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Securing the EU's Borders

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This note covers the work of the European Border Management Agency, properly known as the European Agency for the Management of Operational Co-operation at the External Borders of the Member States of the European Union (Frontex).

Background

Since its enlargement in May 2004, the EU has further extended its land borders with non-Member States, in eastern and southern Europe in particular. These borders need to be properly policed to protect all Member States from illegal immigration, people smuggling and other forms of cross-border crime. Frontex was set up by the Member States to assist them in co-operating over the control of external borders. The expansion of the Schengen area – those EU countries (plus Norway and Switzerland but excluding Britain and Ireland) that do not operate border controls between them for EU citizens – makes it particularly important that that EU's external borders are effectively policed.

Structure & Organisation of Frontex

Frontex is one of a number of specialist EU agencies that operate independently of the Commission day-to-day but are accountable through their board to the Commission. It brings expertise in the field of border management and policing that will help Member States to carry out their operational role.

Frontex staff do not themselves carry out checks at external borders and they only operate in Member States in a consultative role. What Frontex does do is to provide a co-ordination centre to help with operational matters, including the return of third-country nationals illegally resident in the EU. Frontex also provides training for Member States' border guards, with a view to improving their performance and achieving common standards.

Frontex is also empowered to set up specialist teams to help Member States to deal with the differing types of border controls – maritime, land and international airports – at their request. The emphasis of the legislation is on Frontex assisting rather than directing Member States. The aim is to add value to the work Member States' already do and Frontex will not bring an end to national border guards or other frontier controls. Frontex is a small organisation based in Warsaw with around 160 staff, a mixture of secondees and directly recruited staff.

Activities

Frontex has been involved in several operations to identify and prevent illegal immigration into the EU. These included deploying border experts from several nations to assist in stopping illegal entry by nationals from Moldova into the EU via Romania in April 2007. The

UK supplied carbon dioxide detectors for use in detecting people hidden in vehicles as part of their operation.

Two operations particularly involved the UK. Operation Torino was devised to help the Italians with border controls for the Winter Olympics in Turin in 2006 and involved Italian personnel checking at Heathrow the documents of those travelling to Turin supposedly for the Winter Olympics. Operation Agelaus was an intelligence-led operation to enable the problem of unaccompanied children arriving at European airports to be tackled; it was co-ordinated by a British officer based at Frontex.

A larger operation was Operation Nautilus, a co-ordinated effort with the Maltese authorities in the summers of 2007 and 2008 to help them deal with an influx of illegal immigrants from Africa. Five Member States, including Germany, France and Spain, sent boats and planes to support Maltese attempts to intercept and process illegal immigrants in the Mediterranean.

The attempts by large numbers of refugees, mostly from Africa, to enter the EU on its southern borders in the last three years led to agreement that Frontex should be able to deploy intervention teams in order to assist Member States facing a major challenge to their border controls. In order to make the rapid border intervention teams possible, Member States have undertaken to make available to Frontex assets that would assist them, such as patrol boats, aircraft and helicopters. During Operation HERA, in the summer of 2008, Member States worked together with Frontex to deter or turn back many of the boatloads of West African immigrants trying to enter the EU by landing illegally on the Canary Islands. During this operation, law enforcement officials from Senegal or Mauritania were on board some EU Member State ships and enabled intercepted boatloads of illegal immigrants to be returned to their port of departure.

The British Position

The UK asked to opt-in to this measure but the Commission and some Member States objected on the grounds that to participate in Frontex it was necessary to be part of the Schengen group of countries. The resulting legislation said that the establishment of the agency was a development of the Schengen co-operation and the UK was therefore not bound by the legislation or subject to its application. The UK challenged that decision in the European Court of Justice and lost the case. The current position is that the UK attends meetings of Frontex's management board by invitation and Frontex is empowered to work with the UK if they and we wish to do so. The UK has deployed staff and equipment to help with Frontex operations from time to time and is a strong supporter of Frontex.

The value of Frontex lies in tackling the considerable problem of illegal immigration, particularly from the Western Balkans and across the Mediterranean, which affects all EU Member States. A key difficulty though has been in persuading some Member States to contribute helicopters, ships and other critical assets to make operations effective. Despite these difficulties, strengthening external border controls where they are most vulnerable is of benefit to the UK as well as to the Member States who are directly involved in Frontex's work.

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Senior European Experts

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