

1. Purpose of the training manual and learning goals

This training manual is designed to facilitate the training of European border and entry officials on the rights of refugees in the context of mixed migration movements. It is intended to be used by staff of European border control authorities, as well as UNHCR staff and national partners, such as non-governmental organisations (NGOs). This manual is also intended to be used by regional border control agencies, such as FRONTEX, in particular in terms of the training of the Rapid Border Intervention Teams (RABITs) and FRONTEX Joint Support Teams (FJSTs) while being particularly addressed to officials and other stakeholders in border management in the European Union (EU), it is of potential use and relevance to other European countries, and possibly also some beyond Europe.

This manual has been developed in the framework of [UNHCR's 10-Point Plan of Action¹](#), developed to assist States to ensure that refugee protection needs are recognized and appropriately addressed in situations of mixed migration. The 10-Point Plan devotes a special chapter to the development of protection-sensitive entry systems, i.e. systems which are considerate of people's needs and States' obligations to respect their rights under international and European human rights and refugee law.

For the purposes of this training manual, the term “entry officials” is used broadly to encompass the term “border officials”. It thus includes the border police, immigration officials (including out-posted immigration and airline officers operating outside their own states' territories), the coast guard and other personnel who have “first contact” with persons arriving at borders. It also comprises police officers and civil servants from various departments in the areas of migration control, customs, asylum, as well as detention and forcible returns. It is important that training facilitators are familiar with the work carried out by the respective participants to ensure that the material provided in this training manual is adapted to their actual functions and learning needs.

The main purpose of this training manual is therefore to build the capacity of EU and other European border and entry officials to establish ‘protection-sensitive entry systems’ in border areas.

In light of the different functions and tasks performed by border and entry officials, as well as the different entry systems within European countries, this manual does not aim to put forward “standard operating procedures” for the protection of refugees at borders, but instead is designed to achieve the following objectives:

1. Strengthen border and entry officials' awareness of the international, regional and national legal instruments for the protection of refugees in the context of mixed migration;
2. Foster reflection on the measures, including notably referral systems, required to secure the full enjoyment of the rights foreseen in the above-mentioned international legal framework;
3. Ensure that entry officials are able and committed to implementing such measures in their day-to-day work.

In light of the potentially wide range of functions and levels of expertise amongst border and entry officials as well as the different geographical contexts in which they may operate, a **learning needs assessment should be carried out by the facilitators** prior to the delivery of training. The results of the learning needs assessment should help the facilitators adapt the different activities proposed in this training manual in order to:

1. Adjust the level and complexity of the presentations, according to the participants' academic background and responsibilities;
2. Modify the profile of the case studies, based on the participants' exposure to border control activities on the ground and their field of responsibility, while taking possible rotation into account;

¹ UNHCR, Refugee protection and mixed migration: A 10-Point Plan of Action, January 2007.

3. Ensure that relevant national legislation and, where available, border instructions are integrated and contextualized in the training methodology;
4. Review the key messages of each exercise to ensure that they are focused on local needs and realities. This includes:
 - a) Outlining procedures, including existing gaps and challenges to identification of persons who may wish to seek international protection at the participants' specific duty stations;
 - b) Outlining procedures, including existing gaps and challenges in referring appropriately asylum requests presented at the border at the participants' specific duty stations;
 - c) Identifying referral gaps, including in the reception area, and the potential new links with relevant referral institutions that could be established.

The following list of standard learning goals aims to assist facilitators in the articulation of the workshop's specific goals, on the basis of the abovementioned learning needs assessment. The learning goals are divided between knowledge, skills and attitudes:

I. Goals related to the *knowledge* of border and entry officials

As a result of the workshop border and entry officials will:

- Be conversant with key provisions of the international, regional and national legal instruments related to international protection in the context of mixed migration movements;
- Be able to distinguish the mandates, roles and responsibilities of different national and international actors involved in the field of mixed migration;
- Strengthen their knowledge and understanding of the specific situations faced by people in need of international protection, including related age, gender and cultural aspects;
- Be able to outline their specific functions in relation to the identification and referral of persons who may wish to seek international protection;
- Be able to impart general information regarding the relevant procedures (including asylum procedures and reception).

II. Learning goals related to the *skills* of border and entry officials

As a result of the workshop, border and entry officials will be able to:

- Process arrivals in accordance with international human rights standards and with the appropriate use of cultural, age and gender-sensitive behaviour and attitudes;
- Identify persons with special needs, including potentially asylum seekers, requiring referral to appropriate services, in co-ordination with relevant governmental and non-governmental actors;
- Understand and manage intercultural communication (verbal and non-verbal) and make, where relevant, appropriate use of interpreters;
- Collect and communicate relevant data of persons arriving at the border to the competent authorities in full respect of confidentiality;
- Apply relevant international and regional human rights standards to procedures related to the forcible return of persons found not to be in need of international protection.

III. Learning goals related to the *attitudes* of border and entry officials

As a result of the training, border and entry officials will:

- Be able to apply cultural, age and gender-sensitive approaches and attitudes in day-to-day contacts with persons arriving at the border, in full compliance with international law and standards;
- Become aware of and mitigate defence mechanisms adopted in their day-to-day contacts with persons arriving at the border, where these could have some negative results.

2. Learning methodology and facilitators' profile

This manual employs the term “facilitator” instead of the more commonly used term “trainer”. This reflects the learning methodology applied by this training tool where the facilitator assists the group of participants to identify learning needs on the basis of their profile, experience and knowledge.

The facilitator’s role is, therefore, to accompany the participants through the exercises and plenary discussions rather than to provide information in long verbal presentations.

Concretely, the facilitators will conduct Sessions to:

- Generate creative energy in a short period of time
- Inject a sense of team responsibility
- Catalyse integrated thinking that leads to breakthroughs
- Build practical consensus

Each Session will be structured into a series of five inter-related stages/steps:

1. SETTING THE CONTEXT
2. EXPERIMENTING WITH THE CONTEXT
3. REFLECTING ON THE EXPERIENCE: both at the personal and professional levels
4. DRAWING LESSONS from the experience
5. APPLYING LEARNING TO DAY-TO-DAY TASKS

This methodology is particularly appropriate in the border control context, as it is specifically aimed at situations which require:

- The identification of appropriate solutions,
- The involvement of multi-disciplinary teams, and
- The urgent identification of concrete actions and strategies.

To assist facilitators in the understanding and application of this training methodology, a presentation titled “*Group Facilitation*” can be found [here](#).

In addition, there are a number of facilitation tips throughout the manual to assist facilitators in maximizing the learning value of the different methodologies, and fostering confidence and communication.

The facilitation tips are largely based on the “**OSCE Training Guide for Anti-Trafficking Trainers**”. Relevant parts of that document have been included [here](#).

Where resources would permit, a **team of facilitators** would ideally be composed of at least two trainers, preferably three, from border control institutions (from national or regional structures), UNHCR, and a national authority or organization responsible for dealing with protection-related issues. Such a multifunctional team would contribute to providing a comprehensive overview of all relevant protection aspects in the context of border control, as well as the required expertise in their specific areas of responsibility. To achieve optimal results, the facilitators would be trained in adult learning and facilitation techniques.

In addition, this training manual contains several “facilitation tips” aimed at strengthening the impact of the proposed activities in the context of the respective Sessions.

3. How to use this training manual

While the manual aims at assisting in the preparation and delivery of a workshop, the different Sessions are designed so that they can be used as stand-alone training events. Likewise, the Power Point presentations of the different Sessions may be used independently of each other.

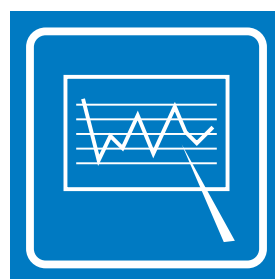
Inside the manual, each activity or tool has been associated with an icon to assist facilitators in finding the relevant sections. Generally, Sessions are presented in the following structure.



Objectives



Session Outline



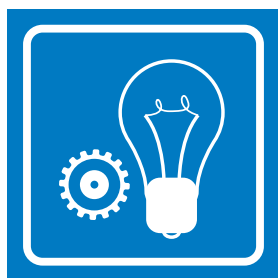
Presentation



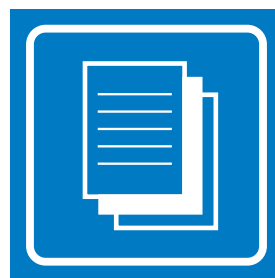
Practical Exercise



Key Messages



Facilitation Tips



**Background Documents
and Further
Reading for facilitators**

4. Terminology

Entry officials

As mentioned above, for the purposes of this training manual, this term is used to refer to police and other staff from different Government departments, who have any responsibility related to border control. These include the prevention of unlawful cross-border activities, the detection of national security threats through the surveillance of land and sea borders, and the control of persons and vehicles at designated border crossing points. Entry officials may also perform delegated customs and immigration control duties as well as taking part in return operations or being involved in the administration of immigration detention centres.

Border controls

As defined by the Schengen Borders Code², 'border control' is an activity carried out at a border exclusively in response to an intention to cross that border regardless of any other consideration. It covers:

- a) Checks carried out at authorized border crossing points to ensure that persons, their vehicles and the objects in their possession are authorized to enter the territory of the State or are authorized to leave it; and
- b) Surveillance of borders outside authorized border crossing points and fixed hours, to prevent persons from bypassing border crossing points in order to avoid checks and enter or leave the territory of the State irregularly.

Border management

Border management concerns the administration of borders. While its precise meaning may vary according to each national context, it usually relates to the rules, techniques and procedures regulating activities and traffic across defined border areas.

Immigration services

As part of the national authorities, often under the Ministry of the Interior, immigration services are responsible *inter alia* for enforcing entry and exit restrictions, ensuring the legality of travel documents, identifying and investigating criminality in connection with immigration and, in many cases, assisting those seeking international protection.

National referral mechanisms

Procedures designed to ensure that government ministries, NGOs and others with the relevant competences and authority are involved in providing assistance to migrants, asylum-seekers and victims of trafficking, and making decisions in relation to them in accordance with law.

Asylum-Seeker

An asylum-seeker is a person who is seeking international protection. While not all asylum-seekers will be ultimately recognized as refugees or otherwise in need of international protection, most refugees are initially asylum-seekers.

Refugee

A refugee is any person who is outside his or her country of origin or habitual residence and is unable or unwilling to return there owing to a well-founded fear of being persecuted for reasons set out in the 1951 Convention relating to the Status of Refugees (hereafter the 1951 Convention).

Other European instruments have broadened the criteria for refugee or other forms of protection to include persons who are outside his or her country of origin or habitual residence and is unable or unwilling to return there owing to serious and indiscriminate threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order.

Within the European Union the terminology 'persons eligible for subsidiary protection' is used to refer to persons who after consideration of their claim are found not to qualify for refugee status on the basis of criteria laid down in the 1951 Convention, but for whom substantial grounds have been shown that the person concerned, if returned to his or her country of origin, or in case of a stateless person to his or her country of formal habitual residence, would face a real risk of suffering serious harm and is unable, or owing to such risks, unwilling to avail himself of the protection of that country.

² Regulation (EC) No 2006/562 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)

Persons found **not** to be in need of international protection

These are persons who have sought international protection and who, after due consideration of their claims in fair procedures, are found neither to qualify for refugee status on the basis of the criteria laid down in the 1951 Convention, nor to be in need of international protection in accordance with other international obligations or national law.

Migrant

A migrant is any person who moves to another country with the intention to settle there. For the purpose of this manual, the term migrant means persons who travel to another country, including for economic reasons, and who are not in need of international protection within the context of the 1951 Convention and other relevant international and regional instruments.

Refoulement

The removal of a person to a territory where he/she would be at risk of being persecuted, or of being removed to another territory where he/she would face persecution. Under international human rights law, *refoulement* also refers to the expulsion or return of any persons where there are substantial grounds for believing that he or she would be in danger of being subjected to torture.

Unaccompanied child

An unaccompanied child or minor is a child who is separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so.

Separated child

A child under 18 years of age who is outside his or her country of origin and separated from both parents or previous/legal customary primary care giver. These may include children accompanied by other adult family members.