DOCUMENT CHECK AT BORDER CONTROL AS A BASIC ELEMENT OF INTERNAL SECURITY IN THE REPUBLIC OF LATVIA

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Abstract: *The aim of the current research is to make extensive study of the document check process, to examine it's legal and practical matters within the State Border Guard of Latvia and to define necessary actions to develop the process mentioned above. To achieve the aim, following objectives were defined: to study the legal matters of the document check process in State Border Guard, to evaluate State Border Guard's technical means in the field of document check, to study practical aspects in document check process according to data collected from respondents within State Border Guard, to analyze the problematics of the document check process in State Border Guard and to define the necessary development decisions. Following research methods were used: monographic or descriptive method, document analysis, logic- constructive method, analytic method, sociological survey method. Within the topic of Document check at border control as a basic element of internal security in the Republic of Latvia, the authors thoroughly examined the process of document check, its legal and practical aspects within the example of State Border Guard of Latvia and also defined necessary development actions in the period between years 2017 and November 2021.*

Keywords: *document check, effectiveness, technical means, second line.*

Introduction

Border guards perform border control and allow those persons, vehicles, loads and items to cross border, whose documents are drawn up correctly to cross border. Majority of the violations are stated and recorded in border crossing points. The special professional knowledge of border guards in the field of document technical check is one of the "weapons" in the process of document falsification. The process of travel document falsification is developing very fast and the criminal groups involved in this process are constantly introducing new falsification methods, for example, manipulations with counter-falsification devices and methods of bypassing biometric checks (Arnese-Vessere, 2021). Persons who travel with falsified documents are extremely dangerous because they conceal their true identity

and true purpose of travel. Already in 2016, the terrorist attack on Christmas market (www.apollo.lv, 2017) showed that there is a necessity for a thorough check of persons' identity and documents, and the amendments in the Schengen's Border Code were introduced. Observing current political situation in neighboring states, one should verify the positive intends of every person by conducting qualitative person and vehicle document check by using available resources.

Within current article, the authors analyzed legal aspects of document checks, the correspondence of infrastructure and technical means to different demands, and also different factors that influence theoretical and practical aspects of document check.

Legal basis of document check

The document check process in State Border Guard (further – the SBG) is organized according to demands of European Union (further – EU) and Latvian legal acts. In the current chapter the authors combine legal acts of the EU that state the process of document check and bounded conditions. Legal acts of the Republic of Latvia are composed according to the previous legal basis and shall not be addressed in the current research.

The EU has its common policy (Official Journal of the European Union, 2012) which assures that there are no border checks for persons crossing EU internal borders disregard their citizenship and that the border checks on external border are being performed and also that the common integrated external border management system will be introduced as it is stated in the Treaty on European Union and the Treaty on the Functioning of the European Union. By cancelling border control on internal borders, the accent is being placed on the untouchability of the external border of member states. It means that the common territory without control on internal borders – the Schengen area – needs common management of external borders. Border control is one of the strategic parts of the EU border management (Frontex, 2019) and it is still in hands of national authorities.

The Republic of Latvia is a full valued member of the Schengen area since December 21, 2007 (www.mfs.gov.lv, 2007) and it cancelled the border control on internal borders. So, the Schengen acquis is applicable for Latvia as well. The "Recommendations and best practices in correct implementation of Schengen acquis" were introduced in 2002 and were implemented in the Schengen Catalogue (Schengen Catalogue on External border control, 2009). It was drawn up in two columns, with the required for acquis level from one side and with the optimal experience for member states from the other – even if this experience is on desirable level and not on obligatory one (Gaveika, 2014). As to the access to data bases, it is

believed that border guards on the first line should have access to various data bases including the Visa Information System (further – VIS), national data bases and also to the falsified document data base.

Persons' movement within the Schengen area is regulated according to the Schengen Borders Code and it is supposed that there is no border control for persons who travel within internal borders between EU member states. The Code states regulations for the control of those persons who cross the external borders of the EU (Official Journal of the European Union, 2016). Persons who cross the external borders of the EU are being subjected to the border checks, or the accordingly regulated actions that are meant to state the probability of legal border crossing. The aim of these checks is to state and record the fact of border crossing and the fact of entry, stay, transit and exit as well as the fact that goods and items are being imported or exported from Latvia in legal way. The registration of the border crossing fact by checking the travel and entrusting document is performed by border guards.

The article 8 of the Schengen Borders Code (Official Journal of the European Union, 2016) states that all persons are being exposed to minimal check in order to proof their identity according to possessed travel documents. These checks are performed rapidly and to the purpose, if necessary, using technical means and data bases to prove the ownership and exclude the possibility of fraud. As to the third country nationals the full check is being performed. This check is performed to assure the observation of entry rules stated in the Schengen Borders Code and to perform document check that give the rights to stay and perform professional actions in the country. It is stated that during the border check one should assure that the person's document is valid for border crossing and that the person owns a visa or residence permit if needed. The entry and exit stamps, the travel route and – if necessary – the fact approval documents should be checked as well. Separate article states that thorough check should be performed to assure that the document is not falsified.

Under the pressure of internal security alerts the Schengen Borders Code was amended in 2017 by enhancing the checks at external borders with relevant data bases (Official Journal of the European Union, 2017). The amendments concerned the persons who have the rights for free movement, the border checks including the document checks. In order to assure that persons are not hiding their identity the travel documents are systematically checked through data bases and the check of person's identity, citizenship, document authenticity is being performed. The member states must perform travel documents through Schengen Information System (further – SIS) and Interpol data base. All the checks mentioned above must be performed to all persons that are crossing external border disregard their citizenship.

The organization of document check in State Border Guard

According to relevant literature, the process is a complex of different actions that are being performed to succeed a certain result, but the organization of the process is the planning of these actions and resources in current time and place. Slavinska (2005) mentions the organizational process as the concentration and division of resources the creation of structure in order to achieve certain goals in the most effective manner. The organization of a process could be defined as the complex of actions that assures the rational use of labor force that includes relevant arrangement of an employee in a relevant process, the cooperation, the coordination and stimulation of work, workplace design, the aliment and adjustment of workplace according to certain tasks (GOST 19605-74, 1974). In order to organize checks in different border crossing points, one should take into account not only the accordance of actions to certain legal regulation, but also the correspondence and effectiveness of these actions.

The Law on the State border of the Republic of Latvia (Latvijas Vestnesis, 2009) states that the relevant regime is actual in border crossing point (further – BCP) to ensure the security system and to provide appropriate conditions for the work of involved institutions. According to functional infrastructure of a BCP this regime is divided into border check zone regime, closed BCP territory regime and opened BCP territory regime. The document check is being performed within the border check zone regime. Only limited number of persons can stay in such zone thus assuring the appropriate work conditions for a border guard which is performing the check of persons, vehicles or documents. According to Wiśniewski (2019), these are opened places where, according to relevant documentation, it is allowed to cross the border.

The state's external land border BCPs are build up with lanes, road signs and different markings to provide correct directions for nationals of different countries. Similar infrastructure is provided in airport BCPs – with the help of informative signs, markings and interactive stands persons are being directed to corresponding queues and control booths. Returning to land BCPs, the infrastructure there (administrative building, control booths etc.) is similar, but is subordinated to passenger flows, e.g., the premises of Terehova BCP is larger than Paternieki one because the flows there are much more intensive.

Document check, as a part of border control, at a national level is regulated by the Setup of State Border Guard (Latvijas Vestnesis, 2005) which states that the organization of work is regulated by the State Border Guard Statute. Riga territorial board Statute (2017), Ludza territorial board Statute (2014) and Daugavpils territorial board Statute (2014) on their hand

state that BCPs are performing person and vehicle border checks according to the legal regulations. Analyzing mentioned statutes, it is clear that corresponding border crossing points are authorized to perform border checks, but the chiefs of these BCPs are leading and organizing the work of structural units according to relevant legal acts. The chiefs are organizing the service by resource planning, task preparation for involved border guards, providing instructions, controlling service performance, and by summarizing and analyzing the results. Border guards on duty, on their hand, are performing border checks at first line and, if the thorough check is needed – on the second line.

The document check process consists of several stages during each border guards perform document authentication test in order to state if the document is genuine, issued by an official institution, perform the document integrity test in order to state if nobody made any manipulations with the document or any kind of changes (partial or complete falsification) (Frontex, 2021) and also the check for the validity of the document in order to make sure that document is not declared as lost or stolen or if it is not a pseudo-document. The term "authenticity" was defined by Nastula (2018) as one including such notions as "authoritative", "true", "original".

Competence of personnel involved in the document check

The knowledge and abilities of personnel is a very subjective notion, especially if it concerns responsibilities to solve different individual issues that depend on a number of factors. The knowledge is one of key recourses. Same as capital assets the knowledge shorten time that is necessary to achieve a goal. Research, made in 2004 in 121 major companies in Poland, made clear that these companies suffered significant losses due to ineffective knowledge and information management (Nowakowski, 2006). The competence and knowledge of officials is a significant tool to state their effectiveness. The management and acknowledgement of employees' competence, in order to use this potential, is needed to ensure effective work of an institution (Dem'janchenko, 2012).

Authors made a survey among SBG officials involved in document check process and according to this survey, the qualification in the field of technical document examination is as follows:

1) First level document examination specialist (lower qualification level) – 44%
2) First level document examination specialist + qualification courses, seminars in the field of document authentication – 7,5%
3) Second level document examination specialist (higher qualification level) – 37,5%

4) Second level document examination specialist + qualification courses, seminars in the field of document authentication – 11%

More than a half of respondents – 55% – discovered a falsified document during recent 3 years (without taking in consideration COVID-19 period). The quantity of detected falsified among respondents is as follows:
1) 1-3 falsified documents – 66,2% of respondents
2) 4-6 falsified documents – 25,4% of respondents
3) 7-9 falsified documents – 5,6% of respondents
4) >10 falsified documents – 2,8% of respondents.

Among officials who detected 1-3 falsified documents 55% were Second level document examination specialists, among those who detected 4-6 documents 72% were Second level specialists. Among officials who detected 7-9 falsified documents the qualification level divides equally – 50% for each qualification level. On the other hand, only Second level specialists detected 10 or more falsified documents. As to experience level, 63% of respondents who detected a falsified document have more than 8 years long service experience. Thus, authors state that most falsified document detections are within officials who served in SBG for 8 years and longer and have higher document examination qualification.

Legal and practical application of technical means used for document examination

The effectiveness, quantity and quality of document check is highly dependent on such factors as season, intensity of passenger flow, available resources, risk analysis, competence of personnel, epidemic restrictions and technical resources. In this chapter authors touch upon the legal and practical implementation of document examination technical means available for State Border Guard as well as the correspondence of these means to different recommendations and standards.

Legally the technical means necessary for document primal examination are determined by the Cabinet of Ministers of the Republic of Latvia (2010). According legislation state that primal document examination devices are:
1) Automatic document visual and codified signal reading devise. Practically these are stational document reader "Regula 7024" and portable document examinators "Regula 8333", "Regula 7337"
2) Optic magnification device with illumination. Practically – portable document examinator "Regula 1025"
3) Illumination devices with variable light wave length. Practically – the video spectral comparator "Regula 4205".

The Cabinet of Ministers (2010) also defines the border check and border surveillance technical means for falsification sign verification and

visualization in person, vehicle and authorization document during primal check at border crossing points. These are:
1) Automatic devices for document visual and codified signal checks
2) Microscopes with digital cameras
3) Video spectral comparators
4) Sets of measuring and auxiliary tools.

In September 21, 2021 the European Border and Coast guard agency, Frontex, (2021), set Frontex standards. Among others the technical standards for portable document examination equipment (Frontex, 2021) set minimal demands to compact magnifying devices with different illumination sources. At the current moment, border guards use devices that follow mentioned standards only partially. The devices almost correspond to the minimal demands of Frontex standards, but they consist many functions that are mentioned in the standards, e.g., infra-red illumination source with 980nm wave length, ultra-violet sources of 254nm, 313nm and 400nm. High functional concentration in several control buttons lower the practicality and simplicity of the devices, also there is no function of equal illumination in mentioned devices. According to the survey data, 79,6% of respondents recognize the portable document examination device "Regula 1025" as the most effective primal examination technical mean. Authors admit that mentioned device could be found in any specific border crossing point and could be applied on the spot.

Conclusion

Within current research, the authors made insight into the document check process. Authors analyzed the legal basis of the European Union that regulates the essence of document check, its volume and organization. Also, the document check organization process on the example of the State Border Guard of Latvia was visualized. Also, the document examination competence of the SBG personnel and the technical basis of the SBG were introduced within the current paper.

During the current research the authors made following conclusions. According to the fact that document check is supporting the internal security of the EU and it includes sensitive data handling, the process is strictly regulated with number of EU and national legal acts which set the volume and order of document check. The State Border Guard organizes the document check process at border crossing points according to a number of external and internal legal acts as well as taking into consideration available technical means, infrastructure and personnel competence. The personnel competence, on its hand, is on a high level which is proved by significant number of detected falsified documents. One should admit that the document

examination technical means available to the SBG are effective and subsistent, they correspond to the modern standards only partially.

Taking into consideration previous conclusions, the authors start following proposals. State Border Guard of Latvia and State Border Guard College should continue fulfilling qualification courses in the field of document examination for SBG officials, in order to maintain their high level of competence and work effectiveness. Anytime soon State Border Guard of Latvia should organize the procurement procedure in the field of modern document examination equipment in order to provide conditions of falsified document effective detection and to maintain high internal security level in the European Union.

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