

Protection-Sensitive Entry Systems

*What they are, why they are important
and ways in which to enhance them*

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Ten Point Plan of Action on Refugee Protection & Mixed Migration

- To ensure that persons in need of international protection within broader mixed migratory movements are identified and provided with an appropriate response
- Intersection of refugee and migratory movements:
 - mixed and irregular movements comprise those in need of protection and those not;
 - refugee movement becomes migratory;
 - mixed motivations among those migrating;
 - onward movement of refugees who face protection concerns in countries of asylum;
 - changes in countries of origin that may create refugees *sur place*

Nature of the Ten Point Plan

- *Comprehensive*: protection objectives will only be achieved if incorporated within broader migration strategy, recognises need for border control and proposes ideas of how to address protection in a migration strategy
- *Cooperative*: partnership among governments, international and national governmental organisations, NGOs, civil society...
- *Regional*: involving countries of origin, transit and destination.

The Ten Point Plan: a checklist for action

- 1) Cooperation among key partners;
- 2) Data collection and analysis
- 3) **Protection-sensitive entry systems;**
- 4) Reception arrangements;
- 5) Mechanisms for profiling and referral;
- 6) Differentiated processes and procedures;
- 7) Solutions for refugees;
- 8) Addressing secondary movements;
- 9) Return arrangements for non-refugees and alternative migration options;
- 10) Information strategy.

What is a protection-sensitive entry system?

- **Entry-system**: procedure and practice used by States to regulate access of persons to their territories
- **Entry-officials**: border police, immigration officials, legislators, policy makers, judges.
- **Protection-sensitive**: takes into account protection needs of individuals seeking access to territory, ensures control of entry is not arbitrary and allows asylum-seekers & other groups with specific protection needs to be identified and granted access to the territory

Why a protection-sensitive entry system?

- International protection – obligations of the State under international law
- Mixed migration

How to achieve a protection-sensitive entry system?

- Advocacy so that laws and policies are protection-sensitive
- Training of entry officials & tools for identifying and referring asylum-seekers and others with specific needs
- Cooperation between entry officials and humanitarian actors
- Cross-border cooperation
- Independent monitoring mechanisms

**Protection-sensitive entry systems:
Examples of good practice in Armenia
and other countries**



1) Communicating protection obligations to entry officials

- Instruction on work with asylum seekers 2006
Belarus Border Guard internal manual, 2008 Law on Refugee Status: non-punishment for illegal entry
- Border Guard Instruction on Processing Asylum Applications, Moldova
- EU Practical Handbook for Border Guards
“Schengen Handbook”
- Training, e.g. Frontex Academy; development of EU BG curriculum
- **Armenia:** Law on Refugee and Asylum; Law on Aliens, Decree on Special Facilities at the Borders. Border guard academy; UNHCR/SMS/ARCS trainings

2) Establishing a dialogue between entry officials and humanitarian actors

- Tripartite Memorandum of Understanding National BGs, National NGOs and UNHCR (e.g. Slovakia, Romania, Slovenia, Poland, Bulgaria, Belarus, Moldova)
- **Armenia:** involvement of BGs in QIEE activities; border visits by ARCS & UNHCR

3) Assisting entry officials to identify and refer asylum seekers to the responsible authority

- New Zealand Immigration Operational Manual Section on Border Entry 2009
- **Armenia:** Asylum leaflets

4) Ensuring cross-border cooperation on protection

- Cross-border visits undertaken within EU-funded RPP from Belarus, Moldova and Ukraine (2008-2013)
- **Armenia:?**

5) Setting up independent monitoring systems

- Use of the readmission interview form and information-sharing protocol among NGOs in Belarus, Hungary, Moldova, Poland, Romania, Slovakia and Ukraine (2009).
- Belarus MOU specifically refers to independent monitoring
- **Armenia:** visits to border points by UNHCR and its partner ARCS

Thank you

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