

SYSTEMATIC BORDER CONTROL ON ROAD BCP – CHALLENGES OF SERVICE ORGANIZATION

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Abstract. *The authors of this article describe the current situation in the service organization of the road border crossing points of the State Border Guard (SBG) of the Republic of Latvia. There are summarized the information based about the legal acts regulating the systematic border control in the international and national legislation and the essence of their execution. There are analysed the use of human resources and possible solutions at the border crossing points and are provided comparative description of the border control points, emphasizing positive and negative features, and also the need for different approaches to service organization by organizing effective systematic border control.*

Keywords: *border control, service organization, human resources, border control technology, effectiveness.*

Introduction

Schengen countries follow a set of common rules for implementation of the control of people at the external borders. Through these common rules, the EU can effectively control its external borders, prevent threats to its security, as well as deal with trafficking in human beings, and better manage immigration. (EU Publication Office, 2014)

Reinforcement of the external border control is an important tool for fighting the terrorist threat in Europe and improving the security of citizens. Systematic control at the external borders provides with a means to address potential risks to internal security, including that posed by foreign terrorist fighter returnees. (Schengen borders code, 2017)

The aim of this article is to highlight the peculiarities of the service organization of the road border crossing points (BCP) in the field of human resource planning and border control technologies in the context of the implementation of the systematic border control. Hypothesis – the improvement of the service organization activities of the BCP ensures the more efficient use of the resources being used in the improvement of the state safety level.

The research design involves the scientific literature in the field of international law, the law of the Republic of Latvia, the internal regulations and unpublished materials of the SBG.

It is essential to recognize that the insufficiently effective border control may result in a situation where the Republic of Latvia can be used as a transit country on route for illegal immigrants and extremists. (Kekberis, 2014). This is an extremely significant problem which generates a need for the study of the opportunities for the border control improvement by seeking the solutions to the potential development of the service organization of the BCP. The systematic border control requires from the officials of the BCP to involve the highest possible human resource potential and points to the need to review the previously used control technologies in order to increase human potential at the expense of internal reserve.

Organization of the Border Control Activities

The Schengen Borders Code as one of the cornerstones of the Schengen acquis stipulates that border control is the control implemented by the BCP in order to ensure that the persons, their vehicles and belongings can be allowed to enter or leave the territory of the Schengen States. Border control includes not only the verification of travel documents and the other conditions governing entry, residence, work and exit but also the control to detect and prevent threats to the national security and public policy of the Schengen States. (EU Schengen Catalogue, 2009)

Despite the existence of the uniform common standards and the common regulatory framework and recommendations for its practical application, there are differences in the service organization of the border control at the BCP of different countries.

When organizing service of the border control officials at the BCP, the main objective is to ensure that every person who is crossing the border complies with the conditions specified in the Schengen Borders Code, and this practical process includes identification, verification of the authenticity of the travel document, interview on the purpose of the journey and the conditions of the stay, verification of the required financial funds, comparison of the presented identification documents with the person's statements, necessary verifications in databases, making marks in the person's travel document, control of the vehicles in the person's possession. In respect of the biometric visa applicants, this process is complemented by fingerprint scanning.

It is essential to emphasize the significance of the databases in the framework of the compliance with the Schengen acquis – according to the provisions of the updated Schengen Borders Code, from April 7, 2017, the data of all persons crossing the border should be searched in all national databases when implementing the border control within the framework of the first line control. The purpose of such control is to ensure that the

relevant persons do not create any real, specific and sufficiently serious threats to the internal security of the Member States, public order, international relations or public health, the so-called systematic control.

This condition was an innovation in the aspect of the service organization by the officials of the BCPs, since the qualitative execution of the above described requirements requires longer period for the control of each person who is crossing the border than during the previous 10 years from the date of entry into the Schengen Area when the verification in databases of the persons who were enjoying the right of free movement was non-systematic or purposeful. (Lauth Bacas, J., Kavanagh, W., 2013) Therefore, the additional resources are required for the completion of this task.

The provision of the effective organization of the services of the BCPs requires the evaluation of such aspects as the use of human resources, as well as the procedures for the practical implementation of border control procedures for the persons and vehicles (technology).

Researching the concept of “service organization”, it is important to draw attention to the fact that no explanation of the term “service organization” is provided in the regulatory documents. Consequently, in the authors' view, a negative situation arises when the officials of different structural units may develop different ideas about the scope of this term. The term “service” is not used in either the Border Guard Law or the State Border Law. When analysing the regulatory framework of the field of internal affairs, it can be concluded that the term “service” is used in the national regulatory documents in relation to the service degree of the official or by specifying the institution's structural unit, for example, the Border Control and Immigration Control Service. The internal regulations of the SBG which determine the procedure of the service organization, also do not provide a definition of this term.

The internal regulations regarding the SBG (2014) determine the factors to be taken into account, when organizing the service of the border control structural unit:

- 1) technology of the border crossing point's control;
- 2) results of risk analysis;
- 3) border control regime;
- 4) flow of the persons and vehicles crossing the border.

The operation of the border crossing point is carried out in accordance with the Regulations regarding the SBG of 2012 which determine the predicted flow of persons and vehicles on the basis of the risk analysis, and based on the situation in the territory of the border crossing point and border area, in order to implement the border control activities at any time of the day.

Based on practical experience of the service and having evaluated the contents of the internal regulations of the SBG, it is concluded that the **service organization** within the scope of the SBG implies a *set of measures that include the recording and volume of the resources (personnel and technical), planning of assignments, preparation for the effective performance, determination and implementation of the border control procedure (technology), monitoring of the results of the assignments, risk analysis which are necessary for the implementation of the border control.* The officials of the SBG at the central level should assess the possibility to provide the definition of the service organization in the internal Regulations of the SBG.

Foreign specialists note that it is essential to analyse the flow and the use of human resources for the effective border control by recognizing their interdependence. (Predd, J., Willis, H., Setodji, C., Stelzner, C., 2012) The essential elements of the service organization of the BCPs were analysed in the paper: the scope of human resources in relation to the flow of border traffic and the technology for implementation of the border control as a tool for efficiency improvement.

Based on the comparative analysis of the data of two road BCPs (Terehova and Grebneva), it should be concluded that the total number of employees at Grebneva and Terehova BCPs is practically the same (93/94 in total), regardless of the flow of the persons crossing the border and the specifics of the duties to be performed (the employees of Terehova BCP are not participating in the border control, the main function of this position is the administration of the trucks, while the officials of Grebneva BCP implement the border control at the railway border crossing point). In turn, the actual staff completing is 85 and 93 correspondingly. The planned absence (annual leave, additional leave) is **11%** on average per month which complies with the requirements of the regulatory documents of the SBG on the planning of the annual leave (Regulations regarding the State Border Guard, 2014), while the unplanned absence is **15.5%** on average of the total employees involved in border control (incapacity for work - 9.6% on average per month; parental leave, qualification upgrading, including the studies, monthly trainings, official journeys, participation in international operations - 5.9% on average per month). Thus, it can be concluded that the absence of employees constitutes **26.5%** on average per month of the number of officials possibly being involved in border control which adversely affects the efficiency of the service organization. It is logical to assume that it is necessary to increase the total number of the positions at the BCPs, by determining the required number when calculating the percentage of the absent officials, for example, to increase the number of employees at Grebneva border crossing point.

By analysing the available data on the persons crossing the border and making calculations, it can be concluded that **686** persons cross Grebņeva BCP on average per day during the examined period and **1586** persons cross Terehova BCP on average per day, thus exceeding the number of border crossing persons at Grebņeva border crossing point more than twofold.

The number of border guards being involved in border control should be dependent on the intensity of flow during the year. By analysing the trends regarding flow during the year at both BCPs, it is obvious that, regardless of the number of persons crossing the state border, they are analogous (it should be noted that at Grebņeva BCP - less pronounced) - most people cross the state borders in December-January and the passenger flow is increasing during the summer months, besides, the growth at the Terehova BCP is more pronounced which incontrovertibly points at the need to involve the largest number of employees in the implementation of border control activities.

According to the requirements of the SBG, the number of the officials of the structural units may be on annual leave at the same time which does not allow ensuring the more flexible planning of the resources. The calculations show that it is necessary to evaluate the possibility of abandoning the application of this standard and to be guided by the amount of work when planning the service, that is, to take into account the number of people crossing the border during the year, thus increasing the effectiveness of the border control.

Overall unstable situation in the world concerning the illegal migration, cross-border crime and terrorism and the amendments in the Schengen Borders Code, as well as the strengthening control at the EU external borders have a direct impact on the border crossing point service organization – by increasing the scope of control in respect of the persons who enjoy the right of free movement, there is the need to analyse the distribution of the flows of persons crossing the border by categories and the time of control that is necessary for these categories of border control which, in turn, affects the quantity of the involved resources.

By analysing the distribution of flows of persons crossing border in 2017, it can be concluded that the comparable border crossing points have a different proportion of the citizens of the third countries, who have to pass a border control according to the maximum control aspects – the persons who belong to this category make up **52.4%** of the total number of people crossing the border at Grebņeva BCP, while at Terehova BCP - **40.8%**. Consequently, it can be concluded that the majority of persons who are crossing the border at Terehova BCP are the nationals of the Republic of Latvia and EU countries, who are crossing the border for the purpose of the

international freight traffic and the so-called “economic tourists”, who travel to a neighbouring country for the purpose of the purchase of the cheaper excise goods.

This fact indicates a lower overall illegal migration risk ratio at Terehova BCP compared to Grebneva BCP, where the relatively largest ratio of border crossings is among EU citizens who are subject to systematic control.

It should be noted that the trends in the vehicle traffic during the year are identical with the trends of flows of people, however, not so pronounced which confirms the fact that the flow is rising during the summer season at the expense of tourists when more people are travelling in one vehicle (for example, family or tourist coaches). 572 vehicle units cross Grebneva BCP on average per day and 1328 vehicle units cross Terehova BCP, by exceeding Grebneva BCP by **132%**.

In 2017, along with the amendments to the Schengen Borders Code, the requirements for systematic border control of EU citizens increased. However, the statistical data show that the quantitative indicators of the border control have remained at the level of previous periods. It should be noted that by implementing the border control of another scope with the same human resources and in the same period, the quality of the control of the purpose and grounds of entry is being decreased. In order to exclude such a negative impact on the quality of the border control, the improvements to the technical support of the road BCPs were made – the work stations were replaced with the most powerful, the passport readers and fingerprint scanners were installed which minimizes the time of verification in the databases.

It is important to mention that with the increase in flows of the persons and vehicles which are crossing the border, the number of incidents increases (Regulations regarding the State Border Guard, 2017) which requires a longer time for the processing of the incident, and mostly affects the officials who are performing the duties of shift leader/sector leader. (Figure 1)

In accordance with the national documents and the documents of the State Border Guard, the processing of the incident is carried out by the official who fulfils the duties of the senior official or the senior of the sector. This fact is negatively assessed from the point of view of operation management - taking into account the time devoted to the processing of the incident, the main function which includes the organization, coordination and control, cannot be carried out. However, the processing of the incident cannot be considered completed with the drafting of procedural documents - incident data is entered into several registers; fixed in the several assignment reporting documents - both electronically and in paper form;

transmitted by telephone and electronically to other State Border Guard units which are responsible for collecting and summarizing data.

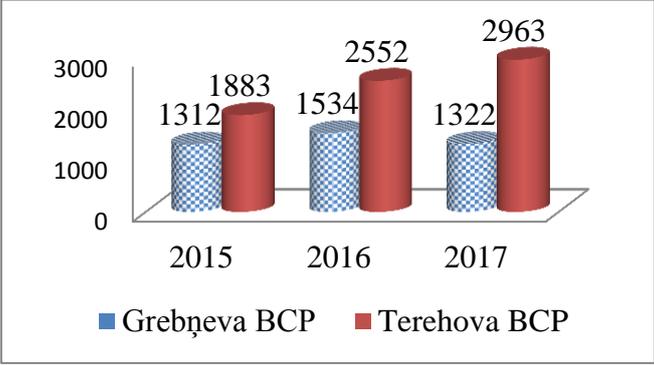


Figure 1. Number of Incidents on Grebneva and Terehova BCP in 2015-2017 (Source: compiled by the authors)

However, the formation of an incident cannot be regarded as complete by the preparation of procedural documents – incident information is entered in several registers; are fixed in several posting reference documents – both electronically and in paper form; are transmitted by telephone and electronically to other SBG departments which are responsible for collecting data.

In order to ensure the more flexible use of human resources, it would be necessary to consider the possibility of introduction of an additional type of assignment of the “Executor of the Administrative Procedures” at the BCPs, thereby reducing the load of shift leader/ sector leader and directing their potential to direct assignment management and effective border control. In this context, it is important to mention the best practice described in the Schengen Catalogue which states that the shifts at border crossing points consist of the shift leader, first line border guards, second line border guards, **crime investigator** and other specialized staff.

By integrating the Executor of the Administrative Procedures, this expert may be attracted according to the principle of the operation of forensic experts: forensic experts are specially trained and certified border guards who hold positions in the Expertise Department of the Central Administration of the SBG, but are assigned to carry out the duties of document check at the particular BCP.

By highlighting the problem of human resource insufficiency, it would be necessary to study the possibility of installation of automatic entry and exit systems at the border control points, similar to the neighbouring countries (Lithuania, Estonia, Finland). Thus, in the framework of the existing structural units, it will be possible to abandon the assignment of

the “Transit Point Operator”, thus directing two additional border guards to the direct border control in each assignment.

In order to control borders effectively, each Member State ensures close, continuous cooperation between the services responsible for border control (Schengen Border Code, 2017). Foreign specialist in the field of border management emphasize that the operational effectiveness is based on coordinated border management through active involvement of all services (McLinden, G., Fanta, E., Widdowson, D., Doyle, T., 2011). The cooperation of the Customs and the State Border Guard on the issues of the land border control and customs control is required in order to contribute to more qualitative and effective execution of the tasks by both services. The basic documents for the organization and implementation of the cooperation are the following:

1. Instruction No. 5 adopted 5 May 2010 of the Cabinet of Ministers “Procedures by Which State Administrative Institutions Shall Co-operate in Matters of State Border Security” which determines the procedure of cooperation, organization, implementation, provision of state border security issues.
2. The interinstitutional agreement No. 60 “On the Organization of Operation and Cooperation of Institutions at Border Crossing Points” of April 17, 2012 stipulates:
 - 1) interinstitutional cooperation to ensure coordinated activities at the border crossing points;
 - 2) procedure for the development and approval of the control technologies;
 - 3) exchange of information between the officials of the institutions at the border crossing-points.

The coordinated operation of the officials of the SBG and Customs in the practical control of the persons and vehicles at all road BCPs was always based on the so-called “Four-Eye Principle”. The Corruption Prevention and Combating Bureau explain the “Four-Eye Principle” as an opportunity to anticipate that two different people perform the same activity. The principle ensures that it is possible not only to prevent the accidental mistakes, but also to prevent the responsible person from fraud and devastating consequences. (Corruption Surveillance and Combat Bureau, 2009). Thus, the border guards and customs officials implement the control of each vehicle together by fulfilling the requirements in the framework of their own competence.

From 2015, taking into account the good practice of other EU Member States regarding the sequence of control activities carried out by the border control services, the Customs Office examined the possibility of the Grebneva BCP to abandon 100% physical checks by customs officials for

passenger cars entering the Republic of Latvia via the green channel – the physical control of passenger cars is carried out only by the State Border Guard, but physical control of the trucks – by customs officials.

The possibility of reallocation of human resources is positively assessed - the officials of the SBG who previously fulfilled the duties on the check of cargo vehicles together with the Customs officials were assigned to fulfil the duties on the check of passenger cars. The main goal has been achieved - the time for the border crossing of vehicles and persons was accelerated, the border guards were released from the physical control of trucks, with the emphasis on the control of the personal and vehicle documents. It would be necessary to assess the flows of other vehicles at the border crossing points, and to introduce analogous border control testing technology at other road BCPs.

Conclusions and suggestions

It is concluded that there are several opportunities for the improvement of the service organization efficiency in carrying out the systematic border control:

1. To provide border crossing points with the number of human resources corresponding to the situation, should be assessed the possibility of conduction of the appropriate research and increase the total number of the positions at the border crossing points, by determining the required number when calculating the percentage of the absent officials, for example, to increase the number of employees at Grebņeva BCP from 93 to 117 border guards.

2. To involve the number of border guards appropriate for the situation (for the calendar month) in the border control, thus increasing the efficiency of the border control, should be considered the possibility of abandoning the uniform annual leave planning mechanism.

3. To exclude the negative impact of the incident execution on the performance of the duties of shift leader/ sector leader, should be considered the possibility of introduction of an additional type of assignment of the “Executor of the Administrative Procedures” at the border crossing points, by attracting this expert according to the principle of forensic experts.

4. To exclude the negative impact of the execution of the incidents on the performance of the duties of the shift leader/ sector leader, should be determined the procedures according to which the territorial administrations are able to involve immigration control officials in the border control as one of the possible solutions by assessing the implementation of this proposal in the context with the proposal of the

assignment of the “Executor of the Administrative Procedures” at the border crossing points and involving the immigration control officials in the performance of this task.

5. To abandon the assignment of the “Transit Point Operator” within the framework of the resources of the existing border control units, thus directing two additional border guards to the direct border control in each assignment, should be established a working group in order to investigate the practical and financial feasibility of the installation of the automatic entry and exit system at the road border crossing points.

6. To accelerate the border crossing time for vehicles and persons, to relieve border guard officials from the physical control of trucks, should be initiated the assessment of the traffic flows at other border crossing points and carry out testing by contributing to the introduction of the analogous border control technologies in other road control points.

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