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CONTENTS

Foreword

The State Border Guard College of Latvia in collaboration with Rezekne Academy of Technologies has established a good and long-standing tradition of organising scientific and practical conferences. The main aim of such conferences is to ensure synergies between scientific and practical research in the area of border security and management.

This year the spread of COVID-19 in the world has brought considerable changes to everyone's life. As the result VIII International Scientific and Practical Conference "Border Security and Management" was implemented online, which allowed a large number of stakeholders to take part in it.

Border and civil security and management are important research subjects both at Latvian and the European Union levels. Scientists and academic staff from Latvia and abroad, as well as the officials of the State Border Guard of Latvia participated in the conference and shared the results of their research. The authors of the papers focused on the problems related to such topical issues as future challenges and opportunities in immigration, integrated border management, cooperation in the field of border security and management, information technologies in border security and management, border guard education, leadership issues and aspects of cooperation at the European Union level in border management.

Scientific articles submitted for publishing in the journal are problem-oriented and contain elements of scientific research or scientific creativity.

The Editorial Board believes that the „Scientific Journal of Internal Security and Civil Defence: Border security and management" will be useful for professionals interested in the field of internal security, civil defence and border security and management. The research papers can be used by those with particular interest in exploring border guarding related problems and proposing innovative solutions, including university teaching staff, master and doctoral students, and researchers.

The Editorial Board expresses gratitude and thanks to the staff of the State Border Guard College for their support in organizing and conducting the online conference, which proves that there are no limits to science and collaboration.

Dr.oec. professor, Iluta Arbidāne
Chief Editor of the Journal

TIMELINESS OF NATIONAL ARMED FORCE PERSONNEL'S TRAINING IN THE FIELD OF BORDER SURVEILLANCE IN THE VIEW OF COOPERATION BETWEEN NATIONAL ARMED FORCES AND STATE BORDER GUARD

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Abstract. *In the view of modern tendencies, the cooperation between state armed institutions is extremely crucial. As an example could be mentioned the reaction of French government on the terrorist attack in Paris in the year 2015 – both, army and police, in close cooperation made a contribution solving this challenge. In the scale of Latvia the cooperation between National Armed Forces and State Border Guard could solve such problems like lack of personnel and equipment in State Border Guard. The aim of the current paper is to give insight in such themes as legal basis of the mentioned cooperation, the possibilities of involving National Armed Forces personnel in border surveillance, the possibilities of National Armed Forces personnel's training in the field of border surveillance and possibilities for development of such training and make short summary in these topics. This was done by methods of analysis, open source research and comparative analysis. Among other conclusions, authors of the current paper draw a conclusion that cooperation between National Armed Forces and State Border Guard is effective but the possibilities of National Armed Forces personnel's training should be improved in the way mentioned in the paper.*

Keywords: *Armed Forces, border security, cooperation, legal basis, training.*

Introduction

The tendencies of modern world development offer society not only comfort, but also huge risks. For example risks as international crime, cybercrime, terrorism etc. In order to furnish legal and legitimate power, states of the world usually relay on job of competent institutions. Often these institutions cooperate. As an example could be mentioned a French government answer on terrorist attack in Paris in 2015. In this case army and police units were working together ("Paris attacks: French police launch raids as military strikes Isis in Syria", 2015). Such cooperation plays also a different role: a role of creating a balance of force. I.e.: in democratic states police tends to use minimal force and military – to use maximum force (Friesendorf, 2013). In such situation as a terrorist attack such balance of force is extremely important.

Such cooperation could be crucial in Latvia, considering special aspects of the job and the lack of personnel in National Armed Forces (further – NAF) and in Ministry of Interior (further – MoI). For example the lack of personnel continues to grow in State Border Guard (further – SBG). Thus in 2018 there was lack of 233 border guards, which was 5-6% of total number of officials ("Uz Latvijas robežas trūkst vairāk nekā 230 robežsargu", 2018). Moreover, according to State Border Guard chef's interview, already in 2019 there was 8% lack of personnel in State Border Guard ("Valsts robežsardzē pieaug darbinieku trūkums", 2019). Concluding, it is understandable that mentioned institutions should have an opportunity to enlarge their resources in case of necessity.

As it could be seen, the topicality of the current paper is undeniable – authors made an analysis of effectiveness of cooperation in the field of border surveillance. This is extremely important to improve the effectiveness of State Border Guard. Also the current paper defines the competence of Latvian National Guard personnel (as a part of National Armed Forces) in the field of border surveillance and ways how it could be improved.

1. Legal Basis

In order to understand the fields of cooperation between National Armed Forces and State Border Guard, one should address according legal basis. The order how Latvian National Guard –the significant part of NAF – provides support to state institutions, determines the regulation Nr.936 of the Cabinet of Ministers on 9th of October 2010 "Regulation how Latvian National Guard provides support to state and self-administration institutions for preventing law violations and public security safeguarding" ("Valsts robežsardzē pieaug darbinieku trūkums", 2019) The cooperation in border surveillance in its turn is being regulated by multiagency treaty Nr.162 between State Border Guard and National Armed Forces on 12th of May 2012 (Multiagency treaty Nr.162, SL-217-5, 2012). Both regulations specify the order how State Border Guard and National Guard cooperate in case of renewal of border control on internal borders and in case of pursuing a suspect in illegal border crossing. As one can see, both regulations are aimed on overcoming a personnel lack in SBG. It is crucial because in timely case the renewal of border control on internal borders could be a challenge to State Border Guard with its current resources. According to mentioned regulations in such case the common patrols of State Border Guard and National Guard personnel would be made to ensure the effective border surveillance. In these patrols National Guard soldiers would be subordinated to border guard officials.

Performing border surveillance a number of administrative violations are constantly stated by State Border Guard officials. According to Latvian Administrative violation code, investigation of border security violations is under SBG competence (Administrative violations code of the Republic of Latvia, 1985). The same will be regulated by Law of Administrative responsibility (Law of administrative responsibility, 2018). On the other hand, NAF or National Guard is not competent in these cases. Thus the effective border surveillance could not be imagined if it would be performed only by NAF personnel. This fact approves necessity of common patrols of National Guard and SBG officials. Such patrols could be even more effective if NAF personnel would be adequately trained in the field of border surveillance.

In addition to previous according to Law of State Border Guard the officials are licensed to use the technical means, vessels and aviation of National Armed Forces (State Border Guard law, 1998). Thus State Border Guard can reinforce its technical resources.

On the other hand, the legal basis is also aimed on the National Armed Forces resources reinforcement with the help of State Border Guard capacity. Thus the Law of National Armed Forces article 3 part 3 states that in case of war SBG is included into NAF structure (National Armed Forces law, 1999). In this case the SBG personnel are subordinated to NAF command. The Law of State Border Guard, article 13 part 1, on its turn, states, that one of the tasks of State Border Guard is to ward off armed assaults on Latvia in cooperation with National Guard (State Border Guard law, 1998). As it could be seen in case of war State Border Guard replenishes National Armed forces with its personnel and technical resources. This could strengthen the combat capacity of NAF because SBG officials are adequately trained and armed. The accordance of weapons and training to NATO standards provides the National Armed Forces. This is witnessed by the process of rearming of SBG and by participation of its officials in military trainings and exercises. Concluding, one can notice that cooperation in war time is tended to the strengthening of combat power of NAF. Taking into consideration the standardisation of weapons and training this cooperation could be effective to achieve according goals.

Concluding from previous facts one can state that in case of necessity SBG has a good possibility to enhance its capacity with the help of NAF resources. But due to the difference in duty specifics it couldn't be possible to use NAF personnel in border surveillance independently. To do so, these personnel should be adequately trained. This training should be provided by State Border Guard. This procedure is stated in the multiagency treaty between NAF and SBG (Multiagency treaty Nr.162, SL-217-5, 2012).

2. The use of armed forces personnel in border surveillance

As it was mentioned before, the use of NAF or National Guard in border surveillance would effectively enhance capacity of SBG in case of necessity. This conclusion is based not only on theoretical data, but it could be approved with help of international examples and recent example of Latvia using National Guard personnel in border surveillance during COVID-19 pandemic.

The experience of Hungary could be mentioned as first example. In year 2015 Hungary faced huge migratory crisis. During this year there were 441,515 cases of illegal border crossing cases (Migration Issues in Hungary, 2018). As a result Hungarian government made decision to build a fence and assign army units to perform border surveillance and fight the migration flow (Hungary beefs up border with army, warns migrants to stay away, 2015). Statistics show that this step helped to reduce the number of illegal border crossings from 274 persons a day at the beginning of summer 2015 to 10 persons a day at the end of the year (Migration Issues in Hungary, 2018). Thus we can conclude that multiagency treaty between Latvian State border guard and National armed force is extremely timely and in perspective could help to deal with a migratory crisis if Latvia would ever face one.

Latvia also faced irregular migration grows in 2015 (Salīdzinošā robežpārkāpumu statistika Baltijas reģiona valstīs, 2016) but SBG was able to deal with this challenge by itself. Nevertheless the scenario of cooperation between SBG and NAF was played during common exercise. This exercise was held in Daugavpils regional board in 24-26 February 2017 (Order Nr.297 of State Border, 2017). Scenario was based on the border control renewal on Latvian- Lithuanian border. Having made the analysis of the exercise, responsible officials made a number of conclusions. Parts of these conclusions are timely for the current paper:

- The use of technical resources of National Guard was effective to perform border surveillance in remote regions.
- There were no standard operation plans for common checkpoints.
- The methods of trespassers' apprehension were defective (Order Nr.802 of State Border Guard, 2017).

In March 2020 this scenario was performed in real situation because of the COVID-19 pandemic. Latvian government made decision to stop border crossing on all state borders and to enhance border surveillance. State Border Guard was reinforced by National Guard resources (Bruņotie spēki sniedz atbalstu Valsts robežsardzei Covid-19 izplatības ierobežošanā, 2020). According to the agreement, National Guard provided at least 100 soldiers with off-road vehicles (Bruņotie spēki turpinās sniegt atbalstu Valsts

robežsardzei Covid-19 izplatības ierobežošanā, 2020). This decision made it possible to renew border control on Lithuanian and Estonian borders and to enhance border surveillance on Russian and Belarus borders. Thus Latvian government reduced the risk of virus spreading and cross-border crime enhancing. It is too early to speak about the results of such action because the crisis is not over and it is not possible to compare the actions of competent institutions statistically.

It could be concluded that use of National Guard personnel in border surveillance is effective. But the competence of these personnel is imperfect. Thus the training of National Guard personnel should be improved to exclude a possibility of failure in case of situation were National Guard personnel would be used in border surveillance.

3. The possibilities of NAF personnel training in the field of border surveillance

As it was mentioned before, the use of NAF personnel is an efficient method to improve the border surveillance effectiveness. But taking into consideration the difference in duty specifics, the lack of competence of NAF personnel in the field of border surveillance is obvious.

As it was mentioned before, the National Guard does not perform investigation of administrative violations. Thus it is necessary to train NAF personnel only in fields of SBG duty basis and border surveillance tactics. According to results of SBG and National Guard common exercise, the training in tactics of trespassers' tracking and apprehension should be intensified (Order Nr.802 of State Border Guard, 2017).

In order to progress requirements of multiagency treaty and to provide knowledge to NAF personnel (Multiagency treaty Nr.162 SL-217-5, 2012), State Border Guard college provide e- training for NAF personnel according to following themes: "Obligations and actions of National Guard personnel in case of renewal of border control on internal borders" and "Obligations and actions of National Guard personnel in case of pursuing a suspect in illegal border crossing" (Informācija zemessargiem, 2020). Also, responding to COVID-19 pandemic and border control enhancing, State Border Guard introduced a theoretic training program for National armed force personnel. This short training program is planned for 4 hours of individual study and includes such themes as Legal basis, Use of force and weapons, Service organisation, Border guard tactics (Order Nr.505 of State border guard, 2020). Thus SBG progress requirement in NAF personnel training according to mentioned multiagency treaty.

National Guard is not often involved in border surveillance thus individual and e- training is enough to give theoretical knowledge to the

personnel. But, as it was stated before, the practical training should be improved because involving National Guard personnel without it could lead to a failure performing a border surveillance task. According to this authors of the current paper suggest to introduce a qualification course (or introduce the "train the trainer" method) in the field of border surveillance tactics for National Guard personnel. This would improve the competence of involved personnel in the mentioned field.

4. Suggestions for improvement of NAF personnel training in the field of border surveillance

As it was shown in the current paper, SBG organize theoretical training course for National Guard to implement the requirements of the multiagency treaty Nr.162. To make this training more effective, authors of current research suggest developing a practical training program. This program should introduce a basic border surveillance tactics for the National Guard personnel. The development of such training program is not possible in the scale of current paper and should be made within a separate research. The authors will give suggestions for introducing the program. Suggestions will be made on the basis of personal experience in border surveillance, on participation in FRONTEX joint operation and on the basis of current theoretical training programs.

First of all it is essential to teach the NAF personnel types of assignments used in border surveillance. These could be Patrol, Checkpoint, Observation post and Ambush assignments. Reviewing this topic it is necessary to teach the personnel the obligations and restrictions of these assignments and the respective legislation (e.g. corresponding articles of the Traffic law for the Checkpoint assignment).

Secondly, it is necessary to introduce technical means, equipment and special means used in border surveillance. It is important to speak about tactics and legislation corresponding to these means (e.g. when and how handcuffs should be used).

Thirdly, the personnel should be trained in the tactics of patrol, especially on foot. This topic should include skills in illegal border crossing detection and the basics of man tracking.

Fourthly, it is necessary to touch upon the control of border land and border area regime. The accent should be put on legislation and administrative case investigation. Considering the fact that National Guard doesn't have rights for administrative investigation, this topic should be more familiarizing. After this part of training the personnel should know the requirements of border land and border area regime and how a person can be granted an access to stay there.

Fifthly, it is essential to train the tactics of an ambush. It is important because this assignment is the most effective for trespassers' apprehension. Especially if the risk analysis was made correctly and the law enforcement institution has the information about a probable border violation place.

Finally, it would be useful to introduce the personnel the known tactics of trespassers, both irregular migrants and smugglers. It would improve the patrolling, detecting the violation and tracking skills of the personnel.

Authors of the current paper have an opinion that it would be possible to develop a 40-hour-long qualification course according to the topics mentioned above. This training would be timely for National Guard personnel that is planned to reinforce State Border Guard in a case of emergency. It would be effective to introduce such qualification course for NAF instructors to implement a "train a trainer" method. Such method, on its turn, would allow training a bigger number of personnel on the same period of time. Taking into consideration the constant situation of trainees, the specifics and timeliness of training such qualification course could be held not only in State Border Guard College, but also in regional boards of the State Border Guard. Considering their duty the border guards in the regional boards are mode acquainted with tactics of trespassers and could become effective trainers for the National Guard personnel.

Conclusions and suggestions

Making current research the authors came into following conclusions and made following suggestions:

In case of emergency Latvian State Border Guard is able to reinforce its capacity with the help of National Armed Forces' resources (both personal and technical).

Due to differences in duty specifics it wouldn't be possible to implement National Guard personnel in border surveillance directly and without SBG supervision.

State Border Guard College provide theoretical qualification course in border surveillance for National Guard personnel to improve the cooperation between two institutions.

Due to the fact that National Guard personnel is not often implemented in border surveillance, the authors conclude that e- training for corresponding personnel is enough to sustain minimal knowledge in the sphere. But practical training should be improved.

Authors of the current research suggest introducing a practical qualification course in the sphere of border surveillance tactics for National Guard personnel with possibility of "train the trainer" method. Such course

would improve competence of the personnel that is planned for State Border Guard reinforcement.

Qualification course for National Guard personnel should include such topics as Types of border guards' assignments, Tactics of border surveillance, Corresponding legislation, Necessary equipment, Methods of primary investigation, Information about border land and border area regime, Most common trespassers' tactics. International Intervention and the Use of Force: Military and Police Roles

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BORDER GUARDS' COMPETENCE IN ENGLISH PROFESSIONAL TERMINOLOGY: CHALLENGES AND POSSIBLE SOLUTIONS

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Abstract. *Knowledge of English professional terminology is one of the predominant factors for border guards' successful professional performance during both border and immigration control carried out at their national state border and inside the country and also joint operations organised and implemented by the European Border and Coast Guard at the EU external borders. The present article suggests an overview of the results of the measures taken by the State Border Guard of Latvia in 2017-2020 to facilitate the improvement of Latvian border guards' competence in English professional terminology. Based on the results of the survey the author puts forward suggestions for possible improvements in English language training and testing for border guards.*

Introduction

Communication, which is described in one of its definitions given by Davis as "a bridge of meaning among people so that they can share what they feel and know," (Chaturvedi, 2011, p.8) is an integral part of border guards' work, especially those who fulfil their service tasks at border crossing points at the European Union (the EU) external border and in Immigration Service inside the territory of their country.

Being the ones, whose primary task is to check the legality of border crossing, they have to be ready to ask questions and provide clarifications to their customers to ensure efficient application of border crossing regulations and fulfilment of conditions for legal residence and stay in their country laid down for the EU and third-countries nationals. Thus the knowledge of foreign languages, and English in particular, becomes of crucial importance. English as one of the most widely used means of communication between people of different nationalities often helps border guards and travellers interact and reach understanding.

The importance of foreign language knowledge for the EU border guards is emphasised in several normative acts. The Article 16 of the EU Regulation 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) includes the provision that "Member States shall ensure that the border guards are specialised and

properly trained professionals, taking into account common core curricula for border guards established and developed by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States (the Agency) established by Regulation (EC) No 2007/2004. Training curricula shall include specialised training for detecting and dealing with situations involving vulnerable persons, such as unaccompanied minors and victims of trafficking. Member States, with the support of the Agency, shall encourage border guards to learn the languages necessary for the carrying-out of their tasks".

The "Common Core Curriculum for Border and Coast Guard Basic Training in the EU" (CCC, 2017) offers minimum standards for basic level border and coast guards training which should be implemented by national border and coasts guards training institutions and defines that "apart from performing their tasks and duties in their national language, border and coast guards must also prove their proficiency in English, the EU official language, in order to be able to serve all the persons involved in regular or irregular border crossing and also to cooperate with their foreign counterparts in joint operations" (p.48). In addition it is mentioned in the CCC that the threshold foreign language proficiency of the CCC refers to B1 level of the Common European Framework of Reference for Languages (CEFR).

The present article is a survey on the actions taken by the State Border Guard of Latvia (SBG) in order to facilitate improvement of the knowledge of English professional terminology for their officials.

The research carried out in the period from January 2017 until July 2020 included several stages: development of SBG internal rules regarding the level of knowledge of English professional terminology for the SBG officials (January 2017- October 2018), development of tests in Border Guard English professional terminology (December 2018-April 2019), implementation of examinations (April 2019-January 2020) and analysis of the results of examinations (January- July 2020).

The author offers an overview of the requirements regarding the knowledge of English professional terminology set by the SBG to different categories of border guards, as well as analyses the results of examinations in professional terminology for border guards and puts forward suggestions for improving English language training and examinations systems for border guards in Latvia.

Overview of the research

Being aware of the importance of improvement of English language knowledge for border guards serving at the EU external border (the results

of the testing carried out in the State Border Guard in 2013 showed that border guards' level of English was not very high – 55% of border guards had a very limited knowledge of professional terminology) the SBG delegated the language teachers of the State Border Guard College (SBGC) to ensure the implementation of a number of measures to provide its personnel with the opportunity to increase their foreign language proficiency, as well as assess their level of knowledge of English professional terminology:

- development of SBG internal rules describing the procedures for acquisition, maintenance and control of the knowledge of English professional terminology (the SBG rules) for the officers of the SBG;
- development of on-line tests to assess the border guards' knowledge of English professional terminology according to the levels defined in the SBG rules (December 2018- April 2019);
- implementation of examinations (April 2019- January 2020).

The SBG rules, which came into force in October are binding on border guards who carry out border checks, border surveillance and immigration control, as well as participate in joint operations at the EU external borders implemented by Frontex, the European Border and Coast Guard Agency (Frontex).

Considering the level of responsibility and amount of information the SBG officials are expected to be able to give in English to persons crossing the state border, the following levels of the knowledge of professional terminology were defined:

- Level 1 (for SBG senior officers usually holding the positions of chiefs and deputy chiefs of the SBG units and all border guards who participate in Frontex joint operations regardless their positions);
- Level 2 (for SBG junior officers usually holding the positions of senior inspectors and the ones involved in second line checks);
- Level 3 (for SBG instructors carrying out first line checks).

The levels descriptors were developed based on the study of the peculiarities of service tasks and responsibilities of the SBG officials belonging to the specified categories, recommendations regarding border and coats guards' English proficiency included in the CCC and the guidelines in CEFR:

▪ **Level 1**

Officer is able to:
- use English professional terminology;
- discuss freely the topical issues related to professional area without prior preparation;
- produce freely monologue and dialogue speech;
- choose speaking style (formal/informal) relevant for situation;

- participate in discussions, to justify their opinion in order to communicate efficiently in multinational environment;
- produce clear narration, by using appropriate arguments, emphasising particular issues and making conclusions;
- prepare and make a thematic presentation in professional area;
- communicate with foreign colleague by different means of communication (telephone, e-mail, correspondence);
- write letters, e-mail messages, CV and reports in English.

Officer has a wide vocabulary to avoid repetition, can stably maintain a high level of grammatical correctness, is able to independently correct mistakes.

- **Level 2**

Officer is able to:
- provide information about the SBG, its structure and functions, as well as a detailed information about their duties;
- use professional terminology to check travel, vehicle and vessels documents, visas and documents which justify the purpose of entry and residence, as well as rights to be employed;
- use professional terminology to ensure profiling, interviewing and identifying persons while carrying out second line check;
- give instructions to travellers and explain different procedures (refusal of entry, drawing up administrative violation reports, imposing administrative sanctions, procedure of appealing against the decision);
- use professional terminology to ensure acceptance of an asylum seeker's application for refugee or alternative status;
- use professional terminology to communicate with detained persons, as well as ensure return procedures;
- write letters and e-mails in English;
- speak freely and maintain conversation without searching for words;
- start, maintain and close conversation;
- produce clear, detailed text on a wide range of subjects and explain a viewpoint;

Officer demonstrates a relatively high degree of grammatical control and possesses a high lexical accuracy, in some cases, inaccurate word choices do not interfere with communication. Sometimes minor mistakes are made.

- **Level 3**

Officer is able to:

- give general information about themselves (name, surname, service rank, basic tasks) and their structural unit (name, location, main tasks and basic activities;
- describe border check procedures done in their unit;
- understand information in identity documents, vehicles and vessels documents;
- use professional terminology while performing their service duties in their unit (interviewing persons during first line check, immigration control, detaining persons) within the competence of a junior inspector and inspector;
- use professional terminology in problem situations (traveller's document is not valid, traveller does not have a document, person asks for asylum, giving first aid, person does not obey border guard) within the competence of a junior inspector and inspector;
- understand the main points of clear standard speech on familiar matters, perceive both general information and details, can understand the information in general if the topic is familiar, the presentation is simple and clearly structured;
- communicate about familiar topics, exchange, check and/or approve information.

Officer has sufficient vocabulary to communicate in predictable situations, demonstrates a good control of grammar, although the influence of the mother tongue is noticeable. Mistakes do not interfere with the communication process.

According to the SBG rules the SBG officers:
- acquire the knowledge of English professional terminology in the English professional terminology courses within the formal and non-formal education programmes implemented by the SBGC and Rezekne Academy of Technologies;
- maintain their knowledge by using training materials and resources produced by the language teachers of the SBGC and Frontex;
- on successful completion of corresponding training courses receive certificates which prove their level according to the SBG rules;
- are obliged to pass the first examination to prove their level within two years after the rules come into force and subsequent examinations every five years. Officers are allowed to repass the examination two times. If a border guard does not success the chief will have to evaluate if their competence is adequate to the position.

Based on the SBG rules all officers to whom they are binding are obliged to pass examinations according to the level they are expected to reach in order to fulfil their daily tasks successfully. The examinations were developed by the English language teachers of the SBGC. Each of them

consisted of two parts – an on-line test, placed in SBGC e-learning system based on the Moodle platform, to check the knowledge of relevant vocabulary, grammatical proficiency, listening and reading skills and an oral test to check speaking skills including the ability to give a professional presentation and use the professional terminology in regular and irregular border crossing situations in accordance with the levels descriptors in the SBG rules.

The results of the examinations in the present article are interpreted based on the assessment scale developed by the authors with the following grades: 10-40% (failing), 50% (satisfactory), which is the lowest passing grade, 60-70% (good), 80-90% (very good) and 100% (excellent).

The author suggests a review of the results of the examinations implemented in the period from April 2019 until January 2020.

482 border guards participated in the examinations during the above mentioned period – 195 members of the European Border and Coast Guard Team (EBGCT), who regularly participate in Frontex joint operations passed the examination for Level 1 and 287 other border guards involved in border checks, border surveillance and immigration control on the Latvian state border, 64 of which passed the examination for Level 2 and 223 – for Level 3.

According to the overall results of the examinations presented in figure 1 the majority of the examinees, that is 87% have successfully completed all the tasks - 44% (214 border guards) demonstrated good knowledge of professional terminology, 20% (96 border guards) satisfactory and 23% (109 border guards) very good knowledge of professional terminology, while 13% (63 border guards) failed the examinations.
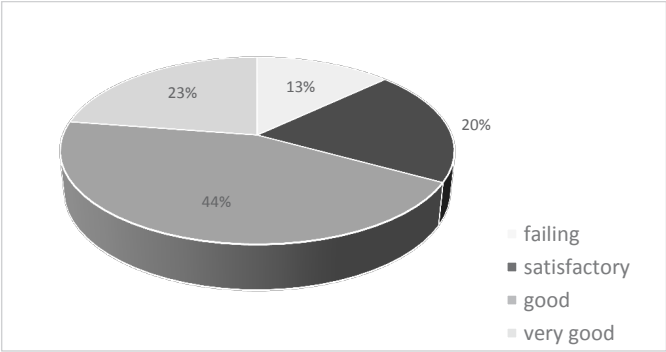
Figure 1. Results of examinations in English professional terminology
(created by the author)

A deeper analysis of the results allows to conclude that better results were achieved by EBGCT members: 40,5 % of which demonstrated very good knowledge, 50% - good and 6,6% – satisfactory knowledge of professional terminology and only 2,9% - failed the test. At the same time 28% of border guards holding junior officers positions failed the examination, 20% - demonstrated satisfactory knowledge of professional terminology, 40,7 % - good and 11,3% - very good knowledge of professional terminology. 10,4% of border guards holding inspectors positions proved to have very good knowledge, 40,9% - good, 31,4 – satisfactory knowledge of professional terminology and 17,3% failed.

The obvious differences in the numbers of those who passed and failed the examinations between the border guards belonging to the three categories of positions mentioned in the SBG rules can be explained by the fact that the ones who belong to EBGCT and regularly participate in Frontex joint operations in other EU member states are more motivated to maintain and improve their level of knowledge of both general English and English professional terminology. They realize the added value of this particular kind of knowledge and skills in building their professional competence as they get into circumstances when there is a need to use English for communication with travellers, migrants or their foreign colleagues more often than their Latvian colleagues who perform their service duties mostly in their native country and use their foreign language knowledge rather seldom due to a comparatively low number of travellers at the Latvian state border who use English as a medium of communication.

The number of failures is bigger among the border guards holding junior officers positions .The possible reasons for that, in the author's opinion, could be the lack of communication in English (the majority of participants from this category work in border surveillance units located on the border of Latvia with the Russian Federation and the Republic of Belarus and the situations when they need to use English are not very common) and absence of preliminary English language training together with the lack of motivation both inner and external to learn the foreign language. The bigger part of the border guards who failed the examinations received their Border Guard education in early 2000-s, when students in schools could choose to learn one of the two foreign languages– English or German. Both the languages were of equal importance in the society at that time. Thus while studying in the secondary school and in the SBGC they learned the German language and professional terminology in German accordingly. After the change of the position of English in Latvia, when it became the obligatory subject taught in secondary schools starting with the first form, German lost its importance, it was no longer considered relevant to border guarding and was removed from the Border Guard educational

programmes. In the result border guards who learned German somehow stayed out of the system. The institution did not offer them to learn English. The target audience of the English qualification courses provided by the SBG were the border guards who had preliminary general English knowledge. Thus the border guards who learned German, due to the specifics of their service places – the border surveillance units and border crossing points on the Latvian border with the Russian Federation and the Republic of Bearus, where communication with travellers happens mostly by means of Russian, did not see any profit to acquire the language themselves, to pay for the courses to get the knowledge which is not applicable in their daily work.

Figure 2 demonstrates the results in each of the parts of the examination – on-line test and speaking test.
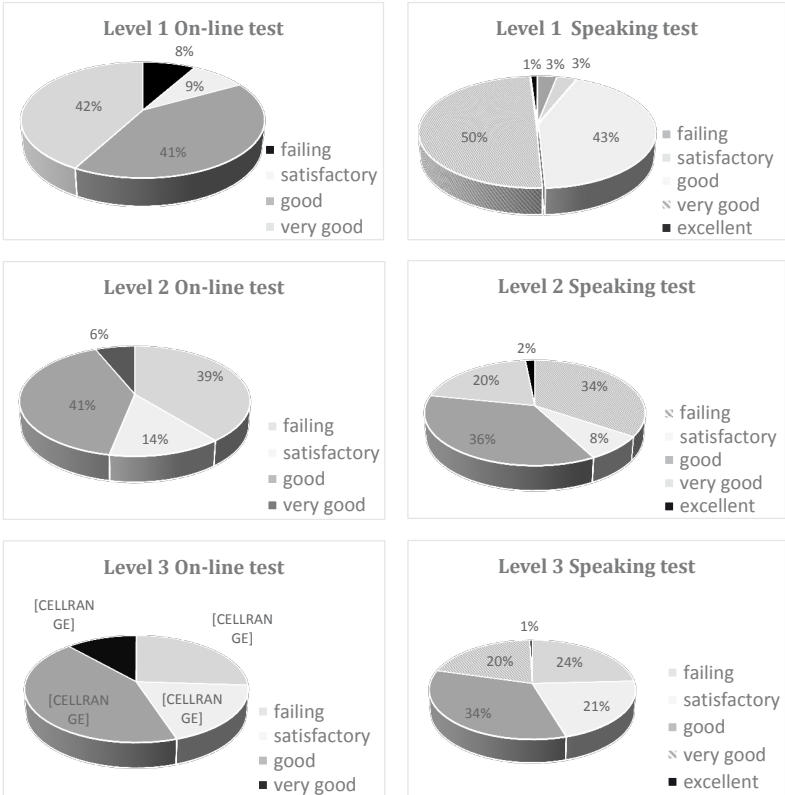
Figure 2. Results in on-line and speaking tests for Level 1, Level 2 and Level 3
(created by the author)

In author's opinion the data in figure 2 can serve as a basis for the following conclusions:

- the proportions of successful results in both tests are equal for each of the levels, which allows to assume that the results of the examinations are credible and provide a realistic overview of the examinees scope of knowledge and skills. There is a direct connection between the language users' speaking skills and lexical and grammatical proficiency, reading and listening skills, the border guards who have poor vocabulary and grammatical proficiency can hardly demonstrate high results in speaking tasks;
- the number of failures in both parts of the examinations is bigger among border guards who have passed the examinations for Level 2 and Level 3, the author described the possible reasons for that above.

Conclusions and suggestions

Based on the results of the analysis of the activities implemented during the research and the research findings the author comes to the following conclusions:

1. The results of examinations implemented in the course of the research are indicative of obvious overall improvement of border guards' level of knowledge of English professional terminology (in 2013 only 45% of examinees passed the test successfully, in 2019-2020 – the indicator reached 87%).
2. The level of knowledge of a foreign language and professional terminology is directly related to border guards' inner and external motivation, work needs and the level of general English they have when join the SBG. The more often they encounter the situations when they benefit from communication in English, the higher their motivation to learn English and improve the knowledge is.
3. The present requirements regarding the border guards' knowledge of English are not optimal and do not fully correspond to the real situation and needs in the structural units, which causes negative attitude to the language examinations and language learning itself.
4. The SBD delegated task to develop the SBG rules, on-line tests and implement the examinations caused a considerable increase in the workload of English language teachers of the SBGC, who along with the implementation of language training within formal and non-formal

education programmes are involved both in development of Border Guard specific training materials and resources and, being SBG officers, do other tasks delegated by the administration of the SBGC. Inadequate amount of tasks together with a relatively short period of time given for the organisation of examinations and Covid-19 spreading in the world in spring 2020 were the main reasons why the teachers succeeded to organise examinations only for 48% of the initially planned number of border guards.

5. Teachers who developed the tests have a lack of knowledge about the peculiarities of creating on-line tasks in Moodle platform, which resulted in some malfunctions of the test, in several cases examinees' performance was not adequately assessed due to inaccuracies or errors in the encodings of questions and answers. The support from specialist was needed to eliminate shortcomings.

6. The teachers encountered difficulties in organising examinations for the officers serving in the SBG units located far from the SBGC. Their participation in the examination caused additional financial expenses due to the need to cover the costs of transportation and daily subsistence and complications in planning personnel work schedules due to the lack of staff.

To improve the English language training and examinations systems in the SBG the author puts forward the following suggestions:

1. In order to get a more comprehensive picture of the officers levels of knowledge of English professional terminology in accordance with the SBG rules it is necessary to prolong the period of examinations at least for 1 year and test as many border guards as possible.

2. The SBG should reconsider the categories of border guards, who based on the SBG rules, are required to reach certain level of knowledge of English professional terminology, and to make a careful assessment of English language needs for the border guards working in border surveillance units.

3. The SBG should evaluate the possibility to set up computer classrooms in SBG territorial boards. The use of such classrooms could considerably save time and financial resources, ease the staff planning process and make it possible to organise distance English language examinations for border guards working in the units located at long distances from the SBGC, consisting of on-line tests and interviews in video conferencing modes. The computer classroom could be used also for implementing other e-learning qualification improvement programmes, which are becoming more and more popular.

4. In order to motivate and help the SBG officers improve their foreign language knowledge SBG in cooperation with SBGC English language

teachers should develop a system of qualification improvement courses both in general English and professional terminology meeting the needs of border guards with different levels of English proficiency. At present SBGC implements one qualification improvement course programme aiming at acquisition of Border Guard specific terminology only. The content of the programme is divided into three parts in accordance with the levels descriptors in the SBG rules. Currently there are no any programmes for the border guards who do not know English at all. Such kinds of programmes can be implemented by the SBGC teachers or some private company providing corresponding services. If SBG decides to organise the training in the SBGC it is important to evaluate the possibility to create an additional position of an English teacher in the SBGC and to ensure that the number of planned courses is adequate to a full teacher load based on normative regulations.

5. It is necessary to develop more training resources in English professional terminology, both electronic and paper-based, for border guards and ensure that they are available in all SBG structural units.

6. The SBG and SBGC administration should optimize the process of planning workload for English language teachers, to avoid overlapping of tasks, which can have a negative impact on the quality of tasks fulfilment, including organizing examinations for border guards on a regular basis.

7. In order to ensure the possibility to develop qualitative tests which can provide a valid and credible assessment of SBG officers' levels of knowledge of English professional terminology it is important to provide the SBGC English language teachers with the possibility to improve their skills in tests design, especially creation of tasks, formulation and selection of questions and answers to ensure qualitative assessment.

8. In order to reduce the time teachers spend to create on-line tests and reduce the number of malfunctions of tests, it is important to evaluate the possibility to establish an additional staff position in the SBGC tasked with creation of on-line tests, that is technical adding questions and tasks created by teachers to the on-line training platform.

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INTELLIGENCE CYCLE AS PART OF EFFECTIVE RISK ANALYSIS UNDER INTEGRATED BORDER MANAGEMENT

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Abstract. *The aim is to present common approach of processing of information as one of the main aspects for qualitative risk analysis, including all three components – threat, vulnerability and impact, in all levels: strategic, operational and tactical. The theoretical methodology is based on guidelines of common integrated risk analysis model (CIRAM), implemented in Schengen member states (MS) as a part of integrated border management (IBM). Based on the main task – to view particular legal bases and using historical research, analytical and descriptive methods, the legal bases of IBM in the field of risk analysis was explained, at first. Special attention was paid for description of each step of intelligent cycle, because only scrupulous following of methodology guaranteed the high quality of the product in situations when analytical units have huge amount of data from different sources every day. Different kinds of risk analysis (annual, quarterly, monthly, weekly or targeted for specific measures) are performed by European Border and Coast Guard (EBCG) and MS using the CIRAM methodology. Huge data flows should be managed in a structured way. The knowledge and practical implementation of CIRAM has a positive impact on overall internal security in the area of free movement. For this purpose, the amount of trained border guards was analysed.*

Keywords: *data management, information, intelligent cycle, risk analysis, sources.*

Effective risk analysis – key stone of integrated border management

Historically, when the area of free movement (Schengen zone) was created, the issue of *risk analysis* in this formulation was not of paramount importance. An integrated approach was taken to protect the common borders of the community, examining all interrelated areas and identifying possible strengths and weaknesses.

With a generalization of the best practices and recommendations for effective border control (Schengen Catalogue, 2002), appropriate terminology was introduced into use – "risk analysis", "risk level", "operational level", "tactical level".

"Activities at the external borders" (Schengen Catalogue, 2002) it has been determined that the main area of the overall border strategy is functioning border management, consisting of border checks and border

surveillance **based on risk analysis**". It should be noted that at this stage the implementation of risk analysis was advisory in nature.

In 2004, the Frontex Agency was created by the European Parliament and Council regulation, among other tasks, the task of conducting a risk analysis was delegated to the Agency.

Based on the CIRAM model, which was developed in 2003, the Agency was obliged to carry out a risk analysis in order to provide the Commission and the MS with adequate information about the situation near the external borders. The purpose of these measures was to take appropriate measures or eliminate identified threats and risks to improve IBM. That is, risk analysis has become mandatory for Frontex. But not for MS at this moment.

In turn, the Schengen Border Code as the part of IBM, in its first edition (2006), determined that border control includes not only checks at the border control points (BCP) and surveillance between BCPs, but also an analysis of the risk to internal security and an analysis of threats that could cause damage security of external borders.

Developing the IBM system of protecting external borders, in 2013 the regulations of the EUROSUR system were approved, the main purpose of which was the exchange of information and operational cooperation between countries, the vision of the overall picture in real time.

The migration crisis in 2015 revealed the need for more targeted measures than before. The tasks and responsibilities of the Agency were expanded with the approval of the new Frontex regulation in 2016, which secured 11 elements of IBM at the legislative level.

Among these 11 elements, designed to manage migration processes, as well as to ensure the security of external borders and internal security, a risk analysis according to the CIRAM model was developed into a separate element. The need for a vulnerability assessment was enshrined in law.

Also, article 4 of the updated Frontex Regulation defined the principle of cooperation with third countries, indicating that cooperation primarily focuses on neighbouring countries and those countries that, through risk analysis, are identified as countries of origin of illegal migration or transit countries on their way to Europe.

In turn, Article 11 (Regulation 1624/2016, 2016) provided for monitoring migration flows within the Schengen area and beyond in order to maintain preparedness for probable challenges in the field of illegal migration. Thus, for these purposes, the ongoing risk analysis according to the CIRAM model has become mandatory for MS.

The introduction of a systematic check of all persons crossing the border in 2017, designed to establish that the person is not considered a threat to the public order, internal security, public health or international relations of any of the MS, including in consultation with the Schengen

Information System and others relevant Union databases, emphasized the importance of analysing and assessing likely threats to internal security. (EBCG Consolidates Annual activity report, 2019).

In November 2019, the updated regulation on the European Border and Coast Guard came into force, which combines the regulations of the Eurosur system and the regulations of the Agency (Regulation 1864/2019, 2019).

As indicated by the first objective of Frontex, the Agency is responsible for monitoring migration flows and **risk analysis for all aspects of IBM**. The duty also includes conducting a vulnerability assessment, including assessing the readiness of MS to avert a threat and solve probable problems at external borders.

Thus, summarizing the above, it can be noted that today the legal basis for risk analysis performed by the EBCG and MS are two regulations – the Schengen Borders Code and the regulations of the European Border and Coast Guard, operates within IBM.

Information management – quality approach

With so many MS and other partners involved in operations, and the quantity of data that needs to be sorted and analysed, information management is an important aspect of Frontex's work. With over 42,000 km of coastline, almost 9,000 km of land borders and around 300 international airports, Europe sees around 500 million border crossings a year. The job of managing the flow of legal and illegal migration requires a clear picture of the current situation at all the EU's external borders — from airports as well as from the EU's other approximately 1800 Border Crossing Points both on land and at sea ports (EBCG, 2019).

The main question in the field of risk analysis is – how to process this huge amount of necessary data? The core stone is CIRAM – systematic and structured approach. The abbreviation CIRAM describes its meaning (CIRAM guidelines, 2012):
- *common* – refers to the concept of a methodology developed by the MS and EBCG for joint application at the national and European levels;
- *integrated* – refers to the goal of EBCG to promote IBM, while ensuring external border control at a high level;
- *model* – refers to an analysis system that ensures the use of common terminology and rules from all MS;
- *risk analysis* – refers to the systematic assessment of risk elements in order to inform persons responsible for the decision-making.

The risk analysis system is a systematic information management, with the help of which it becomes possible to identify and assess the

current or potential threat, vulnerability and impact in the field of border security. Information management is based to intelligent cycle (Fig. 1).

Figure 1. Intelligence cycle (CIRAM guidelines, 2012)

The cycle consists of 8 consecutive steps. The key importance of the methodology is the observance of the order of all steps, as well as quality work at each step.

*The step number one is **tasking***, whether it is the preparation of a periodic product (for example, an annual risk analysis) or targeted action to analyse a specific phenomenon (for example, illegal entry into the EU at a certain border control point). In order to get answers to the questions posed, the terms of reference (TOR) are being developed:

– the main goal of product developed by collecting and analysing information should be defined;

– the initial picture on this problem, the availability of historical data should be stated – what is required (for example, to inform about the trend or is its proactive information that needs an immediate response);

– a certain framework (for example, the admissibility of consultations with experts, the time period for analysis, required methodology; type of document, language, needs for classification of access to the final product);

– a phased plan for the implementation of the task is also being developed – who (individually or as a team/ possessors of certain skills), what/ when and how performs a task, with the definition of deadlines.

Why is this initial step so important? Using the TOR covers all important aspects of the request. The requirements that are put forward to the analytical product are clearly defined. Also, there is absolute clarity in the matter of the necessary human and time resources for conducting a

qualitative analysis. The CIRAM model advocates with the installation - "if something went wrong, this indicates gaps in the tasking".

The step number two is **collection**. The collection of information as part of the intelligent cycle is a planned activity. Of course, this does not exclude the routine process for previously defined tasks. Information gathering in accordance with the task is carried out on all three risk components and covers 4 levels of IBM (Fig. 2).
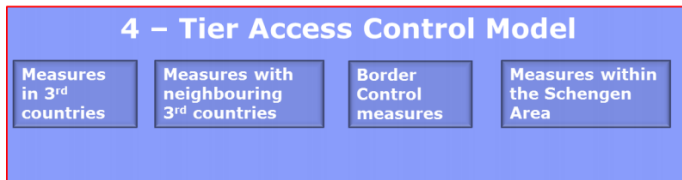
Figure 2. Integrated Border Management basis, 4-tier model (European Commission, 2017)

An important component of the collection is the direct relationship between quality analysis and access to meaningful, sufficient information and sources. At this step, particular importance is given to the sources of information, the information itself and the timeframe for obtaining the necessary information.

The step number three is **evaluation**. Collected information is evaluated on its suitability to the task, as well as assessing the reliability of sources and validitiy of information. For sources of information gradation from A to X is used, where the value A is assigned to the source in the reliability and competence of which there is no doubt. And further – by decreasing gradation to X, when it is not possible to assess the reliability of the source (for example, a new established regional newspaper). The most reliable sources are databases, information systems, Europol data, a system for recording incidents from joint operations of Frontex.

The information itself is estimated in a similar way, using a gradation from 1 to 4. Thus, 1 – the validity of the information is not questioned (even if it is obtained from a dubious source, but confirmed by a reliable source). Index 4 is assigned to information from a previously unknown source, and there is no way to otherwise confirm its validity (CIRAM guidelines, 2012).

The step number four is **collation**. After evaluating the sources and information, it is filtered – systematized for future use. Perhaps at this step it becomes clear that the information itself is valuable, but does not apply to a given task. Such information may be used in the future for other purposes.

*The step number five is **analysis and interpretation**.* This step is the culmination of mental processing of information. Here the whole picture becomes visible, when the assumptions put forward earlier are confirmed or refuted by reasoned judgments, thus being converted into conclusions. The main question at this stage is the question "why?", Which refers to the validity of the conclusions. In order to systematize the work of the analyst on all three risk components, the TVI / IDM matrix is used (Fig. 3).

	Identify	**D**escribe	**M**easure
Threat			
Vulnerability			
Impact			

Figure 3. Risk matrix (Author created, CIRAM analysts learning course materials, 2019)

*The step number six is **reporting*** – compilation or writing of a report. For this process, it is extremely important to refer to the initial requirements that were displayed at the first step when setting the task. It is also here that recommendations are made, if any, were requested at the first step.

*The step number seven is **dissemination**.* Any analytical product is classified in accordance with national requirements, registered in the manner prescribed by the institution. Also, at this step, feedback is important to all who was involved in the creation of product – local and regional levels or partners, from whom the necessary information was received at the initial steps. If it is not possible to distribute the analytical product due to its classification, it is necessary to compile a publicly available version of the document that does not contain a description of the vulnerability, as well as recommendations.

*The step number eight is **review**.* At the final step, an assessment of the effectiveness of the product takes place – is it possible to achieve the goal with its help (for example, if this is a tactical warning, is it possible to identify identical cases) and an assessment of the effectiveness of the work done is whether all the necessary actions were carried out in accordance with the requirements, how was the collection and evaluation of information, etc.

The advantages of using this methodology are the organization and systematization of the process, its structure, lack of randomness. Effective distribution of resources plays a very important role in conditions when they are limited by the number of responsible persons involved in the process or by performing other tasks. An undoubted advantage is the observance of time limits and the recognized quality of the analytical product developed in compliance with this methodology.

At the State Border Guard of Latvia the Frontex CIRAM learnig course are graduated by 3 officers, who are involved in study process delivering for local level officers. The updated qualification increasing program for local level officers from structural units, provided by State Border Guard College, was implemented from december, 2018.

27 border guards (41%) who in their daily duties are responsible for risk analysis, are trained at the begining of 2020.

Conclusions

Thus, the core of the analytical process are analytical actions, as a result of which the transformation of information into an analytical product occurs.

Analytical actions, namely following certain rules for processing of information, ensure the quality of the products being created. Using common terminology and methodology allows all MS to reach better understanding, speak the same language, and communicate in the field of risk analysis. It is also a good platform for measures of cooperation between the structures that are involved in the IBM process.

The global goal of risk analysis is to identify potential threats before they arise in order to plan the necessary actions to reduce or prevent the likely negative impact.

An integrated approach to risk analysis provides the opportunity for effective cooperation between law enforcement agencies involved in protecting the external borders of the EU. The basic principle of the information processing remains unchanged – successive regulated actions aimed at making decisions! Continuing the training process at the State Border Guard College of Latvia, it can be expected, that at the 2022, everyone border guard, who is responsible for the risk analysis at the local level, will be trained.

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THEORETICAL AND PRACTICAL ASPECTS OF USE OF ELECTROSHOCK WEAPON

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Abstract. *Currently, the use of firearms and special devices by law enforcement agencies in civilised democracies is strictly determined in accordance with the current legislation on the use of firearms and special devices. Their illegitimate or unauthorised application causes censure and sparks public outcry. Nevertheless, sometimes situations arise in which it is difficult and problematic for a law enforcement officer to make the right decision on the use of firearms, physical force, special devices and military working dogs. At the moment, the officers of the Latvian Border Guard are often simply unable to resist the illegal actions of offenders, since the current legislation is not always capable of justifying the lawful actions of the border guard. Also, sometimes the specific character of duty performance (a large crowd of people, the proximity of the state border) makes it impossible to use firearms. At the same time, the lack of regular training on the practical use of special devices (stack, handcuffs and others) significantly reduces the chances of their successful use by the Latvian Border Guard officers. Bearing and using electroshock weapons, and specifically stun guns of the TASER type, will significantly increase the level of security of the Latvian Border Guard staff, and will also allow the use of stun guns to ensure public order without risk to others and with minimal risk to the offender. The stun guns will allow you to blur the lines between physical abilities and the degree of physical fitness of the border guard and the offender, as a result of which a fragile girl - border guard can easily neutralise a raging athlete who is trying to disrupt public order and border control order with minimal harm.*

Keywords: *electroshock weapon, Latvian Border Guard, special devices, Taser, X26.*

Introduction

The application of firearms, physical force, special devices and military working dogs in the duty performance, in our time, is often the cornerstone between the law and an official using weapons and special devices. A border guard, while performing service duties, is obliged to protect the law, which provides, if necessary, for the use of firearms, physical force, special devices and military working dogs, but at the same time the border guard must strictly comply with the requirements of the law.

The study of this issue is more than relevant today, when society requires an increasingly humane attitude towards itself in various aspects of life. In this regard, it is becoming increasingly difficult for law enforcement officials to protect the law and society from offenders, since

the use of firearms and other more drastic remedies is censured by society and causes a public outcry. Therefore, law enforcement officers often face a problem how to protect society from the offender and inflict minimal harm on the offender. The authors of the work conducted a research of the use of stun guns over the past three years by law enforcement officers in Europe, the United States and the Russian Federation. Research methods consist in the study and analysis of materials available in the media, documentaries, as well as the use of personal experience of using special devices.

The main objective of this work is to prove the existence of a more humane means of ensuring public order than firearms and more effective than other special devices. Hypothesis of the work: all border guards performing service duties related to the immediate protection of the state border, as well as ensuring control of the immigration regime, must have stun guns during the performance of their service duties.

Peculiarities of use of stun guns by Latvian Border Guard officers

According to the Border Guard Law of the Republic of Latvia, a border guard, while performing service duties, is entitled to use physical force, special devices and military working dogs in the following cases:
1. To repel an attack on border guards and other persons;
2. To arrest persons who, with malicious intent, do not submit to or resist border guards;
3. To restrain the detained and arrested persons if they do not submit to or resist border guards when they are accommodated, removed or transferred under the supervision of security guards, or there is a reasonable suspicion that they may abscond or harm people nearby or themselves;
4. To repel assault to buildings, separate premises and means of transport that are guarded by border guards, as well as to liberate these objects if they have been taken over by armed persons;
5. To interrupt mass disorder and violations of public order if they have been committed in a group of persons (Border Guard Law, 1997).

Also, the Border Guard Law of the Republic of Latvia establishes the rules for the use of firearms. According to them, a border guard is entitled to use a firearm in order:
1. To repel an armed attack in the territory of Latvia or to terminate armed resistance by attackers;
2. To arrest a person violating the State border, if there is no other way of arresting the person;
3. To repel an attack and to terminate resistance, also an attack and resistance by unarmed persons, if actual threats are created to the life

of the border guard or other persons and if it is not possible to prevent such or if it is necessary to prevent an attempt to obtain a firearm through violence;

4. To stop a means of transport, causing damage to it, if its driver through his or her actions is causing actual threats to the life or health of a border guard or other persons and does not submit to a request by a border guard to stop the means of transport and if there is no other way to arrest the driver (Border Guard Law, 1997).

Considering the Section on the use of firearms, we would like to analyse the second paragraph on the use of firearms: "... To arrest a person violating the State border, if there is no other way of arresting the person." Based on a hard-boiled appraisal of the situation, we can confidently state that the other way always exists. And in the case of the use of firearms in such a situation, the border guard will be held accountable before the law, because there was "the other way."

Circumstances which exclude criminal liability, even if acts committed in such circumstances correspond to the constituent elements of a criminal offence provided for in the Criminal Law, are necessary self-defence, detention causing personal harm, extreme necessity, justifiable professional risk, and execution of a criminal command or criminal order (Criminal Law, 1998).

Consider a situation where a state border violator runs away from a border guard, ignoring commands and not reacting to warning shots. The border guard tries to arrest the criminal, but he fails to catch up with him due to the better physical fitness of the latter. Let's also imagine that in order to catch up with the violator, the border guard lacks five to seven meters. What remains to be done in such a situation? The first option is to let the violator go, thus not fulfilling service duties. In accordance with Section 18 of the Border Guard Law, the second option is to use firearms because "there is no other way of arresting the person..."

In the first case, we do not comply with the requirements of Paragraph 4, Section 13 of the Border Guard Law, which states: "...*to not allow persons and means of transport to cross the State border*, or freight and other property to be moved across the State border outside the locations provided for this purpose or in any other illegal way, *to detect and arrest violators of State borders*, as well as detect violators of border area, border area zone, border control point and border crossing point regimens... (Border Guard Law, 1997)"

In the second case, we deliberately shoot at a living person who does not attack us and does not threaten our safety. He just runs away from the border guard. The use of weapons looks somewhat wild from the point of view of a civilised person. So what to do?

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Now let's look at another example. At the border control point, a well-developed person, dissatisfied with the actions of the border guards, being unable to cope with the emotions overwhelming him, begins to behave aggressively and resist, ignoring the legal demands of the border guards. He is opposed by a fragile girl who has a special tool, namely, a baton. Who will logically be the winner in this situation? What to do after all?

And yet there is a fairly credible deterrent that allows you to solve such problems effectively and with minimal risk. With that, both the border guard and the violator remain alive. At the same time, the border guard fulfils his duties, and the offender realises that he was wrong. This device is an electroshock weapon of non-lethal action, which allows you to minimise injury and death during the arrest of a violator and able to hit a target at a distance of 4.5 to 10 meters. The electroshock weapon is a means used in cases when it is too early to use a firearm, and too late for other special devices.

The use of an electroshock weapon of non-lethal action is determined by the Cabinet Regulations: "An electroshock weapon shall be used if it is necessary to temporarily paralyse a person or an animal with a high voltage electric discharge. It is prohibited to send the electric discharge to the head, groin or heart area. (Cabinet Regulation No.55, 2011"

Currently, the Latvian Border Guard has such a special tool at its disposal. Almost every division has it, but, unfortunately, not enough. The second problem is the insufficient level of personnel's skills to apply such devices. As a result, electroshock weapons gather dust in warehouses and in arms rooms, but are rarely brought out.

American company Taser® International is a world leader in the development, production and distribution of personal electronic non-lethal weapons. The company was founded in 1993 and its name was Air Taser®, which corresponded to its first product - a self-protection device against electric shock. Today, it exports its products to over 60 countries. Many violent conflict situations do not require the use of lethal force or weapons to resolve them, but in such cases it is impossible to fully defend against aggressive actions. Effective non-lethal weapons increase the safety of police officers and detainees, save lives, help avoid lengthy and embarrassing lawsuits and improve public attitudes towards the law enforcement agencies. The Taser is positioned as a non-lethal and almost completely safe for human health device intended for use by the police in cases of chasing a criminal, against resisting arrest or detention, and for use on potentially dangerous people, in relation to whom, in a standard situation, firearms could be used. In a number of countries, the use of the Taser is included in the national principles of the use of force as one of the stages of influence on a suspect (Products, webpage).

At the moment, in the inventory of the Latvian Border Guard there is the TASER X26 stun gun. As the name of the device suggests, the electric discharge output is 26W, but the generated pulse wave form is slightly different and produces a stronger effect. The shape of the casing is designed to reduce size and facilitate portability. The only moving parts are the tongue and double-sided safety lever. Length with loaded cassette is 18 cm, height - 8 cm, thickness - 3.3 cm, weight - 270 grams. The casing is made of black, yellow or transparent plastic with overlays. Classic sighting devices are used. In addition, 650 nm laser optics and a diode lamp are installed.

A switch on the front of the viewpoint allows you to select one of four types of target irradiation: laser and flashlight, laser only, flashlight only, laser and flash are off. The liquid crystal display with two digits faces the shooter and informs about the discharge of the battery, calculates the remaining seconds of operation, the results of system diagnostics, the time and temperature of the weapon system. When the safety lever is pressed in the down position, the weapon is ready for use.

Figure 1. TASER X26 stun gun (Source: Products, webpage)

The X models do not have usage data records. However, instead of a battery pack that can be inserted into the grip, a Taser CAM module has been added, which consists of a battery and a miniature video camera with memory that can record the actions of a person using a stun device for up to 1.5 hours. The record is read by a computer.

The Taser shoots two small electrodes in the form of two barbed needles that transmit electrical discharge through two copper wires that remain attached to the main cartridge assembly. The shot is made using the compressed nitrogen gas propellant cartridge, as in some pneumatic guns and paintball markers. The cartridge contains enough compressed gas to fire one shot. After firing, the cartridge is replaced. A spare cartridge is

located at the bottom of the grip and, in case of a miss, quickly replaces the shot one.

Figure 2. TASER X26 stun gun mechanism (Source: Products, webpage)

The main technology of Tasers is based on the use of an electric discharge that causes neuromuscular paralysis. The electric discharge interrupts the brain's ability to control the muscles in the body, which creates an immediate and complete loss of balance and a temporary loss of the ability to move. This effect is not based on pain and cannot in any way be overcome by a person's volitional effort. As soon as the electric discharge ends its effect, the person immediately regains full control over the body. Most detainees who have experienced electric discharge from Tasers begin to behave more submissively to avoid re-discharge. Two harpoon electrodes pierce even a thick layer of clothing at a distance of up to 7.5 m, while 50,000 V cause a powerful convulsion throughout the body.

The use of the stun gun has a "de-escalation effect" on violators. Indeed, quite often, to calm the situation, it is enough just to threaten with its application and not to use it. Therefore, when using the stun gun in a real situation, there are several stages of its application. The first stage provides for a visual demonstration of a border guard armed with a stun gun, as well as a simultaneous verbal impact on the violator and warning about the use of the stun gun in case of disobedience. If this is not enough and the situation continues to escalate, then the border guard proceeds to the next steps. He touches the stun gun and demonstrates his readiness to take it out of the holster. Further, in case of disobedience, he continues to apply the following steps of using the stun gun: he takes it out of the holster, turns on the laser sight and aims at the violator, demonstrates an electric arc by

removing the cartridge. If all these methods of impact do not help "sober up" the violator, then the border guard aims at the violator's chest and fires a shot while saying loudly: "Taser, taser".

The impact on the violator lasts 5 seconds. After 5 seconds, the border guard, having analysed the situation, approaches the violator for several steps and again proposes to fulfil the legal requirements and warns about the repeated use of the stun gun. Usually one time is enough for the violator to stop resisting and go to cooperate with the border guard officer. If the violator continues to resist, then the stun gun application is repeated by simply pulling the trigger.

If, after the shot, the stun gun needles missed the violator or could not pierce the clothes, the second shot is fired. To do this, the cartridge is quickly changed to a spare one (after putting the stun gun on the safety lever) following by pointing and firing. In extreme situations, if it was not possible to quickly recharge the stun gun, it can be used in close combat by impacting on the violator directly with the electric arc.

Despite the positive feedback from many officers of law enforcement agencies, there are also opponents of the use of stun guns. In particular, in 2015, an investigative film by American director Nick Berardini was released in the United States. The film is based on the consideration of cases of the use of Taser stun guns. In an interview, the director expressed the opinion that the danger posed by stun guns is underestimated. Shocking archival footage accompanies candid interviews with cardiologists, lawyers, police officers, politicians, families who lost loved ones after using the Taser stun gun against them, and a representative of Taser International.

Figure 3. Application of TASER X26 stun gun (Source: Products, webpage)

Similar incidents occur regularly around the world. For example, in Russia, two law enforcement officers from Irkutsk hit a 24-year-old local resident with a stun gun to wake him up - as a result, he died of heart

failure. According to the mother of the deceased, her son was returning home from a club, was drunk and fell asleep in a taxi. After the driver was unable to wake him up, he turned to the security officers, who are now accused of abuse of office.

A similar case occurred in the town of Pirmasens in South-Eastern Germany. A person with a mental disorder had to be transported from his own apartment to the hospital. As he resisted as best he could, the police officer used a stun gun against him, from which the 56-year-old man never recovered. He lost consciousness in the police car and died shortly after arriving at the hospital.

The prosecutor's office is investigating this incident. So far, a direct causal relationship between the use of the stun gun and the death of a victim has not been established, since it is necessary to take into account a lot of factors that could affect the condition of the man. Meanwhile, the tragic incident in Pirmasens is far from the only one. Three more similar incidents have been reported in Germany. According to a study by Reuters, over the past 20 years in the United States alone, a total of about a thousand people have died as a result of the use of stun guns. Meanwhile, in 153 cases, the results of the examination indicated death from the consequences of an electric shock or shocks without any additional factors affecting the body.

There are certain risk groups when using a stun gun. "In such cases, a healthy person cannot have any serious problems," Thomas Deneke, Head Physician in one of the hospitals in Bavaria specialising in cardiovascular diseases says. However, Deneke adds, if a person has heart problems or is taking certain medications or drugs, a shock by a stun gun can be life-threatening. This is precisely the major issue. The Taser is a proven device against people who are trying to commit suicide, as well as aggressive people with mental impairment. They often take medication or are under the influence of drugs. Among other things, they are in a state of extreme stress. All this at least contributes to the fact that an electric shock can lead to a heart attack.

Conclusions

That said, despite such statistics, there are undoubtedly more cases when a stun gun saved the life and health of a law enforcement officer and other people. The number of cases in which firearms are used and people die is many times greater. What then? Should we prohibit officers of power structures and law enforcement agencies to use firearms? Weapons and special devices are not applied against law-abiding citizens. Offenders are also given the choice to comply with legal requirements or to continue the illegal actions before using arms against them. Before using firearms and

special devices, a law enforcement officer warns the violator about the use of one or the other. Therefore, in most cases, the violator has an informed choice. In the event of a sudden attack, the stun gun remains out of competition. Skilful and quick use of the stun gun in most cases will save the life and health of both the law enforcement officer and the violator.

Taking into account the experience and specificity of the Latvian Border Guard, the use of stun guns (in particular Tasers) would be more effective and justified than the use of firearms and special devices. Correct organisation of the training process for the use of stun guns, psychological training of personnel can significantly increase the level of competence of Latvian Border Guard officers, as well as increase their protection from the actions of violators.

Today practically every division of the Latvian Border Guard has Taser stun guns. However, the problem lies in the fact that there is a shortage of them to fully equip the Latvian Border Guard officers performing service duties related to the immediate protection of the state border and control of the immigration regime. Also, not much attention and time is paid to training the officers of the Latvian Border Guard on the use of stun guns. Each unit has certified professionals, whose main task is to train officers, but still, the officers are not able to answer questions about stun guns with confidence and knowledge of the matter, which indicates an insufficient degree of training in the Latvian Border Guard units.

How can this problem be solved? First, it is necessary to find an opportunity to purchase Taser stun guns in an amount sufficient to provide the personnel of the Latvian Border Guard involved in immediate protection of the state border and control of the immigration regime. Second, to organise high-quality training of personnel on the use of stun guns (training courses for at least three days), using instructors available in each unit, and, if necessary, involving lecturers of the State Border Guard College or foreign experts. Third, to ensure regular training in the use of stun guns for the personnel of the Latvian Border Guard units involved in the immediate protection of the state border and control of the immigration regime. And finally, fourth, to bring out stun guns to officers along with other special devices for the duration of their service duties related to the immediate protection of the state border and control of the immigration regime.

According to the authors, the fulfilment of the above conditions will allow not only to increase the effectivity of performing tasks and duties by the Latvian Border Guard officers but also significantly increase the prestige of the Latvian Border Guard.

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POSSIBILITIES OF DEVELOPING INTERACTIVE E-LEARNING SYSTEM FOR BORDER GUARDS TRAINING IN THE STATE BORDER GUARD COLLEGE OF THE REPUBLIC OF LATVIA

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Abstract. *Efficient use of educational technology and digital learning possibilities has always been the strategic area of high importance in border guards training at the State Border Guard College of Latvia. Recently, issues related to training during the Covid-19, have spurred and revived the discussion, topicality and practical need to use the potential of e-learning opportunities which brought up unexpected, additional, previously unsolved, unexplored, challenges and tasks to border guards training. New opportunities and challenges for trainers, learners and administration of training process both in online communication and learning administration contexts. In order to find out and define further e-learning development possibilities at the State Border Guard College the authors of this research explore the scientific literature on the current research findings, methodologies, approaches on developing interactive e-learning systems in educational contexts, particularly within the sphere of law enforcement. Based on scientific literature research findings authors put forward suggestions on improving the e-learning systems for border guards training.*

Keywords: *digital competence development, e-learning, online communication.*

Introduction

The rapid advance of science and technology is related to the quality of life, including health, civic engagement, social connections, education, security, life satisfaction and the environment (OECD 2018). E-learning as an integral part of 21st century has become mainstream in the education sector and has been massively adopted in higher education, including in military training contexts. Evaluation of e-learning systems is vital to ensure successful delivery, effective use, and positive impacts on learners (Al-Fraihat, Joy, & Sinclair, 2019). In order to facilitate border guards training process, systemize training materials and provide open learning possibilities the State Border Guard College (hereinafter – SBGC) introduced e-learning system in Moodle 2008. According to researches of

the lecturers of the SBGC the topicality of distance learning has increasing character, particularly with distant learning implementation during Covid-19 lock down. Earlier researches indicate that since 2014, the number of qualification improvement programs and personnel trained in the e-learning format is increasing and it is demanding to update training materials, develop a mechanism to ensure regular updating of the content in the e-learning system, explore the possibility of applying the latest trends in e-learning (Pavlovics, 2018). The development of e-learning in the State Border Guard College is one of the concern topics within the Ministry of the Interior in order to analyse the best practices in e-learning, finding common solutions and possibilities to unify the e-learning platforms among subordinated law enforcement training institutions (Spridzans, 2018).

Despite the fact that SBGC infrastructure is ready to work in distant learning mode according to authors empirical observations the personnel of SBGC was unprepared for lecturing online lessons during Covid-19 lock down period. In order to avoid similar issues in the future, to find out the possibilities to enhance border guards e-learning possibilities the authors of this research have used the monographic and document analysis method, hence providing the opportunity to explore, analyse and summarize other research findings results on the topic concerned. Authors believe that more emphasis should be put on SBGC lecturers' digital competence development, guidance and appropriate assessment in order to further develop border guards' e-learning systems.

Research period includes 2014 – 2020, authors have also summarized analytical judgments based on previous researches, as well as using the authors' personal pedagogical experience. The research methods included setting research objectives, the selection of methods for data gathering, processing, and analysis of the data and interpretation of the data. Key results of research findings are summarised in conclusions and suggestions of this article putting forward suggestions in order to develop e-learning system at SBGC.

E-learning implementation trends and approaches within militarised and civil education contexts

Recent changes in education contexts have also left impact on border guards as military training institution. Researchers note that information technologies requires a number of changes in higher military education. The relatively short-termed military education turns into a lifelong learning. It becomes more widely profiled than specialised. In this regard researchers suggest to put a priority should not on learning and utilization of concrete examples of a new technique but forming a common military

culture for the officers of different types and kinds of forces, which should provide an efficient military professional activity (Terziev & Nichev, 2017). According to research of Persson B. (2018) study officers and the cadets indicated that interactive learning was a good compliment to more traditional education. Other researcher findings conclude that unless a traditional course is extensively reconfigured for e-learning delivery, there likely will be no improvement in soldier performance. Courseware design and delivery, more than delivery technology and facilities are to be the defining variables in e-learning success (Wood, Douglas, & Haugen 2002).

One of the major issues in successful e-learning course implementation is teacher-student communication. Teachers and the students are used to traditional face-to-face interaction and, in order to reach better learning outcomes, the teachers must conduct an in-depth research related to best practices on interaction in e-environment, need to generate frequent communication and motivate students to participate, structure discussions so that they are meaningful to students, facilitate interactions, encourage student collaboration, analyse progress and gather and provide feedback (Spridzans, 2018). Similarly the research (Liaw et al., 2007, Selim, 2007) indicate vital role of students' and instructors' attitudes and interactions vital in e-learning success. The findings of Islam (2013) suggest that beliefs about perceived usefulness and perceived ease of use, and how an e-learning system is used influence students' perceived learning assistance and perceived community building assistance. In turn, perceived learning assistance and perceived community building assistance influence the students' perceived academic performance.

According to European Network of Education Councils the integration of ICT in the learning process calls for a higher level of didactical and pedagogical competences of teachers. This impacts on the different aspects of the whole learning process: modelling and targeting the learning process to the developmental needs of the learners, assessing the competences. Flexible and collaborative approaches are gaining more attention. More team work amongst teachers offers opportunities for role differentiation (expert in development of courses, coach, managing learning processes) and for more effective differentiated teaching of children and young people with a variety of needs. New learning practices such as distant teachers, peer teaching, flipped classrooms should be stimulated (EUNEC, 2014)

Čižmešija et al. (2018) define meaningful application of modern digital technologies in the educational process to contribute to the quality and efficiency of learning and teaching by imperative for each higher education teacher to acquire and continuously improve his/her digital competences for planning, delivering and assessing the educational process and communicating and interacting with his/her students and peers.

Researchers encourage teachers to be open to teaching in a digital environment and adapt their teaching styles to new technologies and with the aid of appropriate digital resources, teacher should also be able to create new and adapt the existing digital educational content, following key aesthetic principles in their design, respect and advocate high ethical principles, copyrights, licences and other legal provisions governing the use of digital technology. Goodwyn (2017) indicated the need to highlight lead teachers which are recognized and respected by teachers as exemplary teachers since they have demonstrated consistent and innovative teaching practice over time. They continue to seek ways to improve their own practice and to share their experience with colleagues. Teachers are the main actors in turning on new technologies to rich and innovative learning environments. They have to rethink their evaluation and assessment practices to informal learning. They have to redefine their roles from deliverers of knowledge to co-creators and developers of competences (Goodwyn, 2017). Also Duffy & Cunningham already decades ago asked us to focus education and training needs to shift from passive reception of data to student knowledge transformation wherein an individual constructs new knowledge through interactions and negotiations by using constructivist principles include building on student prior knowledge, making learning relevant and meaningful, giving students choice and autonomy, and having instructors act as co-learners. Researchers also encourage educators to design tasks where learners solve real world problems, reflect on skills used to manage one's own learning, address misconceptions in their thinking, categorize problems around themes and concepts, and generally take ownership for their own learning (Duffy & Cunningham, 1996). Undoubtedly teachers are the ones to make changes in education systems, however, teacher training and in-service professional development institutions often lack the vision and capacities to promote innovative teaching methods and an extensive and integrated use of technologies (EUNEC, 2014). Further research suggests that middle leaders (heads of department and subject coordinators who are also teachers) and other informal teacher leaders have importantly increasing role and they are a vital link between teachers and senior leaders and are perfectly positioned to support the learning of their colleagues, hence middle leaders need ongoing development to enhance their skills in working alongside others to investigate their practice, articulate and share their knowledge, ask the right questions about evidence, trial new strategies and evaluate impact. They also have to be able to understand and facilitate professional learning, access, critique and share external knowledge, practice coaching skills, and develop trust with colleagues (Porritt & Spence-Thomas, 2017).

The topicality of teacher competence development to enhance e-learning capacity for border guards training

Research suggests that the use of technology in education and the associated professional development are relatively new phenomena. Even so, they have gone through several stages of evolution, each stage has been influenced by both the available technologies, our understanding of the psychology of learning, and the readiness of faculty to use the technology with their students. For most teachers the transition from teaching in classroom to online involves exposing faculty to a number of activities and experiences that over time will increase their knowledge, skills and confidence (Howard et al., 2005).

Teachers must be aware of specific technologies that pertain to each area of content, new pedagogical skills and concepts to be mastered, ways of dealing with unintended consequences of new tools and information sources and specialized knowledge about teaching with technology, some of which lies in the interactions between technology, content and pedagogy (Cunningham & Allen, 2010). Another important element to be used in order to develop e-learning systems would be effective professional development which is strongly enhanced through collaborative learning and joint practice development, creating professional learning communities within and between schools (Harris et al., 2012). The impact of any professional development is increased if other people within the school can benefit from it by the principle of cascading which is cost effective, however much depends on the time available to cascade and the quality and confidence of the individual, and their perceived status in the school. Cascading happens at the start of new initiatives but the impact is reduced if there is no support or input later on. Researchers suggest that people should have half day's non-contact time after each day's course to cascade and set up ways to implement new ideas. For some individuals and groups improvement seems too problematic a concept to mention. First it implies that things are currently not as good as they might be, the acknowledgement of which may be accompanied by a sense of personal discomfort and lead to social difficulties. Hence in some circumstances individuals maybe best advised to talk about enhancing their practice rather than improving it (Swann, 2012). In similar view is also Collin Brock (2015) when in the context of education reforms and teacher development concludes that sometimes the system can create a space in which innovation can take place, in this context he points out that the disadvantage is that innovation can be perceived as shock, which has to be reacted to, rather than as a necessary operation of professional life, which has to be encouraged (Brock, 2015).

International collaboration to improve e-learning systems for border guards

The State Border Guard College of the Republic of Latvia Border and Coast Guard Academy of Finland, Estonian Academy of Security Sciences, State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania from September 1, 2018 participate in Erasmus+ Strategic partnership project "Development of e-learning systems for border guards" where e-learning systems in border guards' education institutions are compared and analysed in order to define e-learning success factors. During four international meetings and workshops at national level best practices for developing e-learning systems for border guards are going to be summarized. The results of the needs analysis clearly indicate the importance to have strategic approach to e-learning development, need to enhance teacher digital competence improvement, and develop clear guidelines on how to develop and use e-learning systems at its best potential. The needs and SWOT analysis on project implementation and sustainability indicated the topicality and need for project outcomes with the main issues of concern:

1. Lecturers understanding on design and implementation of e-learning in the learning process is different among the partner countries. There is a need to have a strategic approach with regards to design and implementation of e-learning systems particularly by constant teachers' in-service training;

2. With the growth of digital technologies and their potential to facilitate teaching and learning processes there is a need to audit and update e-learning systems, making student centred learning approach at focus by providing collaboration, knowledge sharing and meaningful learning opportunities.

3. It is necessary to summarize the best practices on interactive content development, demonstrate practical examples on how to transform traditional learning materials into e-learning environment.

4. Teachers need to see examples how interactive training materials are developed in other institutions, provide separate section where they can see examples of other teacher created e-learning resources and experiment on their own.

As the result of this Project guidelines for improving e-learning systems in border guard training institutions shall been developed with practical examples and demonstrations on creating interactive training content. The guidelines are intended to increase teachers' and IT experts' theoretical knowledge and practical skills in using Moodle and other and tools for developing interactive learning content and can be used by border

guard and other law enforcement training institutions managers who are planning to introduce update or audit their e-learning systems, trainers who need to update their knowledge and skills in using e-learning tools and develop common methodologies for e-learning implementation (Erasmus+ strategic partnership project materials, 2020).

Conclusions and suggestions

Based on research results the authors conclude that that education technologies and e-learning practices evolve as society evolves and are particularly emphasised during non-standard educational events, as currently experienced in pandemic context. Successful implementation of full-fledged e-learning potential can only be reached by teacher digital competence development thus leading to strategic integration of technologies in the learning processes meaningfully. Furthermore, teacher competence development should be prioritized and organised on regular basis in order to facilitate efficient e-learning opportunities. Successful implementation of e-learning process requires support to teachers to learn formally and informally, cascade the knowledge obtained within the community of practice. Administration of education institutions need to communicate e-learning development strategy clearly at all levels of subordination, experts in the field of e-learning should lead, direct and adequately supervise functioning of e-learning systems.

Based on research findings authors put forward the following suggestions in order to improve border guard e-learning systems.

1. Having in mind the recent global contexts e-learning topicality should be revisited, particularly by highlighting teachers' digital competence development necessity.
2. Teachers' digital competence development should theoretically and practically include the topics concerning the use of meaningful and interactive e-learning solutions, communication peculiarities and best practices in organising and implementation of online communication.
3. Teachers' digital competence development should be implemented not less than once a year e.g. preceded by the annual attendance of methodological seminars by law enforcement education institutions or in combination with civil institutions focusing on practical usage of learning management systems, peer learning, observation, interacting with other educators in order to share best practices in military education pedagogical approaches, as well as the best examples for the development of digital teaching aids and its application in teaching processes.

4. In order to further develop e-learning systems strategic communication and cascading of information should take place. Management should objectively evaluate and encourage further development of educators' digital competence taking into account military environment peculiarities by designing a tailor made digital competence evaluation mechanism.

5. International collaboration projects, such as Erasmus+ strategic partnership project for the development of e-learning systems at border guards training institutions and other international projects where teachers have the possibility to see best practices in developing and implementing e-learning systems play crucial role in further development of e-learning systems at local level, hence initiation and implementation of such collaboration projects focused on digital content development for operationally efficient border guards training should be organised on a regular basis.

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CHALLENGES AND DEVELOPMENT OF THE ASYLUM SYSTEM IN THE EUROPEAN UNION

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Abstract. *There still is a lack of unity among EU Member States on asylum issues, both, in the practical application of the existing legal framework and in the direction of the common asylum system. Latvia is subject of both international and European Union common asylum conditions. Any changes in the scale of the European Union affect Latvia, and the world situation in the field of refugees also affects our country. The aim of this article is to analyse the current situation of asylum in the EU, touching upon main trends in the world of refugees, and to identify the main problems in the existing asylum procedure in the EU. In order to achieve objectives, following research methods were used: monographic research of theoretical and empirical sources in order to analyse and evaluate various asylum domain information, analytical method in order to acquire legislative content and verities, comparative method in order to discover differences in legislation of asylum procedure in EU countries, systemic method in order to disclose interconnections in legislation, descriptive statistics method and correlation analysis in order to analyse process of asylum procedure and determine interconnections in asylum procedure time frame between legislation and practical instances in EU countries.*

Keywords: *asylum law, asylum system.*

Introduction

Nowadays the asylum procedure and rights to request an asylum are still in honour. Despite different opinions and discussions, all international organizations stress the importance of existence of asylum procedure, necessity of international rights and fact that international refugee law, international human rights law and international humanitarian law provide a legal framework for strengthening refugee protection.

Despite such problems as pressure of irregular migration, different economic, social and even ethical and moral problems, it is impossible to refuse an issue mentioned above – respect of human rights. Since the rights for asylum, as a part of human rights, are found in fundamental documents of human rights (The Universal Declaration of Human Rights, the United Nations General Assembly, 1948, 1951 Refugee Convention relating to the Status of Refugees, 1951, The Convention for the Protection of Human Rights and Fundamental Freedoms, better known as the European Convention on Human Rights, 1950, CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION, 2012). European Union (further – EU) fundamental document (Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union -

Consolidated version of the Treaty on the Functioning of the European Union - Protocols - Annexes - Declarations annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon, 2007) and in national legal acts of every EU member state, it is set that EU must obey international terms of providing protection. The Union shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of non-refoulement. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures for the establishment of a common European asylum system.

This article examines current situation in the EU, real situation and legal situation according to granting international protection in the EU. The author analyses different legal acts, uses statistical analysis, announcements on EU organizations, and information from the EASO Asylum Report, that provides a comprehensive overview of key developments in asylum in European Union Member States, Iceland, Liechtenstein, Norway and Switzerland (EU+ countries). The report describes changes to policies and legislation at European and national levels, shares best practices and summarises challenges which persist. It presents trends in asylum patterns, key indicators and examples of case law to showcase how European and national laws are interpreted and applied in the context of the EU asylum acquis.

Contemporary trends in asylum rights

Since Europe again faced a growth of international protection applications in 2019 (first time since 2015), the asylum is still a high priority in EU policy (EASO 2020.gada ziņojums par patvērumu, 2020).

The situation in the region of EU and neighbouring states is important for Latvia as an EU member state. But it is important to understand the common situation in the world. The UN judges the refugee situation global because the number of refugees and displaced persons in the world is much bigger than in our region. According to the UN statistics, turning from absolute numbers, a different pattern emerges when comparing the share of refugees to the population size of the host country. In relative terms, at the end of 2018, the top countries to host refugees were Lebanon (156 refugees per 1 000 inhabitants), Jordan (72) and Turkey (45). All three countries are neighbouring Syria and this geographic proximity, independent of the host country's size, naturally facilitates access for large numbers of displaced Syrians who cross country borders in search of

security (EASO Asylum Report 2020, Section 1. Global overview of the field of asylum in 2019, 2020).

The number of refugees in the world does not decrease; it continues to increase, changing regions where this increase is bigger of smaller. Thus the number of asylum seekers in the EU increased in 1990's, then in 2015 and the latest growth – in 2019.

According to involved international organizations (UNHCR, IOM, EASO and others) and to scientists and scholars in the field (Guy S Goodwin-Gill - the International Refugee Law Scholar, Jane McAdam, Velluti, S., Smyth Ciara and others) the asylum item is very complicated. The solutions are being browsed for many years. Many understand that these solutions should be integral and more many-sided than current ones. But there is nobody to suggest precise formulations and solutions. States are still left alone to seek a solution to this problem. Of course, there is human aid, there are discussions about help to host states, but still states that face the refugee flow first, are forced to undertake the hardships and responsibility. Large movements of refugees and migrants have political, economic, social, developmental, humanitarian and human rights ramifications, which cross all borders. These are global phenomena that call for global approaches and global solutions. No one State can manage such movements on its own. Neighbouring or transit countries, mostly developing countries, are disproportionately affected. Their capacities have been severely stretched in many cases, affecting their own social and economic cohesion and development. In addition, protracted refugee crises are now commonplace, with long-term repercussions for those involved and for their host countries and communities. Greater international cooperation is needed to assist host countries and communities (New York Declaration for Refugees and Migrants, 2016).

The fact that all civilized world has to obey objectives and principles of Charter of the UN (Charter of the United Nations, 1945) was stressed again on 19th September 2016 during the discussion upon New York Declaration (New York Declaration for Refugees and Migrants, 2016). Also this fact was reissued in The Universal Declaration of Human Rights (The Universal Declaration of Human Rights, the United Nations General Assembly, 1948). Thus it was repeatedly set that all human's, refugees' and migrants' right will be completely secured disregarding their status because everyone has equal fundamental rights and freedoms.

Following the adoption of the New York Declaration, the UN Secretary-General and seven Member States on 20 September 2016 co-hosted the Leaders' Summit on Refugees to increase global responsibility-sharing for refugees. At the summit, 47 States committed to legal or policy changes to enhance refugees' access to education, lawful employment and social

services; substantially increase humanitarian aid; and expand access to third-country solutions, including through resettlement or complementary pathways (Summary Overview Document Leaders' Summit on Refugees, 2016). It was stressed that states keep rights to manage and control their borders, observing international law, including international human rights law and international refugee law, promote international cooperation on border control and management as an important element of security for States, including issues relating to battling transnational organized crime, terrorism and illicit trade. It is also stressed that the training of state officials and law enforcement employees is highly important. These officers are the first who face asylum seekers at state border and their decision is decisive for human destinies. So UN is ready to support strengthening international border management cooperation, including issues relating training and exchanging best practices that strengthen support in this area and help building capacity accordingly. In accordance with the principle of non-refoulement, persons may not be returned to the border. In accordance with these obligations and principles, States have the right to take measures to prevent the illegal crossing of borders (New York Declaration for Refugees and Migrants, 2016).

The New York Declaration repeatedly points at fact that refugees are in high danger from the side of international criminality during their path; the Declaration is reaffirming the importance of the United Nations Convention against Transnational Organized Crime and the two relevant Protocols thereto (New York Declaration for Refugees and Migrants, 2016). It should be stressed that EU human trafficking fighting policy is highly evaluated in the UN (New York Declaration for Refugees and Migrants, 2016).

Challenges in granting international protection in the EU

With the outbreak of massive refugee flow the EU had to concern following aspects. It was necessary to evaluate national possibilities and international legal liabilities; to ensure the identification of persons who need international refugee protection; to ensure secure, adequate and decent admission conditions especially for persons with special needs – human trafficking victims, children, especially ones who are unaccompanied or separated from families, sexual coercion victims. To achieve these goals host states needed aid from other member states. Within the frame of Frontex joint operations experts from different member states were deployed. These experts were performing individual registration, documentation and identification of asylum seekers. However the support of human resources is not enough to provide all asylum procedure stages and terms. Aid in biometric technologies and other

technical and financial resources is also needed. To ensure order in host states it is necessary to introduce the order of further residence of asylum seekers until the accomplishment of asylum procedure. There is also need in legal support such as registration of civil status, registration of new-borns, marriage, death etc.

The EU is generalizing official statistics of asylum seekers, but European Asylum Support Office (further – EASO) stresses that nevertheless EASO uses both data published by Eurostat and through the EASO Early Warning and Preparedness System (EPS) data exchange to produce both public and restricted analyses of asylum trends, it is hard to pass judgement on administrative pressure on states where asylum application was made or states that are involved into asylum procedure according to the Dublin Regulation (Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, 2013). EASO works actively to improve the quality of information. Nonetheless, some discrepancies have been found which affect the interpretation of data on asylum, namely:

1. In 2020, data integration has become the most pressing issue in the area of analysis and research. In other words, the utility of data is now measured by the extent to which it can be 'linked' to other data in order to multiply its potential. For example, data on Schengen visa applications and the number of asylum applications are available, but these data originate from different sources and are not linked. As a result, it cannot be deduced how many people first applied for a visa and then applied for asylum. The more data become linked with the necessary level of precision, the more the EU can design a future-proof and efficient asylum system based on a detailed understanding of the underlying trends.

2. Administrative data tend to count administrative procedures rather than individuals, so information exists on how many applications were lodged but it is not clear how many people were involved in these procedures. This can have considerable consequences on the interpretation of the data and how they are used to support decision-making. For example, counting applications may produce over-estimations at the EU+ level when some individuals submit multiple applications at different times or in different countries. At the same time, applications might under-estimate the actual pressure on national asylum authorities because their number is dependent on administrative capacity to register applications (EASO Asylum Report

2020, Section 4. Data on the Common European Asylum System, 2020).

Concerning the mentioned Dublin Regulation, it is necessary to remember that the Regulation and all Dublin system attracts attention to itself because it gives real and practical solutions to EU asylum system in the fields of human rights observance, protection applicants and fighting fake applications in the EU.

The European Commission proposed a reform to the current Regulation in 2016, but without an agreement being reached between Member States, the Dublin system continued to be at the heart of public debates in 2019. Pending the future reform of the Dublin system, European and national courts continued to interpret some of the rules, delivering guidance based on each individual case. EASO estimates show that many applicants continued with secondary movements in 2019, while implemented transfers remained relatively low. Nonetheless, relatively few legislative and policy developments occurred in 2019, with the exception of countries experiencing a significant rise in the number of asylum applicants placed in Dublin procedures, such as Belgium and the Netherlands. It is relevant to note that the discretionary clause in Article 17(2) was used as the legal basis for ad hoc relocation schemes (.EASO Asylum Report 2020, Section 5. The Dublin procedure, 2020).

Mainly the development of Dublin system in member states is connected with organisational and institutional changes. For example in Lithuania the transfer of asylum applicants to the responsible Dublin state became the task of the State Border Guard Service, which previously shared this responsibility with the police. In comparison in Latvia the responsibility of Dublin Regulation execution was initially in the competence of the State Border Guard, but the decision of transfer is made by other institution – the Office of Citizenship and Migration Affairs. However some states have improved their legal side. The Netherlands following a ruling by the Council of State, the Dutch Aliens Act (Vw, Vreemdelingenwet) was amended (Article 50a) to permit applicants or Dublin claimants residing legally after the decision on the asylum application and awaiting a transfer to be stopped, transferred to a place to be questioned, questioned and kept in custody for a maximum of six hours to assess whether detention is necessary in the framework of the Dublin procedure (decision on the responsible state and implementation of the Dublin transfer) (NL LEG 01). Previously this was only possible when there was a reasonable suspicion of irregular stay (EASO Asylum Report 2020, Section 5. The Dublin procedure, 2020). Also some other legal conditions were introduced at the same time to limit the number of fake applications. The difference between court systems and court decisions in different

member states are seen in EASO report in 2019. Such differences do not help to implement common Dublin procedure. For example EU court in case between the Netherlands and Germany upon applying Dublin Regulation criteria to a Syrian citizen decided that during a procedure of identifying a responsible member state, a member state that received an admission or readmission application and that refuses this application after necessary procedures and terms, and that receives a re-examination request, should answer to this request within two weeks in the spirit of reciprocity and good will. In case the requested Member State does not reply within the period of two weeks to the re-examination request, the additional re-examination procedure shall be definitively terminated, with the result that the requesting Member State must, as from the expiry of that period, be considered to be responsible for the examination of the application for international protection, unless it still has available to it the time needed to lodge, within the mandatory time limits laid down for that purpose in Article 21(1) and Article 23(2) of Regulation No 604/2013, a further take charge or take back request (JUDGMENT OF THE COURT, 2018). The essence of the case follows: On 22 September 2015 the applicant in the main proceedings, an Eritrean national, lodged an application in the Netherlands for the grant of a temporary (asylum) residence permit with the State Secretary. According to the Eurodac database, he had previously lodged an application for international protection in Switzerland on 9 June 2015. It is indicated, in addition, in the file submitted to the Court that the applicant in the main proceedings at the end of May 2015 crossed the Mediterranean into Italy, where however his fingerprints appear not to have been taken and where he apparently did not submit an application for international protection.

Previously involved states had several discussions on such questions as possibility of refusal of application if EURODAC shows that the asylum was requested in this state before, is not-answering to a request is considered as a positive answer, is it necessary to give an answer to a re-examination request within two weeks. These questions are formulated in the Dublin Regulation, but the Regulation does not state what happens if any member state does not follow regulations, does not follow the terms, refuses a reasonable request or simply does not answer. At the same time it is discussed which day should be considered as an official start of the asylum procedure, because the right of asylum seeker for application examination in short terms is being violated during the argue between states about stating the responsibility. In fact the term of asylum procedure should not be affected by court process between states. In case if a member state that has received a readmission request, refuses to this request, the

responsibility falls on a member state that has issued this request. In this moment the term of asylum application examination starts.

It should be also mentioned that due to Dublin system there are member states that are forced to receive more asylum seekers than are transferred to other member states according to aid request. Mainly these are states that initially face a big number of protection applications. Such absurd implementation of these two systems parallel and uncoordinated should be dismissed (AUSTERS, A., BEITNERE-LE GALLA, D., RASNAČA, Z., 2019).

What concerning the implementation of the Dublin Regulation, EASO gives practical advices to improve this implementation in practical life thus improving all asylum system in the EU. Practical advices for the work with asylum seekers are published regularly. These advices explain the practical implementation of legal acts and also summarize the legal acts that justify exact actions (court practical aspects). For example the EASO Practical Guide on the implementation of the Dublin III Regulation: Personal interview and evidence assessment is a practical tool to support Dublin practitioners across all European Union (EU) Member States plus Norway, Switzerland, Iceland and Liechtenstein applying the Dublin III Regulation (Member States) in their daily work. This is a soft convergence tool, which reflects the common standards. The purpose of this practical guide is twofold. The guide assists the reader in conducting the Dublin personal interview with an applicant for international protection, as well as supporting the user to conduct an objective and impartial individual assessment of the evidence by applying the legal criteria and common standards equally. This is done in order to determine which Member State is responsible for examining the application for international protection lodged in one of the Member States by a third-country national or a stateless person (EASO Practical guide on the implementation of the Dublin III Regulation: Personal interview and evidence assessment, 2020).

The experience of publishing such handbooks has been started in 2014. It gives support for everyday work with asylum seekers. One of the first was EASO Practical Guide Personal Interview, that is intended as a practical checklist and brief guide to accompany case officers throughout the European Union and beyond in their daily work. It was set up to help Member States meet one of their key obligations in the Common European Asylum System (CEAS): the obligation to give applicants a fair and effective opportunity to state the reasons for their application when a personal interview is central (EASO Practical Guide: Personal interview, 2015).

Unfortunately these well prepared materials are not always used and taken into consideration. It is necessary to introduce common training methods to improve situation. Such training should introduce employees

and officers of institutions involved in asylum procedure to mentioned materials, thus implementing a common conception in all member states.

Conclusions and suggestions

The idea of dominance of human rights upon other rights and regulations is seen in international and EU legal acts. The right for asylum in already included into cluster of human rights. But there are peculiarities that are stressed and must be observed, thus enlarging the question of human rights even to scale of those legal acts that does not regulate this particular sphere. To ensure rights of an asylum seeker, states should initially ensure possibly fastest case examination striving to protect rights of the human regardless imprecise legal acts, absence of agreements or breach of agreements, explaining all inconsistences on behalf of the asylum seeker. So it should be concluded that differences in legal act interpretation and practical policy disturb to achieve common asylum process in the EU and also allow third country nationals and stateless persons to use the asylum procedure with malicious intent.

To overcome this problem, EU should introduce solutions to apply common policy in decision-making in regard to asylum seekers, solutions that improve cooperation between states of origin, transit states and host states, solutions that improve the process of return and readmission of persons that do not pass terms and conditions for international protection. At this moment EU is making readmission agreements with third countries, but this process is rather slow and difficult. Also the common asylum procedure is being improved, but there is poor common understanding between member states. There are still some problems implementing Dublin Regulation. Member states should arrange on concise and practical conditions that could be implemented in real life, instead of overall arrangements. If these steps will not be done, irregular migrants will continue to use the miscommunication between member states to find way and reside in the EU.

Member states should focus on training of officials that are involved in asylum procedure, because common knowledge and skills could provide common policy in issues of granting international protection. International trainings, seminars, both full time and online, are methods that allow achieving common understanding of problematic questions.

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ATTITUDES OF THE ESTONIAN BORDER GUARD AND POLICE OFFICERS ON IMMIGRATION AND RADICALIZATION

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Abstract. *The article in the first part outlines the current discussion of the state of training under cultural intelligence, including definitions and examples of possible interdictions of the bad players. The second part describes the attributes and attitudes of Border Guard and Police officers after cultural intelligence courses, defining and applying the concepts towards internal security with a focus on Cultural Identity, "what makes a person tick." An empirical study consisting of written reports was conducted over a three-year period and compiled to reflect attitudes towards immigration and radicalization in the EU.*

Introduction

With the critical and fast-changing paradigms surrounding immigration, migration, open EU borders, visa-free agreements, religious tolerance, political correctness, workplace inequality and many other issues that relate to internal security, the aim and purpose of this article is to report on the attitudes and views of Border Guard and Police Officers in Estonia towards immigration and radicalization of immigrants. Empirical research was conducted over three years where respondents were asked to write a report of their attitudes and views on immigration and/or radicalization based on their current knowledge, salient factors, current and best practices and cultural norms that security officers can use to increase their understanding of, tolerance for, or non-tolerance of, immigrants and tourists. The author has been a lecturer on this topic for the past seven years, discovering and tackling the issues of how cultural intelligence (CQ) can be applied to the field of Internal Security. But the topic is just being formed and, in its infancy, with many studies and research projects needing to take place to form the major points, the correct definitions, and the primary bullets, so this empirical study was conducted to establish attitudes and norms with a goal to help to enhance and support Internal Security measures.

The second part of this article is a report on the current attitudes compiled from 147 essays, written by a variety of active Estonian Border

Guard and Police officers and cadets of the Estonian Academy of Security Sciences.

Part 1
1. Background

With millions of immigrants pouring into the EU from war-torn and economically devastated countries, leaders are grappling with many new problems brought about by increased cultural divergence. Media headlines such as "Identifying killers in a sea of suspects" in a recent issue of The International New York Times focuses on the problem of immigrants in view of the Orlando gay club shootings (Callimachi, 2016). One example used in the article describes the French terrorist Larossi Abbalia, who was convicted on a terrorism charge. The investigators viewed a video, captured on the suspect's mobile phone, which showed his group killing rabbits in Northern France, two years before his crime of killing a French couple with a knife. When the investigators questioned the suspect, he informed them that he was an atheist, that the group killed rabbits, not to learn the art and feel of killing, but in order to have halal meat to eat during the Islamic holiday, Eid-al-Adha.[1] The investigators did not know or discover until later that the holiday had taken place two months before in November, while the video was made in January.

The BREXIT campaign vote to leave the EU was passed with a majority of voters declaring immigration was the big problem and why they voted to leave the Union. "The vote by Britons on June 23, 2016, to leave the European Union doubled as a referendum on how the country views the issue of immigration," said Josh Siegel in The Daily Signal (Siegel, 2016). On December 12, 2019, UK voters elected a conservative government with a massive 80 seat majority with the goal to leave the EU. Immigration was a major topic in the news with reports of problems with immigrants and illegal crossings into the UK which is reflected in the results of the referendum.

Educational leaders are now grasping with the concepts of adding curricula under the CQ umbrella and providing cultural sensitivity training to security officers, worried about the political and economic ramifications resulting from mistakes made through ignorance of cultural laws and norms and adjusting rules and laws to administer and manage the influx of culturally divergent migrants. Past curricula have focused on language learning as a primary tool in the cultural intelligence framework, with a

[1] Eid al-Adha, also called the "Festival of the Sacrifice", honors the willingness of Ibrahim (Abraham) to sacrifice his son as an act of obedience to God's command. But, before Abraham could sacrifice his son, God provided a goat to sacrifice instead. In commemoration of this intervention, an animal is sacrificed ritually and divided into three parts. One share is given to the poor and needy, another is kept for home, and the third is given to relatives.

little-added education on religious diversity.

Asking the question, "Is it legal in the EU to strip search a Muslim woman?" to a classroom of thirty border guard officers from Latvia, Lithuania, Poland, and Estonia, only two answered correctly, that it is legal.

2. Cultural intelligence (CQ)

Cultural intelligence (CQ) is defined as a person's capability to function effectively in situations characterized by cultural diversity (Ang, Van Dyne & Koh, 2005; Earley & Ang, 2003; Earley & Mosakowski, 2005). *Culture* is typically described as the totality of learned behaviors of people that emerge from their interpersonal interactions. Culture includes the ideals, values, and assumptions about life that are widely shared and that guide specific behaviors. Objective culture is visible: artifacts, food, and clothing. Subjective culture is invisible: values, attitudes and norms (Brislin, 2001). Intelligence, as defined in a contemporary concept, recognizes that intelligence is more than cognitive ability (Sternberg & Detterman, 1986). "For example, research recognizes the importance of interpersonal intelligence, emotional intelligence, and social intelligence. Like these other forms of intelligence, CQ complements IQ (cognitive intelligence) by focusing on specific capabilities that are important for high-quality personal relationships and effectiveness in culturally diverse settings (Sternberg & Detterman, 1986)."

From the Harvard Business Review, "Occasionally an outsider has a seemingly natural ability to interpret someone's unfamiliar and ambiguous gestures in just the way that person's compatriots and colleagues would, even to mirror them. We call that *cultural intelligence* or *CQ*. In a world where crossing boundaries are routine, CQ becomes a vitally important aptitude and skill, and not just for international bankers and borrowers."(Earley & Mosakowski, 2004, p. 139). Reputable international business institutions that have only added CQ courses to their curricula in the last decade have set their focus only on conducting business in the international marketplace teaching students what to do and what not to do with proper etiquette, how to gain trust and most importantly, how to understand what the foreign person is really saying, reading their body language and understanding their gestures for clues?

The question arises as to what and how much of CQ can be applied to cross-border and internal security. The facts are:

- There is widespread globalization with people of different cultures living and working together everywhere in the world.
- There are more opportunities for officers to interact with foreigners in many aspects (e.g., domestically, business, and

work).

- Officers need to know the customs of other cultures, especially the taboos, or they will risk offending people.
- Officers with higher CQ could be able to interact with people from other cultures easily and more effectively.

3. Under the umbrella of CQ comes Cultural Identity (CI)

Cultural Identity (CI) is the primary marker of who a person is. This can be defined as who or what they identify with. The quick and first answers range from religion (I am a Christian), political parties (I am a Socialist), Nationalism (I am Estonian), groups (I am a skinhead) to philosophical or social answers (I am a free thinker; I am independent; I consider myself a sovereign person).

Some problems can emerge when tackling the irreducibility of the concept of Cultural Identity. CI turns out to be one of the least well-understood concepts. Stuart Hall and Paul Du Gay stated, "It is drawing meanings from both the discursive and the psychoanalytic repertoire, without being limited to either. In common sense language, identification (CI) is constructed on the back of a recognition of some common origin or shared characteristics with another person or group, or with an ideal, and with the natural closure of solidarity and allegiance established on this foundation. In contrast with the 'naturalism' of this definition, the discursive approach sees identification as construction; a process never completed - always in process." (Du Gay & Hall, 1996)

There can be many parameters, categorizations, or identifiers to a person's CI. A person's self-perception can be related to nationality, ethnicity, religion, social class, generation, locality or just about any group with its own distinct culture. Paul James defined categorizing CI as "categorizations about identity, even when codified and hardened into clear typologies by processes of colonization, state formation or general modernizing processes, are always full of tensions and contradictions. Sometimes these contradictions are destructive, but they can also be creative and positive." (James, 2015, p. 174-196). A person may associate with many identities. **Their first answer to a question is usually their most prominent identifier.** The concept of identification inherits a rich semantic legacy. Freud calls it "the earliest expression of an emotional tie with another person." (Freud, 1991).

The personal identity of an individual is the key to interdiction. If an officer had the opportunity to interview Matteen, the Orlando shooter, two weeks before the event, would he or she have identified the risk factors? Could they have understood his radicalization, his internal cognitive

dissonance?

Leon Festinger (1957) proposed his cognitive dissonance theory, which states that a powerful motive to maintain cognitive consistency can give rise to irrational and sometimes maladaptive behavior.

According to Festinger, we hold many cognitions about the world and ourselves; when they clash, a discrepancy is evoked, resulting in a state of tension known as cognitive dissonance. As the experience of dissonance is unpleasant, we are motivated to reduce or eliminate it and achieve consonance (i.e., agreement) (McLeod, 2014).

Festinger's (1957) cognitive dissonance theory suggests that we have an inner drive to hold all our attitudes and beliefs in harmony and avoid disharmony (or dissonance). If not, they explode into violence. A well-trained interdiction Officer with a high CQ, maybe could have picked up the clues of Matteen's cognitive dissonance if given the opportunity and saved lives.

4. Can internal security benefit from CQ education?

The answer is probably yes. It follows from the statement that, any officer who better understands the person being questioned is better able to determine and carry out the correct procedure. Someone standing in the airport line, sweating and looking nervous, is an obvious clue there is something wrong. If that person is also wearing a headscarf, does the attitude of the officer change?

Can an officer: 1. Strip search a person wearing religious clothing, such as Muslims, Hindus, and Mormons? 2. Require a practicing Jew in prison to do mechanical work during Shabbat? 3. Keep a Muslim in detention from praying five times a day?

If an officer knows the correct answers to these types of questions, then it can help make it easier to communicate and may defuse what could turn into a major incident at a border crossing point or any other interdiction of migrants or tourists.

While an officer cannot disarm their foreign guests simply by showing they understand their culture or identity, their actions and questions can help prove that they have already, to some extent, entered into their world, which in turn can open them to more truthful responses. It can simply be in the way the officer shakes hands, orders coffee, or nods the head, ready evidence of the ability to mirror the customs and gestures of the migrant or foreign visitor. With a welcome demeanor and a familiar gesture, an officer can create a more trusting and open atmosphere.

How can understanding a personal identity lead to knowledge of a person's intent to do harm? What makes a person tick? How does a Muslim

become radicalized? These vast questions are looming more significant, and answers are slowly being formed. The debate in the USA over what to label Omar Matteen, the perpetrator of the shooting at the gay night club in Orlando, is an example of the confusion. Some politicians and academicians label him as disturbed, from an "unhinged home" (Harris, Zadrozny & Zavadsky, 2016) while others simply label him as an Islamic Terrorist. He was born and raised in the USA, but the portrait painted of him by The Daily Beast, depicts a troubled kid that never assimilated into the American culture with multiple examples of domestic strife, struggles in school because of his lack of English language skills, and frequent outbursts of violence. His father supported the Taliban. What causes the radicalization of a first, second or third-generation immigrant? Many academicians and security experts are struggling to answer this question.

Would officers need to pass in-depth studies in history, religion, and world affairs to begin to put a man like Matteen on their radar? Would they also need to understand the psychology of human behavior in terms of assimilation into a new culture?

While the answers to these questions can seem daunting, there are some clues from the curricula of the new International business courses that are springing forth from the prominent Universities. The courses teach students to learn some details of the homeland of the person they are about to meet. Then make a comment about the person's homeland, which can be an icebreaker that leads to better business relations. Turning this concept into a security aspect, if the person presented what appears to be a false Turkish passport to a border officer, a question about a geographical location in Turkey could possibly ascertain if they are Turkish or not? If the officer has learned some simple geographical facts about Turkey, can they then, in an informed method, question the person and possibly reveal the truth?

5. Salient Subject Categories that form a personal identity

Geography – Where a person is from, do they identify with that location, what are some strategic identifiers of their location, what are some historical facts, famous figures, monuments, rivers, mountains, what ethnic groups exist there, and what is the current population?

Nationality – Is a Caucasian a white person from America or a person from Georgia?

Race – White, black, brown, mixed etc.

Language – What language is spoken in the native tongue, other languages, what dialect of that language is used, what is the origin of the language, what other countries speak it?

Religion – What are the key aspects that establish a personal identity with a Christianity, Islam, Scientology, Mormonism, Judaism, Shintoism, Zoroastrianism, etc., and sub-groups, Shi'ism, Holy Rollers, etc.

Social – Gamer, sports, opera, journalist, priest, wine connoisseur, chef, writer, traveler, etc.

Gender/sexual orientation – Male, Female, Transgender male, Transgender female, gay, straight.

Food and drink – Partake or not in pork, fish, animal products, coffee, milk, milk with meat, alcohol, vegetarian, or vegan.

Political - Socialist, capitalist, Nazi, Fascist, Sovereign.

Economics/Class – Financial capacity, rich, poor, Indian caste system.

Physical – Hand and head gestures, personal space, smiling, frowning, or fear.

Conclusions of Part 1

Can an officer with a higher CQ be better at their work of interdiction, and then can they also be more respectful of those who have no criminal intentions? Developing a higher CQ is a lifelong task with much knowledge to be learned and gained in many diverse areas. No officer can know everything that could be covered in a CQ curriculum as the mass of knowledge is extensive and infinite. However, can a little bit of CQ knowledge go a long way in helping to create an atmosphere of openness during an interdiction? Sometimes the most obscure knowledge could be the key to a successful interdiction of the bad guys. As in the case of the French terrorist, Larossi Abbalia, if an officer would have known he was a liar, by knowing when the Eid holiday occurred, it is possible he would not have been let out of their grasp to murder a young French couple.

Part 2
1. Questions

Two different tasks were posed to different target respondents. 1. Write a short essay on your views of radicalization; 2. Write a short essay on your views on immigration. The research was conducted as a final review after the completion of Cultural Intelligence as outlined and provided in the background above. There was a total of 147 respondents. The essays were submitted anonymously

2. Focus

The focus of the research was to create a basis of material on which

analysis of the concepts could be performed on radicalization and immigration to enhance future training concepts. The following questions can then be answered. 1. Are the attitudes of Border Guard and Police Officers on radicalization and immigrating as applied to Internal Security in need of reform? 2. Do the attitudes of Border Guard and Police Officers towards immigrants allow for the interdiction of finding the 'bad people' and at the same time, once a foreign person is deemed "not bad", to treat the person with dignity and care?

3. Overall attitude of respondents

The essays were generally polite and respectful, with most respondents displaying acceptance to immigration as a norm and to be addressed with a high level of professionalism. For radicalization, many reasons were put forward as to the causes and not so many of how to stop it.

The calculated summary of respondents:

- Radicalization was mainly seen as associated with Islam – 58 respondents.
- Immigration was seen as leading to radicalization – 24 respondents.
- The majority of respondents, 97, were able to see immigration as both positive and negative (radicalization, conflicts with locals, jeopardizing the preservation of the local culture and identity versus helping people in need, providing more workforce, expanding experiences, etc.)
- 25 respondents saw immigration as negative and were completely against it.
- 23 respondents considered immigration a totally positive and natural phenomenon, giving people more opportunities and providing a better life for those in need.

4. Samples of Respondents on Immigration

- *On the one hand, you sympathize and want to help refugees and people seeking a better life. At* the *same time, however, you see the risks that excessive immigration can bring. Such, as creating their own community, where our rules and laws do not apply, and radicalization, because they cannot embrace another culture. However, I personally think that every person deserves the opportunity to change their lives for the better, and sometimes it is difficult to do this in their own country, where there is a war*

situation or a difficult economic situation.

- *As Estonia spends money on refugees and their maintenance, it is essential to ensure that individuals adopt Estonian culture, language, history, customs, traditions. For this, give refugees, for example, a 2-year deadline for passing the Estonian language and culture test. Otherwise, they will be subject to immediate return to their country of origin. If you follow these steps and more, like constant surveillance and placement in specific areas to prevent the emergence of enclaves, then I think we and the immigrants can live with each other, and Estonia will benefit by gaining more labor.*

- *What do I think about immigration? My most honest answer is NO, please NO, no need. In my opinion, my reasoning and understanding are perfectly logical and understandable. If you look at refugee migration from the point of view of a policeman, you would say thank God that Estonia is not a welfare state. THANK GOD. It is clear that the Estonian state is not able to control the masses of refugees and immigrants such as those in Sweden, Germany, etc. Fortunately, to my knowledge, Estonia only has currently about 100. Reported in the news, internet, and newspapers, how life and security in Vao has turned worse by 180 degrees. Local children cannot play and be with refugee children, Vao village refugees' gang-raped a woman from the village.*

- *I just want to say that if a person really needs help, they are also grateful for that help. Of course, everything that we take for granted in our society may not be understandable to someone from a completely different cultural space. Nevertheless, a compromise must be found in which the individual should consider whether safe life of him and his family are important to him, or will he prefer the habits that do not seem acceptable to him. The concept of convenience should not be included in the context of migration. It only brings bad things. Society will begin to look at the whole issue of migration from just one angle, and call all of them refugees of convenience, forgetting all the people who really need help.*

- *I would like to help people while mass immigration is happening is not good. I don't think many would object to a refugee family moving in somewhere, but there were statistics that showed that most refugees are young men, and there are few women. In the end, there may be so many (and some places there already are).*

- *I am a tolerant person, but at the same time, I am against it rather than in favor. This situation is already critical in Europe. If you really offer people a place to live, the process should be extra careful as in who to give it and not to let them in en masse.*

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- *Immigrants from third countries may form groups, live, and behave in ways that are customary to their cultural space, often in a way that we cannot perceive as tolerable (such as corporal punishment).*
- *I think people in my country's territory, culture, people must be protected. Therefore, mass migration from third countries (even considering their cultural specificities) is not very good for any European country.*
- *During my service, I have noted that many foreigners are able to learn the Estonian language even in 1 to 2 years and can express their thoughts and communicate in Estonian. For me, it is absolutely amazing how an Arabic speaker, for example, learns the language so quickly and wants to fit in with our society. Unfortunately, there are stateless persons in the country, as well as children with Estonian citizenship who do not know and do not want to learn the official language, I do not understand it at all.*
- *Unfortunately, there is a downside, as the laws in different countries are different people coming from these countries tend to break the rules of the law and commit different offenses. For example, a male Islamic religious man would beat his wife at home, and for him, it was perfectly normal as no one explained to him that this was not accepted in our society.*
- *As a future police officer, I consider internal security to be of the utmost importance and, whether they like it or not, not all people who seek asylum are with good intentions. And the reality is that of all those who want to move to another more prosperous country, only 10% of people really need help. But I think it is our duty to help just that 10%, while at the same time ensuring the internal security of us and the other Schengen countries.*
- *For me, in the big picture, immigrants are divided into two: people in real need for help (such as war refugees) and illegals (those moving to pull centers and seekers for a better life).*
- *To sum up, if someone asks me if I would allow people into the country, I think women and children are not a security threat. The danger is for young men who should fight for their families in the war and not come to exercise their power in a foreign country. However, since our cultures are too different, and these people are not able to adapt to our society, I would not allow them into my country.*

5. Samples of Respondents on Radicalization

- *Radicals have also begun to be linked to extremist religions who*

impose their will on others by force or by political persecution. One of them is radical Islam. Where radical Islam begins is different for every individual and bound to everyone's tolerance limits, but terrorist Islam can be said to be radical. Radical Islam has become a dominant part of Europe as a whole since terrorism worldwide has its roots in radical Islamic countries that tend towards Islamic sects.

- *Radical Islam has become a dominant part of Europe as a whole, since terrorism worldwide has its roots in radical Islamic countries that tend towards Islamic sects. Representatives of such sects, in turn, recruit religious brethren from mosques and other circles to fulfill the call of the Imam, either as suicide bombers or simply as organizers.*

- *London's chief Imam and great prophet and leader has said 11 years ago: All Muslims must become fighters in the new battle. Europeans must understand that it is pointless to fight people who crave death and whose death means victory. Death for God is as old in the Islamic world as the Islamic faith itself.*

- *In my mind, and in the opinions of many other people, it is impossible to establish democracy in the Middle East at this time given the cultural background and customs of this population. In order for radicalism not to start, it is necessary to take account of all social groups and, if possible, to eradicate the intolerant ones. In any case, the ultimate eradication of radicalism is impossible.*

- *For example, when it comes to parties that are very radical and have extreme views, in this case people can only blame themselves for electing such people.*

- *As far as the reaction to radicalization is concerned, my view is that there is no direct need to respond to its verbal manifestations - the only idea to do so would be to develop a discussion for which people with radical views are not ready anyway. However, one must definitely respond to actions and calls arising from radical views, which pose a real threat to national security. In such cases, the security authorities must react.*

- *I have nothing against people who believe in something, but these people cannot impose their beliefs and principles on others or kill innocent people with it.*

- *Radicals are latent and dangerous individuals with their own political views, ready to go till the end. Social and regional inequalities exacerbate the problem in a stratified society. With radicalization, minorities are trying to survive.*

- *In the case of radicalization, radicalization is very worrying and a major problem, especially among young people. It is important that*

the most vulnerable and vulnerable part of society, young people, would be noticed in a timely manner by those who contribute to their self-esteem, the ability to be an equal part of society, regardless of cultural background, religion, sexual orientation, physical background and economic situation.

Conclusions

The attitudes of respondents did not undergo drastic change throughout the courses of instruction. The cadets and officers obtained more in-depth knowledge of cultural differences, and more self-awareness of their role in immigration issues. The sample quotes above are direct answers to the questions leaving out the comments on how the classes helped the students to become more aware of the social and cultural differences. The students rated the classes very high in terms of raising awareness and expressed interest in further classes to increase their knowledge on the subject. However, those opposed to immigration remained opposed and those with a favorable attitude kept their views but revealed that more could be done to help with the problems created by immigrants. Cheap labor was deemed a positive by most, but this was often countered by most respondents citing the problems to society as being more significant than any potential benefits to the economy.

The answers to the two main questions posed is that it became apparent to the author that gaining more knowledge of the backgrounds and culture of immigrants is the main key to respect and tolerance, and very helpful and instrumental in the role of interdiction and national security. However, personal attitudes are preconceived and mostly formed from outside factors. More knowledge of customs and culture, while helpful in their daily work, can only change them slightly.

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BORDER SURVEILLANCE AND CONTROL SYSTEM, PERSPECTIVES FOR ITS ESTABLISHMENT AND PRACTICAL APPLICATION

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Abstract. *Effective management of the European Union's external borders is a key priority and a condition for the proper implementation and maintenance of the Schengen area of free movement, which is one of the most important achievements of European integration. One of the cornerstones of effective management of the European Union's external borders is the timely, accurate and complete exchange of information between all the authorities responsible for controlling the European Union's external borders. The establishment of a European Border Surveillance System (EUROSUR) is an effective tool for such an exchange of information. Within the framework of the EUROSUR project implementation, Latvia has started work on the establishment of the Border Surveillance and Control System, which in the near future will become a basic tool in the development of the Latvian situation image with its further integration into the European situation image. The aim of the study is to study the EUROSUR implementation guidelines at the European Union level, to study the development and implementation of the Border Surveillance and Control System in the State Border Guard, to analyze its functionality and practical application possibilities, to study the existing problems in the Border Surveillance and Control System, and to evaluate.*

Keywords: *border, control system, development perspectives.*

Introduction

Given the dramatic changes in the security environment around the world, the number of external and internal threats has risen sharply, and their identification and response planning pose new challenges. Geopolitical developments in the Middle East and North Africa: war, internal conflicts, civil wars and riots, the migration crisis in Europe and terrorist attacks have been major factors influencing the European Union's border security in recent years, putting significant pressure on illegal immigration at external borders and internal security.

Integrated management of the European Union's borders was developed through measures to strengthen the European Union's external borders and the internal security of the Member States. An efficient and comprehensive system of information exchange and cooperation between all authorities responsible for the control of the European Union's external

borders plays an important role in ensuring its smooth and efficient functioning. It is the European Border Surveillance System (EUROSUR).

Establishment and development of the European Border Surveillance System (EUROSUR)

In the recommendations of the Communication from the Commission of the European Communities of 13 February 2008 entitled "Study on the establishment of a European Border Surveillance System (EUROSUR)" (COM (2008) 68 final), Member States bordering the European Union invited to set up:

- one National Focal Point, which continuously coordinates the activities of all national authorities carrying out external border control tasks (detection, identification, tracing and interception) and is able to exchange information with the National Focal Points of other Member States as well as the operational agencies of the European Agencies. management of cooperation at the external borders of the EU Member States (FRONTEX Agency);

- a single national surveillance system combining surveillance activities at all external borders or, on the basis of a risk analysis, in separate parts of them, and ensuring the continuous dissemination of information between all authorities involved in the control of the external borders (Communication from the Commission of the European Communities of 13 February 2008 entitled "Study on the establishment of a European Border Surveillance System (EUROSUR)" (COM (2008) 68 final) - Recommendation 1, European Commission, 2008).

The main objective of the establishment of EUROSUR was defined as the need for a common technical framework to facilitate effective action by Member States' authorities at local level, governance at national level, coordination at European level and cooperation with third countries to detect, detect, trace and intercept to enter the EU by bypassing border crossings.

The next most important step in the establishment of EUROSUR was the adoption of the EUROSUR Regulation (REGULATION (EU) No 1052/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 October 2013 establishing a European Border Surveillance System (EUROSUR)).

This Regulation established a common framework for the exchange of information and cooperation between Member States and FRONTEX to improve situational awareness and response aft the external borders of the Member States in order to detect, prevent and combat illegal immigration and cross-border crime and to protect and save migrants' lives

(REGULATION (EU) No 1052/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 22 October 2013 establishing a European Border Surveillance System (EUROSUR) Paragraph 1, European Parliament, 2013).

EUROSUR included the following components: national focal points, national situational pictures, communication network, European situational picture, common border intelligence picture and sharing of surveillance tools.

EUROSUR became operational at the end of 2013. The 18 member states of the Union located at the southern and eastern external borders, including Latvia and the Schengen associated country Norway, started operating there. The other Member States of the Union joined EUROSUR in the following years.

EUROSUR was based on the "National Focal Points", through which all national authorities responsible for border surveillance cooperated and coordinated. The exchange of information on incidents at land and sea external borders, as well as the exchange of analytical reports and data between them national authorities.

Such cooperation and exchange of information has enabled the Member State concerned to react much more quickly to incidents involving illegal migration and cross-border crime or the threat to migrants' lives.

However, it must be remembered that the success, efficiency and sustainability of any system is based on its flexibility, ability to adapt to changing situations, timely response to different levels of threats, vulnerabilities and continuous improvement, ensuring continuous maintenance and safe, secure and efficient operation.

The rapid changes in the geopolitical situation in recent years, the migration crisis, especially on the Western Balkans route in 2015 and 2016, and the terrorist attacks in Europe are the two main crisis situations that the European Union has had to deal with since the adoption of EUROSUR. Both crisis situations clearly demonstrated the need for an effective and comprehensive European system for the exchange of information and cooperation between border and coast guards. EUROSUR should be improved in this respect (Report from the Commission to the European Parliament and the Council of 12 September 2018 (COM (2018) 632 final) - point 2.2.0., European Commission, 2018).

REGULATION (EU) 2019/1896 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 November 2019 on European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (hereinafter - FRONTEX Regulation).

This Regulation establishes EUROSUR, an integrated framework for the exchange of information and operational cooperation in European Border and Coast Guard, in order to improve situational awareness and response

capacity for border management, including the detection, prevention and fight against illegal immigration and cross-border crime and the protection of migrants' lives. Rescue (REGULATION (EU) 2019/1896 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 November 2019 on European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 - Article 18, European Parliament, 2019).

EUROSUR shall be used for border checks at authorized border crossing points and for external land, sea and air border surveillance, including the monitoring, detection, identification, tracing, prevention and interception of unauthorized border crossings in order to detect, prevent and combat illegal immigration and cross-border crime. (REGULATION (EU) 2019/1896 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 November 2019 on European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 - Article 19, European Parliament, 2019).

Member States and the Agency shall use EUROSUR for the exchange of information and cooperation in border control, taking into account existing information exchange and cooperation mechanisms. EUROSUR consists of the following components: (REGULATION (EU) 2019/1896 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 November 2019 on European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 - Article 20, European Parliament, 2019).

- National Focal Points - Coordinate and exchange information between all authorities responsible for external border control at national level, as well as with other National Focal Points and FRONTEX, and maintain and operate this center;

- National situational picture - Each national focal point shall establish and maintain a national situational picture in order to provide effective, accurate and timely information to all authorities responsible for external border control at national level;

- European situational picture - FRONTEX establishes and maintains a European situational picture to provide national coordination centers and the Commission with efficient, accurate and timely information and analysis covering external borders, border areas and unauthorized secondary movements;

- Specific situational awareness - FRONTEX and Member States may establish and maintain specific situational awareness in support of specific operational activities at the external borders or for the exchange of information with Union institutions, bodies, offices and agencies, international organizations or with third countries;

- EUROSUR merger services - FRONTEX coordinates EUROSUR merger services in order to provide national coordination centers, the Commission

and itself with information on external borders and the border area on a regular, reliable and cost-effective basis;

- Integrated planning - FRONTEX develops an integrated planning process for border management and returns, including operational planning, contingency planning and capacity building planning.

Implementation of the European Border Surveillance System (EUROSUR) in Latvia

Evaluating the conditions for the implementation of EUROSUR, it can be concluded that for the successful implementation of EUROSUR in Latvia, it is necessary to implement three basic tasks:

- Establishment of the EUROSUR National Coordination Center;

- creation of a national system that will ensure the functioning of the image of the state situation;

- integration of the national situation picture into the EUROSUR system.

In accordance with the Cabinet of Ministers Order No. 696 of 1 December 2010 "On Determining the Institution Responsible for the Implementation of the European Border Surveillance System (EUROSUR)", the Ministry of the Interior has been designated as the institution responsible for implementing EUROSUR at the national level.

The implementation of EUROSUR in Latvia is carried out by the State Border Guard in cooperation with the Ministry of the Interior, the Ministry of Defense, the National Armed Forces, the Ministry of Finance and the Ministry of Transport. (Order No. 696 of the Cabinet of Ministers of 1 December 2010 "On Determining the Responsible Institution in the Implementation of the European Border Surveillance System (EUROSUR)", Cabinet of Ministers of the Republic of Latvia, 2010).

In order to ensure gradual, sequential and consistent implementation of EUROSUR, the State Border Guard developed a EUROSUR implementation plan, which was approved by the Cabinet of Ministers. Taking into account the development trends of the EUROSUR project at the Union level, the EUROSUR implementation plan is regularly updated, which ensures the effective implementation of the EUROSUR implementation process in Latvia.

Based on the approved EUROSUR implementation plans, the State Border Guard prepared and implements 7 EUROSUR implementation project activities in Latvia, which significantly bring EUROSUR implementation closer, with the involvement of competent authorities in shaping the European situation and strengthening the Union's external border. (Order No. 651 of the Cabinet of Ministers of 18 December 2019

"On the Integrated Management Plan of the State Border of the Republic of Latvia 2019-2020. - point 5, Cabinet of Ministers of the Republic of Latvia, 2019)

In accordance with the State Border Law of the Republic of Latvia, the functions of the EUROSUR National Coordination Center are performed by the State Border Guard (Law on the State Border of the Republic of Latvia - Section 9.2.). In order to ensure the successful performance of these functions, a National Coordination Center was established within the Operational Management Department of the State Border Guard, operating twenty-four hours a day, seven days a week and coordinating activities within EUROSUR and joint activities with competent national authorities National focal points.

(Regulations No. 32 of the State Border Guard of 27 December 2017 "Regulations of the State Border Guard" - Paragraph 31, State Border Guard, 2017).

Establishment and development of the Latvian Border Surveillance and Control System

In order to ensure a high-quality and accurate image of the national situation with its further integration into EUROSUR, in 2015 the State Border Guard started the development of the Border Surveillance and Control System.

The border surveillance and control system is designed as open source software, which consists of several modules and allows you to upgrade the added modules or add new modules as needed.

It is planned to include the following modules in the Border Surveillance and Control System for visualization of the operational and tactical situation, display of the operation of technical means, personnel:

- <u>Geographic data processing module</u> – provides:

• display of high-quality and complete geospatial data on the electronic geographical map, incl. Representation of the objects of the State Border Guard and co-operation institutions on the map, ensuring the necessary detail;

• display of the Global Positioning System (GPS) data function from Motorola radios (in case of resource movement, providing line display on the map);

• creation of an interface for the transmission and processing of GPS data from the tactical communication devices, personal communication devices and sensors at the disposal of the State Border Guard (in case of movement of resources, ensuring the display of the line on the map);

- creation of an address search function (find coordinates by address and find the nearest address to be determined by coordinates);
- creation of an event information input form and display of events on the map, following the EUROSUR designations;
- use of card data and event data from both central and local servers, ensuring continuity of availability of card service materials and information;
- search, filter and map data of historical events;
- Requesting, processing and displaying resource and event data for the Border Guard Information System (RAIS).

- <u>personnel module</u> - ensures the maintenance of up-to-date information on the personnel of the relevant structural unit of the State Border Guard, its availability, absence, possibility to involve in the performance of service duties within the specified period of time;

- <u>technical module</u> - ensures maintenance of up-to-date information on technical means available in the relevant State Border Guard structural unit and involved in border control measures (video surveillance systems, presence detection systems, means of communication, etc.), sending and visualizing GPS data on electronic geographical map and displaying received information in BCS;

- <u>Geopositioning system module of the Information Center of the Ministry of the Interior</u> - provides display of GPS data from Motorola walkie-talkies and from tactical communication devices, personal communication devices and sensors at the disposal of the State Border Guard;

- <u>Incident Generation Module</u> - provides input of information on events and incidents and their display on the electronic geographical map, following the EUROSUR designations;

- <u>module for creation of assignments and control of their operation</u> - ensures planning of tasks of border guard assignments and control of the process of execution of the given tasks, route of movement of border guard assignments to the electronic geographical map;

- <u>Tactical situation display module</u> - provides display of the tactical situation in the border surveillance section of a separate structural unit of the State Border Guard on an electronic geographical map (logging works, agricultural work, hunting, etc.), display of the movement route of border guard assignments, etc .;

- <u>fixed cartographic plan module</u> - provides display of fixed cartographic data on the electronic geographical map (marking of the state border, location of boundary markers, location of landmarks, various objects, etc.)

The border surveillance and control system includes and visualizes information on events related to the control of the country's external border and the situation within the country. Transparency and systematisation of information The Border Surveillance and Control System uses several groups of information in accordance with the EUROSUR information systematisation standards.

In order to ensure data protection, Regulation (EU) 2016/679 of the EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46 / EC (General Data Protection Regulation) the information entered in the Border Surveillance and Control System is granted the status of classified information according to the "EU RESTRICTED" standard.

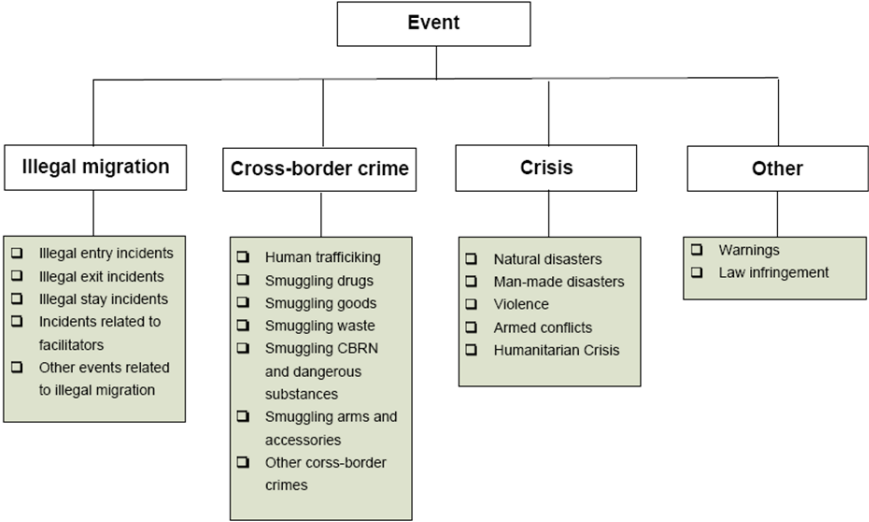**Figure 1. Grouping of information to be included in the border surveillance and control system** (SBG unpublished materials, 2018)

The border surveillance and control system is structured in 3 hierarchical levels:

- 1.National level - National Coordination Center of the State Border Guard (NCC);

- 2.Regional level - Operational Management Divisions of the Territorial Administration of the State Border Guard (RCC);

- 3.Local level - Border Guard Divisions of the Territorial Board of the State Border Guard (LCC).

Each of these levels of the hierarchy is granted strictly differentiated access rights for the use and administration of the Border Surveillance and Control System. Each user is entitled to perform only those activities and access only the amount of information determined according to his / her status in the Border Surveillance and Control System:

- Border Guard Division of the Territorial Administration of the State Border Guard (LKC) - provides input and visualization of Incidents / Events, operation of border guard assignments, operation of technical means, etc. detected in the border guard section of the Border Guard Division of the Territorial Administration of the State Border Guard;

- Operational Management Divisions of the Territorial Administration of the State Border Guard (RCC) - ensures timely exchange of information and timely cooperation between the structural units of the Territorial Administration of the respective State Border Guard, controls the activities of the relevant territorial units of the Border Guard and immigration control, etc.;

- National Border Guard Coordination Center (NCC) - ensures timely exchange of information and timely cooperation between all national authorities responsible for external border control at national level, as well as with other national coordination centers and FRONTEX, ensures timely exchange of information at national level with search and rescue, law enforcement, asylum and immigration authorities and manages the dissemination of relevant information, assists in the efficient and effective management of resources and personnel, supports the coordination, planning and implementation of national border control activities, develops and maintains national situational awareness, coordinates operational activities, etc.

Challenges in the implementation of the Latvian Border Surveillance and Control System

In accordance with the EUROSUR implementation plans, the transmission of EUROSUR information to the FRONTEX Situation Center using the unified National Border Guard National Coordination Center is planned to be completed in 2026. As mentioned above, in order to achieve this goal, the State Border Guard started work on the development and implementation of the Border Surveillance and Control System. Currently, part of the measures envisaged in the EUROSUR implementation plan has already been implemented - the National Coordination Center of the State Border Guard has been established, which operates 24/7 and exchanges

information with the National Coordination Centers of other European Union Member States, as well as the creation and maintenance of the National Situation Picture, measures have been initiated to combine the border surveillance and control components of the unified information exchange and processing platform by building the Border Surveillance and Control System, which already has an integrated land border video surveillance system, as well as the geo-positioning of the resources of the State Border Guard has been ensured, work has begun on an inter-ministerial agreement on the procedure for information exchange and co-operation within EUROSUR between the State Border Guard and other institutions involved in ensuring state border security.

The following measures are necessary for the successful implementation of the EUROSUR implementation plan:

- to ensure the establishment of the infrastructure of video surveillance, monitoring and control systems of the land border of the State Border Guard;

- to link the necessary national supervisory and control information exchange systems to EUROSUR, ensuring full use of the information provided by the relevant systems of the Information Center of the Ministry of the Interior, the Ministry of Defense, the National Armed Forces, the Ministry of Finance and the Ministry of Transport;

- to increase the speed of information flow in the internal communication network of the Ministry of the Interior in the structural units of the State Border Guard, to ensure the correct operation of the modules of the Border Surveillance and Control System;

- to ensure the transmission of EUROSUR information to the FRONTEX Situation Center through the joint National Coordination Center of the State Border Guard, certification of the Border Surveillance and Control System and the attached information source, structural units of the State Border Guard and co-responsible authorities and compliance with EU RESTRICTED standards.

Conclusions and suggestions

In view of the above, the authors of the study conclude that the Border Surveillance and Control System:

- will serve as an effective tool for planning, organizing and coordinating border surveillance measures, promoting the use of appropriate resources and personnel to ensure an effective, intensive and uniform level of border control at the external borders of the Republic of Latvia;

- will ensure timely input and visualization of information on the digital map about the situation and detected events at the external border of the Republic of Latvia, operation of border guard assignments, operation of technical means, etc. activities at the Local, Regional and National levels;

- will ensure rapid and full exchange of information between the State Border Guard and other institutions involved in the implementation of state border security measures of the Republic of Latvia (for example, subordinate institutions of the Ministry of the Interior, Ministry of Defense, National Armed Forces, Ministry of Finance, Ministry of Transport, etc.);

- after integration into EUROSUR, will ensure the creation and maintenance of Latvia's national situational picture in EUROSUR, promoting timely exchange of information and timely cooperation between the authorities of the European Union Member States responsible for external border control, as well as other national coordination centers and FRONTEX.

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DEFINITION OF TERRORISM AND EU COUNTER-TERRORISM POLICY

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Abstract. *The article dwells on the problem of the definition of terrorism. This term, though usually commonly understandable, is a legal term, the definition of which is not yet universally adopted. The threat of terrorism, taking upon different forms, is always relevant and the efforts to contain it continue. Thus the definition of the phenomenon and its elements is crucial in such efforts. The analysis is relevant as internationally this term is still not defined in one universal legally binding document and there are questions on its exact scope. The article explains two elements that are usually considered essential in defining terrorism. Furthermore, the article dwells on the EU efforts to contain the threat and in particular on its efforts to prevent terrorism – that is, actions taken to counter terrorist radicalisation.*

Introduction

The problem of terrorism seems to be relevant notwithstanding the period we live in. In 2001 it was the events of 9/11, later bombings in Madrid and Moscow in 2004, in 2012-2013 it was the rise of Islamic State, or ISIS, which managed to take hold of large portions of territory in the Middle East and in 2015 to carry out the Paris attacks. Therefore the threat, taking upon different forms, is always relevant and the efforts to contain it continue. Thus the definition of the phenomenon and its elements is crucial in such efforts. The analysis is relevant as internationally this term is still not defined in one universal legally binding document and there are questions on its exact scope.

Furthermore, speaking about EU response to such threat, it can be noted that the efforts of EU intensified significantly since the attacks on 11 September 2001 and especially after the Madrid and London bombings in 2004 and 2005, EU started to take active part in the global fight against terrorism.

The aim of the article is to establish what elements constitute the definition of terrorism and how does EU address the issue of terrorism.

The tasks of the article are:

1) to provide the main elements of the definition of terrorism in international law;
2) to analyse main aspects of EU counter-terrorism policy;
3) to describe EU efforts in the prevention of terrorism.

1. The problem of definition of terrorism

1.1. Efforts in reaching a universal definition of terrorism at UN level

The question of terrorism is one of the most problematic questions in international law and international politics (UN Commission on Human Rights, 2001). It raises very different emotions, from trying to achieve radical change to fury and condemnation on other part of spectrum (Barnidge, 2008). The term "terror" was used to describe the politics of intimidation used during French revolution. In 1937 the states tried to adopt the Convention for the Prevention and Punishment of Terrorism, but it did not come into force. "It described terrorism as "criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public." The convention specified the kinds of anti-state actions that were to be considered acts of terror (e.g., attacking public officials, heads of state and their families, or the destruction of public facilities)." (World Digital Library, 2020). As we will see later, the main elements of the definition of terrorism were already present in this definition.

At the UN level, a special ad hoc committee was created by UN GA resolution in 1996 No. 51/210 for reaching an agreement regarding the definition of terrorism by negotiating the Comprehensive Convention on International Terrorism. Thus far the Convention has not yet been adopted. It is aimed to criminalize the crime of terrorism but the significance of it lies in the fact that this Convention establishes the first universal definition of terrorism (Walter, 2003). The Article 2 defines that "any person commits an offence within the meaning of the present Convention if that person, by any means, unlawfully and intentionally, causes: (a) Death or serious bodily injury to any person; or (b) Serious damage to public or private property, including a place of public use, a State or government facility, a public transportation system, an infrastructure facility or to the environment; or (c) Damage to property, places, facilities or systems referred to in paragraph 1 (b) of the present article resulting or likely to result in major economic loss, when the purpose of the conduct, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act." (United Nations, 2013)

Furthermore, the threat or attempt to commit the offence named above, accomplice in such crimes or contributing to such crimes should be criminalized as well.

The convention stresses the importance of "criminalization of terrorist offences, making them punishable by law and calling for the prosecution or extradition of the alleged perpetrators." (United Nations Office on Drugs and Crime, 2020).

Terrorism should be criminalized without reference to "exceptions to such criminalization on political, philosophical, ideological, racial, ethnic, religious or similar grounds." (United Nations, 2013) The Convention also foresees that the Member States should "cooperate, exchange information and provide each other with the greatest measure of police and judicial assistance in the prevention, investigation and prosecution of terrorist acts." (United Nations, 2013)

1.2. The elements of definition of terrorism

There are two elements of the definition of terrorism that can be distinguished from various definitions adopted at regional organisations and in national legislation. The objective element means that there was a criminal act causing harm committed, and the subjective element requires a certain motivation and aims of the perpetrators of the act (Walter, 2003).

Regarding the **objective** element, it can be noted that the definitions that are in force provide for different list of acts considered terrorist, but the common thing is that the act itself should be serious enough to be considered terrorist. The object of such act in some definitions is life or health of a person, when sustaining serious damage, and in other conventions the list of objects is wider and encompasses damage to environment and property, or the acts which may cause danger to national resources. (Vasiliauskienė, 2014) C. Walter (2003) notes that there is a tendency in national legislations to include acts which are disastrous to public infrastructure. But it should be noted that "an overly broad definition runs the risk that legitimate forms of protest against government decisions where crimes are committed or damage to the state occurs (such as during a general strike) could be identified as terrorism, so the definition of terrorism should include the criterion of serious harm, which would help to distinguish such acts from forms of peaceful protest which also seek to change state policy on the relevant issues, but without causing damage equivalent to that caused by a terrorist attack." (Vasiliauskienė, 2014)

Speaking about the **subjective** element, it is this element that distinguishes the crime of terrorism from so called "regular" crimes, like homicide, destruction of property, theft and so on. Thus, the common

denominator among all the regional conventions in terms of the stated purpose would be two main aims - that is, the intent to intimidate the population and, secondly, to compel the government (and, in some cases, international organization) to take certain actions or to refrain from them. Wider definition of the objective risks jeopardizing the alignment of the crime of terrorism with other crimes.

1.3. The problems with the adoption of the convention and with the definition of terrorism in general

One of the problems when discussing the Convention on Terrorism, as well as in general in debates on terrorism is the debate as to whether the definition of terrorism can be used to define the actions of the state and its officials. There are different provisions in international instruments regarding the qualification of state actions as terrorist. 1991 The draft Code of Crimes against Peace and Security of Humanity drafted by the UN Commission on International Law provided that the State may commit a crime of terrorism, but terrorism was removed from the project as early as 1996. Most documents indirectly exclude state action from its scope. This applies to actions taken by a state against its own citizens (then the international element is not met), or actions taken during an international armed conflict (some treaties provide that they do not apply in an armed conflict). This issue is also related to the exclusion of armed forces from the scope of the conventions prohibiting terrorist attacks and providing a definition of terrorism (Vasiliauskienė, 2014).

Article 3 of the draft Comprehensive Convention on Terrorism, which deals with exceptions to the scope of the Convention, further indicates another question that is not yet resolved. The main issue of disagreement is the issue of the actions of nations fighting for independence, as some states argue that the Convention must make a clear distinction between what constitutes terrorism and what is a legitimate struggle between nations to exercise their right of self-determination or fight foreign occupation.

1.4. Existing sectoral conventions on terrorism

Besides the search for general definition of terrorism, there were treaties adopted which prohibit certain manifestations or forms of terrorism.

Alongside the search for a common definition of terrorism, another system of international treaties related to terrorism has been developed - international treaties that prohibit specific forms of terrorism. Currently, 14 such conventions can be counted. These treaties do not define terrorism in

general terms, but prohibit relevant acts that are commonly described as terrorist. The Conventions also lay down the respective obligations of the Member States in relation to the prohibition of such acts, the duty to prevent such crimes and the duty to cooperate in punishing them, usually expressed as an obligation to extradite or prosecute persons who have committed such acts. These conventions prohibit relevant terrorist acts. (Vasiliauskienė, 2014). Such conventions include 1963 Tokyo Convention on Offenses and Certain Other Acts Committed on Board Aircraft; 1970 Hague Convention for the Unlawful Seizure of Aircraft; 1973 Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents; 1979 Convention Against the Taking of Hostages; 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (supplements the Rome Convention); 1997 Convention for the Suppression of Terrorist Bombings; 1999 Convention for the Suppression of the Financing of Terrorism, and others.

2. EU counter terrorism policy

2.1. The development of EU counter-terrorism policy

Terrorism is a threat that poses risk to EU states, thus they have been acting together in this field. The legal basis for the action of EU has appeared in the so-called Maastricht, or EU treaty, adopted in 1993, which introduced new fields into EU competence, among them the competence in the field of Freedom, security and justice. The development of EU counter-terrorism policy was greatly influenced by the events of 9/11 in the USA and later by 2004 Madrid and 2005 London bombings. The EU counter-terrorism policy in general evolved in the face of new threat stemming mostly from jihadist type terrorism. In the aftermath of 9/11, already in "November 2001, the European Council adopted an Action Plan on Combating Terrorism and an EU Counterterrorism Strategy was agreed in December 2005, following the terrorist attacks in Madrid and London." (Decade in counter terrorism, p. 196). In December 2003 European Security Strategy was adopted which listed terrorism as one of the top threats, and called for action to counter it, as it was also reiterated in its update in 2008. As Argomaniz, et. al. (2014, p. 196) state it, "Terrorism is also a key element in the 2010 Internal Security Strategy. It is no surprise that in a 2010 European Commission stocktaking exercise on EU measures specifically aimed at fighting terrorism, a conservative estimate would put the number of initiatives spanning across all of the EU's former three pillars to more than 80."

Currently, the main policy document of this field is the EU Counter-Terrorism Strategy, adopted by European Council in 2005. The EU commits to fighting terrorism globally, while respecting human rights and ensuring that the citizens of EU are able to live in an area of freedom, security and justice. The strategy is built around four main fields:

"1) Prevent people from turning to terrorism and stop future generations of terrorists from emerging;

2) Protect citizens and critical infrastructure by reducing vulnerabilities against attacks;

3) Pursue and investigate terrorists, impede planning, travel and communications, cut off access to funding and materials and bring terrorists to justice;

4) Respond in a coordinated way by preparing for the management and minimisation of the consequences of a terrorist attack, improving capacities to deal with the aftermath and taking into account the needs of victims." (European Commission, 2020)

2.2. Definition of terrorism and terrorist offences in EU legislation

The definition of terrorism in EU legislation is aimed at harmonisation of the criminal legal acts in EU Member states. EU has competence on this question based on Article 83 of the Treaty on the Functioning of EU, which gives the European Parliament and the Council the competence to adopt minimum rules concerning the definition of particularly serious crime with a cross-border dimension, of which terrorism is an example. The current definition of terrorist offences is outlined in the Directive (EU) on combating terrorism 2017/541, adopted on 15 March 2017. This Directive replaced the Framework Decision 2002/475/JHA as the cornerstone of the EU countries' criminal justice response to counter terrorism, and amended parts of Decision 2005/671/JHA on the sharing of information and cooperation concerning terrorist offences. The Directive aims to adapt the EU rules on the definition of terrorism in the current evolution of terrorist threats, and as such establishes minimum rules concerning the definitions of offences and related sanctions in this area. Furthermore, it also introduces measures of protection, support and assistance for victims of terrorist attacks. The states have an obligation to include in their criminal codes the minimum elements of the crime of terrorism as indicated in the abovementioned Directive.

The definition of terrorism in this act is composed of two elements – of the list of serious acts/offences (objective element) and of the description of the terrorist aim (subjective element), which both are necessary to consider a particular action a terrorist crime. The **objective** element includes

"attacks upon a person's life which may cause death; attacks upon the physical integrity of a person; kidnapping or hostage-taking; causing extensive destruction to a government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property likely to endanger human life or result in major economic loss; seizure of aircraft, ships or other means of public or goods transport; manufacture, possession, acquisition, transport, supply or use of explosives or weapons, including chemical, biological, radiological or nuclear weapons, as well as research into, and development of, chemical, biological, radiological or nuclear weapons; release of dangerous substances, or causing fires, floods or explosions, the effect of which is to endanger human life; interfering with or disrupting the supply of water, power or any other fundamental natural resource, the effect of which is to endanger human life; illegal system interference, […], and threatening to commit any of the acts listed [above]" (European Parliament and Council, 2017). Furthermore, the **subjective** element should include one of the following "seriously intimidating a population; unduly compelling a government or an international organisation to perform or abstain from performing any act; seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation." (European Parliament and Council, 2017).

Furthermore, there is a list of related offences which should also be criminalized which also include offences related to the participation in terrorist group or direction thereof; the distribution of the message aimed at inciting a terrorist offence; solicitation and recruitment of another person to commit a terrorist offence; provision of receiving training for terrorist purposes; travelling for the purposes of terrorism, or organisation and facilitation of such travel; provision and collection of funds with the intention that they will be used to commit terrorist offences. (European Parliament and Council, 2017, art. 4-12).

2.3. Measures aimed at the prevention of terrorism

This pillar of counter-terrorism efforts in EU aims to combat radicalisation and recruitment to terrorism. The term itself is not in all cases similarly understood, there are broader and narrower definitions available. "Some authors and experts refer now to violent radicalisation as a path that inherently involves concrete violent behaviour, while others qualify the mere acceptance of certain ideas which condone or justify violence as an indicator of violent radicalisation. For some authors and experts, the path to violent radicalisation is an individual one, whereas for

others it is considered to be a collective process." (Bakker, 2015, p. 284). Radicalisation is influenced by various factors, which can roughly be divided into internal and external factors. "According to Ranstorp, some of the internal factors relate to issues such as polarising public rhetoric, stigmatization or identity crises. The external dimension includes Western military interventions, the role of global media and cyberspace and a general perception of injustice suffered by Muslims." (Bakker, 2015, p. 284). Personal and collective grievances are dominant in both internal and external dimensions.

The analysis on radicalisation also dwells on the catalysts that contribute to radicalisation of a person. Catalysts mostly happen in external levels, as well as in the social and individual levels. They speed up or catapult radicalization of individuals who are in advanced phase of violent radicalisation process. They might lead to recruitment or to trigerring events. (Bakker, 2015).

The first document indicating measures against radicalisation was the 2004 EU action plan on countering terrorism. The document indicates the need to identify factors which contribute to recruitment of the members of terrorist groups both within the EU and internationally, after which a long-term strategy may be evaluated. According to this plan various studies were conducted in 2004-2006 in this field. Furthermore, the cooperation in good governance was sought with Arab world in order to address factors outside EU contributing to terrorism. The last group of action indicated was to develop and implement a strategy to promote cross-cultural and inter-religious understanding between Europe and the Islamic World. (Council of the EU, 2004).

Another document indicating the need to combat radicalisation was the 2005 European Union Counter-Terrorism Strategy. As mentioned, the strategy has four pillars: prevent, protect, pursue and respond. The prevent pillar implies actions in order to "prevent people turning to terrorism by tackling the factors or root causes which can lead to radicalisation and recruitment, in Europe and internationally". (Council of the European Union, 2005a). The document indicates the opinion of the Council that EU may help in the field of countering radicalisation by helping co-ordinate national policies; share information and determine good practice. The key priorities foreseen in the document in prevention are developing common approaches to spot and tackle problem behaviour, in particular the misuse of the internet; addressing incitement and recruitment in particular in key environments, that is, in prisons, places of religious training or worship, notably by implementing legislation making these behaviours offences, developing a media and communication strategy to explain better EU policies; promoting good governance, democracy, education and economic

prosperity through Community and Member State assistance programmes; develop intercultural dialogue within and outside the Union, continue research in the field. (Council of the European Union, 2005a; Pranevičienė & Vasiliauskienė, 2019).

The document specifically addressing the problem of radicalisation was EU Strategy for Combating Radicalisation and Recruitment to Terrorism, which was adopted in 2005, and revised in 2008 and 2014, which lays the foundations for an enhanced involvement of civil society in tackling and countering radicalisation. (Council of the EU 2005b). The strategy states that in order to counter radicalization and terrorist recruitment, the EU resolves to "disrupt the activities of the networks and individuals who draw people into terrorism; ensure that voices of mainstream opinion prevail over those of extremism; promote yet more vigorously security, justice, democracy and opportunity for all." (Council of the European Union, 2005b).

2010 EU Internal Security Strategy, prepared by the European Commission (2010) also addresses radicalisation. The second aim indicated in the strategy is to "prevent terrorism and address radicalisation and recruitment." (European Commission, 2010). Among the measures of empowerment of the communities to prevent radicalisation and recruitment are important because de-radicalisation "requires close cooperation with local authorities and civil society and empowering key groups in vulnerable communities. The core of the action on radicalisation and recruitment is - and should remain - at national level." (European Commission, 2010). The Commission affirms that "several Member States are developing work streams in this area, and certain cities within the EU have developed local community-based approaches and prevention policies." (European Commission, 2010).

Furthermore, the prevention of terrorism includes also fight against the financing of terrorism. "Countering the financing of terrorism is a core component of the EU's strategy in the fight against terrorism." (European Commission, 2020a). The EU Commission has adopted in 2016 an Action plan on strengthening the fight against terrorist financing. "The action plan aims at detecting and preventing the movement of funds and other assets; helping law enforcement trace financial movements; and disrupting the sources of revenue." (European Commission, 2020a). The legal framework was also strengthened to include acts on the definition of terrorism, improvements in anti-money laundering acts, etc.

2.4. Current issues in the prevention of terrorism

Terrorism has been and continues to be a threat to European Union Member States. The European Union Terrorism Situation and Trend Report 2019, which is prepared every year by Europol indicates that 13 people were killed in terrorist attacks in the EU in 2018 which signifies a decrease compared to 2017. All the attacks were jihadist in nature and committed by individuals acting alone. (Europol, 2019). Europol indicates that in addition to the seven completed attacks, EU Member States reported 16 foiled jihadist terrorist plots, which illustrates the effectiveness of counter terrorism efforts. "The significant number of thwarted attacks and the so-called Islamic State's (IS) continued intent to perpetrate attacks outside conflict zones indicate that the threat level across the EU remains high." (EUROPOL, 2019).

Regarding radicalisation, one problem that was mentioned in Europol's report was the radicalisation of people in Europe, especially in prisons. "In October 2018, 25 inmates were identified in 17 different prisons all over Spain belonging to a jihadist network. The network was composed of prisoners with prior records for jihadist terrorism-related crimes and of inmates convicted of other criminal offences, who presumably became radicalised in prison." (Europol TESAT 2019). It was also noted that Italy reported also having this problem where the increase of number of prisoners showing support of IS was observed. Thus even after loosing much of the territory that it once controlled, ISIS remains a threat through its former members and newly radicalised individuals.

Conclusions

The question of terrorism is one of the most problematic questions in international law and international politics. The first universal definition of terrorism is provided in the draft Comprehensive Convention on Terrorism, which defines terrorism as act including a serious damage to persons or property and completed with a specific aim. Unfortunately, this definition is not yet in force.

There are two elements of the definition of terrorism that can be distinguished from various definitions adopted at regional organisations and in national legislation. The objective element means that there was a criminal act causing harm committed, and the subjective element requires a certain motivation and aims of the perpetrators of the act.

One of the problems when discussing the Convention on Terrorism, as well as in general in debates on terrorism is the debate as to whether the definition of terrorism can be used to define the actions of the state and its

officials. The general tendency seems to exclude the actions of the state from the purview of the conventions. Another important question is whether the actions of nations fighting for independence, as some states argue that the Convention must make a clear distinction between what constitutes terrorism and what is a legitimate struggle between nations to exercise their right of self-determination or fight foreign occupation.

The definition of terrorism in EU legislation is aimed at harmonisation of the criminal legal acts in EU Member states. EU has competence on this question based on Article 83 of the Treaty on the Functioning of EU, which gives the European Parliament and the Council the competence to adopt minimum rules concerning the definition of particularly serious crime with a cross-border dimension, of which terrorism is an example.

Main document specifically addressing the problem of radicalisation on EU level was EU Strategy for Combating Radicalisation and Recruitment to Terrorism, adopted in 2005, which lays the foundations for an enhanced involvement of civil society in tackling and countering radicalisation. The strategy indicates that in order to counter radicalisation EU resolves to disrupt the activities of the networks and individuals who draw people into terrorism; ensure that voices of mainstream opinion prevail over those of extremism; promote yet more vigorously security, justice, democracy and opportunity for all.

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SCHENGEN ACQUIS AND ITS IMPLEMENTATION IN LATVIA

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Abstract. *Latvia joined the Schengen area in 2007 and has already passed three Schengen evaluations. The novelty of the article is aimed at analysis of Schengen Acquis implementation in Latvia and offer suggestions on its further implementation development. The aim of the study is to develop and propose suggestions on Schengen Acquis content improvement and its judicial systematisation development. The research tasks are to investigate the current EU and national normative regulations, legal practices, the conclusions of Latvian and foreign law researchers by using analytical, historical and comparative methods. The improvement of the national normative regulation was started long before Latvia's accession to the Schengen area. The further development of the Schengen acquis is important from the point of view of the right to free movement of persons and from the point of view of ensuring public security in the face of today's challenges related to terrorism, international crime, uncontrolled migration and the spread of disease. The main achievement of the research is that the author has defined the main areas of Schengen Acquis development.*

Keywords: *border security, free movement of persons, public safety, Schengen acquis.*

Introduction

The principles of the State Border Guard's activities, powers, rights and responsibilities and other competences are determined by the Border Guard Law which has been in force for more than 20 years. During this period Latvia has joined the European Union and joined the Schengen area. The normative basis of border guards' activities has developed considerably and has also changed dramatically. The topicality of the research arises from the necessity to develop legislation by the State Border Guard, both in national and international aspects meeting the requirements of the Schengen Area.

The research period is mainly related to the period from 2004, when Latvia joined the European Union and undertook the implementation of European Union legislation in Latvia.

The following methods were used during research:

1) The historical method - studying the development of the Schengen regulatory framework in the historical context, within the framework of the evolution of the European Union and the national regulatory framework;

2) Analytical method - analysing the international, European Union, Schengen and national regulatory enactments, legal practices, knowledge of Latvian and foreign law scholars;

3) Comparative method - comparing different national laws, as well as relevant European Union and international regulatory framework.

The purpose and tasks of the research are to study the Schengen current normative regulation, legal practices, the findings and conclusions of Latvian and foreign law scholars concerning Schengen acquis implementation aspects and based on research results put forward suggestions on Schengen Acquis implementation development.

Hypothesis - The current Border Guard Law and other legislative acts do not not comply with modern requirements and do not contribute to overall efficiency of the State Border Guard activities. There is a need to further develop appropriate legislation meeting the requirements of the Schengen Acquis.

Approximately five million people use the right to move to another EU member state every year, not counting those who work every day in a neighboring country or those who go abroad to study (Manuskripts, 2004). Belgium, Luxembourg, the Netherlands, Germany and France signed the Schengen Agreement on 14 June 1985 in Schengen Castle on the banks of Moselle river, which is one of the most significant achievements of the free movement of persons on the international scene.

Given the geopolitical significance of this agreement and its direct impact on constitutional law and the sovereignty of the Member States, this would fall within the EU's primary legislation, as pointed out by individual experts - the founding treaties, (Treder, 1998, p 132) since it establishes a single space for the free movement of people.

The Schengen Agreement (1984) consists of a preamble and 33 articles, which are merged into two sections. The agreement abolishes systematic border checks at signatories' common borders, providing for "normal visual observation" of road transport, which does not require its stopping, only reducing speed when crossing the border.

The control is optional, and it must be done in specially designed places, without delaying the movement of other transboundary vehicles, which contradicts the separate EC claims that large-scale infrastructures remain at border crossing points at internal borders, which often results in significant speed limits. The EC believes that Member States must eliminate all of these obstacles to ease traffic. From a control and enforcement standpoint, the positive requirement of the Member States was to require drivers who cross the border to comply with border police and customs regulations to attach a green disc of 8 cm in front of the vehicle's windscreen (Schengen Agreement, 1984, Art 2, 3, 12). Such a requirement is no longer applied in the modern Schengen area, as there is no regular border control at internal borders, and this provision actually lost its

meaning, although it is still in the text of the agreement. Significant was Article 5 of the treaty, which allowed the use of dual controls on international highways. Two neighbouring countries were able to use either a common border check with the simultaneous participation of competent officials in a single border check or by carrying out an inspection on their territory only by competent officials of each neighbouring country and only to inbound persons and vehicles, thus saving time and resources for border checks. Such joint border inspection posts were also established on the borders of Latvia with Estonia (Par Nolīguma starp Latvijas Republikas valdību un Igaunijas Republikas valdību par valsts robežas šķērsošanas vietām un Grozījumu Nolīgumā starp Latvijas Republikas valdību un Igaunijas Republikas valdību par valsts robežas šķērsošanas vietām denonsēšanu, 2011, Art 1) and Lithuania (Par Nolīguma starp Latvijas Republikas valdību un Lietuvas Republikas valdību par sadarbību, veicot kontroli valsts robežas apvienotajos kontrolpunktos, un Protokola par grozījumiem un papildinājumiem Latvijas Republikas valdības un Lietuvas Republikas valdības nolīgumā par sadarbību, veicot kontroli valsts robežas apvienotajos kontrolpunktos, denonsēšanu, 2011, Art 1) until December of 2007 when these countries completely abolished border control at internal borders (LR likums, 2011).

Article 6 of the Treaty laid down a facilitated regime for the crossing of persons in relation to the inhabitants of the territories adjacent to the internal borders of the Member States, allowing them to cross the border outside the border inspection posts in virtually any place and time. This norm was further developed in Article 3 of the Schengen Convention for the concept of local border traffic, which can be extended not only to internal, but in some cases even to the external borders, as is also known in Latvia in the functioning of the border crossing points for local traffic on the state border with Belarus (Agreement between the Government of the Republic of Latvia and the Government of the Republic of Belarus, 2010). According to the agreement, from 1 February 2012 (came into force in 2011), border residents may cross the border with a valid travel document and a local border traffic permit, but a visa is not required. This partly disassociates the implementation of the so-called "compensatory mechanism" provided for in the second section of the Treaty, which includes rules, measures and actions at the external borders and between Member States which would help to prevent the negative consequences of the free movement of persons, that is, crime and illegal immigration prevalence (Schengen Agreement, 1985, Art 9, 17 – 20, 24). Such a "compensatory mechanism" can be triggered by strengthening the status of the EU's external borders by developing and unifying the relevant regulatory framework, reinforcing immigration control in the Member States, achieving more effective and more

professional border control, improving infrastructure and other measures (Concept of Integrated Management of the State Border of the Republic of Latvia, 2012) as detailed in Articles 2, 6, 7, 8, 27 and other articles.

On December 18, 2019, the Comprehensive Latvian State Border Integrated Management Plan for years 2019-2020 was approved. the Integrated Management approach to national borders supports the establishment of a legal and institutional framework for the activities of the authorities involved, develops common risk analysis products and agrees on common control mechanisms, contributes to more efficient resource management and training provision, enables more efficient use of infrastructure and equipment, and developing cooperation with civil society Unlike the treaty, the Schengen Convention is a larger legislative act, consisting of 142 articles, which are included in 8 titles. The first title consists of the so-called norms of law - definitions. One article formulates important concepts that are used in the convention, such as internal and external borders, third country, border control, etc. (Schengen Convention, 1990, Art 1).

One of the key concepts of the Schengen Convention, which is directly related to the concept of the EU's external border, is the concept of "border control", but it is defined in an ambiguous manner, meaning "control at a border that, irrespective of other considerations, justifies intention to cross the border". The phrase "border control" is not precise as it is not clear whether it is intended to be a border control at the state border or it is in the vicinity of the state border, for example in the border area, as permitted by the Schengen Convention for the implementation of customs control measures, the transportation of narcotic substances and weapons, cross-border pursuit of criminals. More specifically, the content of the concept of "border control" is set out in the Schengen Borders Code and includes border checks and border surveillance (2016). However, these definitions are also unclear, since it is not clear to which external or internal borders the terms mentioned refer.

Differences in the number of different concepts, such as "border checks" (Schengen Convention - control of persons), from other checks and its criteria and ambiguity (Schengen Borders Code, 2016, Art 21), uncertainty in the legal status of border areas, diversity of definition of threats ("public order or national security", "threat to international relations" (Schengen Convention, 1990, Art 2, 5, 6), "threat to public health" (Schengen Borders Code, 2016, Art 2), "serious threat to public policy or internal security" (Schengen Borders Code, 2016, Art 23) and other inaccuracies have led to different interpretations of several basic concepts of the Schengen acquis and, therefore, inconsistency in the implementation of the Schengen Convention.

In the conclusions of case C 348/09, concluded that sexual violence against fourteen year old minor, the satisfaction of violent libido and rape do not fall within the concept of serious (primary) national security reasons in cases where these activities do not directly jeopardise the peace and physical security of the population in general or in a large part of it, even despite the fact that the perpetrator has been punished with a long-term prison sentence and has not even recognised his fault, which increases the risk of recurrence, thus the threat to the public (Yves Bot, Oberbürgermeisterin der Stadt Remscheid I Case C-348/09 P. I. Oberverwaltungsgericht für das Land Nordrhein-Westfalen, 2012).

Contrary to the interpretation of Article 96 of the Schengen Convention on public order and public security, which provides that such a threat may arise from an alien who has been convicted of an offense punishable by imprisonment for at least one year or a foreigner who is reasonably supposed to that he has committed serious criminal offenses, Article 28 of Directive 2004/38 already defines public policy and public security concepts. Article 2 of the Directive states that a Member State may not decide on the expulsion of Union citizens or their family members irrespective of their nationality, who have the right to reside on its territory, except for serious public order or public security reasons (Directive2004/38/EC, Art 28). By contrast, paragraph 3 of Directive 2004/38 provides that an expulsion decision cannot be adopted against EU citizens unless the decision is based on serious national security considerations defined by the Member States where the citizens: (a) have resided in the host Member State for the preceding 10 years; (b) are minors, except where expulsion is necessary in the best interest of the child.

Comparison of the above concepts Article 28 (2) and (3) of Directive 2004/38 clearly indicate the distinction between concepts of public policy and public security, of which the second indicates a higher degree than the first in relation to the circumstances under which the extension to the EU citizens protection may not be applied. The application of both concepts in the field of criminal law corresponds to two distinct criminal law situations. Each Member State defines its public policy with its national law, as it defines the type of conduct prohibited by criminal penalties.

In that regard, it is clear that all provisions of criminal law relate to public policy in such a way that they are mandatory by virtue of their nature and cannot be chosen individually by their will. They are designed precisely to expose individual will, the consequences of which are considered harmful to society's values. Failure to comply with these rules results in a disturbance of the public policy of the Member State, which is greater or less depending on the nature of the criminal offense, since the public order disorder is usually reflected in the penalties imposed by the national

legislature for the purpose of punishing the prohibited conduct. In each particular case, this assessment and, where applicable, the weighing takes the form of a de facto sanction, which, in the light of the circumstances specific to each case, characterizes the degree of actual offense committed (Yves Bot, Oberbürgermeisterin der Stadt Remscheid I Case C-348/09 P. I. Oberverwaltungsgericht für das Land Nordrhein-Westfalen, 2012).

Latvian Police Lawyer Dr. A.Matvejev points out that public order is an order in public places, which manifests itself in the fulfilment of obligations specified by human subjects in the exercise of their subjective rights and legal norms. Less dangerous offenses that impede public order and public security are classified as administrative violations, for which the Latvian Administrative Violations Code provides for administrative liability (Matvejevs, 2009, pp. 122 - 123).

The problem of the interpretation of the basic concepts of the Schengen acquis is also reflected in some EC complaints concerning complaints by individuals crossing the internal borders of the border area in 2010 due to possible regular inspections carried out in certain internal border areas without barriers to traffic flows at the border crossing points at internal borders and to hinder notification of planned reintroduction of border control at internal borders (EC: On the application of Schengen Borders Code, 2009).

However, somewhat later, the European Commission, concerned about the risk of illegal immigration in Africa by the political crisis in Africa, proposed to provide for stricter application of the Schengen rules and a more structured decision-making mechanism for the temporary reintroduction of border control at internal borders if there is a serious threat to public order or internal security (EC: on strengthening the Schengen Area, 2011).

In exceptional circumstances, border control at internal borders (Schengen Borders Code, 2016, Art 15) may be temporarily restored if there is a serious threat to public order or internal security. The possibility of reintroducing border control at internal borders at EU level has been used several dozen times. In 2018, only by November border control has been restored in six Schengen countries (Temporary Reintroduction of Border Control, 2018). In most cases, the reintroduction of border control has taken place in connection with large-scale sporting events, political demonstrations or high-level political meetings (EK. Schengen governance - strengthening the area without internal border controls, 2011). The opportunity to reintroduce border control at internal borders in the Schengen area was used at least 122 times in 2019 (Member States' notifications of the temporary reintroduction of border control at internal borders pursuant to Article 25 et seq. of the Schengen Borders Code). In

most cases, the reintroduction of border control was linked to the threat of terrorism and illegal migration, large-scale sporting events, political manifestations or government level political meetings (EK. Šengenas pārvaldība – zonas bez kontroles pie iekšējām robežām stiprināšana, 2011).

For example, in order to avoid possible threats to the NATO Parliamentary Assembly's Spring Session in Riga from 2010 From May 28 to June 1, temporary border control at the internal borders was restored and for 397 persons were found breaches related to use of travel documents at internal borders (Regulations by the Cabinet of Ministers on the temporary reintroduction of border control at internal borders, 2010).

Abolishing persons control at the internal borders allows the border crossing not only citizens but also foreigners who can enter and stay in the Schengen territory for up to 3 months if they have a valid travel document and visa (if required) (Schengen Convention, 1990, Art 5). Article 10 of the Schengen Convention defines the need for visas for foreigners - a uniform Schengen visa is introduced throughout the EU common area, which is valid in all Schengen countries when it is issued for entry into one country (Visa regulations by the Cabinet of Ministers, 2010).

But in this respect, it is important in the context of:

1)   referring the concept of "first entry" not only to the first entry (Nicolae Bot, Préfetdu Val-de-Marne, C-241/05, 2006) into the Schengen area, but also to the first entry after the end of the six month period counting from the first entry, as well as any other first entry after any new the end of the six month period from the first day of the first entry which, in the meaning and interpretation of this provision, may cause problems for border crossing parties, as no such information is indicated in the visa (Visa regulations, 2011);

2)   the refusal of aliens to enter the Schengen territory if they constitute a threat to public order and security, information obtained from the Schengen Information System at all border inspection posts at the external borders in all Schengen area countries. In the Opinion of Advocate General Mengozzi in Case C 84/12, the conditions for entry in Article 21 and Article 32 (1) of the Visa Code, as well as the risk assessment and grounds for refusal, which are likely to lead to incorrect decision making visa issuance procedure (2013). In addition to the Schengen border code and the Visa Code, the threats to the policy, internal security, public health and international relations of the Member State identified in the grounds for refusing entry are set out in the Visa Code in addition to the conditions for issuing a visa, such as the absence of a threat of illegal immigration, the validity of the purpose of entry, the lodging of a visa application authenticity of documents, medical insurance and availability of means of subsistence (Visa Code, 2009, Art 21, 32).

The third part of the Schengen Convention, Police and Security, provides for law enforcement cooperation, police surveillance and pursuit, including the crossing of internal borders, by continuing to observe individuals or following criminals in hot pursuit (Matvejevs, 2006, pp. 49 – 60, 149 - 171). Persons crossing internal borders should be perceived as meeting the conditions of entry and have already been inspected at one of the Member States' external borders. However, regardless of the accuracy and integrity of border controls in a Member State, when aliens stay in the territory of the Schengen Convention Member States may change the legal basis for stay (the validity of the travel document or visa expires, the travel document is lost, the legal basis for stay, etc.). In such cases, individuals continue to move freely throughout the Schengen area, creating a significant risk of illegal immigration. The provisions of the Schengen acquis require the Member States to implement systematic "compensatory" measures when removing border control at internal borders (Gaveika, 2009, pp. 127 - 133).

Until the abolition of border control at the internal borders, border checks were essential for the prevention of delinquency, since all persons were fully registered during the border checks and the law enforcement agencies were able to determine the fact of entry and exit of the persons. When carrying out border checks at all borders, the illegal entry into the country did not create a high risk and it was insignificant (Public reports of the State Border Guard on years 2002 - 2011). Unfortunately, in the case of the restoration of border control Regulations by the (Cabinet of Ministers on the temporary reintroduction of border control at internal borders, 2010) at internal borders, the number of offenses is increasing sharply (in 7 days period in 2007 when systematic border checks were carried out - 184 offenses were detected, and in 2010, during the same period when the border checks were restored - 376 offenses were detected) (Gaveika, 2018), which in general indicates that "compensatory measures" are ineffective, furthermore, given the fact that the public is warned in advance in all Member States about the time and place of the restoration of border checks. It is the task of a Member State of the Schengen Convention to inform the EC six weeks in advance (except in cases of urgency) that it assesses the validity of such measures and informs the public (Schengen Borders Code, 2016, Art 26 - 30) in the future, but the task of informing the public in the Ministry of Internal Affairs in Latvia (Law on the state border of the Republic of Latvia, 2009, Art 28). Consequently, the actual extent of cross-border delinquency at internal borders, when border checks are not carried out, cannot be precisely determined.

The fourth part of the Schengen Convention "Schengen Information System", which provides for a global information system for combating

delinquency and cooperation between the Member States, is very important in the work of law enforcement authorities. The use of the SIS involves significant changes in the regulation of the immigration process in each of the Schengen Member States (Grenzüberschreitende polizeiliche Zusammenarbeit zwischen den Schengen-Staaten im EU Rahmen, 1999, S 147) in order to strengthen public order and security in the territory of the Member States by ensuring the availability of reports to the competent institutions and authorities (Law on operation of the Schengen Information System, 2007, Art 1) of the Member States, although these reports sometimes lack sufficient justification for public order interests to ban entry for specific persons (ECJ case on 31st January 2006 C-503/03 Commission v Spain, 2003).

The SIS is a common database of law enforcement agencies, in which, by 2012, more than 40 million alerts (up by about 3% per month) from 28 countries (Šengenas informācijas sistēma, 2014), including Romania and Bulgaria, were entered, although they are still not members of the Schengen area (EU Council Decision of 29 June 2010 on the implementation of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania, 2010).

Since 2008 by 2013 the total number of SIS alerts increased from 22.9 to 44 million (Schengen. Your gateway to free movement in Europe, 2013). The capacity of the SIS database was limited due to technical limitations. It was planned that by 2008 December 31 a new system of SIS II with the use of biometrics and the integration of national information systems will come into operation, which ultimately only started in 2013 in May (the Ministry of the Interior of the Republic of Latvia).

Currently, the Schengen Information System is used by law enforcement authorities of 28 European Union and European Economic Area countries (Iceland, Norway, Switzerland, and Liechtenstein) and the total number of alerts in the Schengen Information System exceeds 40 million. At the end of 2017, SIS contained approximately 76.5 million records, it was accessed 5.2 billion times and secured 243,818 hits (when a search leads to an alert and authorities confirm it) (Schengen Information System, 2020).

The sixth part of the Schengen Convention, entitled "Protection of Personal Data", aims to protect the human right to privacy. The SIS operation law in Latvia specifies the authorities responsible for including the reports in the system and the institutions that have access to the reports already included, as well as the priority requirements (Law on operation of the Schengen Information System, 2007, Art 12, 14) of the reports, also introducing new information technology solutions, incl. the use of biometric

data (Biometric data protection system law 2009, Art 1) and ensuring the protection of personal data - auditing at least once every four years.

With regard to the protection of personal data, the author does not agree with Ē.Krutova's statement that it is not possible to provide control in the practical work or information indirectly not used outside the purpose of the provision, as the SIS information is nevertheless protected both by the personalization of users and the control of cases and objectives of the system's use. One cannot agree with Ē.Krutova's opinion that the SIS and the Prüm information system (as regards the use of DNA profiles in the fight against terrorism and cross-border crime) (Krutova, 2011, pp 145 - 149) would be indistinguishable as the DNA is also a biometric data and the creation of separate information systems for individual biometric data or specific issues (crimes types) is destructive.

Chapter 7 of the Convention establishes responsibility for examining asylum applications and seeks to standardize and unify the application of asylum law in the light of the Geneva Convention on Refugee Status and the Dublin Convention, which basically implements the Schengen Convention's asylum provisions, including several directives. Chapter 7 of the Convention establishes responsibility for examining asylum applications and seeks to standardize and unify the application of asylum law in the light of the Geneva Convention on Refugee Status and the Dublin Convention, which basically implements the Schengen Convention's asylum provisions, including several directives.

Conclusions

1. The Schengen Agreement and the Schengen Convention are one of the most significant achievements for free movement of persons on the international scale. Given the geopolitical importance of these treaties and the most direct impact on constitutional rights and the sovereignty of the Member States, they should be part of the EU's founding treaties, since they create a single space for the free movement of persons.

2. Until the abolition of border control at the internal borders, border checks were essential for the prevention of delinquency, since all persons were fully registered at the borderchecks and the law enforcement agencies were able to determine the fact of entry and exit of persons.

3. An essential achievement of the Schengen agreement is the introduction of a "Compensatory measures" by providing such regulations, measures and actions that would help to prevent the negative consequences of the free movement of persons. In the event of border checks being restored at internal borders, the number of offenses is increasing rapidly. The number of offenses is also increasing every year in the control of

immigration at internal borders, which in general shows an insufficient effectiveness of the "compensatory measures".

4. One of the main concepts of the Schengen Convention, "border control", is defined uncertainly, meaning "control at a border that, irrespective of other considerations, justifies the intention to cross the border". The phrase "border control" is not specific, since it is not explicitly stated whether it is a border check at the state border, which the Schengen Convention does not define separately, or it is a control near the national border, for example in the border area, as permitted by the Schengen Convention for the control of customs drug trafficking and weapons trafficking, cross-border pursuit of criminals.

5. At the EU level, there are no unified and precise definitions of the threats to national policies, internal security, public health, international relations identified by the Schengen Borders Code as grounds for refusing entry, but the Visa Code further sets out the conditions for issuing a visa, such as the absence of illegal immigration threats, the justification for the purpose of entry, the authenticity of the visa application documents submitted, the medical insurance and the availability of means of subsistence.

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THE SCHENGEN AREA - THE CHALLENGES OF ITS EXISTENCE AND THE NEED FOR REFORM

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Abstract. *The Schengen area is a unique structure and one of the European Union's greatest achievements allowing people to move freely within its borders. However, the factors such as the refugee crisis and the influx of asylum seekers into Europe have led several Member States to reintroduce border controls at their internal borders. The aim of the research is to explore the Schengen area, the challenges of its existence and the need for reform. In order to implement the aim of the research, the authors have determined the following tasks of the research: 1) to explore and analyse the Schengen area and the reforms taking place in it; 2) to explore the challenges of the existence of the Schengen area; 3) based on the results obtained in the research, to draw conclusions and develop proposals. The study summarizes the reforms implemented and planned in the Schengen area, evaluates the existing challenges and relevance of the reforms to overcome them. As a result of the study, the authors conclude that it is necessary to ensure the Member States adopt measures to restore the proper functioning of the Schengen area and do not request extension of the reintroduction of the border control at the internal borders.*

Keywords: *border control, challenges, cooperation, reforms, Schengen area.*

Introduction

Everyone who needs to move from home country to another is pleased to use possibility to travel freely. We also want everything to be comfortable and simple when travelling. In the past, the heads of the countries have made the travelling easier by creating the Schengen area. The area without internal borders – the Schengen – was set up at the intergovernmental level by the Member States wishing to abolish the internal border controls (European Commission, 2010).

The Schengen area is currently at the crossroad and decisive, strong, and joint action is needed to fully restore the benefits and guarantees it brings to the people. Fundamentally, there is also a need for a mutual trust, cooperation, and solidarity between the Member States, while not allowing political negotiations aimed at weakening and calling into question the benefits of the Schengen area.

The aim of the research is to explore the Schengen area, the challenges of its existence and the need for reform. In order to implement the aim of

the research, the authors have determined the following **tasks of the research**: 1) to explore and analyse the Schengen area and the reforms taking place in it; 2) to explore the challenges of the existence of the Schengen area; 3) based on the results obtained in the research, to draw conclusions and develop proposals.

Hypothesis: The reforms taking place in the Schengen area ensure its existence.

Research methods: monographic, or descriptive method; logically constructive method; special literature and internet resources research method; comparative method; graphic method; quantitative research method; method of analysis and synthesis.

Research period: historical period, 2014 - 2019 (first 10 months).

Novelty of the research: the study, in the summarised way, analyses the reforms implemented and planned in the Schengen area, evaluates the existing challenges and assesses the aptness of the reforms in overcoming them.

Summarizing the research results, it can be concluded that the main value of the Schengen area is the possibility of free movement. However, the possibility of free movement is also viewed negatively, as it poses a threat to overall security. As the analysis in the study shows, the future challenges and necessary reforms for the Schengen area depend on the mutual cooperation and the desire to maintain an area without the internal border controls that ensure security. There must be global solutions to the current problems and future challenges. As the Schengen area consists of 26 Member States, the political views of each country also differ on various issues, which also depend on the country's geographical location, economic growth, and technical capabilities.

Research results and discussion

In 1985, no one was convinced that the union of free borders would have a future (Lipsnis, 2015). It is now possible to move freely to any country, and we can thank the EU legal framework and the Schengen agreement approved by the Member States for this (Štibe, 2019).

History shows that the Schengen area had faced various threats and challenges since its inception. Nonetheless, it continues to exist, as certain measures are being implemented to adapt the Schengen area to the current requirements and the constant change.

Since 2015, when the Schengen area encountered the mass migration flows and the secondary migration movement, various reforms have been envisaged and implemented to restore the proper functioning of the Schengen area. The measures to strengthen the Schengen area were

implemented both at the external borders and within the area, as shown in Figure 1.

The measures implemented at the external borders
- Strengthening management at the external borders
- Stronger and smarter border and security systems

Measures implemented in the Schengen area
- Implementation of cooperation
- New Schengen assessment mechanism
- Amendments to the Schengen Borders Code
- Enlargement of the Schengen area

Figure 1. The measures implemented in the Schengen area and at the external borders in 2015-2019 (created by the authors)

In response to the challenges of the Schengen area existence, the reforms are being implemented both within the area and at its external borders. The reforms implemented so far show that they improve the functionality of the Schengen area and provide the necessary security measures.

A set of laws has been developed to ensure the proper functioning of the Schengen area; the Schengen assessment mechanism is used to monitor the application of the Schengen *acquis* and make recommendations on any shortcomings, however, it does not provide for the sanctions if the countries do not address the shortcomings.

In 2016, the existing European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union was strengthened renaming it into the European Border and Coast Guard Agency (FRONTEX) (On the European Border and Coast Guard Agency, amending the Regulation of the European Parliament and the Council (EU)), as well the European Border and Coast Guard composed of FRONTEX and the Member States' authorities responsible for border management, including border guards, insofar as it carries out border control tasks, was established (On the European Border and Coast Guard, amending Article 3 of the Regulation of the European Parliament and the Council). The strengthening of the European Border and Coast Guard Agency, FRONTEX, is linked to the need to continue to ensure the functioning of the "real Schengen" – the free movement of persons across

the EU borders. On 4 December 2019, the new FRONTEX Regulation (On the European Border and Coast Guard, repealing the Regulations (EU)) entered into force, aiming to further enhance the overall level of security in the EU by managing the EU's external borders more effectively and enhancing the return of the persons without the legal base to reside in the EU, based on a more efficient exchange of information between the Member States, the EU agencies, and the third countries.

Two new large-scale information systems will also be introduced: the Entry/Exit System (EES) and the EU Travel Information and Authorization System (ETIAS). The aim of the EES is to modernize the management of the external borders by improving the quality and efficiency of checks and the detection of forgery of documents and identities. The system will apply to all third-country nationals who are allowed a short stay in the Schengen area at the moment they cross the Europe's external borders (European Parliament Office in Latvia, 2019).

As the Schengen area expands to include more countries, the Member States face an increasing threat as the area of control increases. The EU and the Member States can only secure a stronger Schengen area if they are united and work together. Croatia has taken steps to ensure that the necessary conditions are met. When it becomes a full member of the Schengen, it will contribute to the further strengthening of the Schengen area and ensure better protection of the EU's external borders (European Commission, 2019).

Currently, the Schengen area is characterized by three types of border walls: "Physical walls", "Mental walls", and "Virtual walls". "Mental walls" means criminalizing and securitizing the movement of people, especially refugees and migrants. "Physical walls" focus on land walls, fences, and maritime walls (Ruiz, 2018). We shall not forget the "virtual walls" – the border control systems aiming to stop people from entering the Schengen area and to control the movement of people (Akkerman, 2019). Each of these walls has its own function in providing security, but they could also be violated.

Global threats of terrorism and illegal immigration, climate overheating, energy dependence are some of the major challenges (Šulca, 2011). The Schengen area has already experienced a boom of terrorism and a crisis of the illegal immigration, and this threat has jeopardized its very essence – the right of free movement.

Analysing the challenges and assessing the possibilities of the Schengen area to overcome them and preserve its core value – the freedom of movement, the authors have created Figure 2 illustrating the successful implementation of the ideas.
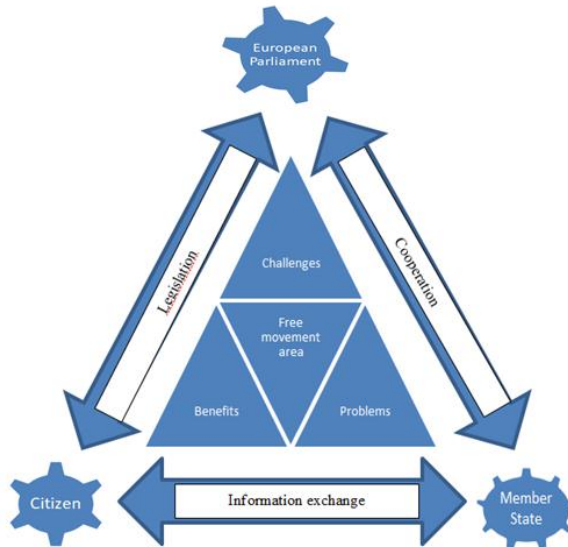
Figure 2. Implementation scheme for the Schengen area existence
(created by the authors)

Looking at Figure 2, it can be seen that overcoming the challenges of the Schengen area is a joint effort involving citizens, the Member States, and the European Parliament. Cooperation, information exchange, and appropriate legislation are necessary for this mechanism to work. If at least one element of this scheme is missing, overcoming the challenges will be hindered. This means that the continuation of the Schengen area requires desire and joint work.

The main challenges facing the Schengen area are illegal migration, terrorism, and human trafficking, which are developing as a result of free movement and insufficient protection of the external borders. The interests of the countries depend mainly on their geographical location and, partially, on their political position.

Today, migration is facilitated by the new communication technologies and the information exchange in the social networks (Šnore, 2016), as people communicate more easily and quickly receive the newest and up-to-date information about ongoing processes far from their home country.

One of the biggest challenges is and will be the integration of the third-country immigrants and the Muslim community, which will necessitate the protection of the Western culture and the rights of Europeans (Kristovskis,

2008). It is not possible to stop migration completely, just in solidarity with all Member States to take part in the reception of the refugees. Their free movement to another country within the Schengen area due to the better living conditions is problematic . This freedom of movement of the refugees destroys the balance in the Member States of the European Union, because, despite the fact that the refugee status is granted in each Member State separately, the physical stay of the refugees takes place in another, more attractive country, which places greater burden on that country. A common solution within the European Union is needed to ensure that the refugees have the same social and other guarantees in each country, i.e. to ensure that in each Member State a refugee could claim the same range of social and other guarantees, no more and no less than in other European Union country. The current system could likely to be improved with various types of benefits and job offers for the refugees (Gelpers, 2019).

The citizens' response by reporting an unknown suspicious person to the authorities is important in identifying illegal immigrants, as immigrants cannot hide for long. In response to the risk of illegal immigration, the previously analysed reforms of the Schengen area, such as the EES and ETIAS, are implemented, nevertheless, the current solution is to strengthen FRONTEX and deploy experts both at the EU's external borders and in the third countries.

Terrorism, which is considered to be one of the main challenges facing the humanity, is one of the most debated issues today not only in the Schengen area but also worldwide. Terrorist attacks in the Schengen area and elsewhere are a reminder that the fight against terrorism and the prevention of radicalization remain a priority for the European Union and its citizens. Domestic terrorists operating in networks, terrorists acting alone, and foreign fighters terrorists returning to their countries (European Commission, 2019).

The greatest threat to the Europe's internal security is posed by the individuals who have already gained combat experience and after returning to the home countries are ready to spread extremist ideas and apply their experience. The analysis of the terrorism trends suggests that long stay in the terrorist regions may encourage the individuals to get attached to a radical interpretation of Islam or even to establish contacts with the members of the terrorist groups there (Voins, 2015).

In the Schengen area, the biggest terrorism threat is posed by the Islamic terrorists (Lorencs, 2018). Today we live in a digital age, therefore, dealing with the online content related to terrorism remains a major challenge in preventing radicalisation. Reports by the Member States remain an important component of the response. The speed at which the companies respond to the reports varies widely – from less than an hour to

several days, so the speed of the response needs to be further improved to properly comply with the legislative proposal adopted by the Commission in 2019 to remove content related to terrorism within one hour after receiving a report (European Commission, 2019). At present, all the main lines of the action against modern terrorism on the part of the international community and individual countries can be divided into three major sections, which are closely interlinked and cannot be implemented individually. One section is to prevent the creation of an environment conducive to the spread of terrorism through the adoption of new legislation, increased control of the financial flows, public education and other preventive measures. The second section is preparation of the special forces, the provision of technical means, everything necessary for responding to a crisis that has already taken place or is actually threatening. The third section is the follow-up measures to the terrorist attacks that have taken place: victim support, investigation of the consequences. A separate section in the fight against terrorism is the process of investigating the event: identifying, detention, and prosecuting the perpetrators (Voins, 2015).

The reforms in the Schengen area have also been implemented to combat the terrorism. For example, the revised mandate of the European Border and Coast Guard makes it possible to contribute more effectively to the fight against terrorism and to ensure greater coherence between internal and external security action. The exchange of information remains an extremely important element of the ongoing efforts to address the return of the foreign fighter terrorists to their home countries and to take wider counter-terrorism activities (Council of the European Union, 2017).

Human trafficking is considered the second most lucrative criminal business in the world after the drug business (Balode, 2019). Although much is said about this problem, there is a little information in the society. Most often, an article is published in the mass media about a solved case, which is usually solved within the framework of cooperation and causes a temporary concern in the society.

Within the framework of Schengen cooperation, the common problems must be discussed and specific opportunities for cooperation must be sought, which could close the gaps in the fight against human trafficking. According to the experts, to fight human trafficking in the Schengen area, an effective and professional system for controlling the flow of migration by carrying out checks at the external borders and preventing illegal migration must be implemented (Tentere, 2007). Bulgaria, Romania, and Ukraine are mentioned as the largest origin countries of the victims for the human trafficking (Cilvēktirdzniecība, 2018). Indeed, Austria is an important transit country, especially for the victims from the central part of the

Eastern Europe, while Italy and Spain are the main entry points for the non-EU victims, mainly from Albania, Brazil, China, Nigeria, and Vietnam. It is important to note that the EU victims usually use authentic documents, while the victims from outside the EU use forged ones (EUROPOL, 2016).

All the implemented and planned reforms are carried out to ensure security within the area; nevertheless it is also necessary to think about the main value – freedom of movement, so the citizens of the Schengen Member States can use it. The reforms are needed and they are happening, and there will certainly be more of them in the future. The authors believe that they will be related to the use of biometric data, as the studies are already being carried out on how the use of these technologies would affect the border control at the external borders. Indeed, the reforms must be based on the strict legislation so that the Member States cannot interpret the rules according to their needs and technical capabilities, without losing sight of the human rights and the data protection.

Indeed, the reforms and other implemented measures are evaluated from the different points of view, the information presented in the mass media is not always accurate, and therefore it causes problems. Further research is needed to assess the relevance of the future reforms to the current situation and the future challenges.

Conclusions and suggestions

The authors **conclude:**
1. The benefit of free movement provided by the Schengen common area is the freedom felt by any traveller entering the Schengen area. The countries have worked together to create an area of free movement and, working together, have helped to make the people's travel freer and easier, while making the single area with internal and external borders more secure. Therefore, the preservation of the right of free movement is the highest value in the Schengen area.
2. To strengthen the Schengen area, the measures have been implemented both within the area and at the external borders. The EU has responded and taken a number of measures to address the security risks posed by the lack of border controls within the Schengen area.
3. In the established information systems, data is duplicated and checks in different information systems are very time consuming. The use of any information system will expose the Member States' officials to incomplete data as well as technical and practical failures. Access to the information systems and their technical support are the biggest challenges for all Member States. As well, both geographical location

and technical capabilities prevent the full use of available information systems.

4. The reforms implemented and planned are the European Union's response to the existing challenges:
   - preventing terrorism: changes to the Schengen Borders Code, the Schengen Information System (SIS), and the establishment of the ETIAS;
   - responding to migration: in the future – EES as well as ETIAS; the current solution – strengthening the European Border and Coast Guard and deploying experts both at the EU external borders and in the third countries.

5. The major challenges facing the Schengen area are illegal migration, terrorism, and human trafficking, which are developing as a result of free movement and insufficient protection of the external borders, however, the countries' interests depend mainly on their geographical location and, partially, their political position.

6. Overcoming any challenge requires joint work, and, above all, this means cooperation at the various levels and between the competent authorities, without losing sight of the usefulness of the community in implementing these measures. The European Commission also emphasises the importance of this mutual cooperation.

7. In the future, the reforms related to the use of biometric data will definitely be implemented in the Schengen area.

The authors' **proposals**:

1. The following is required for the improvement of the Schengen evaluation system:
   - to improve and strengthen the conditions of the countries' responsibility to ensure that the recommendations of the Schengen evaluation are implemented and that the shortcomings identified are fixed;
   - to increase the frequency of unscheduled/unannounced Schengen evaluation visits in order to make the evaluation more objective and in line with the current situation in the Member States;
   - the Member States need to be evaluated every three years, as significant changes in legislation at the EU level usually take place within five years, and the adjustment practices at the national level are not always implemented quickly and effectively enough.

2. The European Border and Coast Guard needs to set up a Permanent Corps sooner. This will benefit the Member States, as they will be able to use the rapid reaction force if necessary and to receive the necessary assistance to carry out border controls or combat cross-border crime. The Permanent Corps will consist of highly qualified border guards and,

if necessary, this staff will be available to the Member States that would otherwise be difficult to organise on their own.

3. At the EU level, it is necessary to create a single data storage – a repository, which, when accessed from a specific information system, allows the user to see all the data that this system allows to be viewed. All information about a person, vehicle, property and other necessary information would be stored in the common data repository. Thus, when making changes, they would be made in the specific system and the user would receive the most up-to-date information during the data search and other institutions would not be burdened with data requests.

4. In order to improve cooperation and exchange of information in the Schengen area, the following must be implemented:
   - joint training for the competent authorities of the Member States through practical training using information acquired during operational work;
   - to involve the community in joint training by inviting them to report observations that are in line with the information disseminated in the media.

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PROBLEMS OF VERIFYING THE AUTHENTICITY OF ASYLUM SEEKERS' DOCUMENTS AND IMPROVING THE IDENTIFICATION OF THESE PERSONS

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Abstract. *The Republic of Latvia must be ready to implement the asylum procedure quickly and efficiently, improving the identification process, as the influx of asylum seekers into the EU may recur. The aim of the research is to study the asylum seekers identification procedure, the factors affecting it, and the possibilities for improving this procedure, to determine nature of the authentication process of documents presented by asylum seekers, to identify authentication problems and to find possible solutions. As a result of the research, the authors have evaluated the process of asylum seekers identification and developed proposals for its improvement, described the factors affecting the authentication of asylum seekers' documents and evaluated the possibilities to exclude these factors. The method of scientific induction, graphical method, document analysis, monographic or descriptive method are used in the research.*

Keywords: *asylum seeker, document authentication, identification of persons.*

Introduction

The procedure for identification of asylum seekers is one of the most important steps in the asylum process, while the purpose of checking the authenticity of asylum seekers' documents is to use the results of technical examinations of the documents in the asylum process. During the verification of the authenticity of documents, the officials of the State Border Guard use the informative resources of specimen documents – the information systems for detection of false documents that are available throughout Europe. The use of the information systems speeds up the document verification process in cases of suspicion.

One of the duties of an asylum seeker in the Republic of Latvia is to co-operate with the State Border Guard so that it can take his/her fingerprints, photograph him/her and identify him/her. The identification of an asylum seeker and the verification of the authenticity of documents are performed directly by the officials of the State Border Guard, therefore it is necessary to improve these processes. The authenticity of asylum seekers' documents is checked or examined by the officials of the State Border Guard Examination Service. The Latvian legislation governing the area of

migration does not provide a definition of identity for a third-country national and does not describe the process of verifying a person's identity, however, the identification process continues until unambiguously clear information about a person's identity is obtained.

The identification of an asylum seeker involves various stages: verification of fingerprints in the European Automated Fingerprint Identification System (Eurodac), verification of the authenticity of documents, appointment of various examinations, as well as other checks. Since 2016, a reform of the Eurodac Regulation has been proposed to improve and strengthen the European Union's information system with fingerprints of asylum seekers. At present, the Eurodac system has been introduced and is successfully operating in Latvia, including many functions that have not yet been implemented in other EU member states.

To determine the authenticity of documents, the officials of the State Border Guard use the specimens of documents uploaded in the document specimen information systems and their descriptions. The use of the information systems speeds up the document verification process, nevertheless the low quality of documents issued by the third countries presented by asylum seekers, the lack of specimens and errors made by the issuing authorities make it difficult to establish the authenticity of a document.

The aim of the research is to study the concept of asylum seekers, the identification procedure, the factors affecting it and the improvement of this procedure, to analyse the nature of authenticity of documents presented by asylum seekers, to identify the problems of authentication and to find possible solutions. In order to achieve the aim of the research, the authors have set the following **research tasks**: 1) to study the asylum seeker identification procedure, 2) to analyse the factors affecting the asylum seeker identification procedure, 3) to make proposals to improve efficiency and quality of the identification process, 4) to study authenticity examination process of the documents presented by asylum seekers, 5) to develop proposals for the improvement of the efficiency and quality of the document authentication process.

Hypothesis: Identification of asylum seekers and authentication of documents is an important procedure in the asylum process.

Research methods: scientific induction method, graphical method, document analysis, monographic or descriptive method.

A positive identification result will prevent threats to public order and security not only in the particular Member State but also throughout the European Union.

Research results and discussion

The European Commission has always moved towards a common European asylum system in order to move towards an effective, fair and humane asylum policy. A more efficient and coherent asylum system had required a single and harmonized set of rules at the European Union level. Therefore, in 2016, the Commission proposed the establishment of common procedures for granting international protection status, common standards on the protection, rights and reception conditions of beneficiaries of international protection.

According to Frans Timmerman, First Vice-President of the European Commission: "The European Union needs an asylum system that is both effective and protective, based on common rules, the principles of solidarity and a fair division of responsibilities. Those who really need international protection will receive it quickly, but those who are not entitled to protection in the EU will be returned immediately. "

These changes have established a common asylum procedure and ensured that asylum seekers are treated equally and appropriately, regardless the Member State where they lodge their application for asylum. At the same time, asylum seekers have clear responsibilities and tasks to prevent the secondary movement and abuse of the asylum procedure.

In Latvia, the common conditions of the European asylum system are fulfilled by directly implementing the EU instructions (Adijāne, 2019). In order to ensure compliance of the legislation of the Republic of Latvia with the requirements of the European Union, the new Asylum Law entered into force in 2016, which also introduced the requirements of the European Union in the field of asylum.

In the period from 2016 to 2018, 921 application from asylum seekers were received in the Republic of Latvia; most often the asylum was requested by Syrian and Russian nationals – according the statistics, these were 289 and 87 cases, respectively.

Table 1. Number of asylum seekers and status obtained in 2016 -2018

(created by the authors, based on Statistics of the State Border Guard)

	2016	2017	2018
Asylum seeker	350	395	176
Refugee status	47	39	23
Alternative status	107	259	24

Analysis of the statistical data in the European Union countries shows that 2,488,135 applications were received from asylum seekers from 2016 to 2018; most often the asylum was requested by Syrian nationals – in 303,980 cases.

Latvian legislation governing the field of migration does not provide a definition of identity for a third-country nationals. Latvian legislation does not describe the process of verifying a person's identity, for example, when a third-country national applies for a visa or residence permit in connection with employment, studies or family reunification.

The officials of the State border guard face various challenges in determining the identity of the third-country nationals. When accepting an asylum seeker's application, the state border guard officials may face the following problems: the asylum seeker presents false identity documents (may be partially forged or completely counterfeit); the asylum seeker presents documents belonging to another person; the asylum seeker does not have documents; the asylum seeker lies about himself and hides his identity; the asylum seeker does not want to cooperate with the State Border Guard officials; the asylum seeker hides his country of origin; the asylum seeker refuses to perform an examination (e.g. age examination); the asylum seeker refuses to provide fingerprints; the asylum seeker pretends to be mentally ill. Sometimes asylum seekers enter Latvia without documents, because persons, who have been intimidated while fleeing persecution in their own country, save their lives and often cannot bring documents, so they enter another country without them.

One of the main problems caused by asylum seekers themselves is the change of identity. The asylum seeker provides information about himself/herself, name, date of birth, country of origin, etc., but after a while provides completely different information. These steps may be repeated several times. According the statistics, asylum seekers lodge applications for a variety of reasons. However, some of them do not need the state protection and receiving a refugee status or alternative status in the Republic of Latvia, and Latvia is used only as a transit country to move to other European Union countries.

As our lives become more computerized, the security systems are becoming increasingly important. The rapid development of biometric technology is making information more vulnerable to misuse. Due to the growing importance of technology and the need for protection and access restrictions, reliable identification and authentication of individuals is required (Yuhanim Hani Yahaya, 2019). Biometric identification is the comparison of a reference sample with all biometric data samples in the biometric data processing system in order to determine its matching with one of the biometric data samples in the biometric data processing system and, if a match is found, to establish the identity of the owner of the reference sample. Biometric technologies are based on personal biometric data, which is compared with the data of a specific person (Biometric Data Processing System Law).

The Eurodac system is one of the key elements of the common asylum policy. Eurodac, or the European Automated Fingerprint Comparison System, is a tool for quick obtaining information on an asylum seeker detained internally or at the border in order to find out whether or not he or she has lodged for and received asylum in another European Union Member State, and if the Requirements of the Dublin Regulation are applicable to him/her. The Eurodac system makes it possible to significantly reduce the time normally required for the European Union countries to process asylum applications, thus helping those who really need asylum to receive a faster response to their asylum application and to identify effectively those who, possibly, wishes to take advantage of the European Union's asylum procedures for selfish purposes. At present, the Eurodac system is implemented in Latvia and is operating successfully, including many functions that have not yet been implemented in other European Union member states.

Of all the fingerprints uploaded into the Eurodac system in the European Union, 551,253 were those of asylum seekers being checked. Comparing 2017 and 2018, it can be concluded that the total number of fingerprints uploaded decreased by 15% in 2018. Comparing the total number of fingerprints of asylum seekers uploaded, it had also decreased by 13%.

The following definition of an genuinne document can be found in Latvian legislation: it is a document identifying a person or certifying rights issued by an authorized institution, a visa, a stamp or seal imprint. In order to prove or exclude the authenticity of a document, a technical examination of the document may be assigned, where the expert gives his/her opinion. The expert opinion, as one of the means of proof, is playing an increasingly important role in criminal, civil and administrative proceedings.

The expert's opinion must be objective and scientifically substantiated in order to prevent persons from crossing the state border illegally by using false or impostor documents, to facilitate the identification of persons during immigration control and asylum proceedings, and to provide evidence in relevant procedural steps. One of the case-law scientists, Daniel C. Murrie, believes that "the objectivity of forensic experts is affected by a number of factors, one of them is responsibility and risk, which may endanger the forensic expert".

In the period from 2017 to 2019, the total number of asylum seekers' documents submitted for examination was 97. The lowest number of documents submitted for examination was 17 documents in 2017, then it increased to 39 documents in 2018, and reached the highest number – 41 document in 2019. It should be noted that the highest compliance of documents with the specimens – namely, the number of recognition of the

authenticity of documents was in 2019, which was probably influenced by the proper updating of information in the document information systems and timely introduction of new specimens.
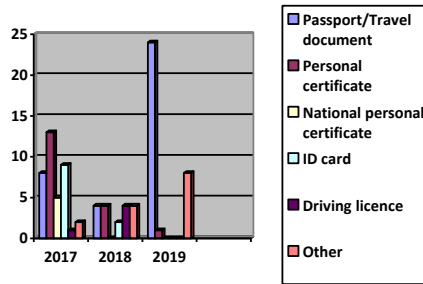
Figure 1. Asylum seekers' documents submitted for examination in 2017 - 2019
(created by the authors, based on Statistics of the State Border Guard Examination Service)

It can be concluded that passports (37%) are most often submitted documents among all the asylum seekers' documents.

Currently, a large number of document images (passports, personal ID cards, driving licenses, vehicle registration certificates, residence permits, etc.) have been uploaded into various systems with or without document descriptions. There are appropriate descriptions of images that relate to the specified document verification criteria, such as size, shape, security features (e.g. watermarks, UV light response, print quality, photo protection, etc.).

Within the framework of the research, a summary of information included in the information systems was created. The created table can be used by the officials in their work when searching for a specimen of the required document. The use of this table will help to reduce the time of the examination procedure as well as the waiting time for the person being examined.

Table 2. Information included in the information systems
(created by the authors)

	Vaverre pases	DPR	iFADO	PRADO	Reference Manual	DISCS	ISU LIGHT	FDS Regula	DOCIS	ARKILA
Travel documents	X	X	X	X	X	X	X	X	X	X
Residence permits	X	X	X	X	X	X	X	X	X	X

ID cards	X	X	X	X	X	X	X	X	X	X
Visa specimens	X	X	X	X	X	X	X	X	X	X
Civil status documents	X	X	X	X	X	-	-	-	-	X
Car registration licences	X	X	-	X	X	-	X	X	X	-
Driving licences	X	X	-	X	X		X	X	X	X
Asylum seeker documents	X	-	-	-	-	X	-	-	X	X [*]
Car insurance policies	X	X	-	-	-	-	-	-	X	-
Stamp specimens	X	-	X	X	X	-	X	-	X	-
Counterfeits	X	-	X	-	X	-	-	-	X	-
ALERTS	X	-	-	-	X	-	-	-	-	-

The information systems are a convenient and accessible tool for the officials to check authenticity of documents and detect fraud. The use of information systems speeds up the document verification process in cases of suspicion.

The identification of asylum seekers is greatly affected by the low quality of the documents issued by various countries, sometimes – by errors made by the issuing authorities and by infringements in service. Identity documents are still obtained illegally – fraudulently.

The most important factor influencing the authentication of documents required for border crossing is the illegal production and sale of high-quality counterfeit documents. Technological production methods similar to or even identical to the preparation of authentic documents are used. Document protection elements are also qualitatively simulated. By personalizing stolen and fraudulently obtained blanks of authentic documents, counterfeit documents are made that are difficult to detect. All these factors complicate the identification and authentication process and contribute to the increase in illegal immigration.

Conclusions and suggestions

1. In order to ensure compliance of the legislation of the Republic of Latvia with the requirements of the European Union in the field of asylum, the new Asylum Law entered into force in 2016 with the aim to ensure human rights to receive asylum, acquire status of refugee or

alternative status or obtain temporary protection in the Republic of Latvia. The Law determines that the institution responsible for initial activities with asylum seekers and determination of the asylum seeker's identity is the State Border Guard.

2. Information systems are an easy-to-use investigative tool for detecting false documents, available throughout Europe, and their use speeds up the document verification process in cases of suspicion.

3. Examining the information to be included in the specimen document systems, the authors found that specimens of travel documents, residence permits, identification cards, visas can be found in all systems reviewed by the authors; however, documents such as personal insurance policies can only be found in the "DOCIS" information system; specimen of driving licences for transportation of dangerous freights can only be found in the "Reference Manual" and "DPR" systems. The "DOCIS" system is the only one that includes language training tests to improve the knowledge of different national languages. Summarizing all the information, the authors conclude that in all the examined positions the most different types of documents are included in the "Vavere pases" register. Specimens of asylum seekers' documents can be found only in "Vavere pases", "DISCS", "ARKILA".

4. A positive identification result prevents threats to public order and security not only in the particular Member State but also in the European Union as a whole. Therefore, in the process of identifying asylum seekers, the State Border Guard officials have to use a set of several methods, as fingerprint identification system, information system, interrogation methods, examinations, etc., to speed up the asylum procedure and identify the real causes of fleeing.

5. The current Eurodac Regulation allows comparison only of dactyloscopic data. The reform of the Eurodac Regulation proposes the possibility to add biometric identifiers for facial recognition in order to reduce some of the problems faced by the Member States due to non-compliance with the procedure of damaged fingertips and fingerprints.

6. The most common problems in examining asylum seekers' identities are: unwillingness to cooperate, providing false information, use of counterfeit or impostor documents, impersonation of minors, concealment or repeated change of identity.

7. Investigating the reasons for concealing the person's identity, it was found that the asylum seeker feels unstable and insecure in the country where he has applied for international protection, does not trust the State Border Guard officials, fears that if he/she discloses his/her real data, he/she may be found by the persons who had threatened or persecuted him/her.

8. The factors interfering determination of the authenticity of a document are: low quality of documents issued by various countries, errors in the procedure of personalization or issuing the documents, infringement of issuing procedures, illegal acquisition of documents.
9. Specimen document information systems do not include information on the various elements of document protection, sometimes the information provided is inaccurate or erroneous, nonetheless the system operators do not yet have any responsibility or liability for the information uploaded in the system.

The authors' **proposals**:

In order the officials of the State Border Guard Examination Service could officially order specimens of documents or forms necessary for their operations from the co-operation structural units and from abroad, the authors recommend to amend Article15 "Forensic expert has rights" of the Forensic Expert Law adding Section 4 that would state "To order and receive all specimens of documents and forms necessary for the examination".

The authors believe that the Latvian State Border Guard officials should share with other European Union member states their experience in establishing an asylum seekers register, because this national information system in Latvia works successfully, including many functions that have not yet been implemented in the other member states.

Face recognition is not the only proposal that can complement and improve the existing system, therefore the authors recommend amending Regulation No 603/2013 of the European Parliament and of the Council "On the establishment of Eurodac for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice":
-   in order to be able to identify a person more accurately and not cause inconvenience with the touches of direct contact, to introduce a contactless biometric identification method – an iris recognition program; Article 2 "Definitions" and Article 15 "Data entry" of the Regulation (EC) No 603/2013 of the European Parliament and of the Council should be supplemented with text "biometric data – digital

image of the iris"; Article 1 "The following terms are used in the Law" of the Biometric Data Processing System Law should also be supplemented with the term "digital image of the iris";

- in order to determine the country of origin and even the region from which the asylum seeker comes, to introduce a voice recognition program according the dialect; Article 2 "Definitions" and Article 15 "Data entry" of the Regulation of the European Parliament and of the Council No 603/2013 shall be supplemented with "biometric data – voice recording"; Article 1 "The following terms are used in the Law" of the Biometric Data Processing System Law " should be supplemented with the term "voice recording".

To rule out impostor during the inspection, the State Border Guard officials must carefully compare the photograph in the document with the person's face, which must be divided into segments. The authors recommend that annual training on recognizing impostors should be organized for the officials who identify persons on the basis of presented documents, as the number of the impostor cases in which the another person's documents are used is increasing every year.

In order to exclude the possibility of illegal copying or alteration of documents, the identity documents issued must incorporate all the security features included in the description of the specimen document. The Office of Citizenship and Migration Affairs, which is an identity document issuing authority in Latvia, should appoint a responsible person for quality control of the obtained forms, because in 2019 it was found that a whole batch of authentic documents – identification cards of the Republic of Latvia – did not incorporate such a security element as a variable laser image.

The authors recommend making amendments to the sentence of Article 11 of the "Regulations on the development and use of the information system of specimen documents of personal identity and documents certifying rights" by adding the words "at the request of the State Border Guard officials".

In order to combat document fraud and to support the fast exchange of authentic or false document images between the EU Member States or third countries, the European Union Internet Image Archiving System (iFADO) should introduce stricter rules for maintaining specimen document information systems by appointing 2-3 responsible persons from the each country's national Expertise institutions that will place the description of the document in the common system, setting a term of 1 month before the document is introduced into circulation.

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ANALYSIS OF FALSE DOCUMENTS DETECTED AT THE BORDER CONTROL OF EUROPEAN UNION MEMBER STATES AND THE PROSPECTIVE METHODS FOR THE DETECTION OF COUNTERFEITS

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Abstract. *The subject of the paper "Analysis of False Documents Detected at the Border Control of European Union Member States and the Prospective Methods for the Detection of Counterfeits" is topical, as the verification of the authenticity of travel documents is the cornerstone of border controls; also, the interrelations between the techniques of producing false documents discovered in the EU Member States and the practical application of technologically new methods of document reproduction has not been extensively reviewed and evaluated in EU scientific literature and current information materials. Identity fraud is expensive: from bank accounts opened with false names to money laundering and all kinds of smuggling and terrorism. The endless variety of criminal activities gives false documents a high value. In addition, for 3 billion travelers worldwide, identity verification needs to be fast, unproblematic and effective. Due to the pressure on borders (time constraints and an increasing numbers of travelers) and the increasing complexity of modern document security, border control capabilities (officials and/or automated systems) are compelled to decide quickly and simply whether documents submitted are authentic or false. The operational execution of document verification capacity is crucial for the efficiency and security of border checks. The aim of the research is to study the quality of false documents discovered at European Union Member States' border inspections and to identify prospective methods of their detection.*

Keywords: external borders of the EU member states, false documents, FRONTEX, innovative technologies, prospective detection techniques.

Introduction

Every year around 700 million people cross the European Union external border. Consequently, one of the main tasks of border checks is to detect illegal activities without deterring other travellers. There are no permanent border controls between the Schengen countries, so the control of external borders is even more important.

The problem of falsification of travel documents is receiving increasing attention in the context of recent terrorist attacks in Europe and current migratory flows. Document fraud has become a driver of terrorism and

organized crime and is linked to human trafficking and smuggling of migrants. In this context, it is essential to strengthen the security of travel documents, including the underlying identity management infrastructure (Eiropas Komisija, 2016).

The most important external factors affecting the authentication of documents required for border crossing are the production and sale of high-quality fake documents under the supervision of organized crime. Use of technological production methods identical to producing authentic documents, high-quality imitation of security measures of documents, as well as the use of stolen and fraudulently obtained blanks of authentic documents, high-quality document counterfeits are produced, which contributes to the increase of illegal immigration. At the same time, the low quality of documents issued for domestic use in many high-risk countries, violations of personalization and issuance procedures by the issuing authorities, as well as the widespread possibility of obtaining authentic identification documents fraudulently have a significant impact on verification of a person's identity.

The verification of a person's identity in the framework of border control, immigration control and asylum procedures cases is positively impacted by the increasingly used verification of biometric identifiers of persons (comparative analysis of facial parameters, fingerprints), as well as automated inspection of documents, incl. electronic travel documents, visual and electronic components (VRS stratēģija, 2017).

Hypothesis of the research - the tendencies, volume and quality of false documents detected at the state border of the Republic of Latvia are interrelated with the indicators of other EU member states in this field, which substantiates the need to introduce uniform methods for detecting false documents throughout the EU border control area.

The aim of the paper is to study the peculiarities of false documents detected at the border control of the European Union member states, to evaluate the technologies and methods used for their falsification and to define the perspective methods of detection of false documents.

In the course of the research the authors have used the following **research methods**: empirical research, qualitative research method (document analysis, case analysis), monographic method of research of theoretical and empirical sources, research of legislative documents, logical analysis method, synthesis method, information statistical analysis method.

Novelty of the research – the coherence of the methods of production of false documents discovered in the EU member states and the practical application of technologically new methods in document fraud have not been widely discussed and evaluated in the EU scientific literature and current informative materials. Both quantitative and qualitative analysis of

false documents detected at the EU external borders reflect the latest trends in document reproduction technologies, describes ability of the EU Member States to detect high-quality false documents and justifies the necessity of perspective improvements to document authentication processes.

The growing problem of falsification of travel documents has been highlighted in the context of the recent terrorist attacks in Europe and current migratory flows. Document fraud has become a driver of terrorism and organized crime and is linked to human trafficking and smuggling of migrants. Combating document fraud is one of the priorities of various international, regional and national organizations.

Research results and discussion

The border guard often has very limited time resources to assess the authenticity of the document presented. It takes skill and experience to spot a false visa stamp or residence permit. It is important to remember that false documents are an integral part of various offenses.

Effective and timely exchange of information between the relevant authorities is a precondition for a successful fight against terrorism. The work of the European Border and Coast Guard Agency (FRONTEX) is therefore very important for the security of the Member States. A high-quality and real security union means close cooperation between the Member States on security issues, recognizing that the internal security of one Member State is the internal security of all Member States and of the European Union as a whole (Eiropas Komisija, 2018).

Effective detection of false documents requires a detailed analysis of the falsification methods used, the organization of the activities, the methods of using false documents, as well as a high level technical equipment, information systems and skilled staff who can draw attention to the right aspects based on the risk analysis, and functioning national and international cooperation. The exchange of information on false travel documents makes it possible to curb the falsification of documents and is therefore an effective contribution to combating crime and smuggling of persons across the borders.

In order to exchange electronically the information on authentic and false documents held by the EU Member States and partner countries as soon as possible, the False and Authentic Document Online system (hereinafter – FADO) (Ministru Kabineta instrukcija, 2009) was established in accordance with the EU Council Joint Action of 3 December 1998 (98/700 /TI). Such a single and common information system is a very useful tool in the fight against falsification of documents, as it facilitates the

detection of such documents. The main feature of the FADO system is the possibility for the EU Member States to upload online information on detected falsified documents or to add alerts on falsified documents. Following certain quality management procedures, all information contained in the FADO is available to each EU Member State and is structured and illustrated. FADO information provides an opportunity to qualitatively check the authenticity of a document (based on descriptions of specimen documents); to inform all EU Member States in real time about current detected falsifications; to analyse trends in the use of false documents, methods of falsification and, on the basis of this information, to assess the readiness to detect similar fraud.

EU agencies are closely involved in the fight against document fraud. FRONTEX provides the Member States with document expert teams and tools for inspections that are carried out when migrants arrive at the hotspots, as well as provides training and risk analysis. The work of the European Counter-Terrorism Centre at Europol focuses on the link between false documents and terrorism, while document security is an important issue for Europol's European Migrant Smuggling Centre. In addition to the current tools used for border management and the successful exchange of information on the use of false documents, there is an Interpol SDLT (Stolen and Lost Travel Document) database and an Advance Passenger Information (API) system that collects passenger information before flights to the EU. These tools are important for both EU citizens and third-country nationals.

One of the means of exchanging information is the activities of liaison officers. It aims to strengthen controls at the EU external borders and to develop effective management of migration flows in line with Schengen requirements. State Border Guard Liaison Officers in Belarus, Georgia and Russia have facilitated cross-border co-operation and the expansion of professional contacts between law enforcement agencies of the EU Member States and third countries, thus reducing illegal cross-border activities and combating illegal immigration to the EU Member States.

In order to provide a broader overview on the situation with false documents detected at the external borders of the EU Member States, the authors have reviewed data for the period from 2015 to 2018. The analysis of false documents within that period shows that the number of the cases of use of false documents has been permanently high year after year: the EU Member States have reported 8361 person who presented false documents when entering the EU/EEA from the third countries in 2015, 6998 persons in 2016 , 6670 in 2017, and 6667 persons in 2018.

At present, the passports most frequently fraudulently used at the EU's external borders are authentic Moroccan passports in the hands of Syrian

citizens, as are Swedish, French, British and Spanish passports. More than 80% of fraudulently used documents are issued in the EU Member States. Offenders are more likely to try to obtain authentic documents than to rely on costly counterfeits, using corruption in the administrative authorities in order to obtain blanks of authentic documents.

Table 1. Detection of persons using false documents on entry at the external borders by Member State, border type and top ten nationalities (Frontex, 2019)

	2015	2016	2017	2018	Share of total	% change on prev. year	Highest share
Country of issuance							**Type of Document**
Spain	973	839	997	1 115	14	12	ID Cards (41 %)
France	906	779	1 030	953	12	-7.5	Passports (31 %)
Italy	929	864	854	734	9.1	-14	ID Cards (35 %)
Germany	476	467	499	419	5.2	-16	Visas (39 %)
Poland	1 011	883	736	405	5	-45	Visas (79 %)
Greece	472	277	278	293	3.6	5.4	ID Cards (26 %)
Turkey	138	67	118	279	3.4	136	Passports (83 %)
Belgium	476	288	247	242	3	-2	Residence Permits (35 %)
Netherlands	128	84	105	163	2	55	Visas (43 %)
Lithuania	96	426	279	163	2	-42	Visas (79 %)
All Other	4 071	3 247	3 024	3 340	41	10	Passports (65 %)
Type of Document							**Type of Fraud**
Passports	4 063	2 755	2 879	3 177	39	10	Auth-Impostor (31 %)
ID Cards	1 203	1 147	1 306	1 516	19	16	False-Counterfeit (40 %)
Visa	1 934	2 115	1 829	1 458	18	-20	Auth-Fraud Obt (38 %)
Residence Permits	1 381	1 166	1 228	1 142	14	-7	False-Counterfeit (45 %)
Stamps	903	833	706	605	7.5	-14	False-Counterfeit (81 %)
Other	192	205	219	201	2.6	-8.2	False-Counterfeit (55 %)
Total	**9 676**	**8 221**	**8 167**	**8 099**	**100**	**-0.8**	

As the Republic of Latvia is one of the EU member states, the authors of the paper have also reflected the contribution of the Latvian border guards at the external borders of the EU member states in the field of detected false documents. With the increasing number of migrants, the number of false documents used at the Latvian state border has increased proportionally. The "Northern Route" of illegal immigration through the Russian Federation to Finland and Norway and its branch through the border of the Russian Federation and the Republic of Latvia and the border of the Russian Federation and the Republic of Estonia is still considered a significant threat.

The transit of illegal immigration of certain groups of illegal immigrants, such as Vietnamese nationals through the Russian Federation to the Republic of Latvia and further to Poland, the Czech Republic, Germany is affected by the former economic ties and large diasporas in the target countries, as well as strengthening of legislation governing immigration in the Russian Federation setting stricter requirements for obtaining a residence and work permit. This has forced many long-term

economic migrants that has lived in the Russian Federation to seek new income opportunities in the EU Member States.

The predominant false documents at the borders of the Republic of Latvia are Italian documents (mostly Schengen visas and ID cards), Lithuanian documents (Schengen visas, vehicle documents, driving licenses), French documents (Schengen visas, residence permits, ID cards).

In May 2019 at the conference "Security Identification 2019" in Riga, the FRONTEX Agency's Centre of Excellence for Combatting Document Fraud (CED) announced the most current trends in the falsification and misuse of documents at the borders and within the EU Member States:

- complexity of document falsification techniques (fully/partially falsified documents – mechanically and chemically washed visas, overprinting, production of laser engraved documents);
- new techniques are being developed to misuse biometrics (*Morphing*);
- increased misuse of authentic documents (identity theft – impostors);
- fraudulent use of identity documents to obtain authentic travel documents (authentic documents are issued by an official authority on the basis of a false birth or marriage certificate);
- very high demand for EU travel documents among falsifiers. (Frontex, 2018)

With the increasing level of protection of travel documents and the use of the latest automated document verification equipment, illegal immigrants choose to travel as impostors and use other persons' identities more often than before. The introduction of more sophisticated security features, systems for verification of document production methods and document checks make it more difficult to falsify identity and travel documents. However, in response, falsifiers are increasingly turning from traditional forgeries involving physical documents (such as changing the validity of a passport or reproducing a completely authentic document) to other forms of document fraud, such as the use of authentic documents by impostors. Impostor is a person who pretends to be somebody else and misuses authentic documents. Among travel documents, the passport is the predominant type of document used by impostors. Identification of a person by photographs when checking the travel documents of persons crossing the state border is an integral part of border control, which is one of the most important components of the examination of identity documents and aims to prevent a person from entering and leaving the country with misused authentic documents. Each time the examiner takes the handed over identity document, he must make a quick and reasoned decision: whether the document is authentic, whether the photograph corresponds to the person presenting the document. The current problem

of impostors at the external borders of the EU is evidenced by the statistical indicators of FRONTEX: in 2018, 6483 cases of misuse of authentic documents by impostors were detected, thus number of the cases had increased by 23% in comparison with 2017 (Souchet, 2019). In Latvia, 7 cases (in 2017 – 8) of misuse of authentic documents by impostors were detected in 2018; these were citizens of Nigeria, Russia, Lithuania, Tajikistan, and Latvia.

According to statistics, authentic French (60.4%), British (45.6%), Spanish (56.6%), Swedish (76.8%) and Dutch (73.9%) passports are the most commonly used.

New techniques are being developed to misuse biometrics: morphed images, misuse of certificates to obtain authentic travel documents based on a false civil status document, issuing authentic documents by the official authorities. These are the most current trends at the external borders of the EU Member States. There is no a 100% detection solution for all types of fraudulent documents. For example, morphing attacks in the context of border control are a relatively new and undocumented phenomenon. Image morphing is a processing technique used to calculate the transformation from one image to another, which can be achieved by processing images of face, iris, or fingerprints. In an attempt to obtain an authentic travel document, illegal applicants submit a morphed image to the issuing authority when initiating the registration procedure. This is called Morphing Attack Detection. If fraud is successful, several people have the opportunity to cross the border, providing wanted criminals with the opportunity to use an authentic passport to enter a country with a false identity (Hor, 2017).

Falsification of biometric passports and morphed images is a challenge for both research institutions and law enforcement authorities of the Schengen member states. The use of biometric technologies, which offer new possibilities for border management, will facilitate the crossing of borders by *bona fide* travellers, while making the border more secure. In particular, it is acknowledged that the large-scale integration of such technologies into the border control infrastructure also poses new challenges for the border security: biometric systems can be hacked to make it difficult to identify fraudulent travellers during border checks. This means that the introduction of new technologies that support biometric identification also requires countermeasures that can prevent such attacks (i.e., detect and prevent fraudulent use of biometric technologies). One option to address this issue may be to suggest that a high-resolution facial image be retained in the document chip, which could be used to analyse the facial image in case of suspected morphing (Sticere, 2019). This will require the use of new standard chips in travel documents. One of the priorities

mentioned in the State Border Guard Operational Strategy for 2017–2019 is to increase the efficiency of border checks by using modern technical solutions for border checks based on the processing of biometric data.

Analysing the information included in iFADO from the alerts of the EU member states on detected false documents, it was found that out of the total number of alerts in 2019 (2450), there were 142 alerts (5.7% of the total number) on visa fraud. Among descriptions of fake visas, a clear tendency can be noted – use of authentic visa blanks, where the original information is changed in the visa by etching (washing off) it and entering other information instead. Compared to the trends of the previous years, these forgeries are of very good quality. It is not insignificant that offenders use a printer corresponding to the specimen when inserting new data.

Due to the constantly evolving printing technology and the very high resolution of the image produced on it, forged documents are also of high quality. This is particularly the case for very high quality images of false border stamps, which are made up of fine details and images that make it difficult to see the features of how the stamp image is made. To increase the effective ability to detect false documents, the glass magnification (10x) that is curently used in Line I is insufficient. The authors of the paper consider that the minimum requirements for Line I border inspection equipment should be changed, setting a mandatory requirement to use magnifiers with a magnification of at least 15x. Based on the research of the features of document forgery, it can be stated that the use of such more powerful technical tools in the initial inspection of border control documents would be necessary not only for the State Border Guard officials, but for all border guards of the EU Member States. In order to align the recommendations of the EU border guidance regulations with current practical trends and to strengthen perspective techniques for detecting false documents, it is necessary to amend the recommendations of the general requirements of the Borders section of the Schengen Catalogue. At the same time, the improvement of the above-mentioned technical equipment in the structural units of the State Border Guard must be implemented.

An analysis of false documents detected in the EU Member States, their quantitative and qualitative indicators, new features of falsification technologies and methodology of false document detection, leads to conclusion that in addition to the long-standing traditional falsification techniques, innovative falsification techniques have been identified at the EU external borders in recent years (re-printing of initial data, use of very high quality printing equipment, application of gentle mechanical and chemical effects on the document, chip cloning, morphing a person's facial image). Researching and comparing the trends and volume of false documents in the EU and the Republic of Latvia, the authors have found

how the trends, volume and quality of false documents at the border of the Republic of Latvia are related to other EU Member States in this area, which justifies the need to introduce a uniform perspective tools for fraud detection throughout the EU border control area.

The most important precondition for successful detection of false documents is technical equipment and information systems. In order to detect the features of technologically high-quality forged documents in the Line I border control, technical equipment with higher technical parameters is required (image magnification level, application of additional lighting, and automated document authentication check). Qualitative verification of electronic documents requires mandatory verification of all electronic security mechanisms of the document (BAC, PACE, AA, PA, EAC). Successful detection of impostors and morphed facial images of a person requires a comparison of the person's biometric data with the fingerprint embedded in the chip.

Conclusions and suggestions

The authors **conclude:**

After a comprehensive analysis of the false documents detected in the EU Member States, their quantitative and qualitative indicators, new features of falsification technologies and the methodology of detection of falsification, the authors have come to the following conclusions:

1. The tendencies, volume and quality of false documents detected at the state border of the Republic of Latvia are interrelated with the indicators of other EU Member States in this field, which substantiates the need to introduce uniform prospective methods of detecting false documents throughout the EU border control area.

2. Alongside long-standing traditional document falsification techniques, innovative forms of document falsification have been identified at the EU external borders in recent years (reprinting of original data, using very high quality office equipment for printing, applying gentle mechanical and chemical effects on document, chip cloning, facial image morphing).

3. Among traveling documents, the passports are predominant type of documents used by impostors. At the moment, the passports predominantly misused at the EU external borders are authentic Moroccan passports in the hands of Syrian citizens, as well as Swedish, French, British, and Spanish passports. More than 80% of misused documents are issued in the EU Member States. Offenders are more likely to try to obtain authentic documents using corruption in the

administrative authorities to obtain blanks of authentic documents than to rely on costly counterfeits.

4. Electronic authentication of travel documents of third-country nationals is an essential component of the future entry/exit system; it contributes to security by helping to detect and prevent identity theft and misuse of travel documents. In addition, this system will prevent identity fraud by managing the biometric identity of third-country nationals.

5. In order to detect the features of technologically reproduced false documents at the Line I of border inspection, technical equipment with higher technical parameters (image magnification level, application of additional lighting, and automated document authentication) is required.

6. Qualitative verification of authenticity of electronic documents requires mandatory verification of all electronic security mechanisms of the document (BAC, PACE, AA, PA, EAC).

7. Successful detection of impostors and morphed facial images of a person requires a comparison of the person's biometric data with the fingerprint embedded in the chip.

In order to improve the methods for detecting document fraud used by the border guard services of the EU Member States in accordance with the findings of the study, the authors propose to establish a working group of the European Commission, which will be able to initiate and make the following amendments to the Schengen catalogue:

1. Initiate an amendment to Chapter 2, Paragraph 3, Point 44 of the Schengen Catalogue, including the following additional requirements for the technical equipment of Line I border checks:
- document inspection equipment with infrared lighting;
- magnifier with at least 15x magnification;
- document reader with electronic document security mechanism (BAC, PACE, EAC, AA, PA) verification capabilities.

2. Initiate an amendment to Chapter 2, Paragraph 3, Point 46 of the Schengen Catalogue, including additional requirements for the following technical equipment of the Line II border checks:
- a stereomicroscope with a magnification of at least 60x;
- document reader with electronic document security mechanism (BAC, PACE, EAC, AA, PA) verification capabilities.

3. The State Border Guard shall ensure the following improvements to the document examination system:
- to update the technical equipment of document inspection at all border crossing points, providing border inspection Line I with magnifying

glasses with a magnification of at least 15x and border inspection Line II with microscopes with a magnification of at least 60x;
- to introduce the most up-to-date and secure chip access mechanism in the process of reading electronic documents at border checks – Password Authenticated Connection Establishment (PACE);
- to ensure the interoperability of REIS with the repository of document authentication certificates, and in the process of document authentication mandatory to perform passive authentication (PA) verification of the electronic document chip;
- for successful and reliable person's identification, to organize the interoperability of REIS with the document certificate repository and to ensure the introduction of the extended data access mechanism (EAC), which will allow comparing the fingerprints on the chip with the fingerprints of the document holder.

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EU Border Security – the Drivers and Barriers of Border Guarding Authorities Motivation in Technological Innovation. Case of Latvia

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Abstract. *With the dynamic development of modern society, ensuring the security and control of the state border is the simultaneous goals of both internal and external security of the country. Consequently, it is vitally important to identify and develop tools and ways to address emerging challenges. In the current climate, private and public organizations are required to be up-to date with technological advancements in order to provide competitive, relative and effective solutions and services for inhabitants in all areas. Technological innovation is an important and even compulsory element of the modern organization, which stimulates continuous development and potential growth. There are many innovative ideas within other industries and universities where joint funds could be sort to allow the delivery of innovative solutions that would benefit such law enforcement agencies as border guarding authorities. A significant problem is that there appears to be a lack of interest from the respective law enforcement organizations in participating in consortiums, which is necessary for submission of any proposal. Jon Freemans` Analytical framework for understanding of innovation process used to under pin the main concepts of the research proposed in this thesis. This research involved a series of interviews and questionnaires designed to analyse the perceptions of the drivers and barriers of the State Border Guard of Latvia. From detailed results analysis, a list of general recommendation been established for Border Guarding Authorities in order to improve its motivation for participation in the projects related development of the technological innovation in the field of border security by conducting internal measures and improving network/connection building outside of the organization.*

Keywords: *border, innovation, Latvia, motivation, security.*

Introduction

Since the beginning of the Schengen Agreement, signed on 14 June 1985 by five of the ten member states of the then European Economic Community, and its following legal development as well as geographical expansion of Schengen Area the security of the state border became part not only of national security, but the core ingredient of the security of all European Union (EU).

In the current climate, private and public organizations are required to be up-to date with technological advancements in order to provide competitive, relative and effective solutions and services for inhabitants in all areas. Technological innovation is an important and even compulsory element of the modern organization, which stimulates continuous

development and potential growth. In a public organization, that is usually relying on expertise and communication of the people working in their professional environment. Externally, an opinion based on the subjective observation of the Author may take place that implementation of latest technological innovation is not required and is far away from being a priority, especially within law enforcement agencies such are border guarding authorities.

Nevertheless, on one hand, the European Union is continuing to push forward the necessity of new technologies in the field of border security by delegating the task

"… to participate in the development and management of research and innovation activities relevant for the control and surveillance of the external borders, including the use of advanced surveillance technology, and develop pilot projects…" (Regulation (EU) 2016/1624)

to the European Border and Coast Guard Agency (Frontex). Also through providing funding opportunities like Horizon 2020 (H2020) (European Union, Horizon 2020), the biggest EU Research and Innovation (R&I) programme, with around €80bn of funding available over seven years (2014–2020)(Cox et al., 2018), which substituted the Seventh Framework Programme and future, starting from 2021, Horizon Europe (European Union, Horizon Europe), allowing the respective companies, educational institutions and public organizations to submit their proposals and to claim financial support.

On the other hand, from the Authors opinion, when acting as the project coordinator within a large consortium of one of the European Union Research and Innovation program`s Horizon 2020 projects, and while communicating with academics, representatives of technical partners and members of other law enforcement agencies, I have observed a lot of comments, and even complaints about the low interest of national law enforcement agencies in participation in research and innovation projects that focus on the development of technological innovations. Existence of such problem and need for improvement of engagement of end users in research projects` activities remain areas for improvement has been already identified by Frontex (Cox et al., 2018). In particular, there are many innovative ideas within other industries and universities where joint funds could be sort to allow the delivery of innovative solutions that would benefit such law enforcement agencies as border guarding authorities. Provided solutions have the potential to enhance the public experience and safety, and border security and put on the table practical tools in order to support the respective agencies in tackling existing border security challenges, then failure to engage in such consortiums means that solutions, which delivered, may not meet the user requirements. A significant

problem is that there appears to be a lack of interest from the respective law enforcement organizations in participating in consortiums, which is necessary for submission of any proposal.

The purpose of the research is to identify motivational aspects (drivers) and barriers that can have an influence towards BGA decisions on participation or not in research and innovation projects. Recommendations developed within the research may help to understand the situation in the field and find solutions for existing perceptions and problems.

The main question of the research is:

Can identification of the drivers and barriers of the border guarding authorities` participation in technological research and innovation projects be used to produce a set of generalized motivational recommendations for border guarding authorities across Europe to increase involvement?

Research period: 2018-2019, within the State Border Guard of Latvia.

Research methods: Literature review, interviews and questionnaire.

The role of the research and innovation in border guarding organizations

It has to be clear that innovation is not limited to only the development of new concepts and can be seen as an added value and has a feasible outcome. At the same time, there are no doubts that even though the invention process remains as a part of the innovation, innovation moves forward and provides the ground for interoperability of the ideas by ensuring that new ideas are relevant to the requirements of end-users (Freeman et al., 2015).

In relation to the innovation within public organizations, some organizations understand it as mainly a purposeful act. Following the idea - innovation without purpose is unlikely to get far in its development stage. Particularly, this is the case in the public sector where existing structures, processes or lack of interest may simply destroy it (Roberts & Tõnurist, 2018).

Nowadays, taking into consideration growing importance of the need for joint efforts to succeed in challenges, raising the public awareness in the process of innovation in the public sector, maybe seen as an open process of collaboration between stakeholders across various organizations (Bekkers & Tummers 2018), which supports practical implementation of ideas into new devices or processes (Schilling, 2013).

According to the Gault F. `*public sector consists of the General government sector and the aggregate of all public corporations*` (Gault, 2018). The Border guarding authority (BGA) (police) is a part of the public administration sector, which is belonging to the division of the public sector

(Arundel & Huber, 2013), hence, further in research when referring to the public sector it considered as equal to the border guarding authority.

Research' in accordance with Oxford dictionary:

`is the systematic investigation into and study of materials and sources in order to establish facts and reach new conclusions. The work directed towards the innovation, introduction, and improvement of products and process defined as research and development`. (Oxford University, 2015)

Referring to the prior mentioned definition of the research, Author considered that research itself practically defined as a part of the innovation process (research & development). Similar principle can be implemented when BGA led by the need to find something new - knowledge, technology, solutions (seeking for innovation) makes a decision to join R&I projects (getting involved in research).

The European Union and some scholars have emphasized that there is a definite difference between what is understood by innovation and its understanding between the public sector and private sector (European Union, 2013).

One of the main criteria for particular opinion is that a private organization in the vast majority of cases focuses on innovation of the products and looking forward for competitive advantages and gaining profit. On the other hand, public organizations give the priority to the innovation of services and enhancing its performance in favour of benefits for the public/society. Additionally, M.Tate, I.Bongiovanni, M.Kowalkiewicz, and P.Townson point out that due to some differences of the system innovations in public organizations requires more communication, interaction and solving of disputes with stakeholders than in private companies (Tate et al., 2018) which may have some affect on the innovation process.

According to Schilling M., product innovation and process innovation both are important for the organization, although product innovation practically is more visible for externals than process innovation (Schilling, 2013). Such situations are inherent to the pubic organizations, which are performing their tasks in a relatively narrow field of work, such is border-guarding authority. It leads to the point that external actors and in some situations even members within organization are not aware about innovation processes.

Taking into consideration the outcome of the innovation, when describing the process, there are two types of innovation outlined in the literature: radical and incremental innovation, which is relevant for both public and private organizations and requires certain knowledge and has a different impact to the user and the system. Radical innovation provides completely new ways of service or process in organization. Incremental

innovation has relatively low amendments to the existing processes (Schilling, 2013).

The Author`s opinion is that due to certain limitations like strict organizational structure, internal bureaucracy, limited financial means and human resources, legislation and lack of other elements which are important for implementing and delivering of innovative ideas, technologies or services, incremental innovation might be a most common way of implementing innovations within border guarding authority.

In this context, delivery of the innovation is in the implementation of a new or significantly changed process. It requires complex major changes within the organization, within inputs towards the process, infrastructure, knowledge and skills (Gault, 2018). According to Schilling M., it may have a relatively sustainable and comprehensive influence not only on a single organization, but also on the industry of the particular innovation and other users of the same technology (Schilling, 2013).

The Author`s opinion is that EU border security is very much affected by the implementation of new technologies, especially taking into consideration of the fact that border guarding is quite a narrow field of expertize, and is regulated by the specific regulation (EU) applying to all stakeholders in the field. In simple words, technological development of one player (country) in the EU most probably will have a slight impact to other players, for example strengthening of one particular stage of the external EU borders by innovative technological could imply that the pressure is raised on others, because of permanent flow of irregular migration and criminals seeking for other ways to get in the country. Therefore, it is important to provide equable technological capacity for all countries.

In overall, it expected that innovation should minimize external and internal risks (social challenges) to the organization by enhancing sustainability and competitiveness (Coenen & Díaz López, 2008). According to the European Union research "Security Research and Innovation - Boosting effectiveness of the Security Union (2017), there is a very low number of Member States financing their own security research programmes, and in most cases countries rely on the priorities set by the European Union (European Union, 2017). Involvement of the BGA in the process of planning and development of the research and innovation may ensure that operational requirements meet financial and intellectual contribution, and further successful implementation in the field. At the same time, research can support BGA in better understanding of threats to border security and supply organizations with up to date technological and process solutions to respond accordingly (Cox et al., 2018). In the author`s opinion, the added value of engagement in R&I activities is that the organization receives external independent opinion, so called "ideas

injection" approach for tackling of the routine situations. This is a valuable experience, taking into consideration that the BGA are mostly belonging to the type of organizations, which closed for external proposals.

In the area of responsibility where BGA are operating, R&I is important not only for the purpose of developing new technologies, which may offer cost-effective, innovative, and efficient solutions that minimize disturbance to regular border traffic, enhance operational capacity and contribute to the overall development of the organization. It also helps to find new ways of working that can make border guards in the field more effective. (European Union, 2017) The researches conducted in other fields shows different impacts of innovation, for example research conducted in the field of manufacturing companies proved that by increasing the investment in technological innovation, a company can increase the production efficiency (Liu et al, 2018). Provided example do not guarantee that there will be the same or even similar impact towards BGA, however, it provides evidence that innovation in overall may have a positive impact towards any type of organizations.

From the perspective of the BGA caution towards technological innovation may be explained by the opinion that despite that new technologies may appear and be perceived as a stimulating factor of organizational change, there is nothing automatically about the effects of technology on an organization (Preece et al., 2019). From the Authors practical point of view, as an example in relation to border guarding, it means that having innovative technologies at BCPs does not guarantee that it will help to reduce number of human resources conducting border checks.

There is a diversity of the approaches to research and innovation within the academia: Triple Helix (Etzkowitz & Leydesdorff, 1995), Sectoral Systems of Innovation (Malerba, 2002), The Research and Innovation Pathway (Cox et al., 2018). One of the Author`s research objectives is to develop recommendations to improve activeness of the border guarding authorities to participate in research and innovation projects. Current research will provide input into existing situations, and by identifying, drivers and barriers will help to understand why some BGA are passive in participating in research and innovation projects and not even trying to join pathway presented by Cox et al RAND analyses. In order to reach these objectives, identification of internal and external factors affecting decision of the BGA to join research and innovation projects required. Therefore, in the Authors opinion Analytical Framework for Understanding of the Innovation Process (AFUIP) consisting of 8 factors (Drivers, Culture, Structure, Talent, Capital, Knowledge assets, Infrastructure,

Networks/connections) provided by J.Freeman and RAND will be most relevant to apply in this research (see Figure 1).
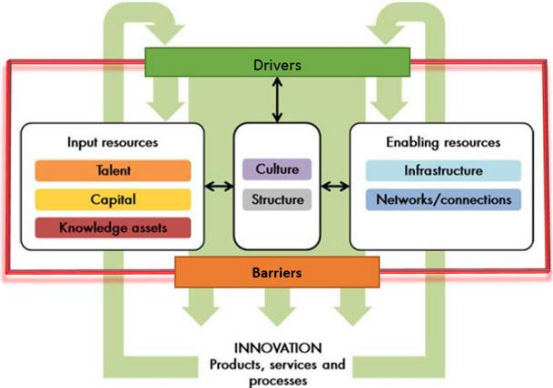

Figure 1. Analytical Framework for Understanding of the Innovation Process (Freeman et. al. RAND, 2015) (Adapted by Author)

Being a representative of the State Border Guard of Latvia, the organization in charge of the security at the external borders of the European Union and fulfilling tasks related to border control procedures and immigration control, I am emphasizing the importance of the implementation of technological innovations in this particular field of work. Therefore, it is important to identify the existing drivers (motivating factors) and barriers, which apply to border guarding authority, who are participating in innovation research and development projects, in order to provide relevant feedback and recommendations, which may support and stimulate those to be more active in contributing to the research and development of the innovations.

Maybe well-developed technologies for the border guarding authorities is the key element towards successful and professional accomplishment of the important role in ensuring relevant border security at external border of the European Union (EU) as well as in providing EU internal security.

Despite the large number of the researches conducted in the field of innovation and research in public sector, there are very few focusing on border security. This shows that the research activity in the field of R&I within border guarding authorities is still low and requires additional academic attention.

Even being a 'strict rule' organization, Border guarding authority remains as an organization which is in constant interaction with the environment outside the organization like politicians, international

relations, customers (travellers who cross border), business representatives, criminal activities. Being in such a position, the opportunities for development may appear with the same probability as threats and risks for organization. The external environment may effect daily performance and behaviour of the organization. The border guarding authority must continuously search for a new ways and opportunities for development of the potential of the organization, by learning and increasing its capabilities. In this regard, R&I considered as a crucial driver of economic and social prosperity (European Union, 2018), which has a direct connection with public sector organizations, such as the border guarding authority.

The EU financial contribution for the R&I in the field of security and border control is significant and thus emphases the focus and importance of this particular area of interest.

Successful and up-to-date validity of the researches requires expertise and the relevant environment for testing, which may be provided by the border guarding authorities. Therefore, the Author emphasize the importance of the border guarding authorities (BGA) participation in R&I projects and relevance of the particular research and hopes that it may have a positive contribution towards development of the R&I in the field of border security not only in Latvia, but also in other EU countries.

The Author`s opinion is that EU border security is very much affected by the implementation of new technologies, especially taking into consideration of the fact that border guarding is quite a narrow field of expertize, and is regulated by the specific regulation (EU) applying to all stakeholders in the field. In simple words, technological development of one player (country) in the EU most probably will have a slight impact to other players, for example strengthening of one particular stage of the external EU borders by innovative technological could imply that the pressure is raised on others, because of permanent flow of irregular migration and criminals seeking for other ways to get in the country. Therefore, it is important to provide equable technological capacity for all countries.

Drivers and barriers of the State Border Guard of Latvia in technological innovation

The State Border Guard of Latvia is relatively young organization that has been developing together with country since regaining independence from the Soviet Union in 1991. It has been a part of Ministry of Defence and currently the organization is under the supervision of Ministry of Interior. Given the historical pattern and taking into consideration, that many of the ex-executives of the organization have grown up and were educated in the

soviet system plays a significant role in the way the internal organizational culture has developed. The organizations culture contains many reflections from the post-soviet influence as a strict hierarchical and one-way decision making system and focusing on internal mechanisms. After the country joined the EU and became a member of Schengen, opening of the borders, external experience, observations and knowledge had a positive impact towards development of the organizational culture in a more open way (public oriented) and provided a wide range of opportunities for further internal development of the organization.

Organizational culture, leadership and motivation identified as few of the main elements of the overall factors, which can have an impact to the activeness of the SBG decision to participate in R&I projects. In spite of the positive changes inside the organization according to the outcomes of the interviews, 5 out of 7 experts identified that existing level of activeness in R&I activities related technological innovations as very low or low and 6 out of 7 experts had the opinion that the organization has to be more active. Organizational culture of the SBG supporting gaining knowledge about new technologies and solutions, which may contribute to fulfilment of the main tasks of the organization and increase situational awareness. However, there is a limited interest and willingness in active participation in activities related exploring of innovations. The activities related to development of technological capacity of the organization are mainly focused on projects that contribute to the discharge of daily duties and concentrating on technical `right now, right here` results not a research purpose. The opinion of the expert is that for the SBG participation in R&I projects considered as an additional task, which can hinder the performance of basic day-to-day functions. In Authors opinion, it does not stimulate motivation necessary for the R&I within SBG. According to the opinion of some experts interviewed within the research, the organizational culture towards technological development is considered as stand by level and requires further development and education of the overall understanding of importance of a wide range of contributions (ideas, knowledge experience) by individuals and the organization itself towards R&I. Experts outlined that leadership plays most important role in development of the R&I supporting organizational culture.

According to the results of the research there is a ground regulation existing within the SBG that can be successfully implemented also in the process of selection priorities for R&I projects. There are individual initiatives of the managers of single units appearing on a case-by-case principle, when they appoint individual border guards under command to monitor technological innovations in the field of the border security that is

available on the market and creating ad-hoc working groups in order to discuss usefulness and applicability of the finding towards existing needs.

The SBG has a limited capacity for the input of resources, but it can be considered as enough in the current situation to contribute to the R&I from the position of the end-user by providing practical experience, professional description of the problem, opinion and knowledge from the field about the processes and real needs of the BGA. The answers of the experts to the interview questions providing an opinion that the SBG has a certain capacity of the talent existing inside of the organization (ideas, individual initiatives and proposals for the technological development, desire to restore and to study) and there is clear understanding of qualities and characteristics necessary for the members of R&I teams representing the SBG. Professionalism, initiative, selflessness, flexibility, ambitious, activeness, thinking out of the box and clear understanding of the needs and specifics of the BGA named as general requirement for the potential members of the R&I innovation teams.

The results of research showed that there is no especially dedicated funding for the purpose of the R&I in the SBG, all costs related participation in R&I project are reimbursed from the budget of the project itself. EU funds are the main source of the finance in relation to the R&I. According to the results of interviews, there is a lack of governmental funds for R&I directly related to the lack of R&I being as a part of the strategy and one of priorities of the organization. In fact, finances distributed within organization in accordance with the list of priorities set by the organization for the particular period.

After summarizing results of the interviewees, there is no or very limited co-operation with educational institutions and/or technical partners outside the SBG in the field of R&I identified. Frontex been mentioned as the only external legal entity having active co-operation with the SBG in relation to the R&I, mostly providing updates on the state of art of technology and by inviting to participate in Frontex organized meetings or workshops with regard to the technological innovations. Rezekne Technology Academy and Riga Technical University been mentioned as key academia co-operation partners. However, there were no practical cases of joint activities (project) in the field of R&I.

Following the analyses of the responses of the experts interviewed, the Culture of the organization is a central factor having impact on the other factors influencing innovation process such are Structure, Capital, Knowledge, Talent, Infrastructure and Networks/Connections in the SBG. According to the opinion of the most of the experts, leadership becomes a crucial and most important element stimulating development of R&I supporting organizational culture. Leadership can have a significant impact

on the shaping of organizational culture by motivating existing personnel and enhancing capacity and capability of input and enabling resources.

The SBG as organization has obvious drivers for participation in R&I/technological innovation projects. New knowledge and access to the information, self-development, access to the newest equipment and services as well as establishment and further development of the networks/connections with future potential academia and technical partners in the field of border security can be mentioned as primary drivers of the organization based on the results of interviews. Surprisingly for the Author, the increase of border protection capabilities, decreasing of irregular migration and combating cross-border organized crime has been mentioned as drivers only by individual experts. However, similar to Freeman it can be explained by the difference of the field of interest and expectations of interviewed experts towards the R&I projects.

Conclusions and suggestions

Conclusion and recommendation based on the information gathered during the literature review and using outcomes of the analysis of results gained via interviews and questionnaires conducted with representatives of the State Border Guard of Latvia. The results of the research identify drivers and barriers of the single border guarding authority, which considered as a general outcome and ground for further research in other similar organizations performing tasks related border security or public security in all around the Europe such as the State Police and Border Police. The motivation, drivers and barriers of the every BGA can differ depending on the internal and external factors described in this research. It expected that the list of general recommendation could be applicable to any BGA. The list of additional recommendations are mainly applicable to the external stakeholders who may influence motivation level of the BGA for participation in R&I projects (for example: EU institutions, Frontex).

Organizational culture existing in the organization and maintained by the leadership can be considered as a key motivating elements of technological development and innovation within the organization. It should support gaining knowledge about new technologies and solutions, which may contribute to fulfilment of the main tasks of the organization and increase situational awareness. Open mind, flexibility, risk taking, creativeness and knowledge considered to be most important individual characteristics of the leader supporting participation in R&I projects/activities. Results of the research leads to the conclusion that the structure of the SBG has a potential platform for the development of R&I activities. Main following drivers of the SBG for participation in R&I projects

outlined: Receiving of new knowledge and information, Self-development, Access to the newest technologies, products and services, Cooperation and network building for the future communication and joint activities., Combating against cross-border organized crime, "Competition" with border offenders and decrease of illegal border crossings, Improvement of border protection capacity.

Three groups of barriers for the SBG to participate in R&I projects can be outlined:

- Lack of personnel with adequate skills, knowledge, experience and qualifications to be involved in R&I projects, insufficient outcome and too long length of R&I projects can be mentioned as most important barriers;

- Bureaucracy (too many agencies responsible for infrastructure), lack of gradual technological development plan and legislation supporting R&I activities, lack of guidelines describing criteria for evaluation of proposals and outcomes of the R&I projects as well as lack of finance dedicated to the research;

- Uncertainty and high risks of failure of the R&I projects, poor previous experience and limited information on the scope of the project including the short time for evaluation of the proposal can negatively influence future decision of the SBG to participate in R&I projects.

The result of the research led to the development of the list of general recommendations for internal development of the border guarding authority such as development of innovation supporting organizational culture and implementation of a strategic management approach to R&I by establishing a technological development strategy as a part of general strategy or concept, which would consist of list of mission oriented short/mid/long term priorities and vision in the field of research and innovation related technological development in order to ensure effective use of resources and targeted development of the organization.

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