were equipped with CCTV cameras for permanent recording of the passengers being checked. The experts were told that recording is made for border control and crime combating purposes.

RESTREINT

The Common Manual was available for the border control personnel at the first line via intranet.

Entry and exit stamps used for the stamping of the travel documents of third country nationals were found in compliance with the technical specification, referred to in Article 9 of the Decision of the Schengen Executive Committee SCH/COM-EX (94)16 REV 1 as well as in Art 2.1 of the Common Manual. There are 11 stamps for all the personnel performing the border checks.

The experts found the computer network fast for passport control but slow for help functions via intranet.

A PC used for border control in the General Aviation Terminal a is not connected into the network and a personnel should every time insert a CD with the information.

The second line office was equipped with a device for the examination of travel documents Projectina Inspect II, a stereoscopic microscope, a digital camera, a PC connected to the network and a printer.

All control booths at the first line are equipped with a phone and connected into the computer network. Additionally mobile VHF radio transmitters are available for the communication.

The DBC has means of the transport guaranteeing necessary mobility of the personnel for the carrying out the service tasks.

Access control is exercised by the Airport Safety and Security Control Department. The Border Police participates in the security protection of civil aviation.

There are 2 detention rooms with necessary space and good conditions for detained persons at the airport. The number of detained persons during the last 2 years has been very small. Only 2 persons were detained in 2004 and the number was the same in 2005.

Visa stickers are stored in a safe in a permanent service room together with the entry and exit stamps. Blank visa stickers and issued visas are strictly recorded. The Committee inspected the storage and use of visa stickers and was satisfied with the procedure.

RESTREINT

5.3. Controls and procedures

Passengers are walking from/to the plane under control of the Border Police and will be divided between the terminals.

The experts observed the border checks of the passengers on the arrival and noticed that all the passengers were checked. The EU citizens passed a minimum control. Thorough checks were carried out on third country nationals.

During the checks of third country nationals the UV lamps and the passport readers were used on regular bases. In the process of the passport control the third country nationals were checked via several databases among others via the police information system IPI.

During border checks profiling was used and persons were asked about the circumstances of their trip. In case of any irregularities in the travel documents or in case of any other doubts the police official requested the person to undergo the second line control.

The Committee noticed the professional manner and experience of the border control personnel.

The passengers who were submitted to the second line control procedure had to wait for the results in front of the first line control booth as the second line office is dislocated behind the first line control and can not be used for work with the passengers.

The experts found the stamping of travel documents performed in general pursuant to the provisions of the Common Manual. As in the Bratislava Airport in some cases the stamp at the visa covered the machine readable area of the visa.

There are no personal data-stamps for all the border control personnel. Before starting the duty the police official confirms taking over the stamp by his/her signature in a registration book. Stamps are stored in a safe in a permanent service room. Protection codes were changed each month and the actual code for the current month was stored in the operational centre.

RESTREINT

Various registers are used as by the personnel performing border checks at the first line so by the officers working at the second line. Information system IPI, databases of blocked persons and wanted persons are used at the first line. Police information systems BORIS, IPI, PATROS, FOREIGNERS, PASSPORTS IS, REFUGEE and access to the EURODAC and FADO were available at the second line. It is possible to make the requests to the databases of documents, weapons, persons of police interest, register of prisoners and citizens register by phone.

Access to the Common Manual was provided via intranet both at the first and second control line but not all officers of the DBC were able to find it. Regulations of the Common Manual and requirements of the other legislative acts of the EU and the Slovak Republic on the border checks were assembled in the national border checks' handbook. Handbook was available for the personnel performing the border checks via intranet or in the printed version.

A decision about refusal of entry has to be taken by the Head of the Shift. The experts found proceedings being registered in the special journal. The necessary form is available in the computer and is printed out after having been filled.

The number of the refusals of entry during the last years has been small In 2003 10 persons were refused entry, in 2004 16 persons and in 2005 only 3 persons. No asylum applications were submitted at the DBC Košice-Airport during the last 3 years.

Only two types of visas are issued at the DBC: transit visa and short-term visa. Issuing the visas is performed pursuant to the provisions of the Common Manual and the Act on Stay of Foreigners. Visas are issued by the Head of the Shift. In 2003 6 visas were issued, in 2004 6 visas and in 2005 8 visas.

The second line activities consist of:

- detailed verification of the submitted travel documents;
- examination of the documents concerning the purpose of travel and when necessary verification of the person's background;
- assessment of sufficient means of subsistence for the whole stay, return to the country of origin or transit and whether these means can be obtained in a legal way;

RESTREINT

- direct verification of the personal data in the police information systems and
- verification whether a person or transported items do not perform a threat to the public order, national security and international relations.

5.4. Border surveillance

Surveillance of the territory of the airport and the fence is performed by 62 fixed CCTV cameras (55 cameras in operation) and 3 movable cameras. The DBC has access to the camera information via the monitors situated in the operational centre. The entire perimeter of the airport is fenced and patrolled by the personnel of the Airport Safety and Security Control department and DBC.

5.5. Staff and training

The personnel of the DBC has the posts of a senior officer or higher. The Committee found the officers professional and motivated. Many of them have served at the DBC for long time.

All the personnel performing the border control has passed the basic training according to the national training system for the Border and Aliens Police officers.

Heads of units receive special further training. Officers have refreshment training during 1 day per 1-2 months.

8 officers at the DBC are able to communicate in Russian, 7 in English, 3 in Hungarian and one in Spanish, 12 persons understand at some level Russian, 8 English, 7 Hungarian and 5 German.

12 police officers had participated in language courses provided by the Ministry of Interior and 8 in individual language courses.

Specialised document checking training is mainly provided for the Heads of the Shifts and the second line officers.

There is no specialised refreshment training for the officers at the managerial level.

RESTREINT

From 1.1.2006 there are 52 police officers in the DBC Košice-Airport. The personnel is divided between two shifts: day shift from 6 a.m. until 6 p.m. and night shift from 6 p.a. until 6.a.m. According to the planning of the shifts there are 6-8 officers in the day shift at the first line and 1-2 at the second line and 4-5 officers in the night shift in average. 10 officers have had education for the second line control. The second line officers are sometimes used for the first line control. The experts found that every first line Border Guard officer performs about 4 000 border checks of non-Schengen passengers per year so the amount of personnel was found to be quite adequate.

After the Slovak Republic joins the Schengen area it is planned to increase the manpower of the DBC Košice-Airport by about 40 police officers.

5.6. Readmission, expulsion and illegal immigration, carriers liability

The experts were explained that all 100% of persons, not admitted to the Slovak Republic were readmitted and information about each person readmitted in 2003 – 2005 was presented. According to the information all person were readmitted to the Czech Republic or to Austria.

There is no unit or staff responsible for the combating of the illegal immigration networks in the structure of the DBC. Combating of the illegal immigration networks is organised centrally at the level of the Bureau of the Border and Aliens Police and at the level of the border police region. The experts were explained, that such a unit existed before.

No sanctions have been imposed on carriers.

RESTREINT

5.7 Comments and recommendations of the evaluation Committee

The experts were appreciative of the following facts:

- There is a sufficient number of experienced and motivated officers in the DBC.
- Clearly structured concept of the separation of the passengers of the Schengen/non-Schengen flights is elaborated for the future.
- There is new and modern equipment at the second line.
- First line procedures and use of the registers is sufficient.

The experts took a special note on following items:

- For the separation of the passenger flows a wall (glass, nets) should be added up to the ceiling.
- Access to the Common Manual and Schengen Borders Code should be provided to all officers at the first and second line.
- Besides the well functioning inter-agency and regional cooperation the Committee propose to consider enhancement of the practical international cooperation at the level of the DBC.

The experts consider that there is a room for improvement in following points:

- Second line office is not used for the entire second line procedure.
- Departure booth at the Terminal 2 does not provide a possibility for the observation of passengers before border checks.
- The control desk in the General Aviation Terminal should be replaced by the control booth and an online computer should be installed.
- The Committee propose to find solution how to make the signs on the booths in the arrival hall of the Terminal 2 more understandable for the passengers and to use only one active sign at the control line.
- The Committee proposes to seek for the possibilities to increase the speed of the intranet for the help functions.

RESTREINT

6. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS AND FOLLOW-UP

- The Committee appreciates the general strategy of the border control at the air borders of the Slovak Republic and performance of the border checks what are almost in the line with the Schengen requirements. However, it would be useful, if there would be a written strategy paper as a basis of the development of border management.
- In general the experts were satisfied with the sufficient number and professional quality of the personnel and the availability of the technical resources for performing the border control. The experts saw a need for enhancement of the linguistic training of the personnel performing border checks or for recruiting persons with the necessary level of foreign language skills. A special management training and continuous training on the examination of travel documents should be available. Some improvement is needed for performing the profiling and interrogation of the passengers and stamping of travel documents.
- The Committee recommends to improve the practical implementation of cooperation with the counterparts in neighbouring and other countries at the local level (e.g. cooperation between the border crossing points at the airports).
- The infrastructure for the current border checks is largely in place, the reconstruction of the airports for separation of the passengers of Schengen and non-Schengen flights is not yet accomplished. The experts stress the need for bringing the existing infrastructure into compliance with the Schengen requirements and for the completion of the reconstruction works in time. The experts consider the need for reporting about the progress in reconstruction of the airports and follow-up.
- The experts see the need to clarify the current big difference between the number of detained illegal immigrants at the borders and inside the country and numbers of readmitted and expelled persons¹.
- The committee stresses the need to adopt all border control procedures along with the Schengen Borders Code before the 13 October 2006 and to provide corresponding training for all personnel of the Border and Aliens Police Force of the Slovak Republic.

¹ Comment of SK. See footnote 1 on page 16.