INTEGRATED BORDER MANAGEMENT
TRAINING MANUAL

FOR THE IGAD REGION

A TRAINING MANUAL FOR PRACTITIONERS

IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration and uphold the human dignity and well-being of migrants.

TABLE OF CONTENTS

INTRODUCTION

IOM's World Migration Report 2021 estimates the number of international migrants in 2020 at over 281 million, with 3.6% of the world's population living outside the borders of their country of origin or nationality. According to the report, almost half of all international migrants live in their region of origin with sub-Saharan Africa accounting for 63% of intra-regional migration.

The East and Horn of Africa region alone is home to four of the seven main migration routes on the Continent: The Eastern route between the Horn of Africa and Arab Peninsula, the Horn of Africa route towards countries within the same region, the Northern route from East and Horn of Africa through Sudan and Libya across the Central Mediterranean towards Europe and the Southern route from the Horn of Africa through Eastern Africa to Southern Africa. Because of the opportunities and challenges presented by the ever-increasing global human mobility, 152 States including Djibouti, Ethiopia, Kenya, South Sudan, Sudan, and Uganda voted in favour of the Global Compact for Safe, Orderly and Regular Migration (GCM) in 2018. The Inter-Governmental Agreement, which encompasses 23 Objectives for better managing migration at local, national, regional, and global levels, is framed in a manner consistent with target 10.7 of the 2030 Agenda for Sustainable Development (Facilitate orderly, safe, regular, and responsible migration). The GCM is considered central to migration governance in that it calls on States to address migration and human mobility in an integrated approach to reduce the risks and vulnerabilities migrants face along the migration continuum by respecting, protecting, and fulfilling their human rights and providing them with care and assistance. The advancements governments in the region have made in migration and border management since the 1970s through regional integration processes will ease the implementation of these frameworks.

By building regional blocs and adopting regional integration as a key component of their development strategies to strengthen economic, social and political cooperation in Africa, regional communities such as the Intergovernmental Authority on Development (IGAD) have 1) developed a Regional Migration Policy Framework (RMPF) serving the homogenization process of national policies to provide pragmatic responses to migration and border management and 2) made significant efforts to boost cross-border cooperation as encouraged by both the African Union Convention on Cross-Border Cooperation (Niamey Convention, 2014) and the AU Agenda 2063 (2015). In essence, the Convention and the Agenda aim to promote cross-border cooperation and ease the free movements of persons and goods.

The African Union Strategy for Enhancing Border Governance in Africa (AUBGS, 2020) places a strong emphasis on cooperation and coordination among border management stakeholders within an Integrated Border Management (IBM) approach as it provides a holistic approach to address the interconnected obstacles to the free flow of goods, services, and persons at Border Crossing Points (BCPs) including, insecurity, crime and smuggling across borders.

To support these regional efforts, the Better Migration Management (BMM) programme has been developed to contribute to the efforts of improving the management of the phenomena in the East and Horn of Africa (EHoA) and, in particular, to address the Trafficking in Persons (TiP) and Smuggling of Migrants (SoM) within and from the region. The BMM programme is based on the third objective of the European Union Trust Fund (EUTF), which is the 'improved migration management in countries of origin and transit'; and contributes to its second objective which is 'strengthening the resilience of communities and in particular the most vulnerable, as well as refugees and displaced people'. It is in line with the latter that this Integrated Border Management (IBM) training manual was developed by the IOM African Capacity Building Centre (IOM ACBC) to provide border management officers with the necessary tools to 1) strengthen migration governance in East and Horn of Africa, 2) deepen cooperation at all levels within and between States to address migration-related challenges, and 3) effectively provide assistance to vulnerable migrants and victims of trafficking at local, national and regional level.

The training manual is divided into six cross-cutting modules:

- Module 1 – Introduction to Border Management
- Module 2 – Integrated Border Management
- Module 3 – Introduction to Migration Management
- Module 4 – Gender Mainstreaming in Border Management
- Module 5 – Health at Borders
- Module 6 – Migrant Protection and Assistance

The modules include a series of reflection exercises to be carried out individually or in groups, as well as case studies and knowledge tests.

The training package includes a PowerPoint for training purposes with country-specific slides aimed at providing the learner with an overview and understanding of border management in the IGAD. Please bear in mind that each trainer is free to keep only the slides relevant to his or her country depending on who the training is aimed at and is encouraged to update the content.

ACRONYMS

IOM ACBC	IOM's African Capacity Building Centre
AHS	Africa Health Strategy
AU	African Union
AUBP	African Union Border Programme
AUBGS	African Union Border Governance Strategy
AVRR	Assisted Voluntary Return and Reintegration
BCP	Border Crossing Point
BMIS	Border Management Information Systems
BMM	Better Migration Management
CEBS	Community Event-Based Surveillance
COMESA	Common Market for Eastern and Southern Africa
CSO	Civil Society Organizations
DESA	Department of Economic and Social Affairs
DoMV	Determinants of Migrants Vulnerabilities
DRC	Democratic Republic of Congo
EAC	East African Community
ECOWAS	Economic Community of West African States
EHoA	East and Horn of Africa
EOC	Emergency Operation Centres
EU	European Union
EVD	Ebola Virus Disease
FAO	Food and Agriculture Organization
GCM	Global Compact for Migration
HBMM	Health, Border and Mobility Management
HoA	Horn of Africa
IBM	Integrated Border Management
ICCPR	International Convention on Civil and Political Rights
ICT	Information and Communication Technology
IDPs	Internally Displaced Persons
IDSR	Integrated Disease Surveillance and Response
IGAD	Intergovernmental Authority on Development
IHR	International Health Regulations

ILO	International Labour Organization
IML	International Migration Law
IPC	Infection Prevention and Control
ISS	Institute of Social Studies
IV	Immigration and Visa
JC	Joint Committee
MIGOF	Migration Governance Framework
MMP	Missing Migrants Project
MoU	Memorandum of Understanding
MPA	Migrant Protection and Assistance
NGO	Non-Governmental Organization
NRM	National Referral Mechanism
OUA	Organization for African Unity
OCHA	Office of the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
OSBP	One-Stop Border Post
PHEIC	Public Health Emergencies of International Concern
PoE	Point of Entry
RECs	Regional Economic Communities
SADC	Southern African Development Community
SAR	Search and Rescue
SARS	Severe Acute Respiratory Syndrome
SDGs	Sustainable Development Goals
SOP	Standard Operating Procedures
TMEA	Trademark East Africa
UDHR	Universal Declaration on Human Rights
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
WASH	Water Sanitation and Hygiene
WHO	World Health Organization

GLOSSARY[61]

Border Checks	Checks carried out at border crossing points to ensure that persons, their means of transport and the objects in their possession may be authorized to enter or leave the territory of States.
Border Control	Border checks and border surveillance activities conducted at the physical borders – air (airports), sea (sea, lake, river ports) and land borders (land, railway) – of the State aimed at regulating the entry (or the intention to enter) and departure of persons, animals and goods to and from the State's territory, in exercise of its sovereignty.
Border control point / crossing point	A place authorized by the competent authorities to cross the border (for persons or goods), or a place officially designated by the legal framework of the State as an official entry to / exit from the State.
Border Governance	The legislation, policies, plans, strategies, action plans and activities related to the entry into and exit of persons from the territory of the State, comprising detection, rescue, interception, screening, interviewing, identification, reception, referral, detention, removal or return, as well as related activities such as training, technical, financial and other assistance, including that provided to other States.
Border Health	Also referred to as cross-border health, broad term referring to the health-care markets, regulatory environments, health laws, environmental factors, and health-care consumer and individual behaviours (risk and protective) that shape the health of migrant and other non-migrant populations living in the region intersected by the geopolitical boundaries of two or more nations.
Border Management	The administration of measures related to authorized movement of persons (regular migration) and goods, whilst preventing unauthorized movement of persons (irregular migration) and goods, detecting those responsible for smuggling, trafficking and related crimes and identifying the victims of such crimes or any other person in need of immediate or longer-term assistance and/or (international) protection.

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61. *IOM, 2019. Glossary on Migration N°34.*

Borders (international)	Politically defined boundaries separating territory or maritime zones between political entities and the areas where political entities exercise border governance measures on their territory or extraterritorially. Such areas include border crossing points (airports, land border crossing points, ports), immigration and transit zones, the "no-man's land" between crossing points of neighbouring countries, as well as embassies and consulates (insofar as visa issuance is concerned).
Boundary	An imaginary line that determines the territorial limits of a State.
Common Control Area (CCA) / Zone (CCZ) * (not provided in the IOM Glossary)	The restricted area where border officers of adjoining countries are entitled to apply their respective national laws as per concluded appropriate border-post agreements.
Frontier	In international law, that portion of the territory of any country which lies close along the border line of another country, and so "fronts" or faces it.
Gender Mainstreaming	The process of assessing the implications for women and men, boys and girls, and people with more complex gender identities of any planned action, including legislation, policies or programmes in all areas and at all levels.
Humanitarian Border Management (HBM)	Border operations carried out before, during and after humanitarian crises which trigger mass cross-border migration. It aims to improve preparedness of border authorities to respond appropriately to cross-border movements arising from both natural and man-made disasters, in a way that protects crisis-affected migrants and guarantees their human rights and interests, while respecting national sovereignty and security.
Identity Management	A system comprising a vision, policy and facilities for the management of identities. The development of such a system is the responsibility of governments.
Illegal / Irregular Entry	The act of crossing borders without complying with all the legal and administrative requirements for entry into the State.
Irregular Migration	Movement of persons that takes place outside the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination.

Migrant	An umbrella term, not defined under international law, reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes a number of well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students.
Migrants in Vulnerable Situations	Migrants who are unable to effectively enjoy their human rights, are at increased risk of violations and abuse and who, accordingly, are entitled to call on a duty bearer's heightened duty of care.
Migration Governance	The combined frameworks of legal norms, laws and regulations, policies and traditions as well as organizational structures (subnational, national, regional and international) and the relevant processes that shape and regulate States' approaches with regard to migration in all its forms, addressing rights and responsibilities and promoting international cooperation.
Migration Management	The management and implementation of the whole set of activities primarily by States within national systems or through bilateral and multilateral cooperation, concerning all aspects of migration and the mainstreaming of migration considerations into public policies. The term refers to planned approaches to the implementation and operationalization of policy, legislative and administrative frameworks, developed by the institutions in charge of migration.
National Territory	The geographical area belonging to or under the jurisdiction of a State over which the State exercises its sovereignty.
Organized Crime	Usually refers to large-scale and complex criminal activities carried out by organized criminal groups and aimed at the establishment, supply and exploitation of illegal markets at the expense of society.
Protection Mainstreaming	The inclusion of humanitarian protection principles into the crisis response by ensuring that any response is provided in a way that avoids any unintended negative effects (do no harm), is delivered according to needs, prioritizes safety and dignity, is grounded on participation and empowerment of local capacities and ultimately holds humanitarian actors accountable vis–à-vis affected individuals and communities.

Safe, Orderly and Regular Migration	Movement of persons in keeping both with the laws and regulations governing exit from, entry and return to and stay in States and with States' international law obligations, in a manner in which the human dignity and well-being of migrants are upheld, their rights are respected, protected and fulfilled and the risks associated with the movement of people are acknowledged and mitigated.
Smuggling (of Migrants)	The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the irregular entry of a person into a State Party of which the person is not a national or a permanent resident.
Trafficking in Persons	The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.
Transnational Organized Crime	An organized crime which has one of the following characteristics: (a) is committed in more than one State; (b) is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State; (c) is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or (d) is committed in one State but has substantial effects in another State.
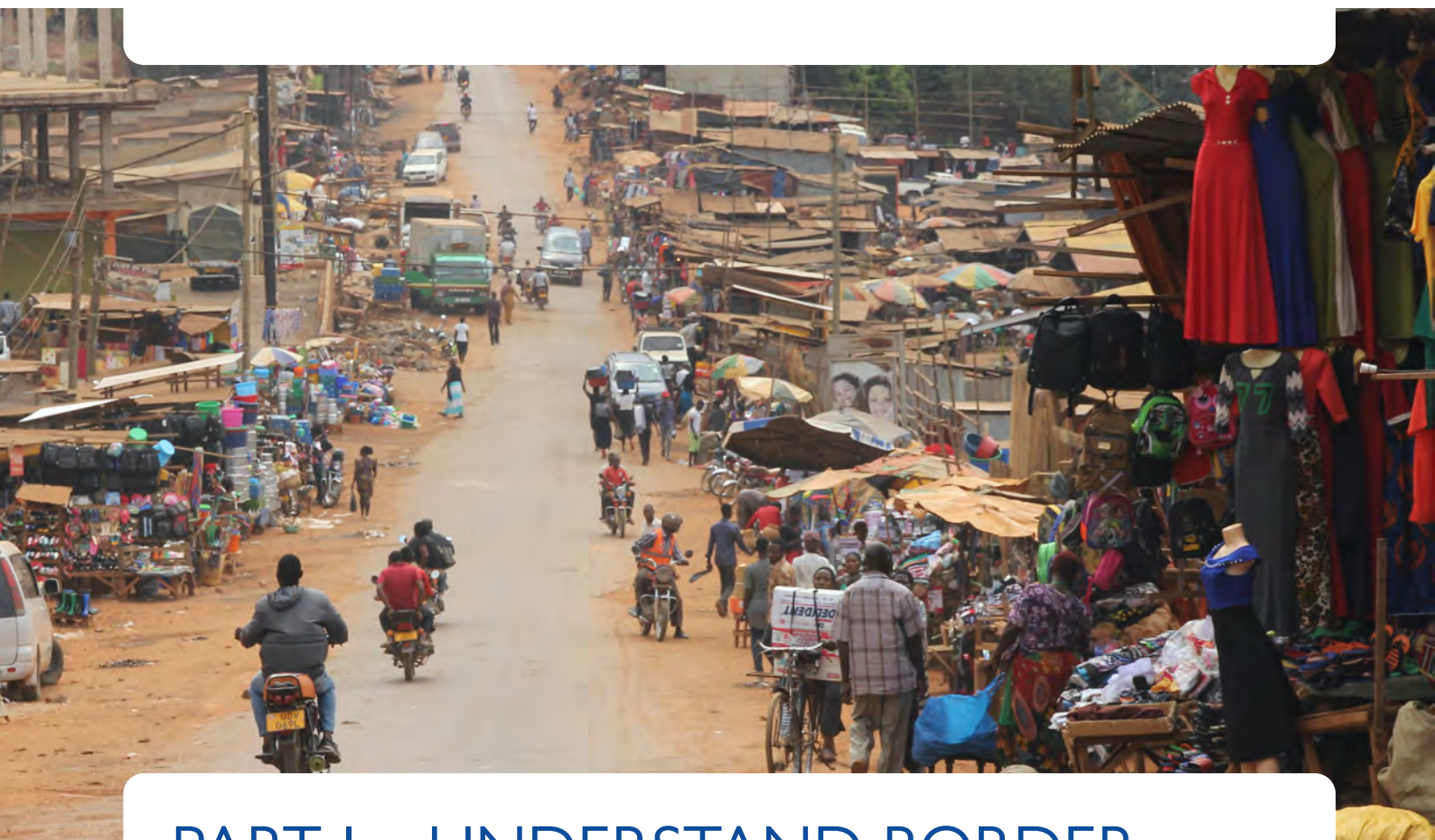
PART I – UNDERSTAND BORDER MANAGEMENT

International borders are zones of transit for goods and people, as well as areas where local communities live and are directly involved and/or exposed to the challenges and opportunities of human mobility and migration. For these zones to remain safe, contribute to economic growth, and meet the AU vision of an integrated Africa where borders would 'serve as bridges for peace, growth and development', borders must be managed effectively. We shall see in Part I of this Manual, how effective border management through a three-level cooperation approach can contribute to achieving this goal.

Learning objectives

At the end of Part 1, the participant will:

- Understand the concepts of border management and border governance.
- Understand how border management interventions help meet national, regional and global goals.
- Understand the Integrated Border Management (IBM) approach and become familiar with the steps to better cooperation at national, regional and international levels.
- Become familiar with the legal, regulatory and operational frameworks of the IBM approach.
- Understand the concept of One-Stop Border Post.

Estimated duration: 24 hours (including a day field visit)

MODULE 1: INTRODUCTION TO BORDER MANAGEMENT

COURSE 1 – CONCEPT, PRINCIPLES AND RESPONSIBILITIES

Unit 1 – Border Management Concept and Principles

Quick Quiz

Let's start our module with a quiz that focuses on the 2 essential notions of this unit: international border and sovereignty.

According to you…

1. An international border is:

    A. A region defined by a common geographic trait.

    B. Any area in which people live.

    C. The territory over which a national government has authority.

    D. Spaces that are owned by the international community.

2. Sovereignty is:

    A. Synonym for power.

    B. The ability for a sole authority to rule a territory.

    C. The capacity to protect a country.

    D. The ability for citizens to vote.

Answers: 1C ; 2B

International borders refer to the politically demarcated 'boundaries separating territory or maritime zones between political entities and the areas where political entities apply border governance measures on their territory or extraterritorially. Such areas include Border Crossing Points (airports, land border crossing points, ports), immigration and transit zones, the "no man's land" between crossing points of neighbouring countries, as well as embassies and consulates (insofar as visa issuance is concerned)'.[62]

The concept of border can be approached in two ways under international law: the boundary and the frontier or border zone. The boundary refers to the imaginary line separating two territorial spaces over which distinct sovereignties are exercised, whereas the frontier refers to border zone where two States exercise a number of competencies within the framework of bilateral and, in some cases, multilateral cooperation.

The notion of sovereignty refers to a principle in international law that each State has exclusive authority over its territory. The exercise of that sovereignty is delimited by an international border and the authority to manage borders must be exercised in conformity with international migration law, which normative approach relates to principles and norms deriving from State sovereignty, as well as the human rights of those involved in the migration process. This includes:

1. on the one hand protecting borders, granting citizenship, admitting and expelling foreign nationals, combating trafficking in persons and smuggling of migrants, and ensuring national security; and

2. on the other, enforcing human rights, humanitarian law, refugee law, criminal law and labour law, among others.

All the rules, techniques and procedures regulating the entry (or the intention to enter) and exit (or the intention to exit) of persons, animals, and goods to and from the State's territory fall under what is called

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62. *IOM Glossary on Migration, N34. Note: This broad definition extending to any areas where border governance is exercised, such as embassies or consulates issuing visas, has been chosen because of its relevance in the migration context.*

border management. As per IOM definition, border management refers to the administration of measures related to the authorized movement of persons (regular migration) and goods, whilst preventing their unauthorized movement (irregular migration), detecting those responsible for smuggling, trafficking and related crimes and identifying the victims of such crimes or any other person in need of immediate or longer-term assistance and/or (international) protection.

In immigration and border management, this power is exercised at air, land and sea border crossing points through border control encompassing border checks[63] and surveillance[64] activities. International borders are the gateways to and from national territory and the exploitation of international borders by criminal networks forces States to concentrate their efforts on ensuring stability and community resilience through improved border services and increased synergy and cooperation on both sides of their international border. A number of continental and international instruments aimed at fostering joint activities between neighbouring countries to achieve this goal exist and are:

1. The AU Convention on Cross-Border Cooperation (Niamey Convention): to foster the development of borderlands and ease the free movement of persons and goods);

2. The AU Agenda 2063 and AU Strategy for Better Integrated Border Governance (AUSB): to promote peace, security and stability, effective border management and facilitation of the movement of persons, goods, services and capital between Member States; and

3. The Global Compact for Safe, Orderly and Regular Migration (GCM): to encourage States to manage borders in a manner "that respect national sovereignty and obligations under international law".

Figure 1 Continental and Global Instruments Promoting Cross-Border Cooperation in Border Management Applicable to IGAD and Africa at Large.

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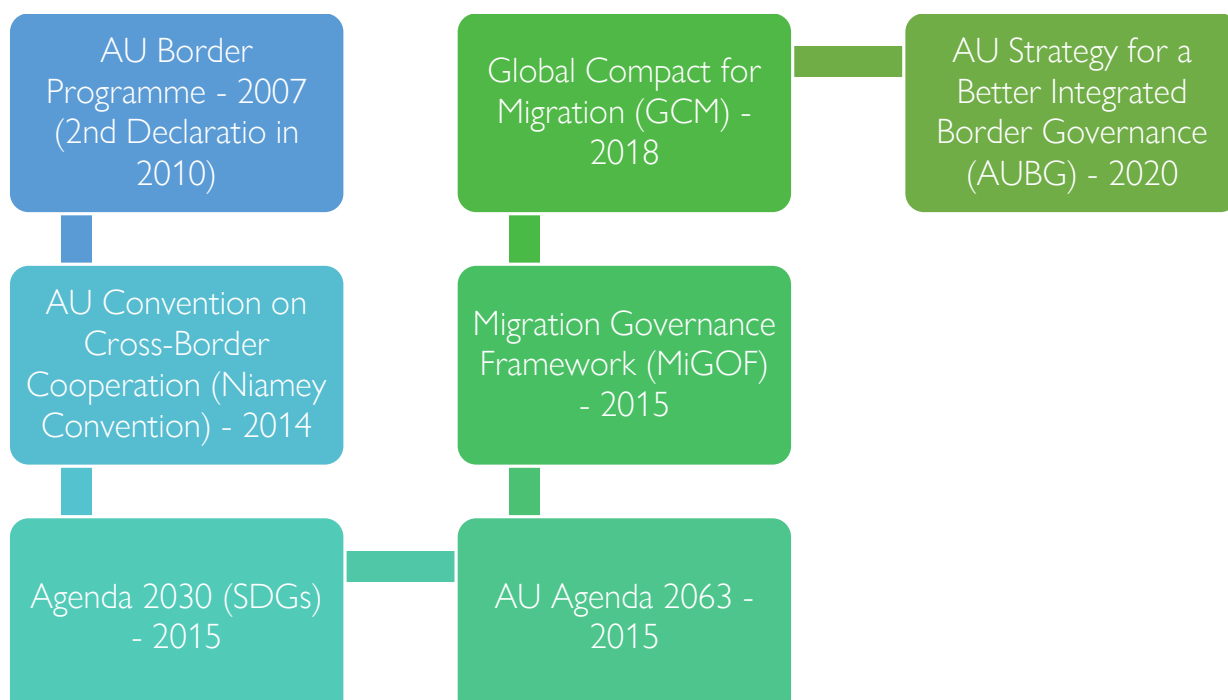
63. Border checks: Checks carried out at border crossing points to ensure that persons, their means of transport and the objects in their possession may be authorized to enter or leave the territory of States.

64. Border surveillance: Surveillance of borders between border crossing points and the surveillance of border crossing points outside their fixed opening hours, in order to prevent persons from circumventing border checks.

Border Management and the SDGs

The 2030 Agenda for Sustainable Development (2015) provides a shared blueprint for peace and prosperity for people and the planet, now and into the future. At its heart are the 17 Sustainable Development Goals (SDGs), which are an urgent call for action by all countries - developed and developing - in a global partnership. They recognize that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth – all while tackling climate change and working to preserve our oceans and forests.

Source: https://sdgs.un.org/goals

The SDGs, which are aligned with continental aspirations, present an opportunity to promote good governance of borders, as well as guidelines for addressing the challenges facing States[65] under:

- Goal 9: Industry, Innovation and Infrastructure
- Goal 10: Reduced Inequalities
- Goal 16: Peace, Justice and Strong Institutions
- Goal 17: Partnerships for the Goals

Table 1 SDGs pertaining to Border Management

9 INDUSTRY, INNOVATION AND INFRASTRUCTURE	• Target 9.1 Develop quality, reliable, sustainable and resilient infrastructure, including regional and transborder infrastructure, to support economic development and human well-being, with a focus on affordable and equitable access for all. • Target 9.4 By 2030, upgrade infrastructure and retrofit industries to make them sustainable, with increased resource-use efficiency and greater adoption of clean and environmentally sound technologies and industrial processes, with all countries taking action in accordance with their respective capabilities. • Target 9. A Facilitate sustainable and resilient infrastructure development in developing countries through enhanced financial, technological and technical support to African countries, least developed countries, landlocked developing countries and small island developing States.
10 REDUCED INEQUALITIES	• Target 10.7 Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.
16 PEACE, JUSTICE AND STRONG INSTITUTIONS	• Target 16.4 By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime. • Target 16. Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime. • Target 16.5 Substantially reduce corruption and bribery in all their forms.
17 PARTNERSHIPS FOR THE GOALS	• Target 17.18 By 2020, enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to significantly increase the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts. • Target 17.19 By 2030, build on existing initiatives to develop measurements of progress on sustainable development that complement the gross domestic product and support statistical capacity-building in developing countries.

65. Annexe 1 provides IOM's guidance on how to implement the relevant SDGs.

Border Management and IOM's Migration Governance Framework

IOM's Migration Governance Framework (MiGOF) is provides the essential elements for facilitating orderly, safe, regular and responsible migration and mobility of people through planned and well-managed migration policies. The three principles propose the necessary conditions for migration to be well-managed by creating a more effective environment for maximized results for migration to be beneficial to all. These represent the means through which a State will ensure that the systemic requirements for good migration governance are in place. The three objectives are specific and do not require any further conventions, laws or practices than the ones that are already existing. Taken together, these objectives ensure that migration is governed in an integrated and holistic way, responding to the need to consider mobile categories of people and address their needs for assistance in the event of an emergency, building resilience of individuals and communities, as well as ensuring opportunities for the economic and social health of the State.

Source: IOM MiGOF Brochure

The Framework essentially encapsulates the key elements of effective migration management; however, it lays out a set of principles (1-3) and objectives (2-3) that apply to various aspects of border management:

Principle 1	Good migration governance would require adherence to international standards and the fulfilment of migrants' rights
	• Actions must be implemented in compliance with international standards giving full respect to migrants' rights.
Principle 2	Migration and related policies are best formulated using evidence and whole-of-government approaches
	• Providing governments with border management information systems (BMIS) builds their capacity to establish and draw on a sound evidence base for the development of migration policy.
Principle 3	Good migration governance relies on strong partnerships
	• Enhancing cooperation at all levels by instituting Integrated Border Management agreements bilaterally as well as regionally fosters closer and more effective partnerships within and among governments.
Objective 2	Good migration governance is based on effective responses to the mobility dimensions of crises
	• Ensuring transit and destination countries are equipped to address large influxes of crisis-affected migrants and provide them with the care and protection required using humanitarian border management (HBM) programming makes effective responses to the mobility dimension of crises possible.
Objective 3	Migration should take place in a safe, orderly, and dignified manner
	• Addressing the risks associated with migration improves safety and security for all.

Note: For border management to be effective, States must develop appropriate immigration policies and legislation, administrative structures and operational systems, as well as the human resource base necessary to respond to diverse migration challenges and institute appropriate migration governance.

Activity 01: Priorities in Managing Borders

Objective

The objective of this exercise is twofold: (1) to enable participants to identify, among the SDGs listed in the module, the priority targets for their countries and to see if they are reflected in national strategies; and (2) to compare them with those of other IGAD countries to determine whether regional strategies are inclusive of the priorities of each member State and provide recommendations where necessary.

Instructions

1. Group by country to identify your priority targets at the national level under each of the 4 SDGs listed in the module. (5 minutes)

2. Brainstorm and put in writing what each of the identified targets requires at government level taking into account existing national priorities. You may refer to Annexe 1 for guidance. (15 minutes)

3. Form multi-country groups, with at least 1 representative per country, and share your different findings. (15 minutes)

4. Identify achievements and shortcomings at the IGAD level. (15 minutes)

5. Share with the rest of the group and make recommendations for the region that you can implement at your respective level (in plenary). (10 minutes)

Duration: 60 minutes.

Unit 2 – Roles and Responsibilities of Key Border Agencies

Besides demarcating geographical areas, international borders safeguard national security, prevent the spread of communicable diseases and delimit economic and social activities – as evidenced by the diversity of agencies at Border Control Points (BCPs). Although the names and precise scope of tasks of the border management agencies may differ from country to country, the functions of key border agencies which essentially consist of the surveillance of the State border as well as the control of persons and goods remain the same.

Security

Border Patrol

The primary actors in border surveillance are the border patrols consisting of border/coast guards, police and sometimes armed forces. Border patrols are responsible for detecting and preventing illegal entry, the transportation of smuggled goods into a national territory by air, land or sea, seeking and apprehending traffickers, as well as enforcing all penalty provisions of the domestic immigration and nationality laws.

Border and coast guards take part in search and rescue operations at border areas (land or sea) and support in governments' effort to prevent illegal fishing or hunting activities, illegal exploitation of natural resources and marine pollution. In the framework of their operations, border surveillance agencies may conduct these activities in cooperation with other relevant law enforcement authorities to provide support in emergency and conflict situations directly endangering public order at the border, as well as assistance to vulnerable persons and asylum seekers.

Trade

Customs Services

International borders are the gateways for the entry and exit of goods and commodities that are sometimes subject to customs duties. Customs are responsible for regulating the flow of goods, and in some occurrences, people, into a country and charging prerequisite levies. The customs officer enforces the domestic laws and regulations regarding goods, personal effects, and animals, as well as imports and export.

General responsibilities of a customs officer include searching baggage for smuggled items or any form of contraband, verifying documentation relating to import and export of goods, collecting revenue on imported goods, collecting data and managing information on trade statistics, as well as apprehending suspected smugglers.

Immigration

Immigration Services

International borders are a place of passage for all categories of migrants (local traders, pastoralists, holidaymakers, workers, residents, asylum seekers etc.). The role of the immigration services is to screen travellers by conducting immigration enforcement checks and preventing illegal or irregular entry or exit from the country. Immigration officers must facilitate the entry and exit of people while still promoting security and border management to uphold the sovereignty of the State.

General responsibilities of an immigration officer include:

- Issuing/checking travel documents to eligible people, process and issue Citizenship, Residence and Work Permits, and Visas by the existing laws.
- Screening passengers passing through passport control areas.
- Verifying travel documents including passports and visas.
- Conducting interviews for suspected offenders, victims of trafficking or migrants in smuggling processes (see PowerPoint on Interview Techniques).
- Conducting surveillance operations including joint border patrols and surveillance at BCP.
- Coordinating with security and other border management agencies on holding facilities or deportation of irregular migrants.
- Collecting data collection and managing information on migration trends and statistics.

Public Health

Port Health Authority

Migration places individuals in situations which may impact their physical and mental well-being – and the conditions surrounding the migration process can increase the vulnerability to ill health.[66] The role of Port health is to implement preventive measures through, inter alia, the identification and update of national guidelines for health and safety measures and in line with relevant international guidelines, the coordination with relevant stakeholders to ensure harmonized, quality implementation and evaluation of these measures, the strengthening of emergency preparedness and response.

The general responsibilities of a port health officer include the health screening of crew / passengers but also the sanitary inspection of vessels.

Veterinary

Pastoralists account for a significant proportion of seasonal cross-border movements due to climatic variability and environmental challenges in the Sahelian region. Importing live animals and animal products poses great risk since they can spread human and animal diseases, as shown during the Ebola epidemic crisis. The role of border veterinary is to conduct checks at border inspection posts to ensure that live animals and animal products entering the country meet all the safety and other conditions prescribed upon import.

Note: The list of agencies provided in this section is non-exhaustive. The presence of an agency at a border post depends on the importance and nature of the flow. Although Border Patrol, Customs, Immigration and Health are the main agencies to be found at borders, it is important for the sake of efficiency that border agencies be mirrored on both sides.

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66. *Migration Data Portal. Migration & Vulnerability. Migration and Health:* https://www.migrationdataportal.org/themes/migration-and-health

Key Learning Points

Border Management	Effective Border Management	Border Agencies
• Ensure that persons entering or leaving the national territory are in possession of the required documents. • Prevent unauthorized movement of persons and goods in the country. • Detect those responsible for smuggling, trafficking and related crimes and identify the victims of such crimes or any other person in need of immediate or longer-term assistance and/or protection.	• Making it easier for legitimate visitors to enter the State by monitor entry and exit procedures and dissuade individuals attempting to evade immigration restrictions.	• To serve as principal guarantors of State's national soverignty as per the mandate provided by respective national laws. • Ensure that current regulations and legislation are followed.

Activity 02: Border Agencies Mapping

Objective

The purpose of this activity is to identify what might contribute to the challenges facing States with regard to border management in the IGAD region. To facilitate the exercise, groups may be built as follows:

- Kenya – Somalia
- Djibouti – Ethiopia
- Sudan – South Sudan
- South Sudan – Uganda

Participants may:

1. Identify a common border and come up with the list of the border agencies present at the respective BCP (their role and responsibilities).
2. Compare both lists and identify the unrepresented agencies and the challenges this may pose in terms of managing the flow of people and goods.

Duration: 45 minutes

COURSE 2 – COOPERATION IN BORDER MANAGEMENT

Unit 1 – Understanding Cooperation

States have the primary responsibility to manage migration across designated borders and each State has the sovereign and legitimate right to regulate its borders and build its migration legislative framework taking account of applicable international and regional standards/instruments. However, the global nature of migration calls for the need to address the challenges faced by States at borders through cross-border cooperative efforts at bilateral, multilateral, continental and global levels by bringing together regional and local authorities to collaborate and combine efforts to achieve common objectives and goals.

Cross-border initiatives enable participating States to share good practices and experiences with other States in the same geographic region, as well as engage in discussion and information-sharing on issues, policies, and programmes of common interest under the overall umbrella term of cross-border cooperation. Cross-border cooperation in border management aims to bring together key multi-stakeholders at regional and local levels to steer debate and dialogue on migration, and border-related issues in order to foster a common understanding of the trends as well as challenges to facilitate the formulation of a comprehensive policy on migration management at borders at the national level (through National Coordination Mechanisms on Migration (NCMs)[67] or regional level (through Regional Consultative Processes (RCPs)).

Progress in the matter in Africa is intrinsically linked to the formation of regional economic blocs and the desire to resolve conflicts related to border demarcation and delimitation, as well as regional security challenges. Instruments framing cross-border cooperation include:

- The African Union Border Programme (AUBP, 2007) seeking to 'foster and facilitate cross-border cooperation through joint planning and development of shared cross-border areas and to build the border management capacity of Member States in support of pragmatic border management and regional integration activities'.
- The African Union Convention on Cross-Border Cooperation (Niamey Convention, 2012) promoting cross-border cooperation at the local, sub-regional and regional levels and serving as a guideline for the implementation of the AUBP.
- The African Union Border Governance Strategy (AUBGS) encouraging increased cooperation between public authorities toward ensuring the free movement of persons and goods across both sides of the border and combating illegal trafficking and insecurity.
- Regional Economic Communities (RECs) Protocols and Initiatives.

The implementation of the obligations set forth in and recommendations of the Programme, Convention, Strategy and initiatives calls for policy, institutional, technical and operational collaboration among countries to contribute to sustainable economic and social development in border areas, while addressing common challenges (environment, public health, safety, and security) and facilitating the movement of goods, people, and capital.

At the policy level, cross-border cooperation involves the participation of various stakeholders who can affect, or are affected by, the outcomes of policy and decision-making processes in the management of migration and borders. This form of cooperation constitutes mechanisms of exchange with policymakers in which a number of institutions and actors are invited to participate or collaborate. Depending on the level of the cooperative process, participating representatives can be from:

- Ministries;
- Civil Society Organizations (CSO);

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67. NCM was conceived from the findings and recommendations of a joint assessment by the Intergovernmental Authority on Development (IGAD) and IOM in 2014. It also draws on the migration profile for Kenya launched by the government with the support of IOM in 2015. (IOM)

- Non-Governmental Organizations (NGOs)
- Intergovernmental Organizations (IGOs);
- Academias; etc.

Good examples of cooperation at the policy level within the IGAD region are:

- The National Coordination Mechanisms (NCMs) and Regional Consultative Processes (RCPs) which led to the development of a Regional Migration Policy Framework (RMPF, 2012) providing a comprehensive regional approach to migration management; seeking at facilitating the harmonization of policies on migration management at a regional and national level; providing a broad range of recommendations on various migration issues as a guide to governments; supporting Member States' efforts in formulating national migration policies that address specific migration-related challenges and concerns more comprehensively and holistically.
- IGAD's Protocol on Free Movement of Persons (and Transhumance) aimed at guaranteeing safe, orderly and beneficial migration in the region, fostering socio-economic development by boosting investment and improving opportunities for labour mobility.
- Bilateral and regional agreements to waive visa requirements for community citizens.

At the institutional level, cross-border cooperation involves collaboration and cooperation both within and between agencies to implement regional policies and initiatives.

Within IGAD	• IGAD Conflict Early Warning and Response Mechanisms (IGAD CEWARN) • IGAD climate prediction and application Center (IGAD CPAC) • IGAD Climate Protection and Application Center (IGAD CPAC) • IGAD Foreign Service Institute (IGAD FSI) • IGAD Center For Pastoral Areas and Livestock Development (IGAD CPALD) • IGAD Center Of Excellence for Preventing and Countering Violent Extremism (IGAD CEPCVE) • IGAD Sheikh Technical Veterinary School (IGAD STVS)
IGAD with various partners	• African Union • UN system or other IGOs • NGOs • CSOs etc.

At the technical level, cross-border cooperation is aimed at upskilling national and regional human resources who shoulder the implementation of policies and initiatives. This form of cooperation involves capacity-building activities through training programmes, workshops, and exchange programmes to improve individual know-how, but may also include investment in technical services.

Good examples of cross-border technical cooperation are the establishment of IGAD Inter-Agency Working Group (IAWG, 2021) on Integrated Border Management (IBM, 2022) and the development of the present IBM training manual.

At the operational level, cross-border cooperation may relate to collaboration between Member States agencies for the development of common operational frameworks at either bilateral or multilateral levels. Operational cross-border cooperation can involve law enforcement in 2 or more States and can be formal or informal.

Informal cooperation

Informal cooperation occurs when law enforcement officers or agencies across different jurisdictions assist one another in criminal investigations through personal communication. This may include:

- Officer-to-officer / agency-to-agency information sharing, investigations, and assistance.
- Assistance with communications, witness statements, contact information, and referrals.
- Cooperation in conducting inquiries, especially in a multi-lingual setting.

This form of cooperation is arguably the fastest, cheapest, and most flexible way to seek information or intelligence. The disadvantages are, however, that the information obtained through informal means may not be admissible in court as evidence as the method of collection may not pass judicial scrutiny. Also, the information may not be stored or shared effectively due to its informal nature.[68] In the case of officer-to-officer cooperation, the cooperation could end abruptly, and information lost, if one of the officers is reassigned or retires, etc. Lastly, there is the risk of causing diplomatic incidents or exposing colleagues in other countries to danger if restricted information is leaked or if an action is not properly thought-out.

Formal cooperation

Formal cooperation involves treaties, Memoranda of Understanding (MoUs) or other written agreements, recognizing the need to gather evidence in other jurisdictions and need to conduct surveillance across borders. This may include:

- Joint investigations and prosecutions;
- Use of special investigative techniques;
- Posting liaison officers (LOs) to facilitate cooperation with the host government's law enforcement officers in criminal investigations;
- Bilateral and multilateral agreements and MoUs on law enforcement cooperation and on sharing of law enforcement information;
- Cooperation within international criminal police organization or regional police or judicial cooperation structures;
- Exchange programmes involving officers from each State to undertake undercover operations, training programmes, or to conduct investigations.

A good example of this form of cooperation can be witnessed through the coordinated framework for border operations under the One-Stop Border Post (OSBPs) concept (Module 2) in the East Africa region.

Activity 03: Cross-Border Cooperation on Border Management

Objective

The purpose of this activity is to make a rapid assessment of existing cooperation initiatives on border management to formulate recommendations where necessary.

1. Divide the participants into 5 groups. Each group will focus on one form of cooperation (global, continental, regional, multilateral, and bilateral).
2. The Global Cooperation Group will identify and present a border management-related cooperation initiative (10 minutes).
3. The other groups will discuss the very same initiative in a top-down approach. The bilateral cooperation group will be the last to intervene.
4. Based on the findings, the groups will together draw a list of recommendations to address the existing gaps.

Duration: 45 minutes

Unit 2 – Border Management in a Regional Integration setting

From a socio-economic perspective, integration takes place at a regional or continental level, and the congregation of States forming that bloc is then to be referred to as a region or part of the world. The concept of regional integration involves a process whereby the greater degree of consultation between actors, the greater the control over the challenges faced at the regional level thanks mainly to the interconnections between services. There currently are 8 recognized regional economic communities (RECs) in Africa:

- The Arab Maghreb Union (UMA)
- The Common Market for Eastern and Southern Africa (COMESA)
- The Community of Sahel–Saharan States (CEN–SAD)
- The East African Community (EAC)
- The Economic Community of Central African States (ECCAS)
- The Economic Community of West African States (ECOWAS)
- The Intergovernmental Authority on Development (IGAD)
- The Southern African Development Community (SADC).

With BMM countries being part of the following bloc(s):

	COMESA	EAC	IGAD
Djibouti	×		×
Ethiopia	×		×
Kenya	×	×	×
Somalia			×
South Sudan		×	×
Sudan	×		×
Uganda	×	×	

Regional integrations in Africa are a response to:

1. The need of the continent's 17 landlocked States to 1) access the sea thanks to agreements with their neighboring countries and 2) contribute to the building of stronger economic poles to strengthen trade;
2. The need of many States to facilitate labor migration and cross-border mobility of seasonal workers and pastoralists among others;
3. The security challenges faced by many countries.

Regional integration offers opportunities for:

- extended markets and trade zones,
- enhanced cooperation among States,
- reduced risks of conflicts, and
- fosters socio-cultural cooperation and regional stability.

As mentioned under Unit 1, States assert their authority within a well-defined territory. The integration process as well as the management of shared borders require a greater or lesser degree of transfer of sovereignty from these States to the benefit of the supranational entity. Though the Member States carry primary responsibility for efficient border management, international communities, the African Union, and the Regional Economic Communities have a significant role to play in assisting States.

They must serve critical functions that States cannot, particularly when it comes to establishing continental or regional norms or combating transnational threats (AUBP Strategy 2020).

What rights do regional integrations confer on citizens?

Citizens of various regional integrations can move, settle, work, and study in any other State of their community under the principle of free movement of goods and persons under Free Movement Protocols in place. This freedom, however, does not exclude the power of States over their borders. States maintain control of entry and exit of persons across their borders and have the authority to allow or disallow travellers to enter their territory on grounds of public policy, public security or public health.

Existing free movement protocols in the African continent relevant to IGAD countries include:

- **COMESA Free Movement Protocol (2001)**

The Protocol on the Free Movement of Persons, Labour, Services, the Right of Establishment and Residence aims to remove all restrictions to the free movement of persons, labour, and services and provide for the right of establishment and right of residence among States linked to the COMESA cooperation framework in its Articles 3 to 8.

- **Protocol on the Establishment of the East African Community Common Market (2010)**

Member States agree, under Article 104 of the Treaty for the Establishment of the East African Community, to adopt measures to achieve free movement of persons, labour, and services and to ensure the enjoyment of the right of establishment and residence of their citizens within the community.

- **IGAD Free Movement of Persons and Transhumance (2020)**

Article 4 (1) of the Protocol stipulates that the IGAD Member States shall realize the free movement of persons, rights of establishment and residence progressively.

> Question: For which of the IGAD member countries do you need an entry visa?

Key Learning Points

Cooperation	Regional Integration	Free Movement Protocols
• To share information and expertise on border management • To improve collaboration on key issues between States	• To implement regional and continental recommendations with regards to cooperation and efforts towards better governance • To allow States enhance their competitiveness, but also collaborate to face common challenges and threats	• To guarantee the right to enter and exit member states and move freely within them • To facilitate travel and/ or trade across the continent to boost the regional and continental economic integration in Africa.

MODULE 2: INTEGRATED BORDER MANAGEMENT

COURSE 3 - INTRODUCTION TO INTEGRATED BORDER MANAGEMENT

Unit 1 – Concept and Principles of Integrated Border Management

We saw in Course 1 that a State's ability to exert power through laws and regulations is circumscribed by its international borders. However, to meet the common challenges posed by the ever-changing and transnational phenomenon of migration, close cooperation at different scales is essential to anticipate flows, respond to the needs of populations, and ensure that no one is left behind. It is along those lines that the Integrated Border Management (IBM) approach was developed. The approach aims to enhance collaboration between border authorities to achieve common goals such as allowing the legitimate movement of people and goods while ensuring secure and controlled borders.

Integrated Border Management seeks to improve three levels of cooperation: intra-service, inter-agency and international.

Intra-Service Cooperation

Intra-service cooperation refers to the efficient administration of processes, information, and resources within migration and border management agencies. It refers to interactions between:

- Different administrative departments of a ministry or agency at headquarters.
- Ministry/agency and regional centres.
- Ministry/agency/regional centres and the units working at the borders; and
- Various border crossing points, border inspection points and inland control stations.

Intra-service cooperation can either be vertical (within divisions of the same department) or horizontal (among divisions of the same department).

Vertical cooperation refers to cooperation between different administrative levels; from the ministries at the top down to the units working at the borders.

Figure 2 Example of Vertical Intra-Service Cooperation in Border Management
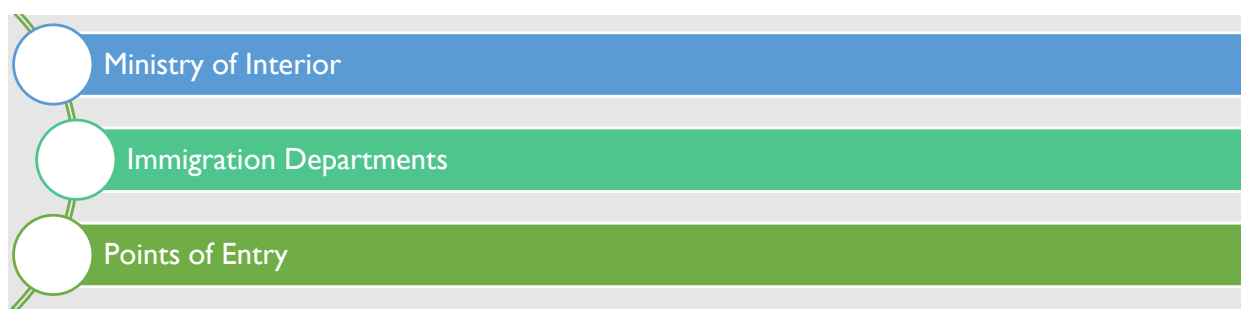
Horizontal cooperation, on the other hand, refers to cooperation between the various agencies at border crossing points along the border, as well as the inland border control points (such as airports). The aim is that the border agencies and the central ministries and authorities responsible for these services work together to ensure adequate collaboration and coordination.

By aligning policies and practices, developing new infrastructure, sharing premises and IT structures, training, among other initiatives, horizontal cooperation should result in daily operational interaction and enhanced management of practical challenges. The interactions can be written (e-mail, reports, etc.), verbal (calls) or physical (meetings, training, etc.).

Figure 3 Example of Horizontal Intra-Service Cooperation in Border Management
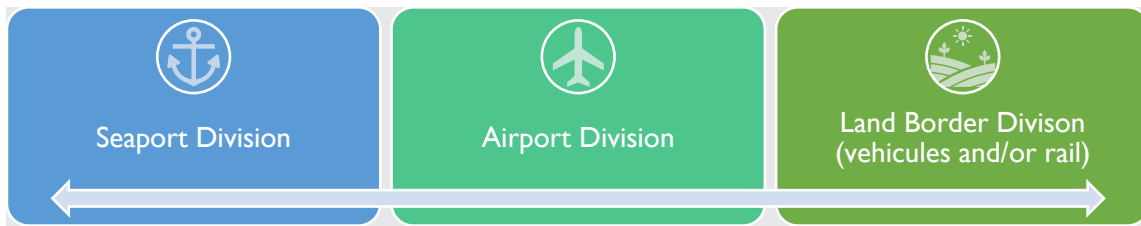
Inter- Agency Cooperation

At the national level, inter-agency cooperation refers to the collaboration among all national migration and border management agencies. The three priority areas for inter-agency cooperation include:

- Coordinated processing at Border Crossing Points.
- Integrated information technology systems; and
- Awareness-raising and joint responsibilities.

Governmental inter-agency collaboration takes place between border control agencies and ministries and policy-making authorities in charge of overseeing and funding border management activities.[69] Areas of customs – border/coast guard inter-agency cooperation can include strategic planning, communication and information exchange, coordination of workflow of border crossing points, risk analysis, criminal investigations, joint operations, control outside border control points, mobile units, contingency/emergency, infrastructure and equipment sharing, and training and human resource management.[70]

Intra- and inter-agency collaboration is especially vital in the case of social or political crises that could result in important population flows, or in health emergencies that necessitate the harmonisation of immigration, customs, and health standards.

Figure 4 Example of Inter-Agency Cooperation in Border Management

Health   Immigration   Customs

International Cooperation

International cooperation involves arrangements between two or more States 1) at the political level between authorities and policy makers, and 2) at the operational level between their various agencies.

It involves the establishment of communication and coordination channels at local level between officials on both sides of the border, at bilateral level between neighbouring States and multilateral level on migration and border management issues. International cooperation can take the form of:

- Memorandum of Understanding (MoU) for the creation of technical working groups, the carrying of regular consultations and joint activities between Member States and partners.
- Trade Agreements.

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69. V. Tsikolenko. *Border Agency Cooperation Part 3 of 3.*

70. Center for the Study of Democracy (CSD), 2011. "Better Management of EU Borders through Cooperation", Study to Identify Best Practices on the Cooperation Between Border Guards and Customs Administrations Working at the External Borders of the EU.

Figure 5 Example of International Cooperation in Border Management

| Health Immigration Customs | Health Immigration Customs | Health Immigration Customs | Health Immigration Customs | Health Immigration Customs | Health Immigration Customs | Health Immigration Customs |
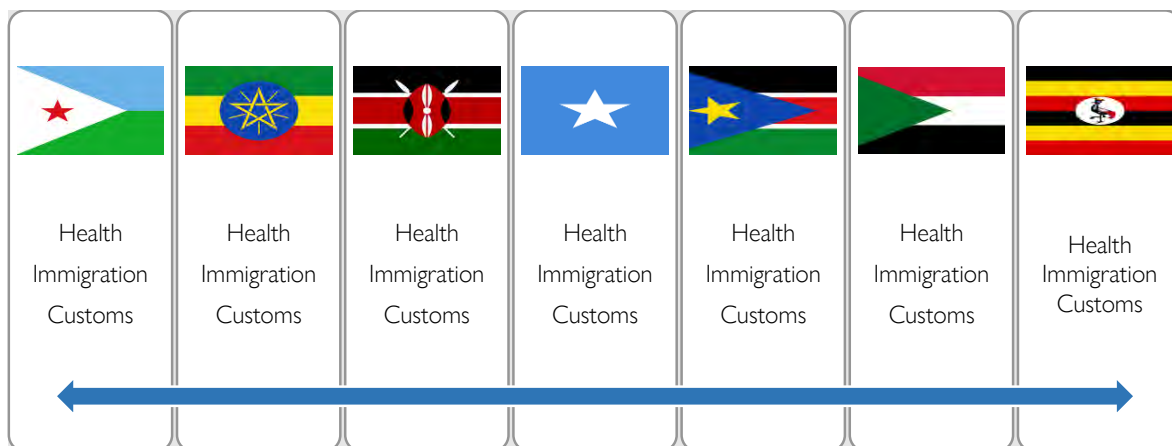
What are the Benefits of an IBM approach?

- Integrated border management increases agency cost-effectiveness and border efficiency through the harmonization of legislation, policy and procedures. As a central pillar of the RECs Free Movement Protocols, IBM supports regional free movement objectives and economic integration. The transition from a Free Trade Area to a Customs Union and a Common Market requires effective controls of the internal borders and, eventually, of the external borders of the Common Market which requires a common approach to security, movement of people and goods.
- IBM addresses security and cross-border transnational organized crime through joint risk management approaches.
- IBM supports the protection of migrants and mobile populations at all times, including in times of crisis or war.
- By establishing close cooperation at all three levels, integrated border management seeks to ensure the streamlining of customs and immigration processes, timely sharing of information, reduced waiting periods and an enhanced capacity to detect illicit trans-border activities.

Figure 6 Border Agency Cooperation Diagram: Conceptual framework on Border Agency Cooperation (source: Männistö, T., and Hintsa J., 2015; inspired by Polner, 2011 and by Institute of Policy Studies, 2008)

Männistö, T., and Hintsa J., Theory of Border Agency Cooperation, CBRA working paper, 2015, Lausanne, Switzerland.

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Activity 04: Agree or Disagree

	Agree	Disagree
Border management is linked to human development, human rights, human mobility and human security.		
The Integrated Border Management approach is only relevant to countries facing the same challenges.		
Intra-service and inter-agency cooperation must be fully established before moving to international cooperation.		
Local stakeholders should be the direct initiators of cross-border cooperation supported by States.		

Unit 2 – Integrated Border Management Implementation[71]

Legal and Regulatory Framework

A legal framework encompasses not only the law itself but the institutional, administrative, political, social and economic conditions or arrangements, which make the legislation available, accessible, enforceable and therefore effective. Regulatory frameworks are legal mechanisms that exist on national and international levels. They might be mandatory and coercive (national laws and regulations, contractual obligations) or non-coercive (integrity pacts, codes of conduct, arms control agreements).

For intra-service cooperation to be effective, all agencies must be legally empowered by laws, orders, regulations, instructions and agreements. That legislation is applied and enforced coherently and reviewed regularly to ensure constant relevance, effectiveness and compliance with other existing national, regional and international legislations.

For interagency to be effective, all involved agencies must cooperate, share information and coordinate their work. The legal and regulatory framework for inter-agency cooperation determines the content and scope of the cooperation and information exchange between the involved stakeholders.

For international cooperation to be effective, the legal framework on international cooperation should govern international border control. This includes the implementation of joint activities at border crossing points in the immediate border zone, information and data exchange, and mutual assistance agreements, as well as participation in international organizations and the signing of international conventions. Despite having helpful instruments like agreements in place, specifications with regard to the implementation of the protocols must be detailed in the legislation.

Table 2 IBM Legal and Regulatory Framework

At intra-service level	• Delineation of roles and responsibilities of border agencies.
	• Offences, penalties, and actions to be taken.
	• Data protection rules and principles.
	• Gathering and exchange of information
	• Templates and forms used; and
	• The standards and good practices of border management and trade.
At inter-agency level	• Empowerment of agencies by law to cooperate with and assist other agencies in specific cases or as requested.
	• Agreed scope of cooperation (including the delegation of authorities) through formal agreements or MoUs.
	• National data protection law defining the standards to be applied for information collection, exchange and storage.
At international level	• Border Control Agreement
	• Bilateral Agreements
	• Border checks and customs control

Institutional Framework

For intra-service cooperation to be effective, agencies must have the required organizational structures in place to support task implementation, including communication that is supported by policy and strategy at the governmental level.

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71. European Commission. Guidelines for Integrated Border Management in European Commission External Cooperation, 2010.

Inter-agency cooperation is ensured through interagency working groups, the exchange of liaison officers and the common risk analysis offices. An Inter-Agency Working Group (IAWG) on Integrated Border Management (IBM) shall be created and shall meet at regular intervals and be composed of high-ranking officials from each ministry, supported by operational border management experts from each agency and controlled by a supervisory group or steering committee. The working group will be in charge of addressing cooperation issues and identifying areas for expanded collaboration, including information sharing, as well as other areas of common interests. Any additional interagency/inter-ministerial working groups should have their relationships explained, and methods for resolving issues outlined.

At the international level, the institutional framework of a border management agency should allow for active bilateral and multilateral relations including information and data exchange, participation in international organisations forums and regional platforms, exchange of liaison officers, the assignment of national contact points or participation in common contact offices, international operations, training and exchange programmes.

Table 3 IBM Institutional Framework

At intra-service level	• National Coordination Mechanisms
At inter-agency level	• Joint specialist task forces
At international level	• Liaison officers
	• Common contact offices
	• Regional working groups
	• International organisations

Rapid Framework Assessment

- • What laws govern inter-agency cooperation at the national level?
- • What do these laws cover and what are their shortcomings?
- • Do inter-agency working groups exist at your border?
- • Can equipment be shared among the departments?

Procedures

For intra-service cooperation to be effective, procedures detailing what should be done by whom, when, and how should be described in instructions, circulars, or manuals and made available to all personnel. The procedures should cover all relevant tasks at all levels of the agency and for all types of borders.

For inter-agency cooperation to be effective, procedures must ensure smooth processing at the BCP and coordinated border surveillance activities. To achieve the goal of streamlined and better-coordinated procedures, each agency's existing workflows must be described and analysed at the central, regional, and field levels, particularly with regard to responsibilities, sequencing, and processing times at the BCP. Identified overlaps and delays should be handled collaboratively, and related processes should be updated accordingly.

For international cooperation to be effective, harmonized processes at border crossing points between neighbouring states should be in place to immediately contribute to improved traffic flow and shorter wait times at borders, and cooperative activities involving many states and the collection and analysis of standardised data should take place. Depending on how close the relationship with the neighbouring state is, procedures may encompass things like establishing common emergency/contingency plans and exercises, synchronizing activities and BCP opening hours, combined patrolling of green/blue borders, and one-stop control.

Table 4 IBM Procedures

At intra-service level	• Control procedures. • Visa and Covid testing fees. • Penalties in case of infringement. • Standard forms and templates. • Top-down and bottom-up information flow at and between the field and headquarter. • Contingency procedures for risk management.
At inter-agency level	• Mobile units • High-impact operations • Contingency Plan
At international level	• Joint and coordinated patrolling • Joint contingency plans • Standardised documentation • Coordination of BCP status

Human Resources and Capacity Development

Skilled border personnel are essential to the successful management of international borders. Inter-agency training contributes to a better understanding of the tasks and responsibilities and needs of other border management agencies. At the international level, training events, workshops, study visits and exchange programmes for officers are means to learn about practices in other countries and foster relationships with counterparts.

Table 5 IBM Human Resources and Capacity Development Requirements

At intra-service level	• Clear and detailed job descriptions. • Merit- and skilled-based recruitment and promotion. • Prospects of evolution and rotation for the staff rotation opportunities for exposure to different tasks and duties and thus increases their experience and their areas of expertise. • Adequate remuneration, allowances, benefits. • Staff monitoring and evaluation mechanisms. • Code of conduct (rights and duties). • Joint capacity building activities bringing together border agencies.
At inter-agency level	• Inter-agency training activities on rules and procedures, technical and administrative issues of common concern, and the importance and benefits of inter-agency cooperation.
At international level	• Multi-country training courses and high-level webinars. • Curriculum covering general legislative background, institutional framework and operational procedures, as well as international cooperation to increase mutual understanding.

Activity 05: Training Needs and Capacity Development Programme Assessment

Group together as staff from the same department or remain on your own to answer the following questions.

- Does your department provide continuous learning for the personnel?
- Which training unit is responsible for developing joint training programmes?
- How often do joint trainings take place?
- Which units do these trainings involve?
- What is the professional level of the staff involved?
- Which topics do they cover?
- Given the challenges at the regional and national levels, what training do you think is needed to better address the challenges you face?
- How would you rate your skills and ability to meet the needs of your department?
- What training do you personally feel you need?

Duration: 20 minutes

Communication and Information Exchange

Communication and information exchange have the objective of regulating and standardizing an efficient and rapid flow of information and effective documentation. Effective communication in intra-service cooperation can be provided through weekly meetings and reports, briefing notes, databases etc. Inter-agency communication can be approached on three levels:

- Field: shift managers/leaders in daily contact, BCP chiefs weekly and ad hoc meetings;
- Regional: heads of the regional office conducting monthly and ad hoc meetings;
- Central: representatives of all agencies meeting on a monthly as well as ad hoc basis; representatives of the IBM Inter-Agency Working Group meeting regularly (e.g. twice yearly).

A formal agreement between all participating agencies should clarify what information will be shared and with whom. It should then be decided how the information will be exchanged; meeting protocols and minutes (also for ad hoc meetings) should be drafted, distributed and filed.

For international cooperation to be effective, it is essential to set up effective external communication mechanisms that create functional interfaces between border management agencies in different countries. Communication between border services can be enhanced at each level: between border crossing points (field level), between regional headquarters, between ministry or agency (central level) and at multilateral/ regional level.

Such regular meetings and initiatives provide with great opportunity to assess operational cooperation and to agree on organisational changes to increase the harmonisation of border procedures, especially in terms of the traffic of goods.

Table 6 IBM Communication and Information Exchange Requirements

At intra-service level	• Meetings. • Circulars/briefing notes. • Databases. • Reports. • Joint training activities. • Staff exchanges or secondments.
At inter-agency level	• Briefings and meetings. • Nomination of contact persons or focal points. • Exchange of hard-copy reports and data. • Exchange of electronic reports and data. • Sharing of selected information from databases with authorised staff from other agencies. • Use of common databases.
At international level	• Regular meetings. • Regional initiatives on the exchange of statistical data.

Equipment

For intra-service cooperation to be effective, infrastructure and equipment supporting operational staff should be adequate, advanced and operational to perform their respective duties. In inter-agency cooperation, the use of shared facilities and joint use and procurement of equipment to reduce costs shall be considered. For international cooperation to be effective, wholly or partially shared infrastructures and specialised equipment are important. In terms of infrastructures, this implies sharing of search/inspection areas and shared use of equipment. The same applies to specialised document examination devices, detectors of nuclear and hazardous material, number plate recognition devices and video surveillance systems.

Table 7 IBM Infrastructure and Equipment Requirements

At intra-service level	• Uniforms and boots, adjusted to working conditions; • Secured stamps for both entry and exit; • Vehicles for patrols; • Basic forgery detection equipment for the primary/level 1 officer (ultraviolet lights, magnifiers and reference material); • Search equipment (mirrors, lights, tools); • Surveillance equipment (cameras, night vision); • Communication equipment (radio, mobile phone, fax, computer); • Baton; • Personal safety equipment (e.g. bulletproof vest). • Mobile or stationary x-ray machines, • Document examination systems, • Forensic laboratories, • Canine units.

At inter-agency level	• Common database (joint access only to those files/data where common interest is granted by the law. • Harmonised radio-communication system. • Vehicles for a joint purpose. • Identified joint inspection places. • Facilities for keeping canine units. • Internal (video) surveillance system. • Central facility for coordination and video surveillance. • Joint interrogation room(s) • Detention facilities • Recreational/staff premises (common room, lounge, shower) • Technical infrastructure • Clearance posts. • Mobile units for inland control.

Cooperation with Stakeholders

For inter-agency cooperation to be effective, cooperation with non-border management agencies and private sector stakeholders is essential. The cooperation and communication with both groups of stakeholders should be regulated by legislation or through bilateral/multilateral agreements and procedures.

Table 8 Stakeholders Cooperation in IBM

State Actors	• Agencies have to agree on which data they should have joint access to, such as data on persons to whom entry has been denied. Special attention has to be paid to the issue of data protection, rights and obligations of those officers who have been authorised to access the data. • An agreement between the border management agency responsible for controlling entry and exit of persons and the national office responsible for issuing and controlling labour permits (such as the national labour office, ministry of labour) could be considered, foreseeing joint controls and information exchange on foreigners staying or working in the country illegally and people who employ foreigners without permits or organise illegal stay. • MoUs should be signed with port and airport authorities or the Ministry of Transport since information exchange and coordination regarding working hours and the use of infrastructure are needed.

Non-State Actors	• The cooperation of border management agencies with non-state actors includes airlines, ferry and cruise operators, air and sea cargo carriers, railway companies, postal companies or services, freight forwarders and importers in countries of origin and destination of goods, as well as civil society organisations and non-governmental organisations.
	• Non-state actors require information on procedures and requirements for crossing the border, including opening hours, guidance on tariffs, rules and procedures for import, transit and export, documentation to be provided and fees to be paid. This information can be disseminated via public notices, internet publications, newsletters, leaflets or as a handbook. Urgent information should be displayed on public notice boards.
	• Cooperation between border guards and civil society representatives is encouraged due to the important role they have in supporting those in need of protection (asylum seekers, unaccompanied minors, victims of trafficking).

Community

Community engagement refers to the involvement and participation in an organization of a person to contribute to the well-being of a community. Community engagement can take many forms, and partners can include border communities, organized groups, agencies, institutions, or individuals. Border communities' involvement is part of the strategy of many governments to contribute to improved migration governance and border management.

Why involve border communities in border management?

Community engagement at the borders is seen as a security pillar.

Support for the network of fixed checkpoints

Support for the development and implementation of mobile border control means

The commitment / community to border areas

Community engagement helps promote a cross-cutting approach based on rights and gender by ensuring the active participation of women and youth and by promoting dialogue and a participatory approach to community security, leading to improved and transparent border management.

Community engagement allows authorities to proactively engage with border communities to help prevent cross-border crime, identify security issues and take ownership of regional challenges. It also strengthens communication by providing the community with critical information that can help prevent crime and reduce fear.

Community engagement allows the public to have a greater say in setting priorities and participating in efforts to improve the quality of life in their communities. It establishes accountability at the community level, helps

reduce not only crime but also the fear of crime and improves residents' perception of their safety.

Receiving information from the community helps define the parameters of community problems and can provide authorities with valuable information. Receiving information is about encouraging a more participatory community approach, which improves law enforcement's ability to tailor specific responses to prevent and combat threats to human security.

Who is involved in community engagement?

Several actors are involved, including:

- local government,
- police,
- health care,
- **customs,**
- village chiefs, and
- local associations, among others.

What does community engagement at the national level imply?

- creation of a communication network: community prevention committees
- awareness campaigns conducted by local associations
- caravans and sensitization visits conducted by local and border authorities
- sports and cultural events between communities and authorities

What does cross-border community engagement or CE at the regional level imply?

- Intra-service and regional coordination (border police, gendarmerie, customs, health, etc.) to ensure better-integrated border management
- preparation for response with observers (contingency planning)
- cross-border forums for local authorities (prefects, governors, regional police directors) to discuss common border issues
- regional workshops to build joint capacity for border and cross-border incident management

The general public

Easily understandable, accessible and up-to-date information on issues relevant for crossing the State border should be provided to the public, including standards, statistics on border crossings, relevant regulations and procedures as well as information on offences. This can take the form of public notice boards at BCPs or brochures, posters, and websites.

Frequent communication with the general public should be encouraged as this increases the chances of receiving intelligence from the public, which could be channelled to the appropriate internal unit, operational/ tactical intelligence or risk analysis unit.

A joint web portal of several border management agencies could be considered to inform the public about BCPs opening hours, visa regulations, car insurance requirements, vaccination certificates for animals and other relevant information, explaining the tasks and responsibilities of all the agencies present.

Cooperation at Maritime Borders

By ratifying the Protocol against the Smuggling of Migrants, States Parties have agreed to cooperate to the utmost extent possible to prevent and suppress the smuggling of migrants by sea. Articles 7 to 9 of the Protocol establish the basis for cooperation between States Parties to act in relation to smuggling of migrants by sea specifically. Cooperation in search and rescue (SAR) at sea can take the form of bilateral, regional or multilateral cooperation, including through the SAR system.

Bilateral cooperation

Bilateral cooperation agreements between coastal countries of embarkation (e.g., Somalia, Kenya, and Tanzania) and intended disembarkation (e.g., Yemen) help decrease irregular migration through coastal routes. Cooperation at sea can be strengthened, for instance, by entering into agreements so that smugglers cannot avoid interception by crossing into territorial waters.

At the operational level, States may agree wherein joint marine patrols and actions can be carried out by exchanging maritime law enforcement officers between both countries; a law enforcement officer from one State can be designated to work on a patrol boat from another State. The officer is thereby able to enter the territorial waters of that State, for instance, in pursuit of a vessel suspected of migrant smuggling, thus preventing the smuggling vessels to evade law enforcement interception simply by crossing maritime borders.[72]

Regional and multiregional cooperation

Regional cooperation involves cooperation agreements between several coastal countries, for example, countries that share access to the same sea. Such agreements may serve to reinforce already-existing bilateral agreements. Regional cooperation takes account of the role of transit territories played by many coastal countries as well as of the ability for smugglers/traffickers to evade detection by diverting their smuggling routes to where no cooperation exists.

Multilateral cooperation between countries of origin, transit, and destination through the implementation of effective legislation on migrant smuggling and human trafficking will favour victims' identification and protection and contribute to the dismantling and prosecution of criminal networks.

Note: Bilateral cooperation implies engaging discussions between the country of departure and of destination to allow better tracking of movements and information sharing related to smuggled migrants and identified smugglers, trafficked persons, and traffickers. At a regional level, this involves pursuing dialogue on migration policies between countries along the Eastern African migratory routes to combat migrant smuggling as per the Khartoum process.

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72   UNODC, Issue Paper: Smuggling of Migrants by Sea, 2011

COURSE 4 – INTRODUCTION TO ONE-STOP BORDER POST

Unit 1 – Border Post Concepts and Models

As seen in Module 1, Integrated Border Management calls for cooperation and coordination between all actors involved in border management. International borders can be better managed by strengthening communication, information exchange, and mutual assistance among and between services through border management institutions which can be found in a One-Stop Border Post (OSBP) setting.

The configuration of border posts is influenced by:

- The topography of the border area: are the countries separated by a land, sea or mountain?
- Border permeability: what is the length of the border and what is the level of surveillance / security operations?
- The relationship with immediate State neighbours: are both countries committed to and have the capacity to control their borders and manage irregular migration, intercept undocumented travellers?
- The volume of the crossings: how often do people cross and are Border Management Information Systems in place?
- Entry requirements: can traveller obtain visa at that border?

Traditional border posts, also known as Two-Stop Border Post, are facilities that are sometimes located far away from each other. They operate with two sets of separate control procedures carried out independently on each territory (Illustration 1), where after exiting one country, persons/vehicles must cross a "no-man's land", until reaching the opposite border control point.

Illustration 1 Schematic diagram of a traditional two-stop border post. Source: OSBP Sourcebook 2nd Edition.
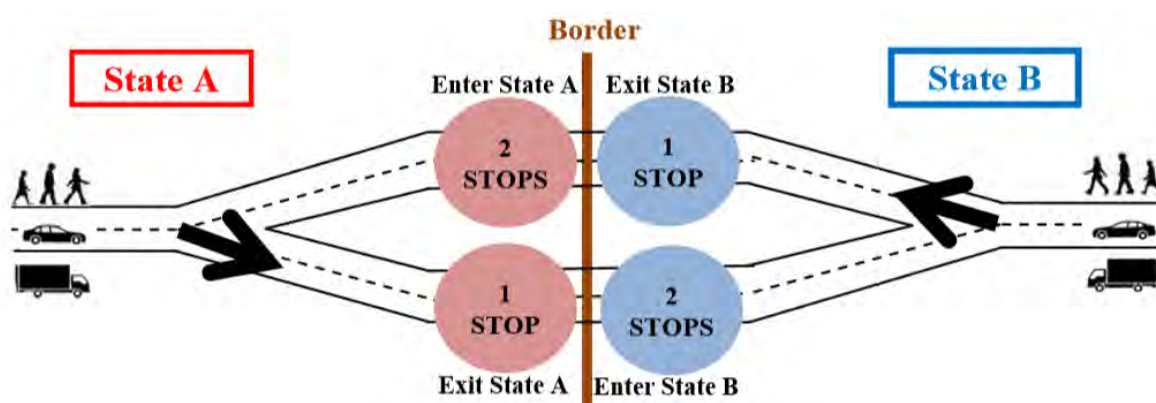
Activity 06: Traditional Border Crossing

The purpose of this exercise is to do a simulation of the crossing of a traditional border to estimate travel time and the level of coordination between border countries. Select a traveller's profile and tick all the boxes that apply to their case.

- Traveller 1: You are a resident of State A driving to State B for tourism. You are in possession of all the required documents and can obtain visa upon arrival.
- Traveller 2: You are a local trader from State A, travelling to State B to deliver perishable goods. You are in possession of all the required documents and you do not need a visa as per the provisions of the Free Movement Protocol in place.

Statement: You drive to the border of State A.

☐ Your vehicle and ID are checked at the checkpoint by Border Patrol of State A.
☐ You are checked and cleared by Port Health of State A.
☐ You park your vehicle and reach the Immigration facility to proceed with your Exit formalities.
☐ You have nothing to declare and are free to leave State A.
☐ You have things to declare and reach the Customs facility to proceed with your Exit and inspection procedures.
☐ As you are transporting food, you will need clearance from the Phytosanitary.
☐ You are cleared by Phytosanitary and may proceed to get clearance from Customs.
☐ You are cleared by Customs to leave State A.
☐ You drive to the border of State B.
☐ Your vehicle and ID are checked at the checkpoint by Border Patrol of State B.
☐ You are checked and cleared by Port Health of State B.
☐ You park your vehicle and reach the Immigration facility to proceed with your Entry formalities.
☐ You have nothing to declare and are free to enter State A.
☐ You have goods to declare to Customs. You reach their counter and proceed with your Entry procedures.
☐ Since you are transporting foods, you are requested to wait for Phytosanitary to inspect your goods.
☐ You are cleared by both Customs and Phytosanitary to Enter State B.

Questions: Can you estimate what each of the boxes represents in terms of wait for each of the traveller?

The concept of One-Stop Border Post is opposed to that of the traditional border post. An OSBP consists of a single, shared physical infrastructure in which the customs and border services of other countries operate side by side. The setting simplifies the border-crossing process for travellers and authorities alike and fosters international cooperation and information sharing for improved border security.

Just as for a traditional border post, a number of factors will help define the type of infrastructures and model of OSBP to be built (see Illustrations 2 to 4), among which, the state of existing infrastructures.

There are three main models for OSBP facilities:

- Juxtaposed Facilities or Shared Border Facilities are operated in the country of entry in each direction, and where existing border posts are in good condition / suitable for the volume of cross-border traffic, or where the border is a river, mountain, or other natural obstacles.

Illustration 2 Juxtaposed Facilities. Source: IOM ACBC, adapted from the OSBP Sourcebook 2nd Edition.
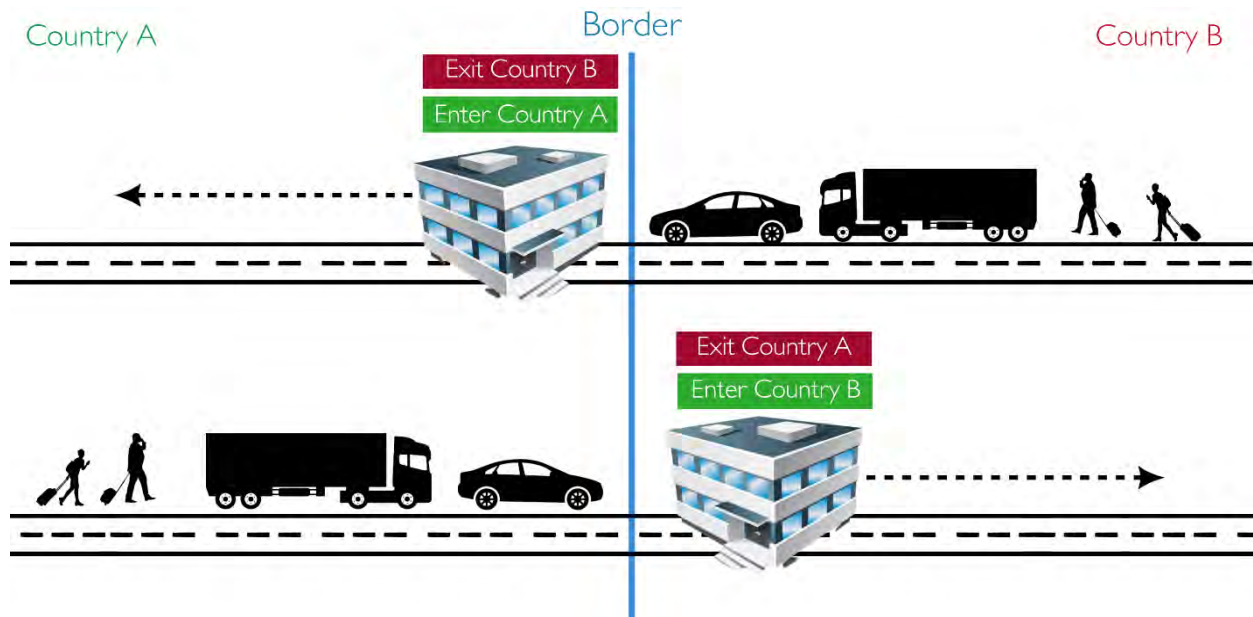
Straddle (Joint) Facility is operated on the physical frontier line separating the entry/exit sectors of the border point, allowing border officials to work more closely while remaining in their respective territory. This type of model is convenient if the topographic conditions allow for the building of a single facility.

Illustration 3 Straddled (joint) Facilities. Source: IOM ACBC Source: IOM ACBC, adapted from the OSBP Sourcebook 2nd Edition.
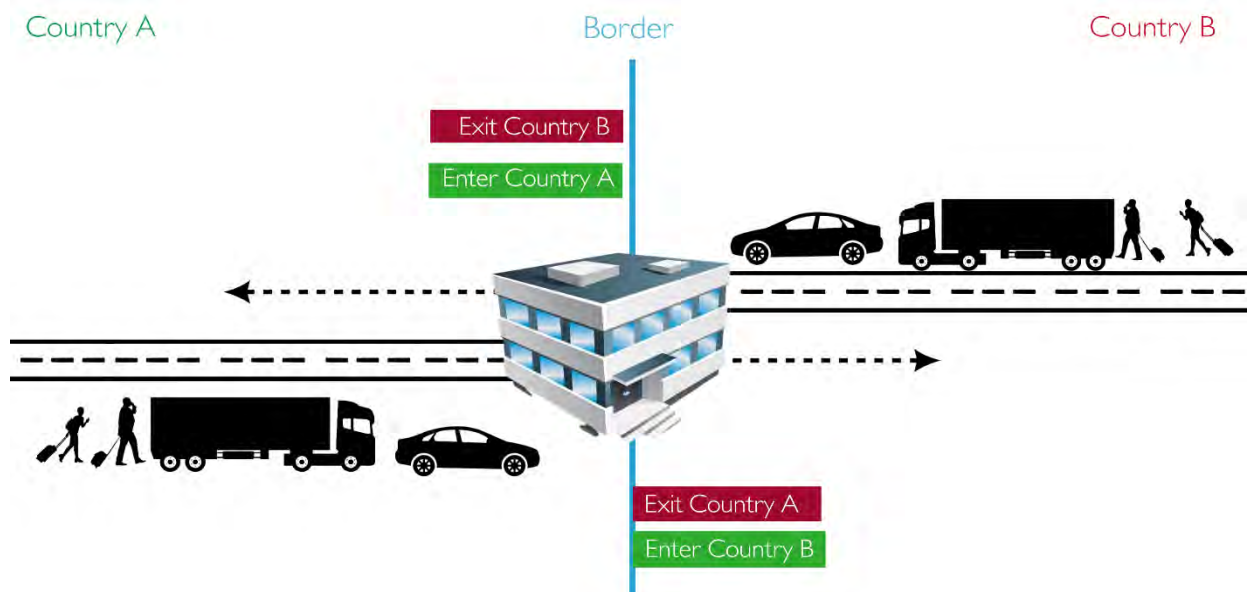
- Common One Country Facility – where cooperation and mutual trust between countries are strong, a single building can be built in one of both countries to accommodate officers from both states to carry out border controls in a common control zone.

Illustration 4 Common One Country Facility. Source: IOM ACBC, adapted from the OSBP Sourcebook 2nd Edition.
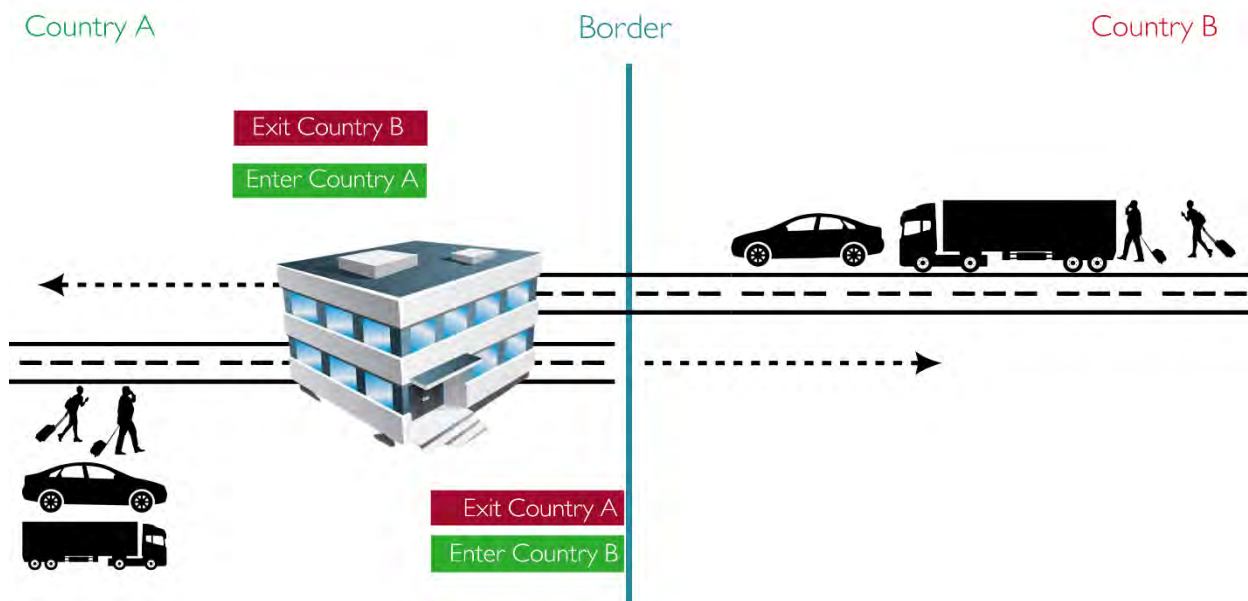
Please go back to Activity 06 and answer the question considering the same process in an OSBP setting.

Unit 2 – OSBP Establishment Process and Pillars

Figure 7 Process for establishing OSBPs
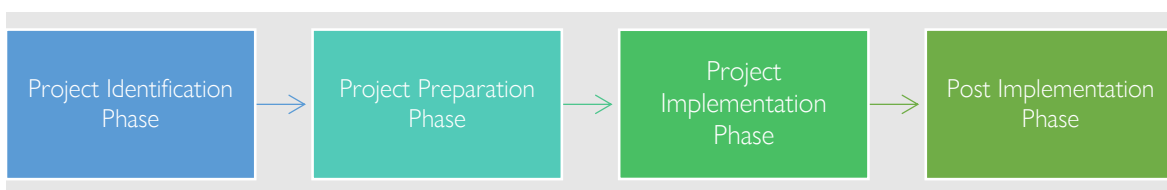
The OSBP concept involves collaboration between agencies and the pooling of their resources at borders. Consequently, their building requires considerable planning and consultation with main stakeholders. Whether they are juxtaposed, straddled or common one country facilities, the phases for establishing OSBPs are the same. These are:

1. The project identification phase
    a. Where do you want the OSBP to be built?
    b. Why do you want the OSBP to be built? Identify the issues to be address and objectives to be achieve. Support the project with data and figures.
    c. When do you expect the project to start and end?
2. The project preparation phase
    a. Should the project be executed?
    b. Conduct a preliminary study and start budgeting.
    c. Conduct a feasibility study and look for funding.
3. The project implementation phase
    a. Establish a project management structure.
    b. Sign agreements for the establishment of the OSBP (using the EAC OSBP Act for reference).
    c. Develop the legal and policy frameworks for the establishment of the OSBP.
    d. Conduct the baseline studies.
    e. Develop the OSBP Standard Operating Procedures.
     f. Design the OSBP facilities.
    g. Provide furniture and proceed with the installation of ICT systems.
    h. Train and sensitize border agency officers and selected categories of users.
     i. Pilot /launch of OSBP operations.
4. The post-implementation phase
    a. Conduct endline studies
    b. Conduct post-implementation evaluation

The OSBP concept consists of four pillars:

Pillar 1	Pillar 2	Pillar 3	Pillar 4
Legal and Institutional Framework	Simplification and Harmonization of Procedures	ICT and Data Exchange	Hard Infrastructures

Legal and Institutional Framework:

In international law, it is generally agreed that the application of national laws is limited to the territory of a State. The OSBP concept does not challenge State sovereignty because it is based on the extraterritorial application of the principle of law, which allows a State to extend the applicability of specific national laws beyond its borders. This will provide a common and comprehensive understanding and approach to the establishment and management of OSBP operations to ensure their effectiveness and avoid duplication.

This first pillar implies:

- The development / harmonization of national migration policies;
- A thorough review of the legislative, regulatory and institutional framework governing the activities of border agencies;
- The development of a national or regional policy position on OSBP operations; and the
- The signing of a bilateral agreement / MoU.

Simplification and Harmonization of Procedures:

The procedures at OSBPs are new for the majority of users but may also be for newly appointed staff. Thus, they need to be clear, simplified, harmonized and constantly updated. In an OSBP setting, joint operations and the need to observe jurisdiction necessitate special considerations while developing OSBP procedures.

This second pillar implies that:

- SOP are developed for each border agency;
- the forms must be harmonized to collect the same information;
- travellers do not undergo the same procedure twice.

ICT and Data Exchange:

ICT is a critical component of collaborative single window systems, simplification of documentation, border management, and modernization of customs, immigration, and related services. It allows for the efficient use of limited resources to manage borders by facilitating the intra/interconnectivity of agencies for understanding mobility and trade patterns (i.e.; on smuggling and trafficking activities), for establishing a database on convicted smugglers, traffickers, undesirable aliens; as well as implementing responsive risk management systems.

International law enforcement cooperation and information exchange can be facilitated through specialized international and regional law enforcement agencies such as

- the International Criminal Police Organization (INTERPOL),
- the Eastern Africa Police Chiefs Cooperation Organisation (EAPCCO),
- the West African Police Chiefs Committee (WAPCCO);
- and the Southern Africa Police Chiefs' Cooperation Organisation (SAPCCO).

Hard Infrastructure:

OSBP infrastructures must first address the gaps identified by the authorities by making the border less porous. Second, they must meet the needs of the border agencies by accommodating their respective human resources. This includes facilities such as offices for border officials, operational equipment, warehouses, and parking. Finally, OSBP infrastructures must meet the needs of users (parking, waiting rooms, interview room, search room, isolation / quarantine room, etc).

This pillar implies that:

- the OSBP model must take into account the objectives defined by the neighboring State and reduce or surround the non-man's land as much as possible.
- infrastructure must include residences to facilitate accessibility for female and male border officers, and particularly maintain the presence of patrols in the surroundings of the OSBPs to ease shifts.
- the architecture of buildings must take into account the needs of users be it for assistance or privacy during body search.

Activity 07: Traditional vs One-Stop Border Post

Objective

The following activity aims to compare border processes in two different border posts settings and in contexts of stability and of crises, identify the benefits of the IBM approach and the OSBP concept.

Gather into small groups of 4-5 maximum and ensure border agencies representativeness. When not possible, assign yourself roles.

Duration: 60 minutes – including 15 minutes for wrap up.

Setting the Scene

Countries O and D are neighbouring States separated by a river, and part of a Regional Economic Community in which a Protocol on the Free Movement of Goods and Persons is in force. Both are medium-sized with a population of approximately 16 million and 21 million respectively.

Country D has access to the sea and an autonomous port serving several countries in the region, on which Country O is heavily dependent. With its role as the economic lungs of the region and its political stability, country D welcomes many migrants each year. The border area between countries O and D is very dynamic with more than 3,000 declarations being handled per day.

Scenario One

Sara and her husband Ismail are nationals of country O, living at the border with country D. They are both local traders doing business in and with country D. Sara crosses the border every day to sell vegetables at the community market, while Ismail travels to country D every 3 days to replenish his stocks of essential goods he sells in the supermarket he recently opened in his neighbourhood. Ismail would drop Sara when crossing, and when not, she will take a shuttle.

Noting that we are in a traditional / two-stop border post setting:

1. What does Sara and Ismail's daily life look like?
2. What are the procedures Sara and Ismail have to undergo each time they cross the border?
3. How would you evaluate your time spent handling Sara and Ismail respectively?
4. How would you evaluate the time spent at the border for Sara and Ismail respectively?
5. How would you evaluate the level of cooperation between the officer on both sides of the border?

Scenario Two

Country O is in the grip of an unprecedent social and economic crisis. Successive governments have failed to reduce external debt and austerity plans threaten the most vulnerable groups, leading to demonstrations countered by strong repression. Over the past 10 years, as many as 75,000 nationals have left the country for country D and other neighbouring countries in search of stability. Some have found work mainly in the agriculture and construction sectors, but many remain without activities to provide for their day-to-day needs. The environmental and climatic context in country O plays an important role in the volume of flows between these two neighbouring countries. The risks of civil war seem high and the officers at the borders have started to see an increase in the number of crossings.

What does the new dynamic between country O and country D look like?

1. What steps could country D take to control the increasing flows, and would these steps be in line with international law / the Free Movement Protocol in force?

2. What might be the consequences of such measures on the migration pathways and the migrants themselves?

3. How would you evaluate your time spent handling each traveller?

4. How would you evaluate the time spent at the border for each traveller?

5. How would you evaluate the level of cooperation between the officer on both sides of the border?

6. What measure would you recommend for a better management of the crisis?

Scenario Three

> The spread of a new virus on a global scale threatens the region. International health measures including compulsory wearing of masks for all in public spaces and public transport, testing for travel abroad, setting up a 'cordon sanitaire' around areas where cases are detected were taken, and if in the coming days the number of positive cases increases, temporary closure of borders should be considered.

What does the new dynamic between country O and country D look like?

1. What steps could country D take to control the flows of people and goods?

2. What might be the consequences of such measures on the migration pathways and the migrants themselves?

3. How would you evaluate the level of cooperation between the officer on both sides of the border?

4. What measure would you recommend for a better management of the crisis?

Scenario Four

> The Governments of countries O and D have come into an agreement and have launched the construction of several juxtaposed OSBPs along the border between their two States.

Referring to the questions and answers you have provided, what are the shortcomings the OSBP setting helps to resolve? Summarize in groups and share your findings in plenary.

Key Learning Points

Cross-Border Cooperation

- Capitalizing on migration to benefit development can best succeed through cooperative efforts.
- Clear understanding of the trends and flows in migration movement based on the collection, sharing, and analysis of migration data between States.
- Encourages law enforcement information sharing to better combat TOC.

Integrated Border Management

- Addresses security and cross-border transnational organized crime through joint risk management approaches.
- Supports the protection of migrants and mobile populations.

One-Stop Border Posts

- Enhanced inter-agency and cross-border cooperation.
- Improved information sharing among control agencies.
- More effective risk management and revenue collection.
- Simplified border procedures and harmonized import/export regulations.
- Time savings for transporters.
- Greater competitiveness in markets and reduced prices for consumers.
- Cost efficiency as regards to infrastructure.

PART II – UNDERSTAND MIGRATION MANAGEMENT

Integrated Border Management (IBM) calls for cooperation and coordination between all actors involved in border operations at the national and international levels to address a range of migration-related challenges. Understanding the key terms related to migration, its drivers, and the legislative framework that applies to each category of migrants is essential to the proper formulation of migration policies and enhanced migration management across borders.

Part II of this manual focuses on the concept of migration, its trends and the various drivers influencing migrants' decision to move. It also takes into account gender considerations, health and other forms of vulnerabilities that may influence one's migration pattern. This Part is aimed to provide participants with the tools necessary to identify the priority areas for increased cross-border cooperation to address challenges of regional concern in an integrated manner while ensuring that migrants' rights remain upheld along the migration continuum.

Learning objectives

At the end of Module 3, participants will:

- Understand the concept of migration and become familiar with the different forms and categories of migrants.
- Acquire up-to-date knowledge on migration trends and become familiar with the main migration trends and routes to and from the East and Horn of Africa region.

At the end of Module 4 , participants will:

- Understand gender and its mainstreaming in border management.
- Understand the role of multisectoral, multimethod and multi-agency cooperation in effective gender mainstreaming and protection/assistance to the migrants.

At the end of Module 5, participants will:

- Become familiar with the different terminologies related to health and be aware of the main frameworks governing health.
- Recognize the different categories of public health crises and know the basic concepts in transmission.
- Understand the migration-health nexus and have the necessary tools for preventing and controlling health concerns across borders.
- Be familiar with the HBMM framework and operationalization to prevent, detect and respond to a health outbreak.

At the end of Module 6, participants will:

- Become familiar with the concept of protection and vulnerability as it relates to migrants.
- Recognize the different legal frameworks and international instruments that provide for the protection of migrants.
- Understand the role of the State in the protection of vulnerable migrants.
- Understand the importance of identification of vulnerabilities associated with migration and be in a better position to improve the protection and assistance available to migrants.
- Recognize the operational process of providing protection and assistance to migrants vulnerable or who have been subject to, violence, exploitation and abuse.

Estimated duration: 24 hours

Movement at the Gatumba,border in Burundi
Photo: NTORE Triffin © IOM 2020

MODULE 3: INTRODUCTION TO MIGRATION MANAGEMENT

COURSE 5 - INTRODUCTION TO MIGRATION

Unit 1 - Migration Concept and the Categories of Migrants

Although there is no universally accepted definition of a "migrant", IOM defines a migrant as "an umbrella term reflecting the common lay understanding of a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons. The term includes several well-defined legal categories of people, such as migrant workers; persons whose particular types of movements are legally-defined, such as smuggled migrants; as well as those whose status or means of movement are not specifically defined under international law, such as international students".[73]

The United Nations Department of Economic and Social Affairs (UN DESA) defines a migrant as an individual who has resided in a foreign country for more than one year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate. Those travelling for shorter periods as tourists and businesspersons would not be considered migrants. However, common usage includes certain kinds of shorter-term migrants, such as seasonal farm-workers who travel for short periods to work planting or harvesting farm products. Two main categories can be identified, namely, international migrants and migrants moving within national borders.[74]

An international migrant refers to "any person who is outside a State of which he or she is a citizen or national, or, in the case of a stateless person, his or her State of birth or habitual residence. The term includes migrants who intend to move permanently or temporarily and those who move in a regular or documented manner as well as migrants in irregular situations".[75]

From these two categories of migrants also derive the definitions of migration and international migration as follows:

Migration	International migration
• The movement of persons away from their place of usual residence, either across an international border or within a State. *See also climate migration, displacement, internal migration, international migration, irregular migration, labour migration, migrant, safe, orderly and regular migration.*	• The movement of persons away from their place of usual residence and across an international border to a country of which they are not nationals.

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73. IOM, 2019. *International Migration Law N°34 – Glossary on Migration*

74. *Idem.*

75. *Idem.*

MIGRATION — The movement of a person or group of people within a country or to another country with a change of habitat.

EMIGRATION — From the perspective of the country of departure, the act of moving from one's country of nationality or usual residence to another country, so that the country of destination effectively becomes his or her new country of usual residence.

IMMIGRATION — From the perspective of the country of arrival, the act of moving into a country other than one's country of nationality or usual residence, so that the country of destination effectively becomes his or her new country of usual residence.

INTERNAL MIGRANT — The movement of people within a State involving the establishment of a new temporary or permanent residence.

The term migrant encompasses a number of well-defined legal categories of persons, such as migrant workers; persons whose particular types of displacement are legally defined, such as smuggled migrants; and those whose status and forms of displacement are not expressly defined by international law, such as international students. It also includes the following categories:

Stateless person	Asylum seeker	Refugee	Unaccompanied minor	Migrant worker
Victim of trafficking	Illegal migrant	Regular migrant	International students	Internally Displaced Person
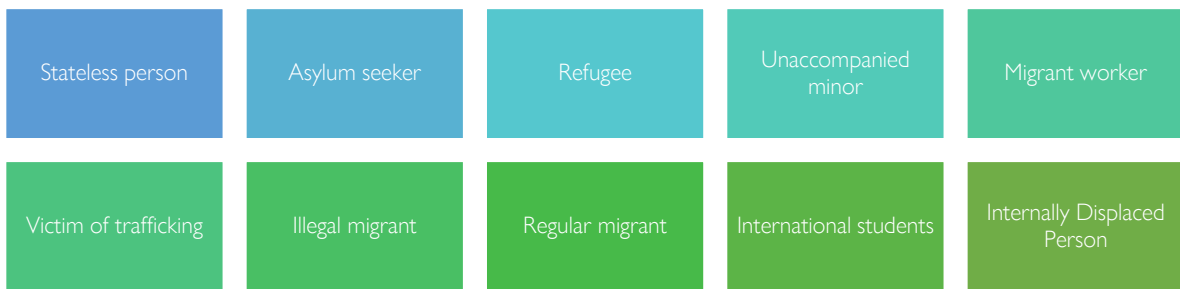
The different categories of migrants and their definitions can be found under Annexe 2. Note that each category will have varied needs and privileges under domestic and international laws depending on their legal status, migration channel, or purpose for migrating.

General Questions: Who are we hosting?

Refer to Annexe 2 at the end of this manual. Read the different definitions and answer the questions below.

1. Which of these categories of migrants your country hosts the most, and why?
2. Do these migrants arrive mainly by land, sea or air?
3. How are asylum seekers treated when they present themselves at the POE?
4. Which category of migrants do you think are more likely to use regular channels and why?
5. What are according to you the main migration factors towards your country?

Duration: 30 minutes

Unit 2 - Migrants' Rights in International Law

Question: Is migration a right?

Universal Declaration of Human Rights Article 13	African Charter on Human and Peoples' Rights Article 12(2)	IGAD's Protocol on Free Movement of Persons (and Transhumance) Article 3
• Everyone has the right to freedom of movement and residence within the borders of each State. "2. Everyone has the right to leave any country, including his own, and to return to his country.	• Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law. Every individual shall have the right to leave any country including his own, and to return to his country.	• Member States shall in accordance with the provisions of this Protocol; a) accord to citizens of Member States the right of free movement of persons and guarantee right of entry, stay move freely and exit the territory of other Member States; b) extend the right of free movement of workers and self-employed persons and their dependants and guarantee them the right to apply for employment, conclude contracts and accept offers of employment and accord the right of the worker to be accompanied or joined by dependants in the territory of other Member States; and c) progressively realize the right of establishment and residence of citizens of other Member States in their territory.

Beside national constitutions, which essentially stipulate that all citizens have the right to settle and move within the national territory, to enter and leave it freely, the above instruments provide for the right to migrate.

International Migration Law is an umbrella term used to describe the various bodies of laws, principles and norms that together regulate migration. It refers to the international legal framework governing migration, deriving from various sources of international law that apply to the movement of persons within or between States and regulate States' competence and obligations, migrants' status, rights and duties, as well as international cooperation (IOM Key Migration Terms). The bodies of law that are relevant to migration are, among others: International Human Rights Law, Labour Law, Humanitarian Law, Law of the Sea, Maritime Law, Transnational Criminal Law, Consular Law, Refugee Law and Nationality Law (Idem).

International law is a set of rules derived from international agreements ratified and followed by States and contain explicit provisions on obligations or rights imposed on one another. International law encompasses treaties and agreements, customary law, and human rights law.

Treaties and Agreements

A treaty is an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation. An agreement is the merger of wills of two or more international subjects to regulate their interests by international rules

Treaties and Agreements are made up of Covenants, Conventions, Laws, Charters and are the primary source of international law. They are considered legally binding after ratification by the States.

Customary Law

Customary law, which is the second source of international law, refers to long-standing customs recognized as a source of law and which may be subject to laws and regulations. Unlike treaties and agreements, customary law does not create legal obligations for States but is based on the conviction that the practice is required by or consistent with the prevailing law[76].

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76. IOM glossary 2020 (P. Grant and J.C. Barker (eds), Encyclopedic Dictionary of International Law (2nd edition, Oxford University Press 2004

Human Rights

Human rights are universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity[77]. Human rights form the foundation of both the rule of law and State sovereignty and are essential to ensure that every person lives in dignity, regardless of their gender, race, nationality, age, religion or another status.

Human Rights Law treaties incorporate the three important principles of the Universal Declaration of Human Rights (1948):

- Universal and inalienable: A State should promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems. Human rights should not be taken away, except by due process.

- Interdependent and indivisible: Human rights are indivisible, interrelated and interdependent. The improvement of one right facilitates the advancement of the others. Likewise, the deprivation of one right adversely affects the others.

- Equal and non-discriminatory: All human beings are born free and equal in dignity and rights. Human rights prohibit discrimination based on sex, race, religion language, etc.

The safe and orderly movement of people across international borders is guaranteed by the following additional instruments:

a. The Universal Declaration of Human Rights (1948) which guarantees the right to seek asylum (Article 14).

b. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) which enshrines the right to freely leave any country, including their own (Article 8).

c. The International Covenant on Civil and Political Rights (1966) which also gives everyone the right to freely leave any country, including their own - adding that everyone lawfully within the territory of a State has the right to freedom of movement and residence (Article 12).

d. The Convention relating to the Status of Refugees (1951) and the Protocols thereto (1967), recognising that the asylum claim may require a breach of immigration rules, states that subject to specific exceptions, refugees should not be penalised for their illegal entry or stay (Article 31). It states in its Article 26 that '[e]ach Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.

e. The Convention on the Elimination of All Forms of Racial Discrimination (1969) guarantees 'the right to freedom of movement and residence within the border of the State; as well as that 'to leave any country, including one's own, and to return to one's country' (Article 5).

f. The Convention on the Elimination of All Forms of Discrimination against Women (1979) which calls on States to '[…] accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile' (Article 15).

g. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) refers to the non-refoulment principle and requires that States ' […] do not deport, extradite, expel, return (refouler) or otherwise transfer persons to countries where there is a real risk that they would be in danger of being subjected to torture' (Article).

h. The Convention on the Rights of the Child (1989) which states in Article 9 that 'applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner', and that 'Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country'.

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77. IOM glossary 2020

• At the continental level, the below instruments include the same principles and obligations:

a. the African Charter on Human and Peoples' Rights (1986),

b. the African Charter on Economic, Social and Cultural Rights in Africa (1981),

c. the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003),

d. the Declaration of Principles on Freedom of Expression in Africa (2002),

e. The African Charter on the Rights and Welfare of the Child (1990),

f. The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969),

g. The African Union Convention on the Protection and Assistance for Internally Displaced Persons in Africa (2009),

h. The AU Convention on Preventing and Combating Corruption (2003).

As of October 2020, all States had ratified at least one of the core human rights treaties and 80% have ratified four or more.

Figure 8 Human Rights Instruments Ratifications
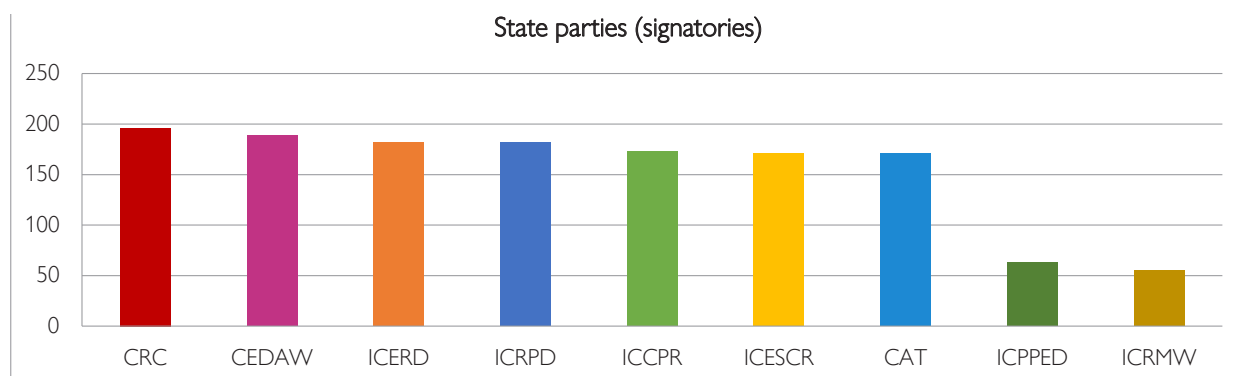
Note: Convention on the Rights of the Child (CRC); Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW); International Convention on the Elimination of Racial Discrimination (ICERD); Convention on the Rights of Persons with Disabilities (ICRPD); International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR); Convention against Torture (CAT); International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED); International Convention on the Protection of the Rights of. All Migrant Workers and Members of Their Families (ICRMW).

International law affirms State authority to regulate the movement of persons across their borders, defend their security and grant them discretionary power of border management, which also involves admission, expulsion or detention.

• Admission: A State has the right to grant entry to a non-national.

• Expulsion: A State has a right to remove a migrant from the territory (to be tempered by the principle of non-refoulment, taking account the "best interests of the child" and procedural limitations under international law).

• Criminal detention: This is a restriction on freedom of movement through confinement that is ordered by an administrative or judicial authority. Criminal detention is used as a sanction in countries where unauthorized entry is considered a criminal offence[78].

NB: International human rights law protects the right to liberty and security of persons and applies conditions on any deprivation of liberty.

_____

78. *IOM Migration Detention and Alternatives to Detention Factsheet*

• Administrative detention: This is the deprivation of liberty decided by the competent administrative authority of a State, whether it is subject to judicial review or not. Administrative detention is usually less regulated and affords fewer guarantees of legality and due process to those who are detained than criminal detention[79].

Key provisions

The **principle of non-refoulment** prohibits States from returning a refugee where their life or freedom would be threatened except when the person is determined to be a danger to the security of the country in which he/she is or has been convicted of a crime.

Migrants in need of protection are likely to move without the requisite documentation and some may enter the host country with fraudulent documentation. To those persons, the principle of non-penalization for illegal entry shall apply. Article 31 of the 1951 Convention relating to the Status of Refugees states that "the Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities".

All the principles set out in the international and continental instruments are reflected in the free movement protocols:

a. COMESA's Protocol on the Free Movement of Persons, Labour, Services, Rights of Establishment and Residence (2001)

b. EAC's Common Market Protocol (2010)

c. IGAD's Regional Migration Policy Framework (2012)

General Questions

• What are the conditions for an individual's freedom of movement?

• Are States' rights to admit or expel limited with the Free Movement Protocols?

• How does freedom of movement call for more cooperation and integration among States?

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79. *Opcit.*

EVOLUTION OF FREEDOM OF MOVEMENT IN EASTERN AFRICA*

1996

AFRICAN CHARTER ON HUMAN AND PEOPLE'S RIGHTS

Article 12 of the Charter stipulates that freedom of movement, mobility rights, or the right to travel, is a human rights principle encompassing the right of individuals to travel from place to place within the territory of a country, and to leave the country and return to it. The right includes not only visiting places, but changing the place of residence of employment.

1991

AFRICAN ECONOMIC COMMUNITY TREATY (ABUJA TREATY)

Codified the idea of free movement of persons in Africa into a legally binding commitment for Member States.

2000

TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

Commits Member States to cooperate closely to strengthen their economic, social, cultural, political, technological and other ties.

COMMON MARKET PROTOCOL

Articles 7, 9, 10, 13 and 16 provide for the free movement of persons, labour and services, and the Protocol establishes the rights of workers migrating within the community. It also aims at harmonizing the issuance of national IDs, a qualification recognition system, and streamlining labour and social security programs.

2010

MINIMUM INTEGRATION PROGRAMME

Re-emphasizes the priority objective of implementing free movement of persons in the AU as well as the need to foster economic integration.

2009

MIGRATION POLICY FRAMEWORK FOR AFRICA (MPFA)

Recognizes that mixed migration is an essential component of African Union (AU)'s economic and political landscape, and that cross-border movements represent vital livelihood and coping strategies in the face of economic, humanitarian and ecological disasters.

2006

2012

REGIONAL MIGRATION POLICY FRAMEWORK (RMPF)

Promotes migrant well-being, streamlines regional and national migration management in the region and supports its Member States' efforts to address migration-related challenges holistically through recommendations and guidance on policy and legislation. To facilitate the operationalization of the RMPF, IGAD developed the Migration Action Plan 2015-2020 (MAP).

2015

FIRST TEN-YEAR IMPLEMENTATION PLAN OF THE AGENDA 2063

Includes the creation of a Pan-African passport and the free movement of people. Agenda 2063 includes goals and targets related to the free movement of persons within RECs and Member States and a continent-wide visa waiver programme for intra-African travel.

JOINT LABOUR MIGRATION PROGRAMME

Aims at enhancing labour migration governance by facilitating the free movement of workers as a means of advancing regional development and integration.

AFRICAN CONTINENTAL FREE TRADE AREA AGREEMENT (AfCFTA)

Aims to boost intra-African trade by creating a single continental market for goods and services and promoting the free movement of business persons and investments.

2019

AFRICA FREE TRADE AGREEMENT

Signed in Kigali

REVISED MPFA

Adopts a Plan of Action (2018-2027)

PROTOCOL ON FREE MOVEMENT OF PERSONS IN AFRICA

Fosters greater intra-Africa trade and labor mobility under the auspices of the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment.

2018

LAUNCH OF THE COMMON BIOMETRIC AFRICAN PASSPORT

2016

2020

REGIONAL MINISTERIAL FORUM ON MIGRATION (RMFM)

Harmonising labour migration policies in East and Horn of Africa region: a United Approach on Safe, Regular and Humane Labour Migration

This forum works towards harmonizing labour migration policies in the East and Horn of Africa region to make labour migration safe, orderly and humane by establishing a common platform for engagement with countries that are major employers of African migrants.

LEGEND

- Under the African Union
- Under the East African Community
- Under the Intergovernmental Authority on Development
- Under the Regional Ministerial Forum on Harmonising Labour Migration policies in the East and Horn of Africa

EASTERN AFRICAN COUNTRIES IN THE AFRICAN UNION

ERITREA, DJIBOUTI, SOUTH SUDAN, ETHIOPIA, SOMALIA, UGANDA, KENYA, RWANDA, BURUNDI, UNITED REPUBLIC OF TANZANIA, COMOROS, SEYCHELLES, MALAWI, ZAMBIA, MAURITIUS, ZIMBABWE, MOZAMBIQUE, MADAGASCAR

EAST AFRICAN COMMUNITY (EAC)

SOUTH SUDAN, UGANDA, KENYA, RWANDA, BURUNDI, TANZANIA

INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT (IGAD)

SUDAN, ERITREA, DJIBOUTI, SOUTH SUDAN, ETHIOPIA, SOMALIA, UGANDA, KENYA

*According to the United Nations Statistics Division's geographical regions.

Notes: Sudan is Member State of IGAD but is not being included in accompanying regional page which only covers Eastern African countries according to the UN SD classification.

Sources: African Union, "OAU/AU Treaties, Conventions, Protocols & Charters" (Addis Ababa, n.d.).
Intergovernmental Authority on Development, IGAD Regional Migration Policy Framework (Addis Ababa, 2012).
East African Community, Protocol on the Establishment of the East African Community Common Market (Arusha, 2009).

How are migration policies and laws implemented at borders?

Borders are not lawless zones. States, private actors with border management functions, as well as international and regional organizations with a border management mandate, must enforce the following set of principles based on the provision of human rights:

- Non-discrimination (also for the right to life and rescue - immediate assistance)

- Rights-based cross-border governance (right to leave any country including one's own, non-criminalization, humanitarian assistance)

- Identification (of vulnerable migrants or victim of trafficking), detection (of fraud in a smuggling case), and referral (for the protection and assistance to migrants in vulnerable situations)

- Access to protection systems (to prevent and respond to violence, abuse, neglect, and exploitation), including asylum (allow an individual to remain in the country of destination instead of being removed (deported) to a country where he or she fears persecution or harm).

- No detention - Alternatives to detention (unless necessary and subject to all other conditions (limitations))

- No separation from family (children (-18) shall not be separated from their family unless the parents are posing a threat to the child. Border officials are required to identify children who are victims of trafficking – such as children who are transported for exploitation – and to take relevant steps to protect them)

- Best interests of the child (assessing all the elements necessary to make a decision in a specific situation for a child or group of children)

- Principle of non-refoulment (to ensure that refugees are protected against forcible return to situations of danger)

- Prohibition of collective expulsions (collective expulsions refer to any measure compelling aliens, as a group, to leave a country)

- Protection against excessive use of force (excessive use of force and dangerous border control practices, such as water-hosing, use of dogs against migrants, lethal force, and any alleged act of violence against or exploitation of migrants, regardless of their status or situation)

- No confiscation of personal property (from their money and identification cards to their mobile phones and any other assets that will enable them to access basic services)

- Investigation of rights violations (investigate abuses against migrant workers, including trafficking etc)

- Access to justice (this may also include free legal assistance for migrants and refugees who are unable to afford assistance in relation to immigration matters)

- State jurisdiction (applies when a person is under its effective control)

- Border controls (to ensure migrants cross the border when they need to, including in time of emergency)

How to ensure the implementation of the human rights of migrants?

REVIEW

Adopt/revise national legislation to incorporate international obligations on the protection of migrants

Develop a policy to translate these international obligations into action

IMPLEMENT

Develop a strategy and define an action plan,

Create relevant institutions or other administrative structures,

Build capacity,

Dedicate the necessary resources.

GUARANTEE

Protecting migrants from all forms of arbitrary detention.

Never detain children because of their status or that of their parents.

More on migration policy frameworks in Africa can be found in Annexe 3.

COURSE 6 - MIGRATION DRIVERS AND TRENDS [80]

Unit 1 – Drivers of Migration

People move for a variety of causes, which can be voluntary or involuntary, and the duration of the migration can either be permanent or temporary. Some people migrate in order to better their lives and the lives of their families (economic migrants, students etc.). Others move to flee socioeconomic, economic, or political instability (asylum seekers, internally displaced persons (IDPs), and so on), while others migrate due to natural disasters or risks (environmental migrants, IDPs, etc.). Globalization, and the information that comes with it about economic opportunities around the world, is one of the main drivers of human mobility in the 21st century. Good opportunities are usually seized by people in regular situations and in the countries of departure, those living in remote areas or outside of capital cities and who do not have access to basic services or consular services are likely to opt for irregular pathways.

Regardless of the use of regular or irregular channels, every migrant inclusive of those identified in the UN definition of a migrant falls into one or more of the migrant categories (see Annexe 2), and the various categories of migrants can be identified in mixed migration flows.

Mixed migration is defined as 'complex population movements including refugees, asylum seekers, economic migrants and other migrants. Unaccompanied minors, environmental migrants, smuggled persons, victims of trafficking and stranded migrants, among others, may also form part of a mixed flow."[81] The principal characteristics of mixed migration flow include the irregular nature of and the multiplicity of factors driving such movements, the differentiated needs and the profiles of the persons involved.[82] The migrants who find themselves in these mixed flows are often in situations of increased vulnerability.[83]

Statistics from late 2019 indicate that 4 of the top 10 countries of origin of refugees globally - South Sudan, Somalia, Eritrea and Burundi - as well as 2 of the top 10 countries of asylum globally – Uganda and Ethiopia – were located in the sub-region (UNHCR, 2020a).

- Two of the biggest migratory reasons in East and Horn of Africa are a lack of economic opportunity and the prospect of better standards of living abroad.
- Political tension, conflict and natural disasters are at the root of most of the region's large refugee and displaced populations.
- Around 30 per cent of the migratory movements documented during 2019 in the East and Horn of Africa were towards or within the region (on the Horn of Africa route). Another 63 per cent were eastwards along the Eastern Route to the Arab Peninsula, in particular to the Kingdom of Saudi Arabia.
- By the end of 2019, Uganda and Ethiopia had the highest caseloads of refugees and asylum-seekers in the sub-region.

There are currently five forced displacement situations in the region, each with its distinct characteristics and spillover effects into neighbouring countries. These include:

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80. Migration Data Portal. Regional Data Overview: Migration Data in Eastern Africa. https://migrationdataportal.org/fr/regional-data-overview/eastern-africa. Consulted: 24 June 2021.

81. IOM's Ninety-Sixth Session, Discussion Note: International Dialogue on Migration

82. Idem.

83. Migrants in vulnerable situations are migrants who are unable to effectively enjoy their human rights, and who are at increased risk of violations and abuse and who, accordingly, are entitled to call on a duty bearer's heightened duty of care. (IOM Glossary. Opcit.)

Burundi

Since 2015, political tensions and election-related violence have forced approximately 383,000 Burundians to seek refuge in neighbouring countries, with a total of 104,191 people internally displaced as of December 2019. (OCHA, 2018; IOM, 2020c).

Federal Democratic Republic of Ethiopia

In recent years, ethnic tensions and environmental disasters, inter alia, such as drought and soil degradation have forced millions to flee their homes. From April to July 2018, nearly 960,000 people were displaced as a result of intercommunal violence in Ethiopia's Gedeo (Southern Nations Nationalities and People - SNNPR Region) and West Guji Zones (Oromia Region) (IOM, 2018).

Somalia

Political insecurity, as well as environmental factors such as drought and famine, continue to drive Somalis from their homes. As of May 2018, the Protection Return and Monitoring Network (PRMN) and IOM estimated that 2.6 million Somalis were internally displaced as a result of conflict and climate-related events (IOM, 2018). According to UNHCR, by May 31, 2020, 761,276 Somalis had sought refuge in neighboring countries such as Kenya (35%), Yemen (34%), Ethiopia (26%), and Uganda (5%). (UNHCR, 2020d). As of February 29, 2020, Somalia was also hosting 35,499 refugees and asylum seekers, the majority of whom were from Ethiopia and Yemen (UNHCR, 2020e).

South Sudan

Civil war and critical food insecurity are driving migration within and out of South Sudan. By the end of 2019, an estimated 1.67 million people were internally displaced within the country (displaced since 2014), primarily as a result of a national conflict (62%), communal clashes (20%), and natural disasters (15%). (IOM, 2020e). 2.2 million South Sudanese refugees were also living in other countries, primarily Sudan, Ethiopia, Kenya, and the Democratic Republic of the Congo (UNHCR, 2020a). South Sudan received 34% of the 317,200 refugees who returned to their countries of origin in 2019. (ibid.).

Sudan

According to UNHCR, Sudan hosts one of the largest refugee populations in Africa (1.1 million refugees) with South Sudanese representing more than 70% (800,000) of the refugees in Sudan, followed by 126,000 Eritrean refugees (11%), 58,000 Ethiopian refugees and asylum seekers (5.3%). The country also counts more than 3 million internally displaced persons, mostly in the Darfur region that has experienced a volatile security situation for almost two decades.

Table 9 Drivers of Migration. Source: IOM Migration Factsheet No.1. Synthesis Analysis Drawing on IOM's World Migration Report Series

Labour	• Better economic opportunities has long been a source of migration, informing the migration trends around the world and at all sectors or class of society.
Family	• Family is one of the most important drivers of migration. It may play a role in one's decision to migrate and may even be the main reason for migrating in order to enhance members' standards of living.
Inequality and uneven development	• Inequality and uneven development are key drivers of migration as people primarily migrate in search of better living conditions.
Education	• Education impacts the decision to migrate in two main ways: a higher level of education increases the probability for one to migrate; and some people migrate specifically for better educational opportunities for their children or themselves.
Armed conflicts, violence and human rights violations	• Armed conflicts, generalized violence and human rights violations have displaced millions of individuals worldwide. Some of them are refugees because the risk of persecution they face in their country of origin.
Enviromental and Climate Change	• Sudden or progressive environmental and climate changes may lead individuals to migrate either temporarily or permanently.

Note: All drivers above may interact in complex ways and contribute to individuals' migration decision-making.

Unit 2 – Migration Trends

Let us now look at how the factors underlying migration determine whether the movement is voluntary or involuntary, noting that the latter will play an important role in determining the legal status of the migrant in the country of transit or destination, as well as regional attempts/decisions to ease or tighten migration policies and border control.

Voluntary migration

Voluntary migration refers to the movement of a person or group of persons within or across an international border based on one's free will and initiative. Individuals who are interested in moving often analyze the push and pull factors of two locations before making their decision. Voluntary factors can be described as social or economic and both may sometimes overlap.

Circular migration

Circular migration is defined as the fluid movement of people between countries, including temporary[84] or long-term[85] movement which may be beneficial to all involved, if occurring voluntarily and linked to the labour needs of countries of origin and destination. Circular migration can be:

- Seasonal: stays of less than a year's duration
- Temporary: stays exceeding a year
- Repetitive: the same individual crosses borders more than once over time (seasonal workers, nomadic people, etc…). Repetitive migration, whether seasonal or temporary, is called circular.

Labour migration

There is no internationally accepted statistical definition of labour migration. However, the main actors in labour migration are migrant workers, who the International Labour Organization (ILO) defines as "all international migrants who are currently employed or unemployed and seeking employment in their present country of residence." (ILO, 2015).

The United Nations Statistics Division (UN SD) also provides a statistical definition of a foreign migrant worker as "foreigners admitted by the receiving State for the specific purpose of exercising an economic activity remunerated from within the receiving country. Their length of stay is usually restricted as is the type of employment they can hold. Their dependents, if admitted, are also included in this category." (UN SD, 2017).

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84. Temporary migration is defined by IOM as a migration for a specific motivation and purpose with the intention to return to the country of origin or habitual residence after a limited period of time or to undertake an onward movement.

85. Long-term migration refers to a migration in which a person moves to a country other than that of his or her usual residence for a period of at least one year, so that the country of destination effectively becomes his or her new country of usual residence.

According to the International Labour Organization (ILO), labour migration in Africa is largely intra-regional (80%) and mainly characterized by the migration of low-skilled workers.

Family migration

Family migration is an umbrella concept that covers family reunification, family formation, accompanying family members of workers, and international adoption.

While migration can benefit countries, for example, by providing new trades, skills and a cheaper workforce, there are potential drawbacks to large scale migration.

- Healthcare and education services can become strained.
- Large influx of migrants can lead to housing shortages.
- Cultural differences can lead to racial tensions.
- The welfare system can become strained if migrants claim benefits.

General Questions

1. What are according to you the positive impacts of voluntary migration on host countries?
2. What are according to you the positive impacts of voluntary migration on countries of origin?
3. What initiatives could be undertaken for the origin and destination countries to fully benefit from voluntary migration?

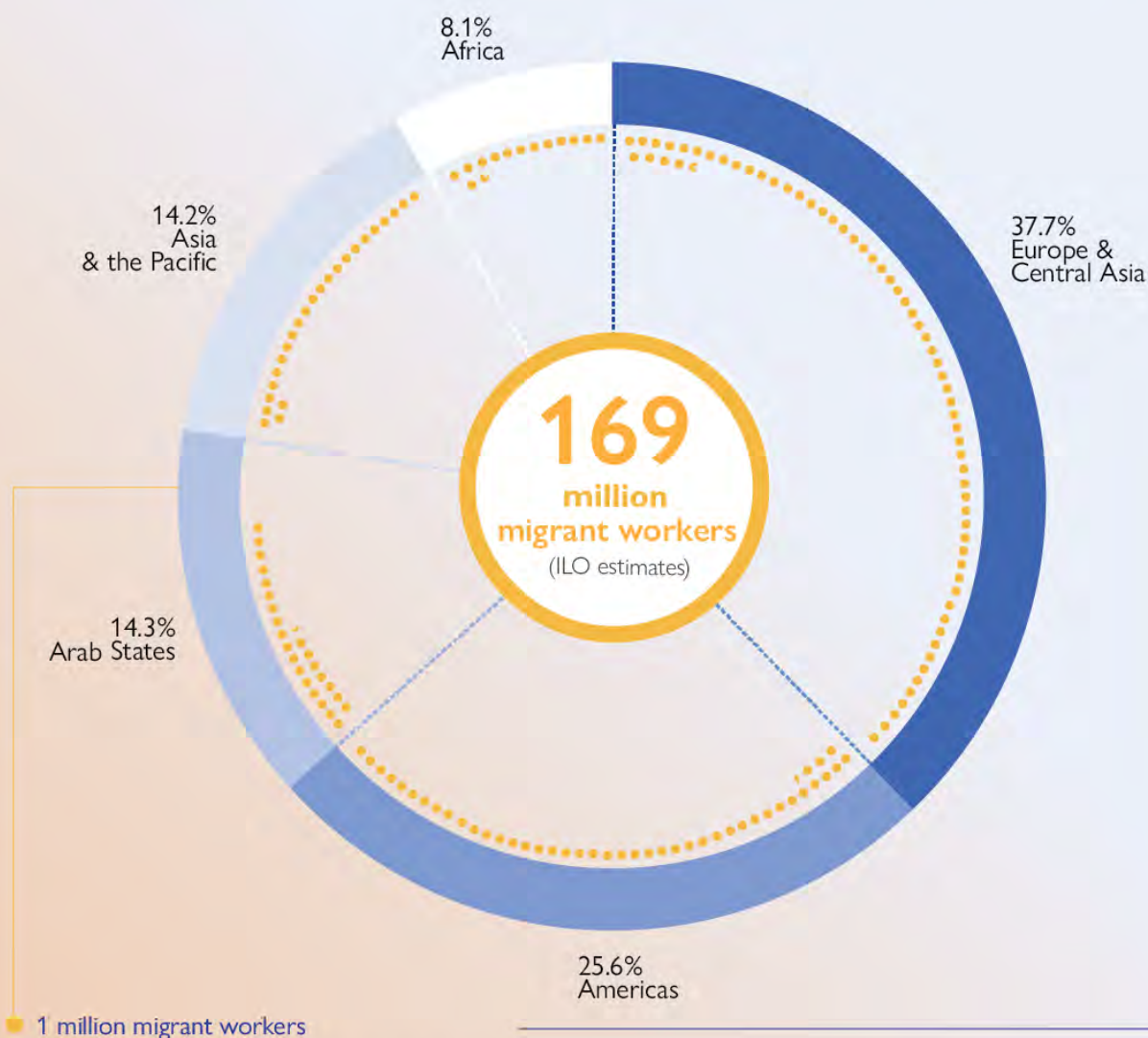## DISTRIBUTION OF MIGRANT WORKERS IN 2019, BY REGION

10%
15 - 24 years old

Breakdown of migrant workers

41.5%
Female

58.5%
Male

8.1%
Africa

14.2%
Asia
& the Pacific

37.7%
Europe &
Central Asia

169
million
migrant workers
(ILO estimates)

14.3%
Arab States

25.6%
Americas

1 million migrant workers

© IOM GMDAC 2021
www.migrationdataportal.org

Source: ILO, 2021.

Involuntary Migration or Forced Migration or Displacement

Forced migration can result from a range of circumstances. It is usually the result of sudden, life-threatening events such as war or famine. For IOM, forced migration refers to migratory movements in which an element of coercion exists, including threats to life and livelihood, whether arising from natural or man-made causes. The definition includes a note which clarifies that "While not an international legal concept, the term has been used to describe the movements of refugees, displaced persons (including those displaced by disasters or development projects), and, in some instances, victims of trafficking. The UNHCR defines 'forced displacement' as follows: "Displaced as a result of persecution, conflict, generalized violence or human rights violations".

Below are some examples of forced migration/displacement in the East and Horn of Africa Region.

Example 1 – Rwanda to Tanzania

Approximately two million went to Zaire (now the Democratic Republic of Congo) and half a million to Tanzania following the 1994 war in Rwanda. Most of the refugees in Tanzania are found in refugee camps on the western borders of the country. The arrival of the refugees has had a substantial impact on the environment:

- Deforestation - as refugees seek wood for fuel and shelter.
- Overgrazing - by the cattle, sheep and goats brought by the refugees.
- Water shortage - resulting from the sudden increase in demand.
- Water pollution - since no proper sanitation system was initially available.

The competition for water and firewood led to conflict between the refugees and the local population.

Example 2 - Ethiopia

Ethiopia is a predominantly rural society. The country experiences a very variable pattern of rainfall. Crop failures and livestock losses can occur when seasonal rains fall, or when excessive rain causes flooding. Pastoral nomads have increasing difficulty in finding water or suitable grazing for their animals. In extreme cases, as in 1984-1985, this results in famine and massive migration movements occur.

Effects

- The famine of 1984-1985 resulted in the death or displacement of hundreds of thousands of people within Ethiopia. Around 300,000 people fled to Sudan and approximately 100,000 people fled to Somalia.
- Forced migrants do not always cross international boundaries. In the drought conditions of 1999-2000, Christian Aid reported migration within Ethiopia - into towns, to search for work or beg for food and into areas of the country where the rainfall was more reliable.

These movements can cause conflict between fellow Ethiopians competing for scarce resources or work opportunities. Ethiopia is also host to refugees fleeing the current crisis in South Sudan. The United Nations Refugee Agency (UNHCR) estimates that over 500,000 million people have recently fled from their homes.

General Questions

- What are according to you the impacts of forced migration on host countries?
- What are according to you the impacts of forced migration on countries of origin?
- What initiatives could be undertaken for countries of origin to address the root causes of forced migration?
- What initiatives could be undertaken for countries of destination to mitigate the impact of forced migration in their territories?

Unit 3 – Impact of Covid- 19 on Migration

A wide range of drivers may lead to migration, and migrants' destinations might be chosen (migrant workers, students,) or imposed on them (asylum seekers, victims of natural disasters etc...). Before diving into migration routes and the illicit activities taking place along those routes (Course 7), let us understand, through an exercise, the main trends on the continent and analyse how events such as pandemics can considerably impact human mobility.

Activity 08: Impact of Covid-19 on Migration Patterns

As the Covid-19 crisis has particularly slowed down mobility, participants are invited to go through the extract of the IOM Africa Migration Report 2020 below focusing on mixed migration patterns on the continent, analysing the trends and anticipating mobility in a post-Covid world taking account of the information provided in the blue box. The analysis will focus on:

1. The pre-and post-Covid types of migration

2. The pre-and post-Covid migration trajectories

3. The pre-and post-Covid migration-related policies.

Duration: 30 minutes

Amidst the COVID-19 pandemic, almost all countries in the EHoA region imposed some level of mobility restrictions, mainly by suspending international and domestic flights - except humanitarian, cargo and repatriation flights, by closing land and sea border points as well as, and by adopting restrictions on movement countrywide such as curfews and lockdowns (IOM, 2020a). To help curb the spread of the pandemic, countries in the region have developed a joint strategy on COVID-19 management along transport corridors, as cases among cross-border truck and cargo drivers have been rising at alarming rates at various ports of entry. At the same time, COVID-19 has affected migrant flows, particularly along the Eastern Route, as migrant crossings to Yemen from the Horn of Africa have significantly decreased since March 2020 (IOM, 2020b). With border closures and suspended assisted returns to Ethiopia, many migrants have found themselves stranded, the majority of which are Ethiopian nationals. In addition, the economic situation has considerably tightened up due to movement and import restrictions, with many losing their jobs, unable to access health and medical care, and facing increased hardship, especially for the most vulnerable communities dependent on remittances.

Uganda (1.7 million), Ethiopia (1.1 million) and Kenya (1.1 million) were estimated to be the three countries hosting the highest number of international migrants in the region at mid-year 2020 (UN DESA, 2020a).

Key Learning Points

Migration	Drivers	Trends
•Migration can be voluntary or involuntary •African migration is mostly intra-continental •When properly managed, migration can benefit both sending and receiving countries	•Socio-political instability as well poverty are the two main drivers of migration in the East and Horn of Africa region	•The main migration trends in East and Horn of Africa are labour migration (which sometimes involves trafficking) and displacement due to socio-economic and political instability

COURSE 7 – MIGRATION ROUTES AND ILLICIT ACTIVITIES ALONG THE ROUTES

Unit 1 - Migration Routes

- "State of origin" means the State of which the person concerned is a national.
- "State of transit" means any State through which the person concerned passes on any journey to the State of employment or from the State of employment to the State of the origin or the State of habitual residence.
- "State of destination" is where the migrant wants to go, arrives and settles.

Current African migration patterns are the heritage of a traditional and colonial past, determined by the socio-economic, political, environmental, and climatic contexts of the countries of origin and destination (WMR, 2020). Professional obligations, dream expectations, poverty and crises are all factors that drive people to cross borders with the hope to reach African and developed world's megacities. Among the people on the move are both regular and irregular migrants engaging themselves on short (days) or long (months) journeys carried out by air, land, sea or a combination of these three modes of transportation.

Air travel reshaped migration in the 1950s and the ability to travel more quickly from one country to another took globalization to another level. If travelling by air allows individuals to get closer by shrinking distances, it is still a luxury for many migrants whose limited financial means (and sometimes undocumented status) do not allow them to consider other options than the road or sea crossings.

Migrants often combine land routes with sea routes when heading towards Europe, the Middle East but also South Africa. As a result of the strengthening of migration policies in Europe in particular and some countries on the African continent, the sea route has become a key option not only for migrants looking for better opportunities but also for many refugees and asylum seekers in need of protection and assistance.

The Northern Africa route (from sub-Saharan Africa to North Africa and Europe)

Also known as the 'Central Mediterranean Route', the Northern Africa route brings migrants from the East and Horn of Africa to Europe, crossing the Mediterranean Sea, mainly trying to reach Italy. Depending on the source this route is also referred to as the northern or western route, where Europe is the final destination in both cases.

Facts[86] [87]

The first quarter of 2017 shows a drastic drop in the number of migrants who follow this route, with a reported 1,419 migrants from the Horn arriving in Italy, a decline of 80 per cent from the numbers of the final quarter of 2016. While one may think that this is a seasonal variation when compared to the same timeframe in 2016 this still represents a decrease of 55 per cent in arrivals (RMMS, 2017b). This dip in the number of arrivals is a new development as up until 2016 the number of migrants following this route kept on increasing. In 2016, 181,436 migrants were counted as following this route, an 18 per cent increase from the previous year (RMMS, 2016h).

The main reason for this decrease was an extremely low number of Eritrean nationals among the migrants when they used to represent the majority. In the first quarter of 2017, there were 90 per cent fewer Eritreans than in the last three months of 2016. For the past five years, Eritreans were always among the top five nationalities arriving in Italy. Other groups using this route are Ethiopians, Somalis and Sudanese. While the number of migrants from Somalia also decreased throughout 2016, absolute numbers of Ethiopians and Sudanese have increased (RMMS, 2016h; 2017b).

42 per cent of the 331 million people living in the East and Horn of Africa (EHoA) region in 2020 were under the age of 15. From mid to the end of 2020, the region hosted 6.2 million international migrants, over 6.5 million IDPs and more than 3.6 million refugees and asylum-seekers recorded. Countries in the EHoA have continued to experience significant levels of internal and cross-border mobility, although at a reduced pace. Mobility in the region is still triggered by a combination of persistent insecurity and conflict, harsh climatic shocks and conditions, in addition to socio-economic drivers and more traditional seasonal factors, fuelling intra- and extra-regional movements. These intertwined flows of IDPs, migrants and refugees are strongly influenced by historical and cultural links such as those tying similar communities separated by borders in the HoA and the Great Lakes region, as well as by dynamics of labour supply and demand, locally and towards the Gulf countries. At the same time, the pandemic has also generated new trends, while exacerbating existing vulnerabilities of the most fragile population groups.

The Gulf of Aden route (from the Horn of Africa to Yemen and beyond)

Also known as the Eastern Africa Route moves out of the East and Horn of Africa towards Yemen and onwards to Gulf countries, especially Saudi Arabia. For many years this route has been widely popular, mostly among Ethiopian and Somali migrants (Marchand et al., 2016).

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86. K. MARCHAND and al. Study on Migration Routes in the East and Horn of Africa. August 2017.

87. IOM. A Region on the Move. May 2021.

Facts[88]

In more recent years, the numbers of those using this route have been fluctuating. In the first quarter of 2017, at least 15,498 persons migrated on this route, signifying a decline of 17 per cent from the final quarter of 2016 and a 44 per cent decrease compared to the first quarter of 2016. However, the arrival numbers reached a high point in 2016 since monitoring missions started in 2006. Despite the deteriorating situation in Yemen, more than 117,000 arrivals were registered in the country in 2016. As such this is not a good point for comparison and it is a fact that migration levels on the eastern route remain high (RMMS, 2017b). Deportations of irregular Ethiopian migrants from Yemen to Djibouti first started being reported in September 2016. While the number of counted new arrivals decreased after that, it is not clear how far the trends changed or in how far the migrants managed to enter the country undetected (RMMS, 2016h).

Several factors have been identified as being responsible for the fluctuating numbers of Ethiopians and Somalis crossing to Yemen. The main reason is the ongoing conflict in Yemen, which has made this route less attractive. At the same time, the conflict has also led to looser monitoring missions in Yemen and as such it might be the case that migration has increased and is just not captured in the statistics. Yet another reason may be the ongoing drought situation in the Horn of Africa which may impact households in a way that they have to use financial resources to sustain themselves, which they would otherwise have used to invest in the migration of a household member. This is especially likely as large shares of Ethiopians that have traditionally been among those arriving in Yemen were from areas with a high prevalence of farming households (RMMS, 2017b).

The Sinai Route

The Sinai Peninsula, also known as the Arabic Shibh Jazīrat Sīnāʾ, is a triangular peninsula linking Africa with Asia and occupying an area of 23,500 square miles (61,000 square km). The Sinai Desert, as the peninsula's arid expanse is called, is separated by the Gulf of Suez and the Suez Canal from the Eastern Desert of Egypt, but it continues eastward into the Negev desert without marked change of relief. Usually regarded as being geographically part of Asia, the Sinai Peninsula is the north-eastern extremity of Egypt and adjoins Israel and the Gaza Strip on the east.

The Southern route (from the East and Horn of Africa to Southern Africa)

The southern migration route connects the East and Horn of Africa to South Africa, with Kenya as one of the main transit countries. Other transit countries on the route include Tanzania, Malawi, and Mozambique. The southern route is a popular one, although the most current numbers demonstrate a decrease in the number of migrants following it.

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88. Idem.

Facts[89]

It was estimated that between 14,750 and 16,850 irregular migrants and asylum seekers leave the Horn of Africa via the southern route each year. Estimates of those arriving in South Africa from the Horn of Africa have consequently also decreased, further underlining the 32 assumptions that the southern route is used slightly less. While estimates of 2009 indicate that 17,000 to 20,000 migrants, mainly from Ethiopia and Somalia, entered South Africa, more recent estimates show that it is now between 13,400 and 14,050 individuals annually (Frouws & Horwood, 2017; RMMS, 2016h).

Factors that have contributed to the slightly reduced attraction of South Africa as a destination country include a general attraction to Europe and perceived ease of entering the continent, therefore, changing the routes of migrants, continuous 'Afrophobic' attacks faced by migrants (especially Somalis), increased border patrols and worsening of employment conditions. Due to these and growing labour opportunities in 33 the mining, manufacturing and agricultural sectors in other countries along the southern route, several migrants chose these as alternative destinations (Frouws & Horwood, 2017). However, overall the southern route is still an attractive option and South Africa an important destination for migrants from the focus region. The main factors that explain this are security, escape from conflict, the possibility of employment and a legal loophole related to asylum applications. This loophole makes migration to the country a very attractive endeavour, as South Africa has a very long process of refugee status determination where asylum seekers are still allowed to study, work and have access to social services. In 2016, South African government officials estimated that the country had registered 1 million asylum applications in the past 10 years and rejected 90 per cent of these since they did not qualify for refugee status. Migrants often apply for asylum knowing they will not be granted refugee status, but the prolonged finalization of asylum claims provides them with a de facto visa (Frouws & Horwood, 2017).

General Questions

- Is your country a sending country? a transit country? a receiving country?
- Can you name the main intracontinental migration routes from your country and the main destinations?
- What does this tell us about migration data collection and government response to migration?

Restrictive migration policies and increased border surveillance and control have had an impact on the migration trajectories and modus operandi of traffickers and smugglers over the past decade - migrants have been subjected to riskier travel conditions as a result of restrictions associated with the closing of the land, sea, and air borders (increased abuse and exploitation of people in vulnerable situations). Push and pull factors, combined with immigration processes affect one decision to use the services of smugglers or contribute to increasing migrants vulnerability to fall in traffickers traps.

What do offenders take advantage of?

- Weak and porous borders: Brokers have good knowledge and control over the migration routes on which they engage themselves or engage migrants. The porosity and lack of human resources at several border crossing points (BCP) allow them to bypass the legal processes of entering foreign territory.
- Migration frameworks: Criminal syndicates keep themselves informed of developments in migration policies (to take advantage of the free movement of people) as well as advances in border management and control (how to bypass entry points and how to update documentary fraud methods).

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89. Idem.

• Border communities: The exclusion of border communities in border management makes them vulnerable to smugglers and traffickers. The consequences of that exclusion can be the joining of transnational criminal organizations by some border community groups, the absence of cooperation / non-sharing of information on illegal activities taking place at borders by border community groups.

As mentioned previously, crossing through official border entry points is frequently arranged through fraudulent documentation. In the case of land and sea borders, the crossing is usually arranged by concealment in freight means, with or without the knowledge of the vehicle operator/driver. The particularity in cases of irregular migration by sea is that very few passengers hold travel documents for fear of repatriation. Let us have a look at the main migration-related irregular activities taking place along the routes.

General Question

How does the Integrated Border Management approach contribute to addressing these gaps?

Unit 2 - Irregular Migration

According to the IOM, irregular migration refers to the "movement that takes place outside the regulatory norms of the sending, transit and receiving countries. […] From the perspective of destination countries, it is an entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country. […]."

Irregular migration

There is no universally accepted definition of irregular migration. IOM defines it as "movement that takes place outside the regulatory norms of the sending, transit and receiving country" (IOM, 2011).

A migrant in an irregular situation may be in one or more of the following categories:

Irregular entry

Irregular residence

Irregular employment

Migrants can go *in and out* of irregularity as laws and policies change

Crossing the border

Applying for asylum

Irregular

Regular

Source: Own elaboration based on Düvell, 2006; Vespe, M., Natale, F., and L. Pappalardo, 2017.

© IOM's GMDAC 2017 www.migrationdataportal.org

Who is an irregular migrant?

According to the IOM, the term irregular migrant defines a person who, owing to unauthorized entry, breach of a condition of entry, or the expiry of his or her visa, lacks legal status in a transit or host country. The definition covers inter alia those persons who have entered a transit or host country lawfully but have stayed for a longer period than authorized or subsequently taken up unauthorized employment (also called clandestine/undocumented migrant or migrant in an irregular situation). The term "irregular" is preferable to "illegal" because the latter carries a criminal connotation and is seen as denying migrants' humanity. A migrant in an irregular situation may fall within one or more of the following circumstances:

- He or she may enter the country irregularly, for instance with false documents or without crossing at an official border crossing point;
- He or she may reside in the country irregularly, for instance, in violation of the terms of an entry visa/residence permit; or
- He or she may be employed in the country irregularly, for instance, he or she may have the right to reside but not to take up paid employment in the country.

Migration is a right guaranteed by Article 13 (1) (2) of the Universal Declaration of Human Rights 1948, therefore, the act itself cannot be considered as "illegal".

What is an illegal entry?

An illegal entry is defined by Article 3(b) of the 2000 UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention against Transnational Organized Crime, as the act of crossing borders without complying with the requirements for legal entry into the receiving State.

Irregular migration is difficult to track as it occurs outside the regulatory norms of countries and usually avoid detection. Changes in the migration status of an individual, into or out of irregularity, are also hard to track. As a result, current knowledge of irregular migration levels and dynamics is limited, particularly on a global scale.

Significant irregular migration movements are occurring in Africa, in particular within West Africa (see nuances in the definition above), to Northern Africa (mainly to Libya), to the Horn of Africa (often en route to the Arabian Peninsula) and towards South Africa. In 2009, IOM estimated that between 17,000 and 20,000 male irregular migrants from East Africa and the Horn of Africa were smuggled to South Africa yearly, a large majority of them being Somali and Ethiopian nationals (IOM, 2017).

General Question

How can IBM contribute to addressing irregular migration?

Unit 3 - Smuggling of Migrants

What is migrant smuggling?

The smuggling of migrants is defined by the 2000 Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime as the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the irregular entry of a person into a State Party of which the person is not a national or a permanent resident.

Who is a smuggler?

A smuggler is an intermediary who moves a person by agreement with that person, to transport them in an unauthorized manner across an internationally recognized State border to obtain, directly or indirectly, a financial or another material benefit.

Who is a smuggled person/migrant?

A migrant who is enabled, through providing financial or material benefit to another person, to gain illegal entry into a State of which he or she is not a national or a permanent resident.

This mode of transportation has as well played an important role in migrant smuggling and trafficking in persons. Smuggling by air involves airports in more than one country and forgery of travel documents (passports, identity documents), visa smuggling or overstay, passports and use of imposters.

Smugglers' modus operandi

Migrants may leave their country on genuine documents and enter a transit country that freely admits them on those very same documents. The individual is then re-documented with fraudulent passports or visas by smugglers to facilitate their movement onwards to the destination country. Border management information systems and enhanced passport security make it more difficult to cross international borders without being caught.

The simplest type of passport fraud as the holder is a look-alike or imposter. As documents become more difficult to abuse the use of genuine, unaltered documents by impostors has become more attractive. Genuine, unaltered documents presented by impostors are the most difficult to detect. Remember to check the age, height, visible marks and signature.

Counterfeit document	Forged document	Blank stolen documents	Imposter
• An unauthorized reproduction of an authentic / genuine document • A document enitrely produced by a frauster / forger	• Unauthorized alteration made to an authentic / genuine document, after having been lawfully issued. • In includes: photo subsitution, page substitution, data alteration (physicial or chemical erasures), attacks on the visas and on the entry / exit stamps, etc.	• Authentic / genuine documents, the blank of which, was misappropriated and personalized by an unauthorized person or entity. • A document issued (perosnalized) by a fraudster / forger.	• An imposter is someone who knowingly misrepresents him or herself by using someone else's identity or travel document, from which the biographical details and photograph resemble more or less this person, as if he or she was the rightful bearer of such document.

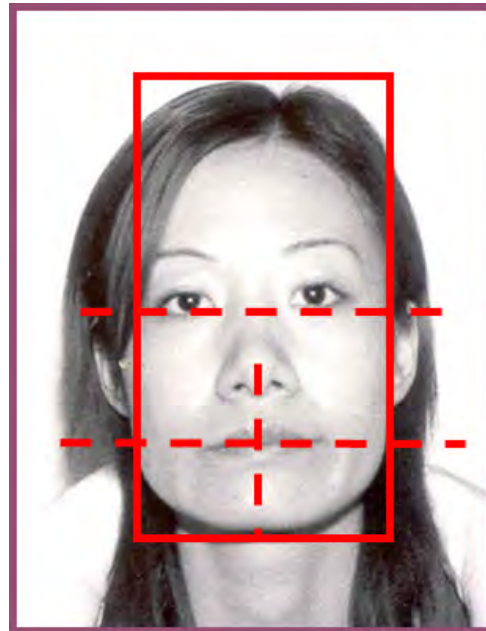Step 1 - Divide Face into Separate Areas for Examination

Overall facial shape

Eyes

Ear

Nose

Mouth area
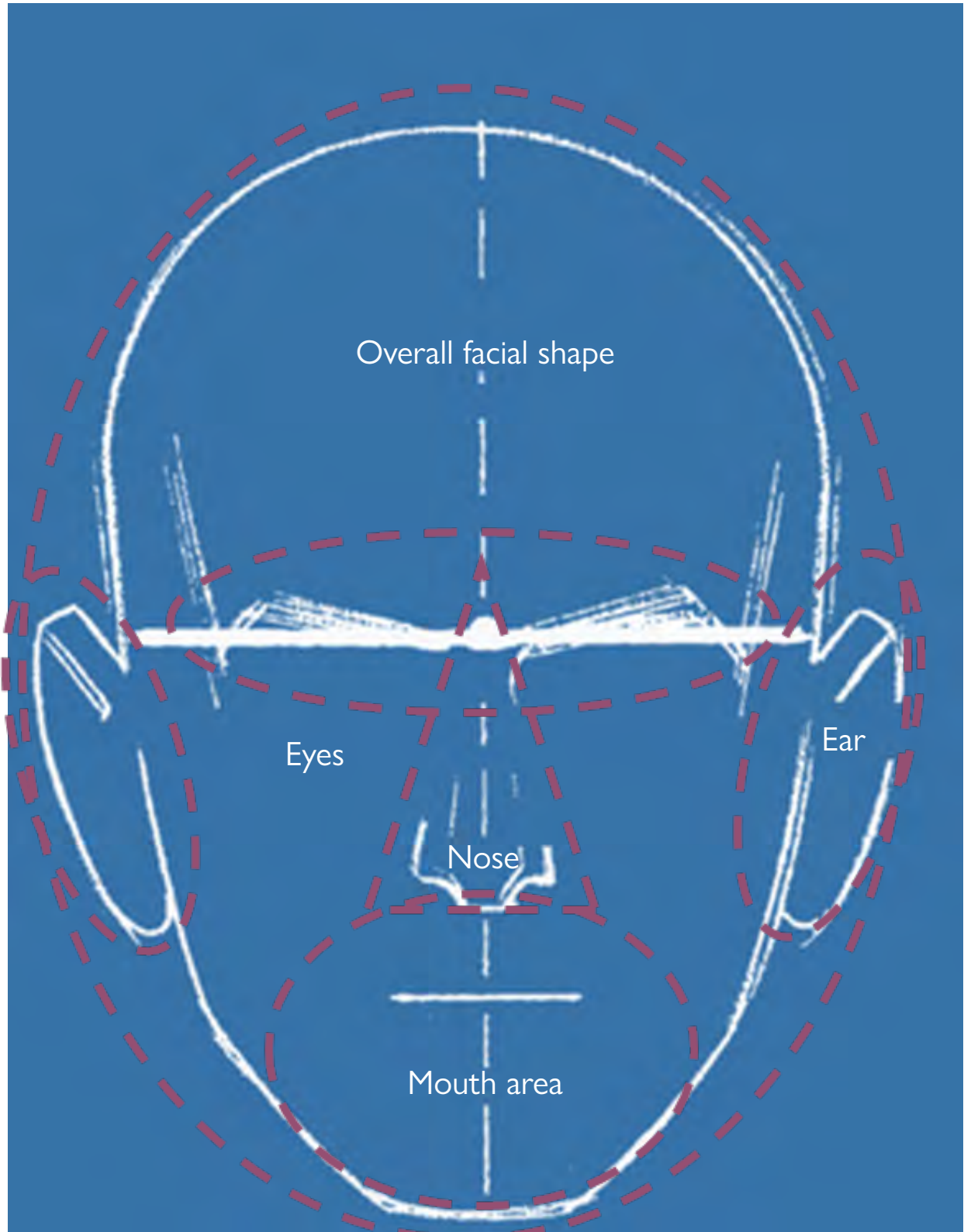
Step 2 - Compare the Location of Each Facial Feature To One Another

• The alignment of the eyes to the ears.

• The distance of the nose to the chin.

• The alignment of the mouth to the ears.

Example

Activity 09: Plenary Activity on Impostor Detection

The aim of this activity is to get the participants to detect impostors by analysing the two photos presented. The aim is to use the skills learned in the session on impostor detection. The answers should be given by show of hand. If you think it is an impostor, raise your hand.
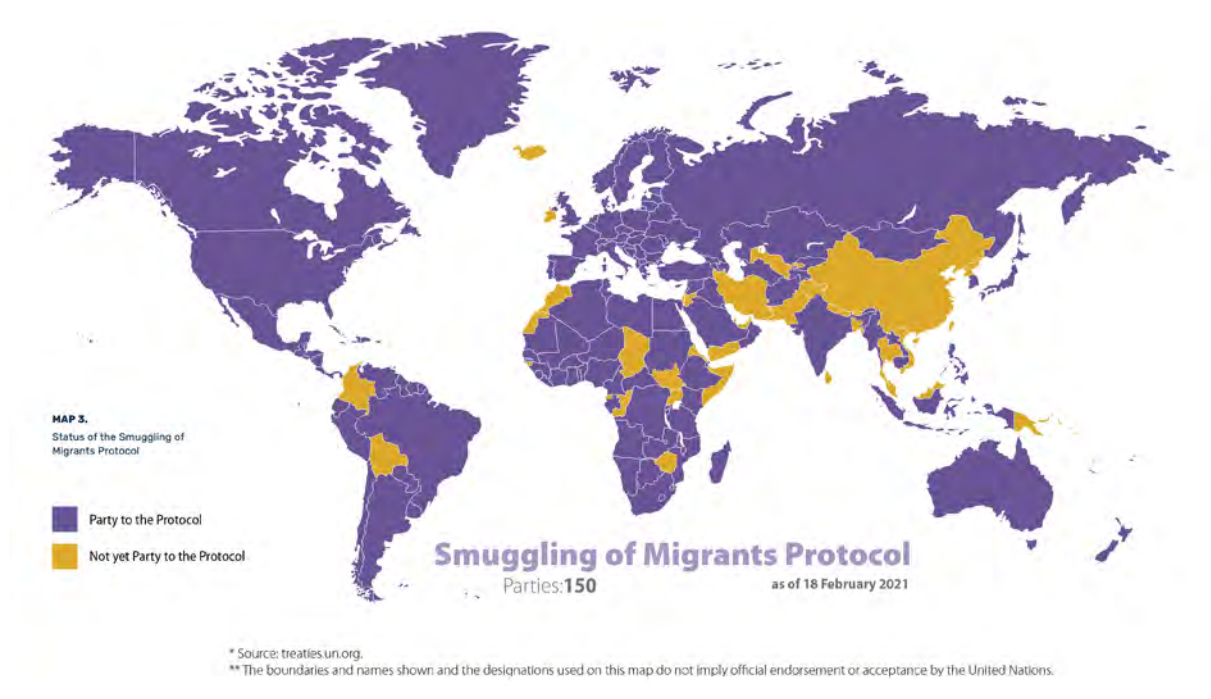
Duration: 10 minutes

Document	Holder

Document	Holder

Answer

1.	Impostor	4.	Genuine
2.	Impostor	5.	Impostor
3.	Imposter	6.	Impostor (twin sister)

Protocol against the Smuggling of Migrants by Land, Sea and Air (2000)

The Protocol (supplementing the United Nations Convention against Transnational Organized Crime) defines the "smuggling of migrants" as the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident. The Protocol is an effective tool for combating and preventing the Smuggling of Migrants. It reaffirms the need to provide migrants with humane treatment and full protection of their rights based on the premise that migration in itself is not a crime, and that migrants may be in need of protection.

Map 1 Status of the Smuggling of Migrants Protocol. Source: treaties.un.org

MAP 3.
Status of the Smuggling of Migrants Protocol

- Party to the Protocol
- Not yet Party to the Protocol

Smuggling of Migrants Protocol
Parties: 150   as of 18 February 2021

* Source: treaties.un.org.
** The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

General Question

To what extent can the non-ratification of Smuggling protocol by some member states of a regional integration impede cooperation processes in this area?

How can IBM contribute to addressing the smuggling of migrants?

Unit 4 - Trafficking in Persons

Trafficking in persons as defined by the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime is the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Trafficking can take place either at domestic level or across a border.

Trafficking includes prostitution, sexual exploitation, forced labour or domestic work, slavery, servitude, organ harvesting amongst others.

See: Global Trafficking Trends in Focus. IOM Victim of Trafficking Data, 2006-2016

See: Migrants and their Vulnerability to Human Trafficking, Modern Slavery and Forced Labour, 2019

Who is a trafficker?

An intermediary who is involved in the movement of a person to obtain an economic or other profit using deception, physical or psychological coercion for the purpose of exploitation. The intent ab initio on the part of the trafficker is to exploit the person and gain profit or advantage from the exploitation.

Who is a trafficked person?

Trafficked persons may be any child under age 18 induced into commercial sex, adults aged 18 or over induced into commercial sex through force, fraud, or coercion. Children and adults are induced to perform labour or services through force, fraud, or coercion. Trafficked persons are generally mired in difficult physical, psychological, social, legal and, not least, financial circumstances.

Note: Human Trafficking Indicators can be found in Annex 4.

Identifying migrants in irregular situations who are victims of trafficking or exploitation is complicated by the challenge of understanding the international definition of trafficking in persons, and the absence of an international definition of exploitation.

What is exploitation?

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children defines trafficking in persons in its Article 3 (a) as:

'the recruitment, transportation, transfer, harbouring or receipt of persons by means of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others, or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.'

For a case to be classified as trafficking, the three key elements shall be present: action, means, purpose. However, Article 3, (b) states that 'The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.'; and (c) states that 'The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered trafficking in persons even if this does not involve any of the means set forth in subparagraph (a).'

Exploitation shall include, at a minimum,

- the exploitation of the prostitution of others, or other forms of sexual exploitation,
- forced labour or services,
- slavery or practices similar to slavery, servitude or
- the removal of organs.

The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used. The recruitment, transportation, transfer, harbouring or receipt of a child for the purposes of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article.
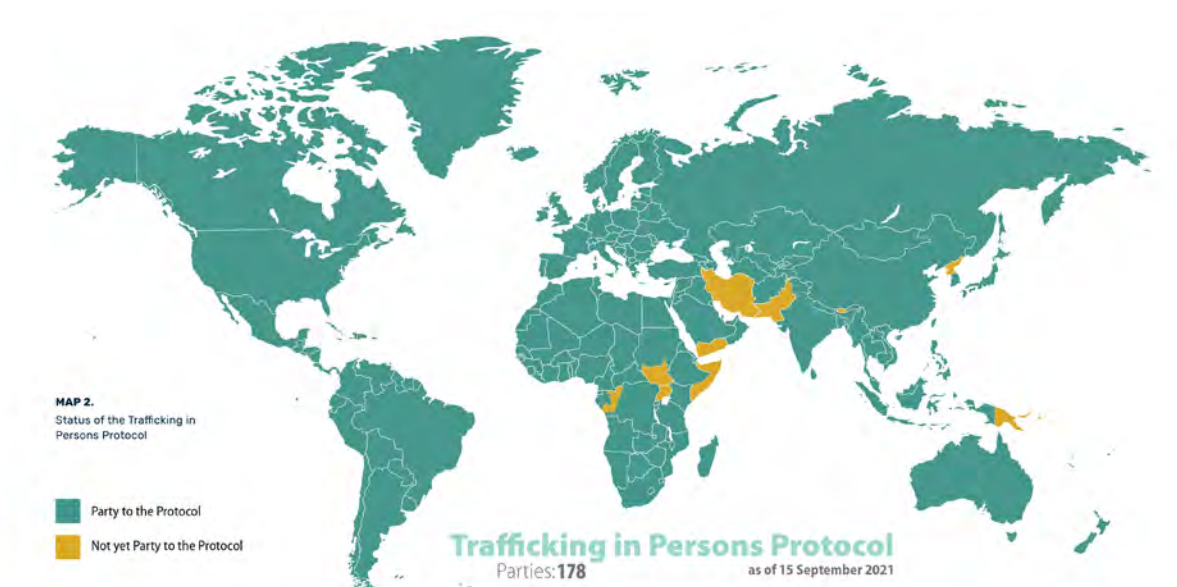
Irregular migration, migrant smuggling and trafficking in persons

As per the definition, irregular migration englobes all movement taking place outside the regulatory norms of the sending, transit and receiving countries. Examples: migrant smuggling and cross-border trafficking in persons.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)

The Protocol (supplementing the United Nations Convention against Transnational Organized Crime) defines Trafficking in Persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. The Protocol aims to prevent and combat trafficking in persons, to protect and assist victims of such trafficking, in particular women and children, to prosecute perpetrators of such crimes and to promote cooperation among States Parties.

Map 2 Status of the Trafficking in Persons Protocol. Source: treaties.un.org

MAP 2.
Status of the Trafficking in Persons Protocol

Party to the Protocol
Not yet Party to the Protocol

Trafficking in Persons Protocol
Parties: **178**   as of 15 September 2021

* Source: treaties.un.org.
** The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

```
   Smuggling
   of Migrants


Trafficking
in Persons

              Irregular
              Migration
```
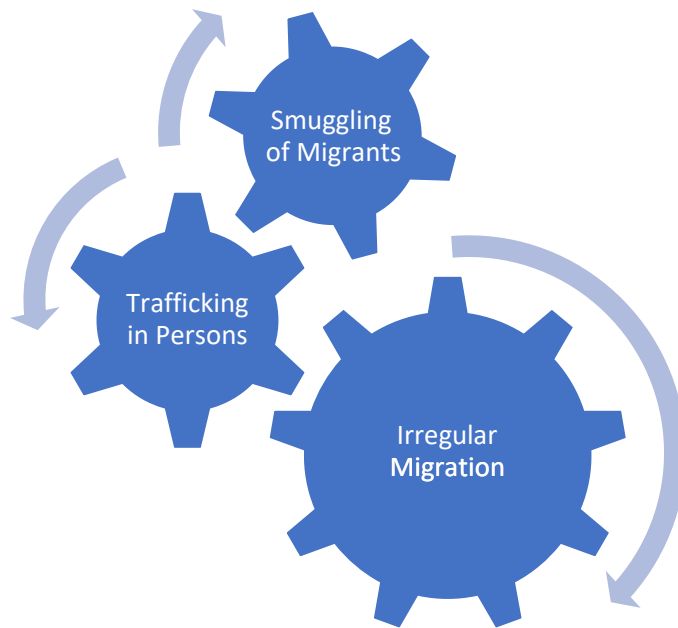
General Question

- To what extent can the non-ratification of the anti-trafficking protocol by some member states of a regional integration impede cooperation processes in this area?
- How can IBM contribute to addressing Trafficking in Persons?

Activity 10: Pair Activity on Smuggling vs Trafficking

Participants are invited to form pairs and select the case study they want to analyse in Annexe 5. The aim of this exercise is to ensure that the difference and nexus between trafficking and smuggling is clear. Once done, participants will compare their responses in plenary session.

Duration: 30 minutes

Registration of returnees from Djibouti at the IOM Transit Centre in Addis Ababa. Kennedy Njagi@IOM 2021

MODULE 4: MIGRATION-GENDER NEXUS

COURSE 8 – UNDERSTAND GENDER[90]

Unit 1 – Key Concepts

Understanding the gender dimensions of migration and applying this awareness in border management activities is crucial for border agencies when addressing cross-border movements appropriately, efficiently and with regard for migrants' rights (IOM).

Activity 11: Plenary Activity on Gender vs Sex[91]

The following activity aims at assessing your understanding of the concepts of gender and sex.

- What is 'male' and what is 'female' vs being a 'man' and a 'woman'?
- What characteristics/roles are defined in and by nature?
- What characteristics/roles are defined in and by society?
- Which of these are changeable?

Duration: 5 minutes. (Questions are to be answered in plenary).

Individuals are categorized according to whether they are male or female. This categorization, which refers to biological attributes, is related to both physical and physiological traits including chromosomes, gene expression, hormone levels and function, sexual and reproductive anatomy. The notion of sex differs from that of gender in that the latter refers to the socially constructed roles, behaviors, activities and attributes that a given society considers appropriate for individuals based on their sex at birth. The concept of gender is evolutive and relational. It refers to the relationship between different gender groups, it determines expectations, roles and values which impact power relations and rights. Note: Gender does not equate to women.

Gender	Sex
• socially constructed • changes according to the situation, region etc.	• biologically determined, • cannot be changed

90. www.unwomen.org and The OXFAM Gender Training Manual: S. Williams et al. 2007

91. Training of Trainers Manual on Gender Mainstreaming in Disaster Risk Management; UNDP Disaster Risk Management Programme

Activity 12: Fighting Unconscious Bias

Now that you have an understanding of the difference between gender and sex, let's address unconscious bias with this following exercise.

What gender do you associate the following professions with ? Play the game and only check the box that corresponds to your initial thought.

	Man	Woman
Athlete	☐	☐
Babysitter	☐	☐
Border / Coast guard	☐	☐
Community Leader	☐	☐
Director	☐	☐
Fire-Fighter	☐	☐
Hairdresser	☐	☐
Housekeeper	☐	☐
Immigration Officer	☐	☐
Medical Doctor	☐	☐
Minister	☐	☐
Personal Assistant	☐	☐
Police Officer	☐	☐
President	☐	☐
Trafficker / Smuggler	☐	☐
Victim of Rape	☐	☐
Victim of Trafficking	☐	☐
Total		

1. How many professions did you associate to a 'female' and 'male' respectively?

2. How would you explain your results? What do you think are the particularities of the professions assigned to each of the categories?

3. Would you say that these factors impact the recruitment process for deploying personnel in the field?

Duration: 15 minutes

The assignment of roles to individuals, known as gender differentiation[92], is based on our idea of their physical abilities and their ability to cope with danger, but also depends on the opportunities we offer them in society. This is referred to as 'gender norms' and 'gender roles'.

Gender differentiation + Gender norms + Gender roles = Gender inequality

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92. Gender Differentiation refers to the process of assigning social significance to biological differences between the sexes.

Gender differentiation, norms and roles often results in gender inequality, with one gender being regarded as inferior to the other with regard to certain professions.

Gender norms	Gender roles
• Gender norm is the socially acceptable ways of acting out gender are learned from birth through childhood socialization. We learn what is expected of our gender from what our parents teach us, as well as what we pick up at school, through religious or cultural teachings, in the media, and various other social institutions. Gender norms relate specifically to gender differences. They are informal, deeply entrenched and widely held beliefs about gender roles, power relations, standards or expectations that govern human behaviors and practices in a particular social context and at a particular time. They are ideas or 'rules' about how girls and boys and women and men are expected to be and to act. People internalize and learn these 'rules'.	• Gender roles are the determining patterns in terms of rights, duties, obligations and prerogatives assigned to females and males in society. They differ from one society to another, from place to place and over time. For example, characteristics of long hair, wearing of earrings considered feminine in one era might be viewed as masculine in another. The social construction of differentiated gender roles has profound implications for women and men.

Gender equality refers to the equal rights, responsibilities and opportunities of women and men and girls and boys. Equality implies that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. It implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men.

Why is gender important in migration management?

Gender influences the drivers and context of migration including push and pull factors for migration, biographical data of migrants, migration routes, transit locations and final destination of migrants. It influences how people migrate and the networks they use, opportunities and resources available at destinations, and relations with the country of origin. Furthermore, risks, vulnerabilities and needs are shaped in large part by one's gender, and often vary drastically for different groups. The roles, expectations, relationships and power dynamics associated with being a man, woman, boy or girl, significantly affect all aspects of the migration process[93]. It is, therefore, crucial to understand the migration and gender nexus and develop corresponding interventions. Considering gender-specific migration trends can mean the difference between implementing a policy that successfully addresses the specific needs and capacities of all and one that fails to do so and perpetuates inequality. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centered development, hence the reason for mainstreaming gender in border management activities.

### What is gender mainstreaming?

Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in any area and at all levels. Gender mainstreaming is a strategy for making the concerns and experiences of women as well as of men an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally, and inequality is not perpetuated.

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93. *Gender and border management; IOM border management division*

The goal of mainstreaming is to achieve gender equality.[94]

Mainstreaming includes gender-specific activities and affirmative action, whenever women or men are in a particularly disadvantageous position. Gender-specific interventions can target women exclusively, men and women together, or only men, to enable them to participate in and benefit equally from development efforts. These are necessary temporary measures designed to combat the direct and indirect consequences of past or existing discrimination and inequality.[95] Gender equality can be achieved if gender is mainstreamed in all sectors as it aims at promoting human rights for the benefit of social and economic development. At the borders, gender mainstreaming starts with ensuring the representation of users within border agencies since international borders are crossing areas for both men and women, adults or children, who can be exposed to attempts at fraud, enlistment in illicit activities etc.

Gender mainstreaming ensures better facilitation of cross-border trade, especially the mobility of women traders among other activities. It helps preventing Trafficking in Persons (TiP) and Smuggling of Migrants (SoM) by enabling the detection of victims, traffickers and smugglers, it helps reduce verbal and sexual harassment at border crossings, and greater reliance on public transport than men – with associated costs and higher incidence of robbery and physical assault en route to market.[96]

Gender equality
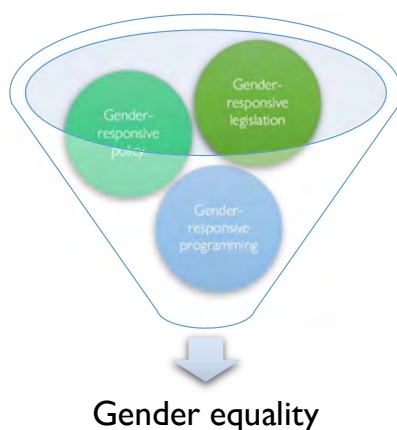
How can this be achieved?

1. By using gender-sensitive language. Indeed, texts referring to or addressing both women and men must make women and men equally visible.

Statement	Alternatives
The traveler must present his passport to the immigration officer.	The traveler must present his or her passport to the immigration officer.
	The traveler must present their passport to the immigration officer.

2. By collecting, analyzing and presenting data on gender. Indeed, gender-specific data should be reflected as much as social dimensions are, such as age, ethnicity, income and level of education are. Introducing a gender dimension to your policy or programme, implies researching differences in the actual situation of women and men (based on statistical information and other relevant research), rather than assuming what these differences are. This will enable you to assess specific needs more effectively and design your policies and programmes in a gender-sensitive way[19]

94. *International labour organization: Gender equality Tool Kit.*

95. *Gender and Security Toolkit; Border Management and Gender: Angela Mackay*

96. *"Women cross-border traders in southern Africa; R. L. Blumberg, J. Malaba and L. Meyers and Gender and Security Toolkit; Angela Mackay*

3. Women and men should be involved in decision-making processes[97]

   a. a balanced gender ratio at all levels of decision making must be considered.

   b. working groups, project teams, commissions and advisory boards must be gender-balanced.

   c. Training, workshops, study visits must equally be, at all possible, gender-balanced.

   d. workplaces must be structurally gendered and barrier-free where possible (e.g., gendered signage, gender-segregated washrooms, nursing rooms and detention areas etc.).

5. Equal treatment must be integrated into steering processes[98]. Steering instruments include quality management and gender budgeting, amongst others. It is important to note that:

   a. Paying attention to the different circumstances of women and men enhances the success rate, effectiveness and maximum utilization of staff skills and operational funds.

   b. Nomination and inclusion of gender focal points to ensure gender mainstreaming in operations and to address gender-specific concerns of staff and stakeholders.

   c. Controlling routine as a matter, of course, includes gender-specific evaluation of results and systematic steering of the gender ratio, in other words, the development and implementation of (new and adapted) targets, strategies and measures.

Mainstreaming gender in Members states agencies and organizations, requires the taking into account of gender in work plans, the of building a more representative and gender-sensitized workforce by promoting gender equality in employment opportunities, making organizational arrangements, addressing the organization's culture and building the capacity of staff through gender training. Gender mainstreaming at the workplace is a strategy that involves[99]:

Internal changes[100]	External changes
Mainstreaming gender in organizational management, procedures and activities, and building a more representative and gender-sensitized workforce by promoting gender equality opportunities through • Clear responsibilities • Training and capacity building among staff • Monitoring and evaluation • Disaggregated data collection	Mainstreaming and transformation involve supporting member states to: • Develop gender-sensitive migration policies • Training and capacity building of stakeholders including border management institutions. • Implement gender-sensitive protection mechanisms • Promoting gender balance in their workforce of stakeholders • Border agencies responding to the gender-specific needs of diverse groups within the population they serve

Unit 2 - Gender Mainstreaming and Global Objectives

States are entitled to control their borders and regulate migration. However, they must do so by their obligations under the human rights treaties that they have ratified or acceded to. That includes the obligation to respect, protect and fulfil the human rights of men, women and people of diverse gender identities throughout the migration cycle, and this can be done through gender mainstreaming. States can indeed include a gender perspective in the national border management framework through legal and regulatory frameworks, institutional structure, standard operational procedures, human resources and training, information management and infrastructure and equipment.[101]

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97. https://www.wien.gv.at/english/administration/gendermainstreaming/principles/five-principles.html

98. Ibid

99. 22 IOM's Training package on gender mainstreaming in border management, 2021

100. Ibid

101. Training package on gender mainstreaming in border management: IOM

As seen in the previous unit, a gender-sensitive approach is essential for policy reforms and infrastructural changes and the instruments listed in the present unit are particularly relevant and can be used as reference tools for the mainstreaming of gender in border management. The first two instruments can serve as the overarching framework for fulfilling the rights of individuals regardless of their gender:

The Universal Declaration of Human Rights Article 2	The African Charter on Human and Peoples' Rights Article 2
• Everyone is entitled to all the rights and freedoms [...] without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.	• Every individual shall be entitled to the enjoyment of the rights and freedoms [...] without distinction of any kind such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status.

Although gender does not equal woman, specific instruments and measures promoting and upholding women's rights were adopted at global and regional levels in response to reported violations in many societies:

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)	• Elimination of Discrimination Against Women (Article 2) • Right to Dignity (Article 3) • The Rights to Life, Integrity and Security of the Person (Article 4) • Access to Justice and Equal Protection before the Law (Article 8) • Economic and Social Welfare Rights (Article 13) • Right to sustainable development (Article 19)
Convention on the Elimination of All Forms of Discrimination against Women (1979)	• Ensure the full development and advancement of women to guarantee them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men (Article 3) • Modify social and cultural patterns of conduct of men and women which are based on the idea of the inferiority or the superiority of either of the sexes or stereotyped roles for women and men (Article 5) • Take all appropriate measures, including legislation, to suppress all forms of trafficking for sexual exploitation of women • Eliminate discrimination against women in the field of employment to ensure, on a basis of equality of men and women, the same rights to work, to the same employment opportunities, to free choice of profession and employment and equal remuneration (Article 11)

The Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol), supplementing the UN Convention against Transnational Organized Crime (2000)	• Prevent and combat trafficking • Protect and assist victims of trafficking

The implementation of these prerogatives is essential for the achievement of the objectives set by the UN Agenda 2030 for Sustainable Development, the AU Agenda 2063, the Global Compact for Migration and the AU Migration Policy Framework and Plan of Action (2018 – 2030).

UN Agenda 2030 for Sustainable Development	The Agenda aims "to realize the human rights of all and to achieve gender equality and the empowerment of all women and girls". While many aspects of the Sustainable Development Goals (SDGs) intersect and complement each other, four are of relevance to achieving gender equality in and through the security sector:
	  • SDG 1: Ending poverty in all its forms.
	  • SDG 5: On gender equality,
	  • SDG 10: On reducing inequality within and among nations and
	  • SDG 16: On peace, justice and strong institutions.

Global Compact for Migration (GCM)	The GCM enshrines gender-responsive, human rights and people-centered approaches as cross-cutting and interdependent guiding principles in all its 23 Objectives. See Annexe 6
AU Agenda 2063	Aspiration 6 of the Agenda refers to "An Africa whose development is people driven, relying on the potential offered by African People, especially its Women and Youth, and caring for Children". The Goal to be achieved is the "full gender equality in all spheres of life" through "Women and Girls Empowerment" as well as zero "Violence & Discrimination against Women and Girls"

AU Migration Policy Framework and Plan of Action (2018 – 2030)	The instrument makes a number of recommendations relevant to the mainstreaming of gender, namely:
	Conduct research in order to gain a deeper understanding of the gender dynamics of migration, which would enable both policy makers and practitioners to address the special needs of women and men migrants, thereby enhancing: (a) the benefits that can accrue to women and men, as a result of their involvement in migration; (b) the contribution of women and men migrants to the upliftment of their families and the socio-economic development of their host/sending countries, and the continent at large. It would also prompt policy makers and practitioners to address issues that impact negatively on migrants due to gender.
	Strengthening responses to the particular needs of migrant women and girls, particularly ensuring that their health needs, labour rights and human rights are respected. A gender perspective should be integrated in all national and regional migration management policies, strategies and programmes, recognizing the agency of women in migration, promotes their empowerment and leadership and moves away from addressing women migrants primarily thought the lens of victimhood.
	Develop migration policies that allow women and men to migrate for employment through safe and regular channels.
	Ensure that initiatives and programs on migration management and addressing the root causes of irregular migration in Africa are informed by gender analysis and are implemented in a gender-responsive manner. Enhance knowledge generation and awareness on the gendered dimensions of migration in Africa, including sex-disaggregated data and gender-responsive evidence and analysis on current migratory trends in Africa. Support associations and networks of migrant women and enhance their voices in policy dialogue processes at national, regional, continental, and global level.
	Take effective steps to counter migrant trafficking and smuggling, and other illegal practices which specifically target and victimize migrant women and men.
	Ensure adequate treatment and access to justice in the context of applicable human rights instruments, of women, men and children that are victims of trafficking and sexual slavery.
	Promote informational/ educational campaigns to raise awareness about the gender dimension of migration among migrants, those affected by migration, and policy makers and personnel involved in migration, especially in the managing of the migration process.

Activity 13: Gender Quiz

To build further clarity, you may want to do the Gender Quiz exercise as described below:

1. Read the statements below and mark S if you think the statement is sex-related (biologically determined and cannot be changed) or G if you think it is gender-related (socially constructed, it can change according to the situation, region etc.).

2. Compare your responses with those of the other participants and share your reasons for identifying a statement as being sex or gender-related.

Duration: 20 minutes

	STATEMENT	Mark S (SEX) or G (Gender)
1	Women give birth, men do not.	
2	Women can breast-feed, men cannot.	
3	Women are natural nurturers; men are natural leaders.	
4	Globally women are paid 40- 60% of the male wage	
5	Women are better at caring for children than men	
6	Men are usually more aggressive than women	
7	Little girls are gentle, and boys are tough	
8	Women are bossy and men are assertive	

Note: Correct answers to the quiz can be found in Annexe 7.

Learning Check: Riddle

Now that you have a better idea of what the concepts mean, try to solve this riddle:

A man and his son are driving along and are involved in a bad road accident. The ambulance arrives up and takes them both to the hospital. The son is rushed into surgery. The doctor who will perform the surgery enters the operating room, but as soon as the doctor sees the patient, the doctor says, 'I can't operate on this boy, he is my son.' How is this possible?"

Answer: For this riddle, the answer is that the mother is the doctor – inconsistent with gender occupation stereotypes.

Gender mainstreaming best practices: The Charter for Cross-Border Traders[102]

The Ugandan Government launched the Charter for Cross Border Traders. The Charter stipulates basic rights and obligations of traders and border officials of all the 6 East African countries; Uganda, Kenya, Tanzania, Rwanda, Burundi and South Sudan. Among other things, the charter stipulates:

• Agents and border officials shall receive gender awareness training.

• It is a trader's right to cross the border without verbal or physical abuse or harassment. Sexual and gender-based violence is forbidden.

• Every trader has a right to privacy and in case of physical checks, female traders will be checked by a female official, in a private but regulated and accountable environment.

• Traders will be cleared at the border without discrimination

• All border posts shall have a confidential mechanism for registering violations of any of these basic rights. Female traders must be able to register the violation of any of the basic rights with a female officer.

• The cross-border charter shall be translated into local languages.

MODULE 5: HEALTH AT BORDERS

COURSE 9 – MIGRATION-HEALTH NEXUS

Unit 1 – The Right to Health

In light of the recent Ebola and Coronavirus crises, addressing the health challenges has become one of the priority objectives of national health policy and has highlighted the importance of addressing health crises in a coordinated and integrated manner, including at borders. At the end of 2019, cross-border movement has been identified as a significant factor in COVID-19 transmission and most borders were closed and later re-opened as a result of the pandemic.

The concept of migration and health encompasses the idea that different factors and conditions influence the health of migrants. These factors and conditions are referred to as social determinants of health. Migration, among other factors, is considered a social determinant of health in terms of the impact it can have on health (IOM). In recent years, significant progress has been made in the area of migration health, and the 2008 World Health Assembly resolution on migrant health commits governments to put in place policies and programmes to promote the health of migrants.

What do we understand by health and public health?[103]

The World Health Organization (WHO) defines health as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity." The right to health, just like that of migration is recognized under international and regional human rights instruments and constitutes a fundamental right for all individuals.

Public Health is defined as "the art and science of preventing disease, prolonging life and promoting health through the organized efforts of society"[104]. It refers to "activities to strengthen public health capacities and service aim to provide conditions under which people can maintain to be healthy, improve their health and well-being, or prevent the deterioration of their health. Public health focuses on the entire spectrum of health and wellbeing, not only the eradication of particular diseases."[105]

The concept of public health can be divided into a series of actions addressing each of the determinants of health:

a. Environmental health.

b. Healthcare.

c. Health monitoring.

d. Social protection.

e. Prophylaxis and prevention of major epidemics.

f. Screening and management.

g. Community Health Management.

h. Public policy.

A health crisis refers to events that affect or may potentially affect a large number of people through different contamination channels and changes in mortality[106] and/ or morbidity[107] indicators. A health crisis could be caused by natural (zoonotic virus) or man-made (synthetic virus) factors and can affect one or more States, and impact individuals, communities and/ or societies as seen with Ebola and Covid-19.

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103. *A lexicon on health can be found at the end of this module.*

104. *Acheson, 1988; WHO*

105. *WHO. Consulted on May 17,2020.* http://www.euro.who.int/en/health-topics/Health-systems/public-health-services

106. *Mortality: refers to the number or the proportion of deaths in a given time or space.*

107. *Morbidity: refers to the rate / amount of disease within a population.*

A health crisis is characterized by two important elements:

> i. The origin of the causative or pathogenic factor of the crisis; and,
>
> ii. The emergency situation related to the threat to populations' health.

All States have an obligation to respect, protect and promote the right to health of all persons, including migrants, within their territory and subject to their jurisdiction, without discrimination. All States must ensure migrants' access to health services in their national response plans, meaning that migrants, regardless of their migration status, have the right to access health care services, such as tests, diagnoses, care and treatment, referral, and vaccination.

International human rights instruments set out the right to health as it relates to migration, including (but not limited to) the provisions indicated below.

Universal Declaration of Human Rights – Article 25

"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services."

International Convention on the Elimination of All Forms of Racial Discrimination – Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

> • Economic, social, and cultural rights, in particular;
>
> • The right to public health, medical care, social security and social services.

The concept of migration and health encompasses the basis that migrants' health is influenced by a number of factors and circumstances called the social determinant of health.

International Health Regulations (IHR, 2005)

The International Health Regulations of 2005 is a binding international instrument (196 States Parties, including all WHO Member States) aimed at preventing the spread of diseases across borders. The Regulations support the obligation of States to ensure the dignity and respect for the right to freedom of movement of persons.

In implementing health measures under these Regulations, States Parties shall treat travellers with respect for their dignity, human rights and fundamental freedoms and minimize any discomfort or distress associated with such measures (Article 32), this will be conducted by:

> a. Treating all travellers with courtesy and respect.
>
> b. Taking into consideration the gender, sociocultural, ethnic, or religious concerns of travellers; and
>
> c. Providing or arranging for adequate food and water, appropriate accommodation and clothing, protection for baggage and other possessions, appropriate medical treatment, means of necessary communication, if possible, in a language that they can understand and other appropriate assistance for travellers who are quarantined, isolated or subject to medical examinations or other procedures for public health purposes.

The only diseases justifying the exclusion of non-nationals are those related to a public health emergency with epidemic potential, as defined by the IHR:

> • The disease must pose a risk to public health and potentially require coordinated international action.
>
> • Diseases that need to be examined include COVID-19, smallpox, poliomyelitis (wild virus), influenza caused by a new subtype, SARS, cholera, lung plague, yellow fever, viral haemorrhagic fevers (e. g.

Ebola virus, Lassa, Marburg), and other diseases that are of special national or regional interest, such as Rift Valley fever.

International Covenant on Economic, Social and Cultural Rights (ICESCR)

States are bound, under the International Covenant on Economic, Social and Cultural Rights, by the duty to respect the right to health, in particular by refraining from denying or undermining equal access to preventive, therapeutic and palliative health care for all individuals, including inmates, minorities, asylum seekers and irregular migrants, by refraining from making the application of discriminatory measures a state policy.[108] States with insufficient resources are, on the other hand, under an obligation to progressively realize the right to health through concrete measures aimed at the full implementation of the right to health, while ensuring that this right is exercised without any discrimination.[109]

Article 12(1). The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

Article 12(2). The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

a. The provision for the reduction of the stillbirth rate and of infant mortality and for the healthy development of the child.

b. The improvement of all aspects of environmental and industrial hygiene.

c. The prevention, treatment and control of epidemic, endemic, occupational and other diseases.

African Charter on Human and People's Rights

Article 11

Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, **health,** ethics and rights and freedoms of others.

Article 12

(2) Every individual shall have the right to leave any country including his own and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, **public health** or morality.

Article 16

(1) Every individual shall have the right to enjoy the best attainable state of physical and mental health.

(2) States parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

Africa Health Strategy (AHS) 2016 – 2030

In adopting the AHS 2016-2030, the AU and key stakeholders (RECs, CSOs and international development partners) are guided by the following principles:

• Health is a human right that must be accessible to all.

• Health is a developmental input and a result requiring multi-sectoral responses.

• Health systems should provide quality services, be people-centered, community-owned and accountable to all.

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108. CESCR General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12), 2000

109. ibid

- Prevention is the most cost-effective way to reduce the burden of disease.
- Diseases and disasters go beyond borders; cross-border cooperation in disaster management and disease control is required.

Djibouti	• **Loi n°99/AN/10/6ème L portant création de l'Institut National de Santé Publique de Djibouti.**
Ethiopia	• Public Health Proclamation no. 200/2000
Eritrea	• National Health Policy 2010
Kenya	• Revised 1986 Public Health Act 2012 • Kenya Health Policy 2014 - 2030
Somalia	• Somalia Health Policy 2014
South Sudan	• National Health Policy 2016 - 2026
Sudan	• National Health Policy 2017 - 2030
Uganda	• Public Health Act 281

Unit 2 – Health at Borders

Migrants, refugees and displaced persons are, in many cases, more at risk of contracting and transmitting communicable diseases. Indeed, the risk of contracting and transmitting the virus is higher due to sometimes overcrowded living conditions in many migrant workers' homes; limited access to health services due to the lack of legal and policy frameworks and exclusion from national preparedness plans; limited access to linguistically appropriate and culturally competent information; abrupt travel restrictions or border closures leading to a "mass exodus" of migrant worker populations.

Coordination between local and national governments and inter-agency cooperation are essential for inclusive responses to epidemics and pandemics, and to enable recovery. Understanding mobility is an essential component of evidence-based public health programmes, which combine and correlate conventional epidemiological information and the burden of disease and healthcare systems' capacity risks associated with human mobility. IOM's Health, Borders and Mobility Management Framework (HBMM) is a conceptual and operational tool designed to improve the prevention, detection and response to the spread of diseases along the mobility continuum (at origin, transit, destination and return points) and areas where migrants and mobile populations interact with sedentary local communities, referred to as spaces of vulnerability.

Mobility occurs along a route that encompasses points of origin, transit, destination and return, as well as various pathways – within and across borders. This complete pathway is called the mobility continuum. This mobility continuum depicts the key population movements, taking into consideration the various modes of travel, routes, and transit and congregation points along the way, as well as the interconnectivity between them.

How can migration increase one's vulnerability?

A person may choose to travel using one or more of these routes: land, air and water to their intended destination within the green pathways (Illustration 5). In departing from their origin or a specific place along a route, Migrants and Mobile Populations (MMPs) may pass through important transit and congregation points before reaching their final destinations. These points may include transportation/transit hubs, temporary residences, marketplaces, ferry/fisherman landings, airports and workplaces. Each of these settings may possess specific health vulnerabilities, depending on the scale of mobility flows, interactions between MMPs and host communities, and the potential occurrence of public health threats, such as communicable disease outbreaks. These transit and congregation points constitute spaces of vulnerability.

Illustration 5 The Mobility Continuum. Source: IOM HBMM Factsheet.
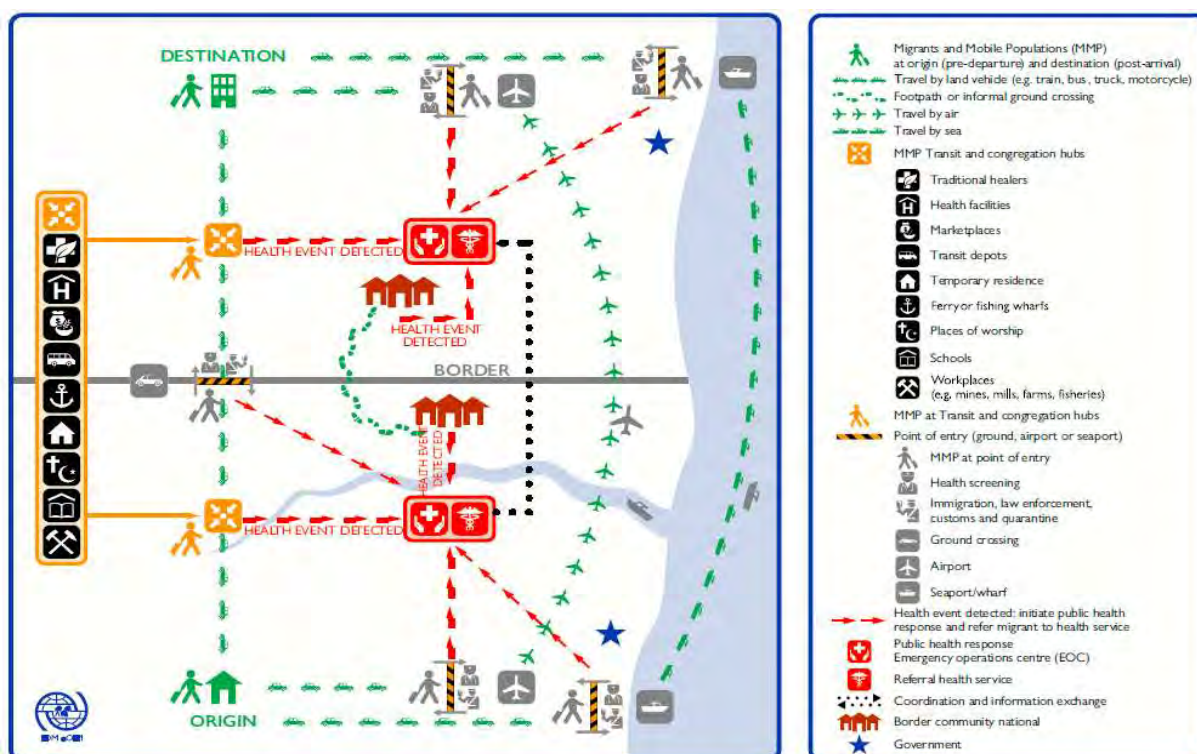
Mobility pattern mapping is a significant activity in these spaces of vulnerability to guide public health interventions and is an evidence-based tool for setting up health screening posts and referral mechanisms, in the event of a rapidly progressing disease outbreak (or occurrence of other types of health threats). Public health responses may be initiated through close coordination between transit and congregation points, Emergency Operation Centres (EOCs), and referral health services, activated whenever a health threat or event is detected.

Cross-border MMPs will subsequently cross international borders, either by land, air or water. At these international border crossing points, health screening and immigration, customs and quarantine procedures are applied, from where public health response and health referrals can also be activated. In addition, human settlements are located along international land borders with border communities, many of which are involved as part of their daily lives in informal and unsupervised cross-border movements.

You may refer to Annexe 8, for the Standard Operating Procedures for Front-line Border Officials at POE in Response to Covid-19 Outbreak.

Lexicon of Health

Below are several terms that will be used throughout this manual.

Communicable disease	Communicable diseases are diseases that can be transmitted from one person to another or from an animal/insect to a person through various means of transmission (contaminated food or water, vector-borne, air, sexually transmitted diseases (STDs), etc...
Community health	Community health involves the participation of the community-geographically or socially, in improving health by expressing priority needs and actively participating in the development, implementation and evaluation of the activities most likely to meet them.
Endemic	An infection is said to be endemic in a population when constantly maintained at a baseline level in a geographic area without external inputs.
Epidemic	Is defined as a widespread occurrence of an infectious disease in a community at a particular time.
Health Assessment	In the context of migration, health assessment aims at mitigating and better managing the effects of human mobility on the public health of host countries while facilitating the integration of migrants through the detection of pathologies and the rational management of treatments and related medical records. Health assessments offer the potential to protect the health of assisted migrants, allowing preventive and curative interventions to be undertaken in response to conditions that, if not addressed, could have negative consequences on the health of migrants and the health of their host communities.
Health policy	The World Health Organization defines health policy as the "decisions, plans, and actions that are undertaken to achieve specific healthcare goals within a society, defines a vision for the future; outlines priorities and the expected roles of different groups; and builds consensus and informs people."
Pandemic	Refers to an epidemic that occurs over a wide geographic area and affects an exceptionally high proportion of the population.
Prevalence	Prevalence refers to the total number of individuals in a population who have a disease or health condition at a specific period, usually expressed as a percentage of the population.
Prevention	In the health context, prevention actions aim to empower a population to take responsibility for health through 4 types of independent interventions involving the individual at different levels of participation (passive, semi-active, active): • Legal and socio-economic measures. • Actions to improve or preserve the environment and living conditions. • Medical procedures. • Health education.

Promotion of health

1986 WHO Ottawa Charter defines the promotion of health as the process by which individuals and populations are empowered to manage or improve their health through 5 key action areas:

1. Building healthy public policy.
2. Creating supportive environments.
3. Strengthening community action.
4. Developing personal skills.
5. Re-orienting health care services toward prevention of illness and promotion of health.

GUICHET 2
REPUBLIQUE DU BURUNDI
SORTIE

GUICHET 1
REPUBLIQUE DU BURUNDI
ENTREE

An immigration agent checking documents of a migrant at the Gatumba border point in Bujumbura rural province (bordering DRC) in September 2021. Photo: NTORE Triffin © IOM 2021

COURSE 10 – HEALTH, BORDER AND MOBILITY MANAGEMENT FRAMEWORK

Unit 1 - The HBMM Strategic Objectives

The HBMM Framework facilitates a more comprehensive and efficient response to health threats by ensuring a thorough understanding of the migration pathways and their associated vulnerabilities. It provides an action framework for IOM to undertake activities related to health, border and mobility management and serves as a reference for the IOM Member States and partners to understand the Organization's role and contributions in this area of work. The overarching aim of the Framework is to ensure that:

  i. Governments and communities can address the mobility dimensions of public health threats.
  ii. Affected and at-risk populations benefit from appropriate and timely support, through inclusive and rights-based approaches that leave no one behind.

The Framework consists of five strategic objectives that are operationalized via an array of interrelated and mutually supportive core activities.

Strategic Objective 1: Enhance the evidence-based mobility dimensions of communicable disease to inform effective prevention, detection and response.

Objective 1 comprises various methods and modalities to a) gather information on mobility patterns and vulnerabilities, including population mobility mapping (PMM) to understand human mobility dynamics and identify priority communities and locations that may be vulnerable to infectious disease outbreaks and other health threats; b) assess national and local capacities; c) engage in disease surveillance activities, including community event-based surveillance (CEBS) and health screening, among other interventions; and d) support joint analyses and sharing of information, including mobility and disease transmission data.

Strategic Objective 2: Build health system and border health and management capacity at points of entry (PoEs) and along the mobility continuum for communicable disease prevention, detection and response.

Objective 2 is supported by a range of activities to enhance the technical and operational capacity of health systems for the delivery of mobility-sensitive health services as well as border health capacity. It includes the direct delivery of and support to prevention, screening, referral, case management and laboratory services during a public health emergency, in particular at PoEs and health facilities along the mobility pathway, as well as activities to build longer-term preparedness and capacity, such as developing standard operating procedures (SOPs) and guidelines for the management of public health events at PoEs, provision of infrastructure and supplies and training of both health and non-health personnel. It also includes other preventative interventions including Infection Prevention and Control (IPC), such as offering Water, Sanitation and Hygiene (WASH) services, as well as vaccinations.

Strategic Objective 3: Empower migrants, mobile populations and host communities in communicable disease prevention and response through community engagement.

Objective 3 is supported by community-based activities to engage migrants, mobile populations and host communities in the2 response to communicable diseases. These activities aim at strengthening community awareness and participation through Risk Communication and Community Engagement (RCCE); building resilience; engaging communities in monitoring mobility and risks in their surroundings; supporting their health needs – including Mental Health and Psychosocial Support (MHPSS) to address emotional and social needs related to health threats and prevent long-term consequences on health, social and economic systems, while ensuring that vulnerable migrants including refugees, other displaced populations and returnees have equitable access to services and supports; and supporting positive behaviour change.

Strategic Objective 4: Promote mobility-sensitive and inclusive policy, legal and strategic frameworks.

Objective 4 comprises advocacy and direct technical support to ensure that local, national and regional policies, legislative frameworks, regulations and strategies– including both health and migration frameworks are in place to support mobility-sensitive health systems and responses that are inclusive of migrants and mobile populations. It includes efforts to raise awareness on the importance of mobility-sensitive frameworks from the perspectives of public health and human rights; data collection and dissemination, research and development, good practice dissemination and sensitizing policymakers, lawmakers, law enforcement personnel and other key stakeholders on such policies. IOM mainstreams advocacy on migrants' rights and better management of migration challenges in all programming, including activities linked to the HBMM Framework.

Strategic Objective 5: Strengthen multisectoral partnerships and coordination, including cross-border coordination.

Objective 5 cuts across the other four strategic objectives and is integral to the design and implementation of all core activities. It includes promoting and strengthening multisectoral coordination within and across borders, inter-agency as well as internal coordination. An effective HBMM approach needs to bring together relevant sectors and partners such as health, border management, immigration, transport (civil aviation, maritime, etc.), trade and labour, among others, in particular, IOM plays a key convening role in promoting multilateral and regional cross-border coordination, to respond effectively to public health threats. Internally, this cross-cutting objective ensures that HBMM-related activities are well-coordinated across areas of work to leverage IOM's multisectoral, wide-ranging response capacity.

Table 10 The Strategic Objectives and Key Activity Areas of the HBMM Framework. Source: IOM HBMM Factsheet.
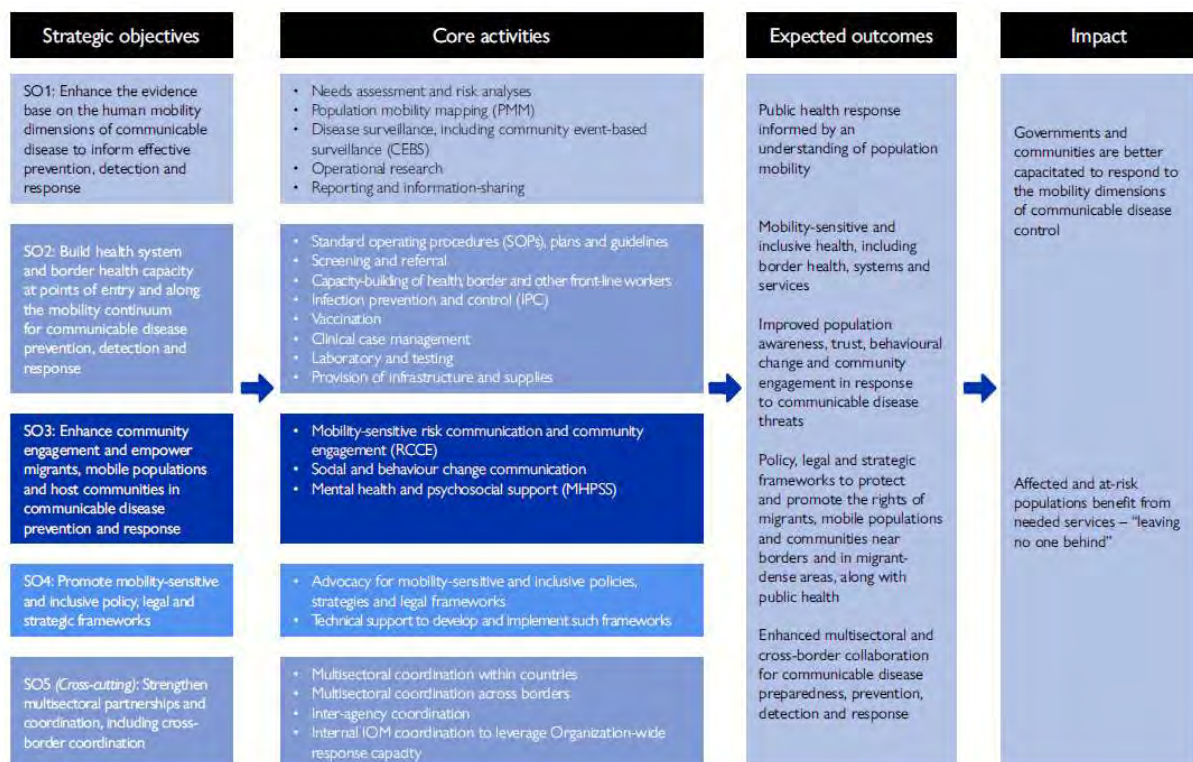
Unit 2 - HBMM Operationalization

HBMM Pillars

HBMM should be primarily applied in the context of outbreak-prone communicable diseases, such as yellow fever, cholera, plague, EVD, COVID-19, and other similar risk, not just for those that result in a public health declaration of international concern under the IHR.

Certain HBMM activities, such as those that aim to improve the understanding of population mobility patterns in relation to the spread of disease, may also be applied in other contexts of communicable disease transmission across borders, such as in the case of elimination efforts for malaria, polio and measles, where population mobility may result in re-introduction of previously eliminated diseases in host communities.

In all contexts, HBMM emphasizes equity and inclusiveness of migrants along the entire mobility continuum., It is not only focused on communicable disease threats at physical or regulated borders or PoEs (such as airports, ports and ground crossings), but also includes locations where informal cross-border movements take place, travel routes and spaces of vulnerability, such as congregation points where mobile populations interact with local communities – i.e. places where the risk of disease transmission may be high and public health interventions would be necessary.

The operationalization of the HBMM approach is guided by the four pillars of the World Health Assembly resolution on migrant health and is tailored to the perspective of border, health and mobility. These four pillars revolve around ten basic activities which will see in turn in the next subsection.

Pillar 1: Policies and Legal Framework on Border Management, Mobility and Health

Policies and Legal Framework, over-arches the three other pillars of HBMM, in the view that all aspects of HBMM operationalization have definitive policy and legal implications. IOM mainstreams advocacy on migrants' rights and better management of migration challenges in all of its programming and therefore supports the implementation of this pillar.

Pillar 2: Operational Research, Evidence, Data Gathering and Sharing

Despite recognition of the direct contribution of human mobility to the spread of communicable diseases, empirical evidence supporting this correlation is scarce. Moreover, knowledge of human mobility dynamics is, so far, limited, notably on the behavioural aspects of those engaging in mobility themselves.

Pillar 3: Enhanced Capacity of Health Systems and Border Management Services

Information on health and mobility needs to be subsequently translated into better health and border management services. Pillar 3 encompasses the different components needed to improve the delivery of these services, which are articulated in the following four core activities:

- SOP development (IPC, case management, and migration management), training manuals/curriculum, simulation of PHEIC events, and training implementation
- Health screening and referral system
- Health management and public health response
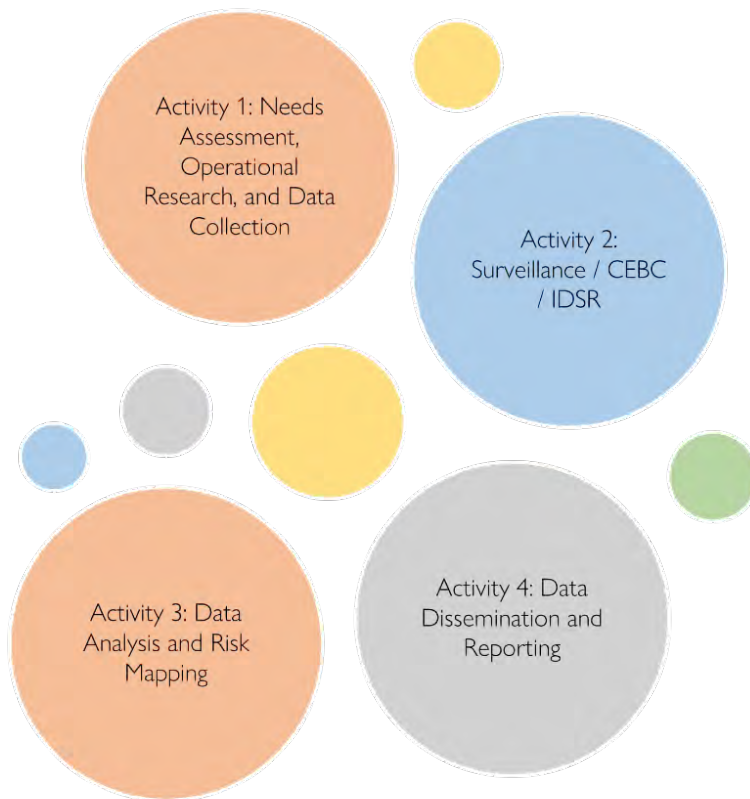- Provision of infrastructure and supplies

Pillar 4: Inter-Sectoral and Multi-Country Partnerships and Networks

HBMM requires multi-sectoral and multidisciplinary partnerships to 1) engage target populations and communities in adopting healthy behaviours, and 2) ensure understanding and buy-in from partners outside of the health sector and partners across the border.

HBMM Activities

The comprehensive HBMM mindset needs to be built, mainstreamed, and sustained to ensure the realization of all the components of HBMM. While some of these core activities may appear to be and can be implemented independently, they are ultimately interconnected, mutually supportive and essential to achieving, integrating and supporting the ultimate goal of the concept to improve prevention, detection and response to the spread of diseases along mobility corridors. The timing for the implementation of some of the activities may for example be determined by the stage of the outbreak, country-specific needs, other partners' contributions and other factors. Activities must be planned and delivered as part of a comprehensive and sustainable approach, in collaboration with national stakeholders and international partners, with the ultimate aim to build long-term national capacities for mobility-sensitive public health preparedness and response.

Operational Research, Evidence, Data Gathering and Sharing

Activity 1: Needs Assessment, Operational Research, and Data Collection

Activity 2: Surveillance / CEBC / IDSR

Activity 3: Data Analysis and Risk Mapping

Activity 4: Data Dissemination and Reporting

Pillar 2: Operational, Research, Evidence, Data Gathering and Sharing

Activity 1: Needs assessment, operational research and data collection

Within HBMM, the first step of evidence building is data collection, which is the foundation of Activity 1. It comprises various methods and modalities used to 1) collect information on mobility patterns, migration intentions, availability and quality of border health legal frameworks; and 2) assess national and cross-border capacities (IHR, health system, preparedness, contingency, and emergency response plans). These include structured needs assessment, operational research, and other data collection methods, such as mobility-related surveys and flow monitoring. Subsequently, this core activity encompasses the development and strengthening of health and mobility-related information systems.

During periods of high disease transmission (Stage 1 on the epidemic curve in Illustration 6), surge capacity for the data collection on mobility patterns will serve to guide public health response, addressing specific health vulnerabilities resulting from human mobility. In such scenarios, data collection will be implemented together with health services under Pillar 3, notably under the health screening and referral system (Activity 6). This core activity can be implemented throughout the mobility continuum with a focus on spaces of vulnerability, such as congregation and transit hubs and landing and crossing points. During periods of high disease transmission, this activity will be done conjointly with Activity 6.

Illustration 6: Epidemic curve of a common source outbreak. Source: IOM HBMM Factsheet.
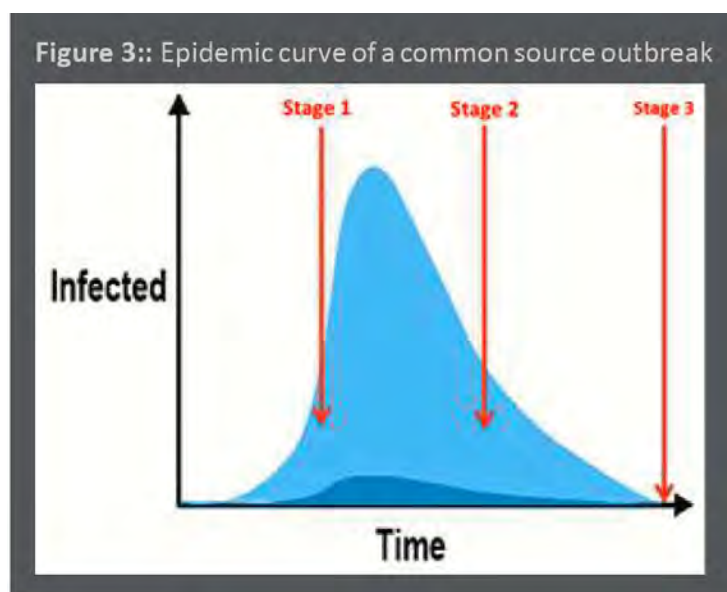
Activity 2: Surveillance, Community Event-Based Surveillance (CEBS), Integrated Disease Surveillance and Response (IDSR)

Strengthening disease surveillance capacities was and remain critical in bringing down the Ebola Virus Disease (EVD) epidemic and maintaining zero infections. These capacities will also determine how future outbreaks will be detected and responded to. Cross-border disease reporting mechanisms have particularly been the focus of communicable disease surveillance and response in the case of Yellow Fever, EVD and Covid – 19 among other outbreak-prone communicable diseases.

 IOM has taken a proactive role in linking mobility information to surveillance data, and vice versa and continues to advocate for the inclusion of mobility information into formal surveillance systems, either as part of Community Event-Based Surveillance (CEBS) or the Integrated Disease Surveillance and Response (IDSR) mechanisms, both of which IOM contributes to within current and future programming.

 Scope of implementation: IOM is particularly well-positioned to influence and strengthen surveillance mechanisms at border communities and migrant-dense areas.

Activity 3: Data analysis and risk mapping

Disease surveillance and mobility pattern mapping will only reach their intended outcome within HBMM if the information collected from both initiatives are jointly analysed. To identify, locate and map spaces of vulnerability within the mobility continuum and assess their associated public health risks. Data analysis of both epidemiological and mobility information needs to be done conjointly and focus on the correlation between the two. The result of such analysis will provide a better understanding of where health risks may be accentuated, as a direct consequence of human mobility, and where health system capacities are still lacking. Scope of implementation: This activity is implemented in all locations where Activity 1 and 2 are implemented.

Activity 4: Dissemination and reporting

Comprehensive strategies for reporting and disseminating analysed information on health and mobility need to be clearly defined, including reporting mechanisms and dissemination channels to direct public health interventions, as well as advocacy.

Scope of implementation: This activity is implemented in all locations where Activity 1, 2 and 3 are implemented, as well as at national, regional and international fora.

Enhanced capacity of health systems and border management services

Activity 5: SOP Development ((IPC), case management and migration management), training manuals and curriculum, simulation of PHEIC events, and training implementation

At the foundation of quality service delivery are sound procedures and trained providers. This core activity

Pillar 3: Enhanced Capacity of Health Systems and Border Management Services

encompasses initiatives ranging from the development of training manuals, curricula and SOPs to the implementation of such training, including desktop and field simulations of response to PHEIC events. This activity is normally implemented at national levels, but training may be expanded and adapted to local administrative levels, in which case IOM is well-positioned at border areas.

Activity 6: Health screening and referral system

Capacities for health screening and referral are built through Activity 5. In the event of a health threat, a health screening mechanism may be put in place at vulnerable spaces, where transmission risks and spread of health threats are highest, taking into consideration mobility dynamics. Screening procedures need to be adapted to the specific characteristics of an individual disease or health threat and linked with a competent referral system, which is connected to Ministries of Health structures and Emergency Operations Centres (EOCs) or other coordination mechanisms. Both health screening and referral services can be directly provided by IOM or in support to the Ministries of Health, where IOM only covers certain technical/operational gaps. Regardless of the scenario, these services need to be provided with the vision of strengthening health systems, sustainability, and building the capacity of Ministries of Health. Furthermore, health screening posts can also serve as locations for the surge data collection on mobility, notably flow monitoring, which can, in turn, strengthen the response to health threats.

The implementation of Activity 6 is tailored, according to the phase of disease transmission within an epidemic and health threat occurrence. In the context of high disease transmission with a high burden of cases, a full range of interventions, including scale-up of flow monitoring, are undertaken conjointly with health screening procedures

Activity 7: Health management and public health response

Clinical case management and public health response are critical services that follow health screening and referral. Both are to be guided by formal protocols, such as those developed by WHO and the Ministries of Health. This core activity represents a critical function of health systems. The implementation of Activity 7 is pronounced during stages of intensive disease transmission.

Activity 8: Provision and infrastructure and supplies

Underlining the quality of services provided through Activity 6 and 7 is the issue of infrastructure and supply chain management. This core capacity can be implemented at locations where all other core activities are implemented – at vulnerable spaces, where transmission risks are heightened, and at primary health care structures, notably at the border and migrant-dense areas.

Inter-sectoral and Multi-country Partnerships and Networks

Activity 9: Social mobilization, population awareness and behaviour change

Activity 10: Coordination and dialogues

Pillar 4: Inter-sectoral and Multi-country Partnerships and Networks
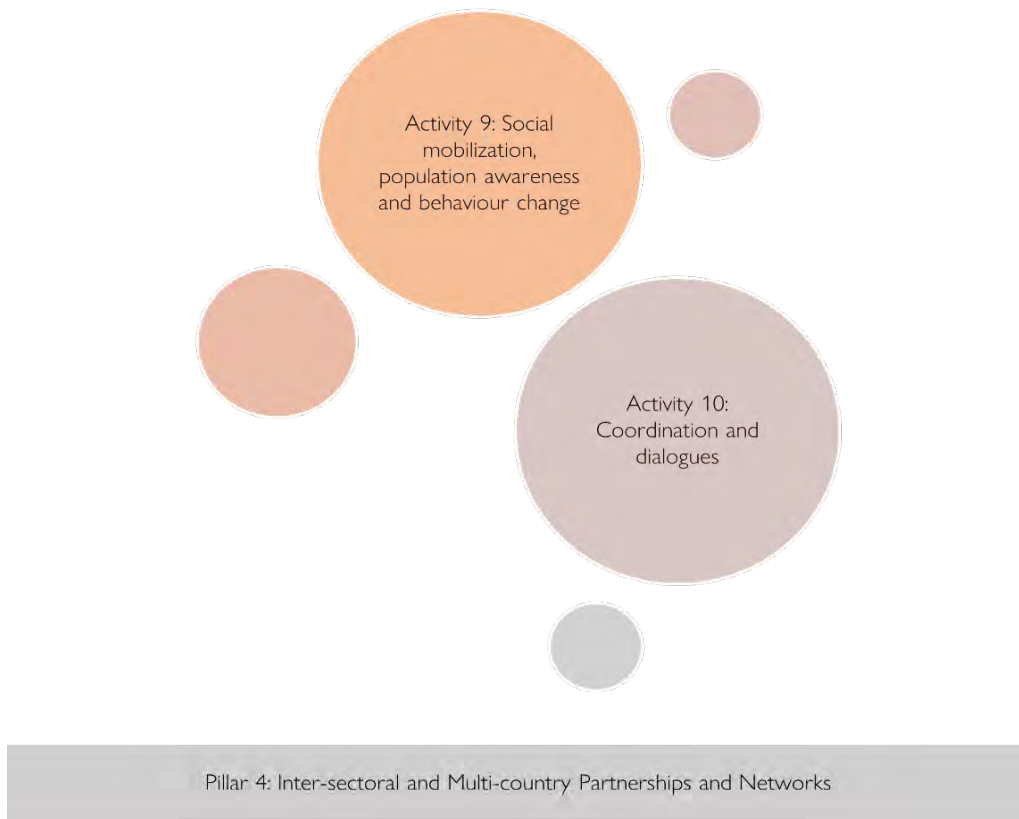
Activity 9: Social mobilization, population awareness and behavior change

This core activity targets migrants and mobile populations, as well as host communities, notably those residing along borders and in migrant-dense areas. Activities run throughout the mobility continuum from origin to destination, at host communities, and notably at the border and migrant-dense areas, in conjunction with the implementation of Activity 1 and 2.

Activity 10: Coordination and dialogues

To effectively e nable disease p revention, detection and control, i n addition to health t ransportation authorities, multisectoral interventions, involving border management authorities, law enforcement, military, trade, and commercial actors, are needed. Within the recovery phase, such initiatives need to be further expanded to strengthen preparedness capacities in the event of another epidemic or health threat. Scope of implementation: Throughout the mobility continuum from origin to destination, at local, national and regional levels. The scope of HBMM ranges from collection and analysis of information on mobility patterns to disease surveillance and response mechanisms at areas of vulnerability.

Teamwork: HBMM Simulation Exercise

The objective of this simulation exercise is to enhance preparedness and response plans, procedures and systems for the below health crisis situation.

For the purpose of this exercise, the situation will be read aloud, and participants will be invited to regroup based on their real job sector and profile to complete the boxes.

Duration: 90 minutes

Situation

The COVID-19 pandemic [is] severely impacting the lives of thousands of migrants, internally displaced persons (IDPs) and host communities throughout the East and Horn of Africa region, leaving many individuals, families, communities and economies vulnerable and in need of additional support and protection. Migrants, displaced populations and host communities in the region are facing unprecedented protection needs, risks and vulnerabilities. COVID-19 induced movement restrictions and measures are directly impacting the daily lives and circumstances of IDPs, refugees and host communities especially in countries where many people rely on remittances.

Livelihoods are being interrupted and access to healthcare remains limited. Many communities hosting IDPs lack adequate investment into health, water and sanitation, in addition to issues of overcrowding, poor shelter, scarce resources and limited access to reliable information. The impact felt by these communities not only increases humanitarian need but also exacerbates the existing and already complex barriers to durable solutions for IDPs and refugees.

The East and Horn of Africa region is host to countries experiencing complex humanitarian crises and protracted conflict which have further been compounded by the COVID-19 pandemic.[110]

It is foreseen that in the absence of the lifting of travel restrictions, a significant flow of migrants will move towards your national borders due to the aforementioned precarious situation

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110. *East and Horn of Africa COVID-19 Strategic Response and Recovery Plan 2021*

Phase I – Preparation

    a. Stakeholders mapping: list the agencies to be involved in the planning and implementing process of your response. For this exercise, all entities' capacities have already been assessed and the budget is sufficient and available.

Phase II: Analysis

    b. Analyze the risk caused by similar events in the past and elaborate a scenario for the current crisis.

Event	Risks	Priority			Level of risk		
		1	2	3	Low	Med	High

    a. Analyse the capacity on the ground (actual situation in your country)

    b. Develop the best (1), probable (2) and worst (3) scenarios

Phase III – Response planning

    a. Select one scenario and define the Government's objectives, strategy and priorities in terms of intervention.

Sectorial response plan

Sector	Activities

    a. Merge your stakeholder mapping and sectorial response plan to have a clear delineation of responsibility and chain of command. List the agencies and thick the sector of intervention.

Agency	Sector of intervention								

Phase IV – Response in emergency situations

    a. Human resource management: analyse human resource capacity to react rapidly and detail your plans to deal with logistics, transport, IT and communication

    b. Information management: determine your communication method and come up with an external communication strategy.

    c. Data collection and management: how will the data be gathered, analysed and shared?

Proposed plan (30 minutes)

Summarize your plan for your presentation

Type of intervention	
Main objectives	
Period	
Targets	
Beneficiaries' number breakdown:	
Partnership and coordination (summarize table c)	

MODULE 6: MIGRANT PROTECTION AND ASSISTANCE[111]

COURSE 11 - UNDERSTAND VULNERABILITY AND PROTECTION
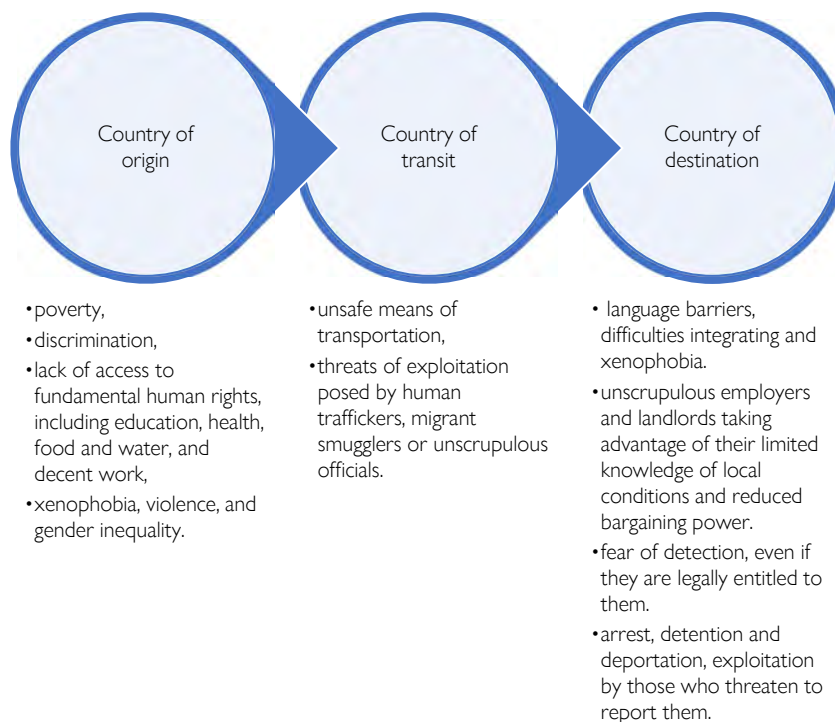
Unit 1 – The Concept of Vulnerability and the Frameworks for Protecting Migrants

Most countries have ratified international instruments safeguarding human rights, including those of migrants. However, abuse continues to occur not because of a lack of legislation, but because of the difficulties in putting those instruments into practice. While efforts are put to boost intra-African trade, smugglers and traffickers foresee, through freer movement, a window of opportunities for their illicit businesses to flourish, increasing migrants' vulnerability and endangering their lives along the migration continuum.

The concept of vulnerability can be understood as the harm, be it psychological, physical, environmental, etc people are subject to as a result of exposure to some form of risk. The term "vulnerable migrants" has no internationally accepted definition. It however is inclusive of migrants that are vulnerable to violence, exploitation, and abuse, and refers to migrants who are 'unable to effectively enjoy their human rights, are at increased risk of violations and abuse, and who, accordingly, are entitled to call on a duty bearer's heightened duty of care.'[112]

Indeed, while migrating, several vulnerabilities may arise as a result of factors, conditions, or experiences at each specific stage of the migration process. When in transit or destination countries, migrants in irregular situations may be particularly vulnerable to rights violations and abuses.

Illustration 7 Factors of vulnerabilities along the migration continuum.

Country of origin
- poverty,
- discrimination,
- lack of access to fundamental human rights, including education, health, food and water, and decent work,
- xenophobia, violence, and gender inequality.

Country of transit
- unsafe means of transportation,
- threats of exploitation posed by human traffickers, migrant smugglers or unscrupulous officials.

Country of destination
- language barriers, difficulties integrating and xenophobia.
- unscrupulous employers and landlords taking advantage of their limited knowledge of local conditions and reduced bargaining power.
- fear of detection, even if they are legally entitled to them.
- arrest, detention and deportation, exploitation by those who threaten to report them.

111. IOM Handbook on Migration Protection and Assistance for Migrants Vulnerable to Violence, Exploitation and Abuse.

112. OHCHR/Global Migration Group, Principles and Guidelines, supported by practical guidance, on the human rights protection of vulnerable migrants (Geneva, 2017).

Table 11 A summary of the experiences of vulnerable migrants and potential health-related consequences.

Experiences of vulnerable migrants	Potential health-related consequences
Physical abuse,	Deprivation and neglect bruises, cuts, burns, broken bones, malnourishment, soft tissue injuries, dental, problems, psychological distress, and mental health problems.
Threats, intimidation, and psychological abuse	Depression, anxiety, hostility and aggression, isolation and withdrawal, psychological distress, and mental health problems.
Sexual violence and abuse	Sexually transmitted infections (including HIV), pregnancy, unsafe abortion, sexual dysfunction, vaginal or anal fistula, bruises, cuts, burns, broken bones, psychological distress, and mental health problems.
Restricted social interaction and access to community and family networks	Inability to access health care, psychological distress, and mental health problems.
Economic, exploitation Social, marginalization, discrimination, exclusion	Malnourishment, dehydration, poor hygiene, risk-taking behavior, insufficient funds to pay for health care, psychological distress, and mental health problems.
Legal insecurity	Restricted access or reluctance to access health care, unattended births, psychological distress, and mental health problems.
Dangerous transportation, living, or working conditions	Malnourishment, dehydration, poor hygiene, bruises, cuts, burns, broken bones, malnourishment, soft tissue injuries, skin conditions, infections, breathing difficulties, sleep deprivation, psychological distress, and mental health problems.
Social marginalization, discrimination, exclusion	Restricted access or reluctance to access health care, psychological distress, and mental health problems.

IOM's approach to migrant vulnerability is rooted in the belief that the human rights of all persons, including migrants, should be upheld and promoted and that all vulnerable migrants, regardless of category or status, should be afforded the protection and assistance services they require. The determinants of migrant vulnerability model was specifically developed by the Organization to identify, protect and assist migrants who have experienced or are vulnerable to violence, exploitation, and abuse before, during, or after migrating, and to guide the development and implementation of interventions to reduce such vulnerability.

The model encompasses not only vulnerability but also resilience. It, therefore, considers both risk factors (which contribute to vulnerability) and protective factors (which improve capabilities to avoid, cope with or recover from harm), and the way that the two interact. The model recognizes that migrants and the households/families, communities, and groups to which they belong are all situated in a broader social environment. It considers both resilience and vulnerability to be determined by the presence, absence, and interaction of risk and protective factors at different levels: individual, household/family, community, and structural. Each factor, at each level, is considered to be either a risk or a protective factor, depending on the context.

Illustration 8 The determinants of migrant vulnerability (DoMV) model Source: IOM Handbook on Migration Protection and Assistance for Migrants Vulnerable to Violence, Exploitation, and Abuse.

Individual

- age, sex, racial and/or ethnic identity,
- sexual orientation, gender identity,
- personal history, mental and emotional health, and access to resources such as money, goods or support.

Household and family

- family size,
- household structure,
- socioeconomic status,
- migration histories,
- employment,
- livelihoods,
- education levels,
- gender discrimination, and
- family dynamics.

> ### Community
> - availability of quality educational opportunities, health care and social services;
> - equal access to resources;
> - livelihood and income-generating opportunities;
> - the natural environment; and
> - social norms and behaviours.

> ### Structural
> - histories of colonization and conflict,
> - political systems, migration policies and governance,
> - respect for human rights, and the rule of law.

The role of the State as the primary duty bearer for upholding the rights of all persons, including migrants, includes reducing vulnerability to rights violations in all spheres and at all levels. The Principles and Guidelines on the Human Rights Protection of Vulnerable Migrants list 20 principles, couched in international human rights law and related standards, to assist States (and other stakeholders) to develop, strengthen, implement and monitor measures to protect vulnerable migrants. These principles are the following:

- **Principle 1:** Ensure that human rights are at the center of efforts to address migration in all its phases, including responses to large and mixed movements.
- **Principle 2:** Counter all forms of discrimination against migrants.
- **Principle 3:** Ensure that migrants have access to justice.
- **Principle 4:** Protect the lives and safety of migrants and ensure that all migrants facing risks to life or safety are rescued and offered immediate assistance.
- **Principle 5:** Ensure that all border governance measures protect human rights.
- **Principle 6:** Ensure that all returns fully respect the human rights of migrants and comply with international law.
- **Principle 7:** Protect migrants from torture and all forms of violence and exploitation, whether inflicted by State or private actors, etc.
- **Principle 8**: Uphold the right of migrants to liberty and protect them from all forms of arbitrary detention. Make targeted efforts to end unlawful or arbitrary immigration detention of migrants. Never detain children because of their migration status or that of their parents.
- **Principle 9**: Ensure the widest protection of the family unity of migrants; facilitate family reunification; prevent arbitrary or unlawful interference in the right of migrants to enjoy private and family life.
- **Principle 10**: Guarantee the human rights of all children in the context of migration and ensure that migrant children are treated as children first and foremost.
- **Principle 11:** Protect the human rights of migrant women and girls.
- **Principle 12:** Ensure that all migrants enjoy the highest attainable standard of physical and mental health.
- **Principle 13:** Safeguard the right of migrants to an adequate standard of living.
- **Principle 14:** Guarantee the right of migrants to work, in just and favorable conditions.

- **Principle 15:** Protect the right of migrants to education.
- **Principle 16**: Uphold migrants' right to information.
- **Principle 17:** Ensure that all responses to migration, including large or mixed movements, are monitored and accountable.
- **Principle 18:** Respect and support the activities of human rights defenders who promote and protect the human rights of migrants.
- **Principle 19:** Improve the collection of disaggregated data on the human rights situation of migrants while protecting personal data and their right to privacy.
- **Principle 20:** Ensure human rights-based and gender-responsive migration governance.

What frameworks can States rely on?

Policy, legal and regulatory frameworks

Policy, legal and regulatory frameworks are fundamentally important to the realization of rights and the reduction of vulnerabilities. They establish entitlements clearly and transparently and allow people who are entitled to benefits to make claims and obtain redress in case of violations of their rights. They also protect people from arbitrary or discretionary decision-making.[113]

To reduce the vulnerability of migrants to violence, exploitation, and abuse, laws and regulations must be supportive of the realization of rights, in general, and of the rights of migrants, in particular. While each country has its own set of terms, an appropriate policy, legal and regulatory framework should include the following areas:[114]

- **Laws and regulations aimed at upholding and protecting human rights:** This set of laws typically includes a State's Constitution but can also include a bill or charter of rights. In addition, this set of laws includes any international and/or regional laws, agreements, conventions, or protocols relating to human rights that a country has signed and ratified.

- **Laws and regulations aimed at upholding and protecting labor rights/promoting decent work:** These are the laws that regulate employment and work conditions, typically enshrined in a country's Labour Code, as well as in the specific regulations for particular occupations, and include regulations about health and safety standards at work. They also include any international and/or regional labor or employment treaties, agreements, conventions, and protocols that the country has signed and ratified.

- **Laws and regulations aimed at protecting vulnerable persons, such as sexual offenses laws and child protection laws:** Generally, these are sections of a country's criminal code and specific laws and regulations on the treatment of children and include descriptions of offenses.

- **Laws and regulations aimed at governing immigration and/or migration management:** Often called laws on foreigners, these are the laws and regulations that define the conditions under which people can immigrate or emigrate from a country, and which outline the rights and responsibilities of migrants in a country.

- **Laws and regulations aimed specifically at protecting migrants from violence, exploitation, and abuse:** These are generally international and/or regional laws, agreements, or protocols that a country has signed and ratified, along with the national laws and regulations enacted specifically to ensure their implementation. These include the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea, and Air. They also include the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Institutional framework[115]

The creation of multi-agency cooperation to implement the policies, laws, regulations, and coordination between the different bodies is required. Coordination may involve the establishment of specific bodies, such as technical working groups, task forces or secretariats, and service providers whose main purpose is to coordinate the activities of various actors.

Coordination is essential to ensure continuity of service and a holistic approach to addressing needs. Effective coordination reduces service duplication and fragmentation and can identify gaps in service delivery. In this

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113. *IOM Handbook on Migration Protection and Assistance for Migrants Vulnerable to Violence, Exploitation and Abuse, 2019.*

114. *Ibid*

115. *IOM Handbook on Migration Protection and Assistance for Migrants Vulnerable to Violence, Exploitation and Abuse, 2019.*

case, a case manager should be appointed to be the main point of contact and information for the vulnerable migrant(s). The role of the case manager is to foster, maintain and strengthen collaborative partnerships between multiple parts of the service delivery system.

Additionally, referral mechanisms are one way of facilitating coordination. They may be established at various levels: municipal, subnational, national, regional, or international. Referral mechanisms typically identify the population of concern to them and the participating service providers; they specify the services they provide, the protection and assistance principles, standards and/or processes they apply, and the methods of coordination and cooperation between service providers.

Inter-agency agreements, such as Memoranda of Understanding (MoUs), can be useful for handling large caseloads or individual cases. They should outline the roles and responsibilities of each agency involved, including the technical, human, and financial resources it will provide. They are frequently signed within the framework of a broader referral mechanism.

National Referral Mechanisms

Assisting vulnerable migrants could include the creation of a National Referral Mechanism (NRM) to be responsible for coordinating the identification, referral, and assistance of trafficking victims through coordination and cooperation among government stakeholders, civil society, and international organizations. The process includes the identification of vulnerable migrants, status or case-type determination, case management, and the provision of protection and assistance services.

Referral mechanisms can be developed and implemented at the local, national and transnational levels, but it is typically the National Referral Mechanism (NRM) that is developed first and is later linked with local and transnational mechanisms. It is important to emphasize that a referral mechanism is not a one-off document, but rather the process of working together through various steps of the assistance process. A referral mechanism nevertheless requires certain key documents if it is to function appropriately, including an MoU and SOPs.[116]

Referral mechanisms are necessary because vulnerable migrants have a wide array of needs that cut across sectors and providers and it is unlikely for any government entity or organization to meet them all. Multiple and overlapping protection systems might exist in a specific context, with multiple organizations, each with a different mandate, providing different services. Coordination is thus essential to ensure that migrants get the protection and assistance they need and to avoid fragmentation in service delivery. Referral mechanisms also promote effective use of resources (they help to avoid duplication of roles and responsibilities) and accountability (it is easier to hold stakeholders accountable for providing the protection and assistance needed by vulnerable migrants).

Human Resource and Capacity Development

Capacity development activities can include training, organizational development support, and providing technical assistance to improve the processes and systems in place at the institutional and/or organizational levels such as improvement in the standard operating procedures. Additionally, the creation of networks can include mentorship, whereby an individual transfers knowledge to a newer or less-experienced person through ongoing and regular consultation and discussion. [117]

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116. *IOM Handbook on Migration Protection and Assistance for Migrants Vulnerable to Violence, Exploitation and Abuse, 2019.*

117. *IOM Handbook on Migration Protection and Assistance for Migrants Vulnerable to Violence, Exploitation and Abuse, 2019.*

Data, Research and Information

Reliable data is essential to the development of effective policies and programmes on migration, including protection and assistance geared towards vulnerable migrants. Solid data and analysis of this data can help to identify an issue, design and implement a policy or programme, and evaluate an intervention[118]

Record-keeping

Details on the support provided by the case manager should be documented in a timely, accurate, and secure manner. The records should include the contact details of all those involved, information on assessments, the assistance plan, information on the plan's monitoring, outcomes of communications with the vulnerable migrant and service providers involved in the assistance plan, feedback from the vulnerable migrant, and any other pertinent information. Protocols should be drawn up stipulating who has access to records including the vulnerable migrant. Records are subject to the principles of confidentiality, privacy, and data protection.

Unit 2 – Identification of Victims

Just about anyone can be vulnerable. Vulnerable groups include inter alia:

Victims of Trafficking	Unaccompanied children	Persons with disabilities
•under the control of criminals •lack of ability to make decisions or seek out help	•Lack legal capacity •lack mental capacity to analyze risks and make safe and informed decisions	•difficulty to navigate given unadapted infrastructures

Elderly	Women	Social minorities
•health concerns making it difficult to assert rights and needs •slower at adapting to new environments	•high risks of sexual abuse and exploitation •different social status than men	•discrimination

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118. Ibid.

Activity 14: Power Walk

The objective of this activity is to help participants understand migrants' vulnerability and fuel discussion on access to information and services.

- • Instructions for the facilitator:
- • Designate 7 participants to play this game.
- • Ask them to line up at the end of the room.
- • Give each a character to play and 5 minutes to imagine the daily life of that character (participants must keep their story / identity secret).
- • Read the statements in Annexe 9 and ask participants to move a step forward if they believe the situation is favourable to them.
- • Once done reading all statements, ask participants to remain where they are and read their role aloud to the rest of the class starting from the person closest to you.
- • Ask participants to identify each profiles' vulnerability factors.

Duration: 45 minutes

Prima facie vulnerability identification can be easy for several groups. Identifying victims of trafficking, however, is difficult owing to definitional questions confusing and dividing actors involved, an overreliance on the interview of suspected victims, who may not report or tell a true, but incomplete story due to blackouts, tell a false or partially false story because of fear, or in the belief of gaining some benefit; and lastly because of process challenges.

Having the skills to identify victims is important as they may have serious security concerns that need addressing, they may have urgent physical and psychological health needs requiring specialized treatment and care, they may have information about criminal groups that can help authorities dismantle networks, and they can form learning contribution for policy and programming purposes, as well as for the creation of reputational and political risks for companies and governments.

The phases of victim's identification include:

- • Initial screening that suggests a person might be a victim of trafficking;
- • Presumption by appropriate authorities that there are sufficient indicators to suggest the person may be a victim of trafficking;
- • Verification by appropriate authorities that the person is a victim of trafficking;
- • Confirmation that the person is a victim of the crime of human trafficking, following the conviction of a trafficker.

The visual clues below should enable border officials to identify victims among vulnerable groups.

Clues to identify victims	
	Disoriented or confused - demonstrates a lack of familiarity with environment or situation?
	Fearful, timid, submissive – deferring to another passenger (eg. where they go/who they speak to)?
	Signs of fear/distress/depression/psychological abuse?
	Inability or unwillingness to communicate?
	Is the passenger (esp child) accompanied by someone who is not the parent/guardian but claims to be?
	Signs of physical abuse, poor physical condition or physical damage because of assault/aggression?
	Signs of having been denied food, water, sleep, medical care?
	Control of own travel docs?
	Coached about what to say?
	Freedom of movement?
	Avoid eye contact; try to establish eye contact?
	Few or no personal possessions?
	Tattoos indicating adherence to someone else?
	Appearance fit the route of travel or weather – consistent with the traveling companion, if any?
	Other?

Once the potential victim has been identified, the WHO recommendations for conducting interviews should be applied. Annexe 10 provides further guidelines for interviewing victims.

1. Do no harm

- Treat each person as if the potential for harm is extreme until there is evidence to the contrary.
- Interviewer should not conduct an interview if s/he perceives that it will make the respondent's situation worse in the short term or longer term – even if the respondent agrees to be interviewed.

2. Know your subject and assess the risks

- Learn the risks of each person's case before the interview
- Assess risks at all stages of interview
- from First contact
- When identifying time and place for interview
- When conducting the interview
  - Learn to recognize when someone feels unsafe or uncomfortable
  - Prepare a diversionary questionnaire in case of disruption
- When closing the interview

3. Prepare referral information – promise less : deliver more!

- Be prepared to provide information in the respondent's native language about appropriate legal, health, shelter, social support and security services, and to help with referral if requested.
- Make contact with referral agencies and service providers before recommending them.
- Be discreet when providing referral information.

4. Adequately select and prepare interpreters and co-workers

- Screen for involvement with trafficking
- Assess whether they are fully prepared to deal with sensitive issues and can do so confidentially
- Consider whether male/female interpreter is preferable, and ask respondent whenever possible.
- Always consider the physical safety and psychological well-being of co-workers and interviewers.

5. Ensure anonymity and confidentiality

- Explain precautions and ask whether respondent feels these are adequate.
- Don't discuss details in public places (eg. taxi).
- Don't discuss one respondent's information with another.

Assisting identified vulnerable migrants is the process of protecting and supporting migrants in need, including trafficked persons, smuggled migrants with protection needs or (rejected) asylum seekers, migrants in irregular situations, stranded migrants, unaccompanied, and separated migrant children, and migrants subjected to violence, exploitation or abuse.[119] It involves:

1. the protection of exploited migrants from further harm[120];
2. the non-criminalization of exploited migrants, and
3. the referral of exploited migrants.

Step 1: Protect from further arm

- Establish guidelines for relevant authorities and others involved in identifying tra˜cked persons and other groups who might be vulnerable to tra˜cking to receive information enabling them to seek assistance when needed.
- Ensure that identiÿcation mechanisms include not only victims of tra˜cking but also presumed victims of tra˜cking and exploited migrants.

Step 2: Non-criminalization of exploited migrants

- provide for the non-criminalization of exploited migrants in national law to align with Article 31 (1) of the Refugees Convention clarifying that penalties should not be imposed on refugees for their illegal entry or presence in a country where they have come directly from a territory where their life or freedom was threatened and present themselves without delay to authorities and show good cause for the illegal entry or presence. Principle 7 of the OHCHR Recommended Principles and Guidelines is clear that tra˜cked persons should not be criminalized, either for the illegality of their entry or residence nor for any crimes they have committed in the course of being tra˜cked.
- be very speciÿc in national law about the extent to which the smuggled migrant may be subject to prosecutions noting the potential link between tra˜cking and smuggling, the factors for the migration. Article 5 of the Smuggling of Migrants Protocol states that migrants should not be liable to criminal prosecution for the fact of having been smuggled, though the Protocol does not prohibit States from prosecuting them for other crimes, ostensibly including illegal entry.

Step 3: Referral

- Establish a National Referral Mechanism to coordinate the identiÿcation, referral and assistance of tra˜cking victims.

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119. Ibid .

120. Article 7 of the International Covenant on Civil and Political Rights (ICCPR) provides for the security of persons, while Article 16 of CAT protects the right to be free from cruel, inhuman and degrading treatment. Article 7 of the ICCPR requires States to afford everyone protection from acts prohibited "whether inflicted by people acting in their official capacity, outside their official capacity or in a private capacity." Meaning that states are obliged to "prevent, punish, investigate or redress the harm caused by such acts by private persons or entities."

COURSE 12 - PROTECTION NEEDS OF CHILDREN

Unit 1 - Child-Centered Assistance

> **Child**
> - A "child" as deÿned in Article 1 of the Convention of the Rights of the Child (CRC) means "every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier."

> **Migrant child**
> - A "migrant child" is understood as any person below the age of 18, who is moving or has moved across an international border or within a state away from his/her habitual place of residence regardless of (1) the child's legal status; (2) whether the movement is voluntary or involuntary; (3) what are the causes of the movement; or (4) what the length of the stay is.

> **Unaccompanied children**
> - "Unaccompanied children" are children, as deÿned in Article 1 of the CRC, "who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so."

> **Separated children**
> - "Separated children" are children, as deÿned in Article 1 of the CRC, "who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members".

Migrant children represent a significant and growing percentage of the migrant and refugee population worldwide. As of 2015, 1 in every 70 children worldwide lived outside their country of birth, making up a total of 31 million children living abroad. Among this figure, 10 million children are refugees whilst 17 million are internally displaced due to conflict and violence (UNICEF, 2017);

Children migrate for multiple reasons including fleeing war, violence, organized crime, and persecution, reuniting with family members abroad and seeking better economic and educational opportunities. Some children do not face such dire circumstances at home and are simply looking for opportunities to enjoy the development possibilities afforded to children in other parts of the world. The reasons why children migrate are irrelevant when it comes to access to rights, although these same factors are crucial to differentiate needs and inform the type of protection and assistance required. Children are entitled to care and protection regardless of the circumstances that led to their migration.

Independent migration is more widespread among older children. Independent child migration can be, and often is, an active decision taken by the child to improve life opportunities, and that child migrants, like adults, rely on their social and financial resource networks when migrating. However, it Is important to note that children migrating alone are more likely to do so irregularly, increasing the risk of exploitation and abuse.

During the migration journey, risk factors increase due to exposure to violence, abuse, and exploitation, lack of access to basic services such as adequate accommodation, sanitation facilities, education, dangerous living conditions, gaps in child protection systems and governmental response, as well as access to legal assistance and international protection.

Smuggling routes, which under-age are likely to use, are usually through isolated, precarious, and remote areas; as such, protection-oriented services are very limited and access to justice almost nonexistent. This provides a context of impunity for smugglers and perpetrators of violence:

- Children encounter many of the same risks adults do but magnified because they are children;
- Cannot avail themselves of the assistance of local authorities;
- Subject to adult decision-making.

The assistance to unaccompanied or separate migrant children should involve 5 basic principles:

1. Screen to understand UMC's situation of vulnerability: smuggled, abused, exploited, trafficked, or a combination thereof;
2. Conduct a risk assessment about safety issues;
3. Accommodate at a child-appropriate shelter;
4. Contact return country (via Embassy, Ministry of Foreign Affairs)

Arrange for the safe return of UMC:

a. The responsible child protection agency conducts a family tracing and assesses the situation before the return;

b. Family member and/or agency receives child at the airport;

c. Child is escorted home;

d. Agency monitors for school attendance, etc.

Note: Services for migrant children should be age-appropriate, follow best practices in child protection and be child friendly (the approach should be accessible and age-appropriate for children). Wherever possible, specialized agencies should provide protection and assistance to vulnerable child migrants using a child-centered approach in which the child's or children's needs and best interests are central to service delivery. Family unity should be maintained unless it is unsafe to do so or presents a risk to a child or children involved in the family unit. Agencies providing protection or assistance to vulnerable migrants should have adequate child safeguarding or protection policies and procedures in place and those working directly with children should have staff with specialized training and qualifications.

Unit 2 - Best Interests Principle

When separated and unaccompanied children are identified, every effort should be made to reunite them with family members, but only when this is in the best interests of the child.

Article 3 of the Convention on the Right of the Child (CRC) states:

a. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies, the best interests of the child shall be a primary consideration.

b. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

c. States Parties shall ensure that the institutions, services, and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, the number, and suitability of their staff, as well as competent supervision.

The concept of the best interests of the child provides States parties with numerous obligations to consider the best interests of individual children in relevant decision-making processes, above all in family law:

• Article 9: separation from parents;

• Article 18: parental responsibilities for their children;

• Article 20: deprivation of family environment; and
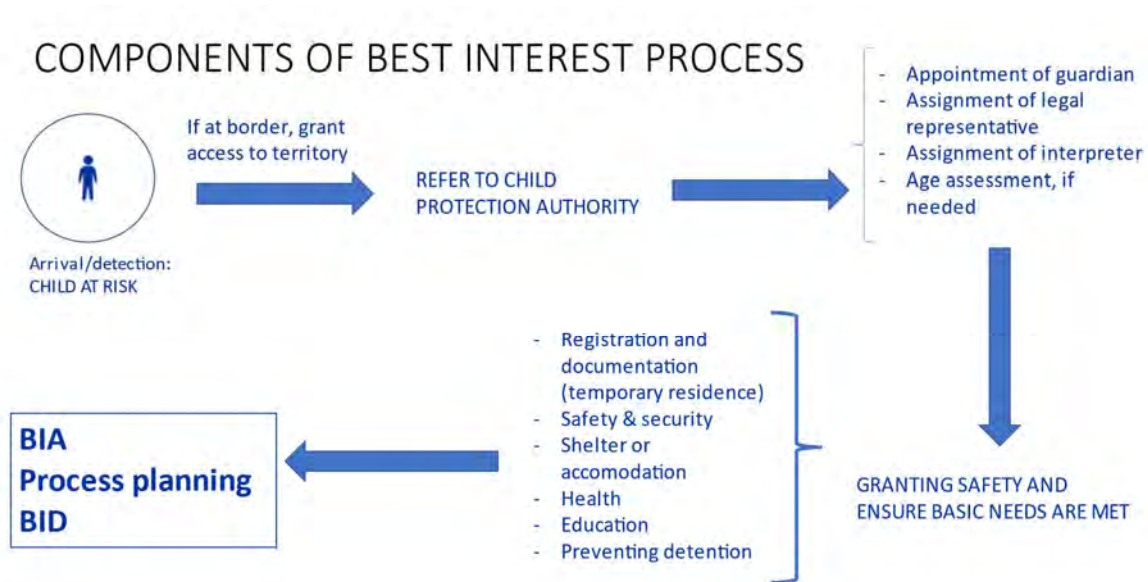
• Article 21: adoption.

The best interests of the child are determined in a best interests assessment (BIA) undertaken by child protection agencies and individuals with appropriate training, with the participation of the migrant child. BIAs are an essential component of any child protection system or programme but are particularly important for separated and unaccompanied children. BIAs should be conducted:

• Before efforts are made to trace the family;

• Before the child is placed in alternative care settings in the absence of family members;
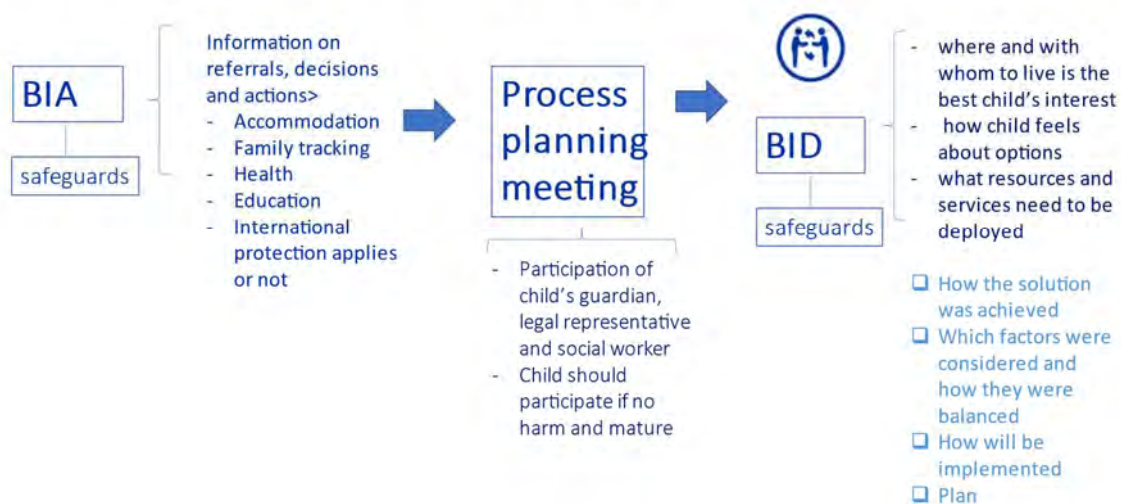
• Before family reunification.

Best interests determination (BID) may also be required and must be conducted by a State agency or delegated authority. Those involved in the protection and assistance of migrant children may be requested or required to support a BID process.

What do the best interests mean in practice?

Children's rights take priority over immigration legislation and policies and in case of uncertainty, the individual will be considered a child. The implementation of the BIP requires the development of a rights-based approach, engaging all actors, including the child, to secure the integrity of children and promote their human dignity.

COMPONENTS OF BEST INTEREST PROCESS

BIA

safeguards

Information on referrals, decisions and actions>
- Accommodation
- Family tracking
- Health
- Education
- International protection applies or not

Process planning meeting

- Participation of child's guardian, legal representative and social worker
- Child should participate if no harm and mature

BID

safeguards

- where and with whom to live is the best child's interest
- how child feels about options
- what resources and services need to be deployed

❑ How the solution was achieved
❑ Which factors were considered and how they were balanced
❑ How will be implemented
❑ Plan

Once the decision to return the migrant child is made, the following steps should be taken.

Pre-departure
- Information about options
- Consent to voluntary return with IOM's support
- Family tracing and risk assessment before reunification
- Fit to travel medical check
- Travel Logistics – travel documents, transport, escort, personal belongings, coordination with relevant government stakeholders

Transit
- Escort by IOM for UMCs and other vulnerable cases
- Waiting with the UMC during transit
- Monitoring the comfort of the UMC

Post-arrival
- Reception at the point of arrival
- Facilitate return procedures
- Coordinate onward travel to the home community
- Support safe family reunification

Reintegration
- Develop and implement a livelihood scheme that benefits the UMC (and family) to address the reasons for original migrating.
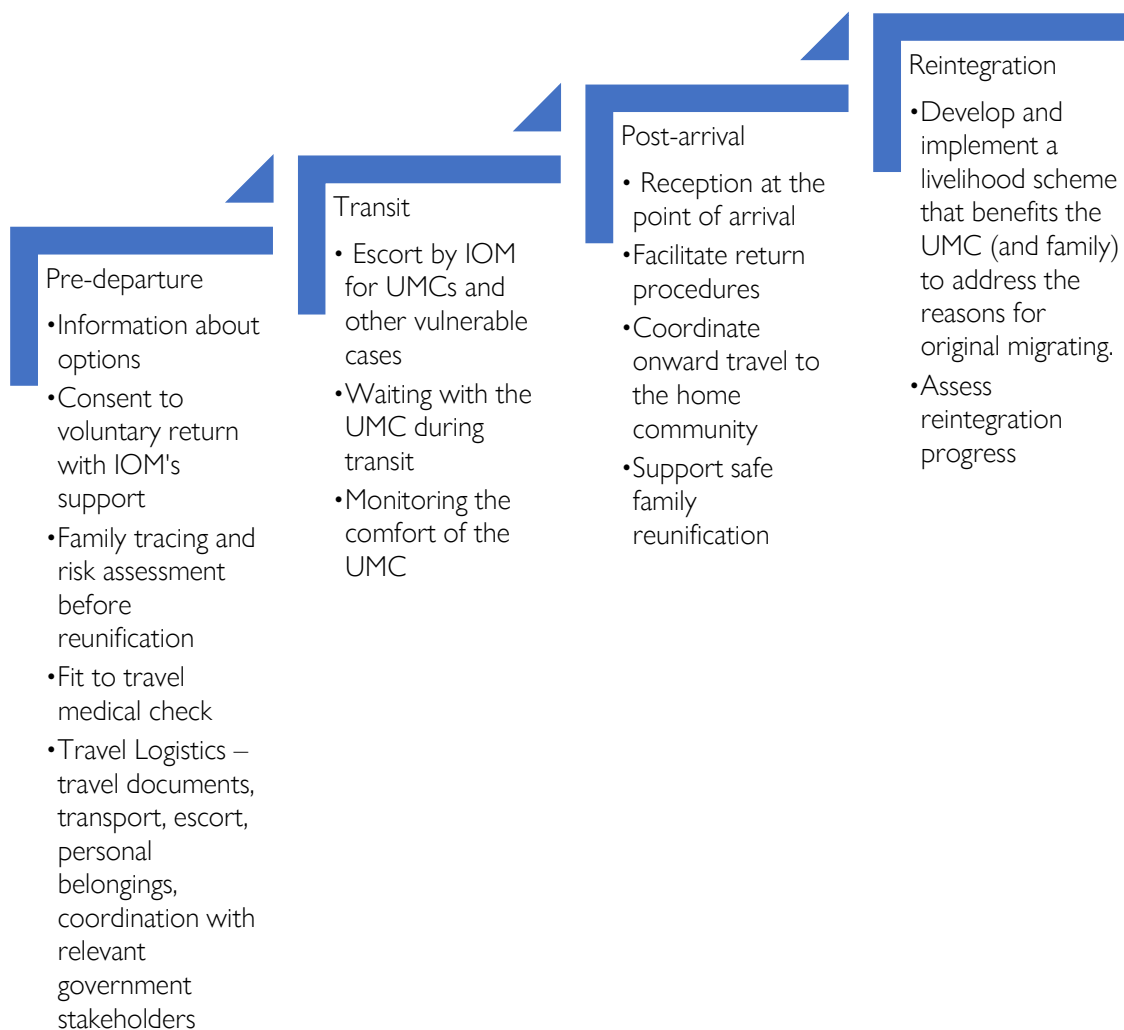- Assess reintegration progress

Illustration 9 BEST PRACTICES FOR CHILD VICTIMS OF TRAFFICKING

Immediate/Medium Term	Long Term - Integration
•Identification Child appropriate: ✓Interview ✓Shelter ✓Guardianship •Needs assessment: education •Family tracing, risk assessment	• Counseling support • Health services • Education • Guardianship • Needs assessment • Follow-up • Income-generation options for family subsistence

Activity 15: Role-play Exercise

You are on duty and two travellers, a man and a woman, present themselves at the border post. It is day-time and the border post is quite busy. You notice that the woman is showing signs of psychological abuses.

1. Deal fully with the situation that you find as a health officer.
2. Deal fully with the situation that you find as an immigration officer.

In 2020, IOM facilitated the dialogue between the Police and the community at border areas in Burundi (in Gatumba, Bujumbura province) to tackle the challenges of the cross-border crimes including trafficking in persons. Photo: NTORE Triffin © IOM 2021

USEFUL RESOURCES

A series of publications, articles and UN websites have served as sources for the development of this manual. These include:

1. African Migration Report: Challenging the narrative.
2. Canadian Institute of Health Research: What is Gender? What is Sex?
3. Charter for Cross-border Traders. The Eastern African Sub-regional Support Initiative for the Advancement of Women (EASSI).
4. EU. Guidelines for Integrated Border Management in European Commission External Cooperation.
5. European Institute for Gender Equality.
6. Gender and Security Tool Kit: Border Management and Gender; Angela McKay
7. Gender Equality Tools: International Labour Organization
8. Global Sociology Guide Glossary
9. IOM Covid-19 Strategic Response and Recovery Plan 2021 For East and Horn of Africa
10. IOM gender equality policy
11. IOM handbook: Protection and assistance for migrants vulnerable to violence exploitation and abuse
12. IOM Readmission Factsheet
13. IOM Training package on gender mainstreaming in border management
14. IOM. Health, Border and Mobility Management. A Framework to Empower Governments and Communities to Prevent, Detect and Respond to Health Threats Along the Mobility Continuum.
15. IOM. IML Information Note on International Standards on Immigration Detention and Non- Custodia Measures
16. IOM's World Migration Report 2020
17. Migration, Human Rights and Governance: Handbook for Parliamentarian No.24
18. OSBP Sourcebook 2nd Edition
19. Thematic Paper on exploitation and abuse of international migrants particularly those in an irregular situation; Global Migration Group.
20. TMEA OSBP Coffee Table Book
21. Training package on gender mainstreaming in border management; IOM
22. UN Women Policy Brief- The Impact of Covid- 19 on Girls and Women Dec. 2020. Under Siege: African Child Policy Forum Report 2020
23. UNDP Training of Trainers Manual on Gender Mainstreaming in Disaster Risk Management
24. UNODC – abused and neglected 'a gender perspective on aggravated migrant smuggling and response'.
25. www. iom.int
26. www.unwomen.int

ANNEXES

ANNEXE 1 – BORDER MANAGEMENT AND THE SDGS[61]

- Building governments' capacities to implement well-managed migration policies for better border management, migration is made more orderly, safe, regular, and responsible (Target 10.7).

- Supporting concrete green measures related to border infrastructure, for instance including renewable power sources (solar panels) in the construction and refurbishment of remote border posts, States, with the international community's assistance, can contribute to the retrospective upgrade of sustainable trans-border infrastructure (Targets 9.1, 9.4 and 9. a).

- Moving towards greater intra-service, inter-service, bilateral, regional, and international cooperation in border management will help combat transnational organized crime and terrorism (Targets 16.4 and 16. a) and reduce the incidence of corruption and bribery (Target 16.5).

- Building States' capacity to implement robust Identity Management frameworks empowers people including migrants, supports the reduction of illicit cross-border movements of both people and goods (Target 16.4, 16. a) and helps identify and protect vulnerable migrants and refugees, enabling border agencies to refer those in need of protection or assistance to the appropriate bodies. This includes the provision of reliable and secure legal identity for all (Target 16.9), instituting measures to ensure travel and identity document security, and building border officials' capacity to detect false, forged, or stolen travel documents.

- Implementing Border Management Information Systems (BMIS) can contribute to the collection of reliable data disaggregated by gender, age, migratory status, and geographic location (Targets 17.18 and 17.19) at the border and will greatly enhance States' capacity to develop evidence-based migration policies.

ANNEXE 2 – CATEGORIES OF MIGRANTS AND DEFINITIONS

Table 12 Categories of Migrants. Source: IOM IML Glossary N34

Asylum Seeker

An individual who is seeking international protection. In countries with individualized procedures, an asylum seeker is someone whose claim has not yet been finally decided on by the country in which he or she has submitted it. Not every asylum seeker will ultimately be recognized as a refugee, but every recognized refugee is initially an asylum seeker.

Displaced Persons

Persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, either across an international border or within a State, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters.

Environmental migration

The movement of persons or groups of persons who, predominantly for reasons of sudden or progressive changes in the environment that adversely affect their lives or living conditions, are forced to leave their places of habitual residence, or choose to do so, either temporarily or permanently, and who move within or outside their country of origin or habitual residence.

International student

A person who has moved across an international border away from his or her habitual place of residence for the purpose of undertaking a programme of study.

Migrant worker

A person who is to be engaged is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.

Smuggled migrant

A migrant who is or has been the object of the crime of smuggling, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted.

Refugee (mandate)

A person who qualifies for the protection of the United Nations provided by the High Commissioner for Refugees (UNHCR), in accordance with UNHCR's Statute and, notably, subsequent General Assembly's resolutions clarifying the scope of UNHCR's competency, regardless of whether or not he or she is in a country that is a party to the 1951 Convention or the 1967 Protocol – or a relevant regional refugee instrument – or whether or not he or she has been recognized by his or her host country as a refugee under either of these instruments.

Refugee (prima facie)
Persons recognized as refugees, by a State or the United Nations High Commissioner for Refugees, on the basis of objective criteria related to the circumstances in their country of origin, which justify a presumption that they meet the criteria of the applicable refugee definition.

Refugee (1951 Convention)
A person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Refugee sur place
A person who was not a refugee when he or she left his or her country of origin, but who becomes a refugee at a later date.

Stranded migrant
Migrants who are unable to return to their country of origin, cannot regularize their status in the country where they reside and do not have access to legal migration opportunities that would enable them to move on to another State. The term may also refer to migrants who are stranded because of humanitarian or security reasons in the country of destination, transit or origin preventing them to return home while they are also unable to go elsewhere.

Unaccompanied children
Children, as defined in Article 1 of the Convention on the Right of the Child, who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so.

Undocumented migrant
A non-national who enters or stays in a country without the appropriate documentation.

Undocumented migrant worker
A migrant who is not authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party.

Victim of trafficking in human beings
Any natural person subject to trafficking in human beings, regardless of whether the perpetrator is identified, apprehended, prosecuted or convicted.

ANNEXE 3 – MIGRATION POLICY FRAMEWORKS IN AFRICA[62]

Africa's migration frameworks comprise legal, policy and coordination frameworks aimed at enhancing safe, orderly and regular migration comprehensively. The legal provisions consist of hard laws in the form of treaties, protocols and conventions, as well as soft laws in the form of declarations. The treaty laws governing migration in Africa comprise African Union (AU) legislation, the legislation of Regional Economic Communities (RECs) / Regional Mechanisms (RMs) and the national legislation of Member States.

A variety of soft laws exist on migration in the continent, in addition to the treaty law on migration promulgated by the AU and the RECs. Despite not being treaties, these policies, frameworks, and initiatives have a broader membership as they do not require the Member States to become states parties in the first place. This does not mean however that they are any less important, especially as they set out modalities and pathways for the implementation of the provisions of the various treaties.

OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969)

The Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa, which complements the 1951 UN Convention on Refugees, provides an expansive definition of refugees by including flight from aggression, occupation, foreign domination and events that lead to serious public disorder as grounds for claiming asylum. Similar to the 1951 UN Convention on Refugees, the OAU Convention obliges the Member States to receive refugees and secure the settlement of those who are unable or unwilling to return to their country of origin. The Convention reaffirms the principle of nonrefoulement and places the responsibility on States unable to grant asylum to people who arrive at their frontiers, to work with the other Member States to obtain asylum for them. In addition, Member States are encouraged to grant temporary residence to failed asylum seekers, pending their resettlement.

The African Common Position on Migration and Development (2006)

The African Common Position on Migration and Development reflects Africa's broader consensus on issues of migration and development. The Common Position states that managing migration has become one of the challenges facing countries in the new millennium, as the number of migrants continues to increase. Pointing out the greater diversity of migrants highlights the growing number of African women migrants. It also includes recommendations at national, continental and international levels. It urges member states to mainstream migration in their development strategies and allocates the necessary financial resources to its implementation. It also calls on member states to harmonise their national legislation with international conventions to ensure the rights of migrants are protected, and to enact policies on preventing discrimination, racism and xenophobia, among others.

AU Migration Policy Framework for Africa (2006)

The Migration Policy Framework for Africa serves to provide the necessary guidelines and principles to assist governments and their RECs in the formulation of their own national and regional migration policies as well as, their implementation in accordance with their priorities and resources[63]. The framework emphasises that well-managed migration holds benefits for both origin and designation countries. Mismanaged migration, on the contrary, can lead to tensions between host communities and migrants, and give rise to discrimination such as xenophobia, and other social pathologies. The framework lists deteriorating political, socio-economic and environmental conditions, as well as armed conflicts, insecurity, environmental degradation and poverty as significant root causes of mass migration and forced displacement in Africa. Adopted in 2006,

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62. ISS. T. ABEBE. Migration Policy Frameworks in Africa.

63.

the framework predicts that migration will be one of the major topics of the 21st century that will challenge African policymakers.

The Revised Framework and Plan of Action (2018-2030) reflects the current migration dynamics on the continent and offers a revised strategic framework to guide the AU Member States and RECs in the management of migration. It provides comprehensive and integrated policy guidelines to AU Member States and RECs to take into consideration in their efforts to promote migration and development and address migration challenges in the continent.

The framework focuses on the following nine thematic areas: labour migration, border management, irregular migration, forced displacement, human rights of migrants, internal migration, migration data, migration and development, and inter-state cooperation and partnership. Social aspects of migration such as health, environment, gender and conflict are also covered.

IGAD's Regional Migration Policy Framework (2012)

IGAD's Regional Migration Policy Framework (IRMPF) aims to [provide] a regional comprehensive approach to migration management; facilitate the harmonisation of policies in migration management at a regional and national level; provide a broad range of recommendations on various migration issues as a guide to governments and above all to support Member states' efforts in formulating national migration policies that address specific migration-related challenges and concerns more comprehensively and holistically. The framework focuses on addressing regional-specific concerns such as migration and pastoralism, migration and human security, and internal displacement owing to political instability. From a policy dimension, the framework serves as a coherent strategy to guide IGAD priorities in migration management programmes, emphasising the need for harmonised and systematic approaches while providing a space for variations among national policies.

ANNEXE 4 - HUMAN TRAFFICKING INDICATORS[64]

General indicators for identifying trafficking victims

People who have been trafficked may:

- Believe that they must work against their will.
- Be unable to leave their work environment.
- Show signs that their movements are being controlled.
- Feel that they cannot leave.
- Show fear or anxiety.
- Be subjected to violence or threats of violence against themselves or their family members and loved ones.
- Suffer injuries that appear to be the result of an assault.
- Suffer injuries or impairments typical of certain jobs or control measures.
- Suffer injuries that appear to be the result of the application of control measures.
- Be distrustful of the authorities.
- Be threatened with being handed over to the authorities.
- Be afraid of revealing their immigration status.
- Not have their passports or other travel or identity documents, as those documents are being held by someone else.
- Have false identity or travel documents.
- Be found in or connected to a type of location likely to be used for exploiting people.
- Be unfamiliar with the local language.
- Not know their home or work address.
- Allow others to speak for them when addressed directly.
- Act as if they were instructed by someone else.
- Be forced to work under certain conditions.
- Be disciplined through punishment.
- Be unable to negotiate working conditions.
- Receive little or no payment.
- Have no access to their earnings.
- Work excessively long hours over long periods.
- Not have any days off.
- Live in poor or substandard accommodations.
- Have no access to medical care.
- Have limited or no social interaction.
- Have limited contact with their families or with people outside of their immediate environment.
- Be unable to communicate freely with others.
- Be under the perception that they are bonded by debt.
- Be in a situation of dependence.
- Come from a place known to be a source of human trafficking.
- Have had the fees for their transport to the country of destination paid for by facilitators, whom they must pay back by working or providing services in the destination.
- Have acted based on false promises.

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64. UNODC. *Trafficking in Persons & Smuggling of Migrants Module 2*

Children who have been trafficked may:

- Have no access to their parents or guardians.
- Look intimidated and behave in a way that does not correspond with behaviour typical of children their age.
- Have no friends of their age outside of work.
- Have no access to education.
- Have no time for playing.
- Live apart from other children and in substandard accommodations.
- Eat apart from other members of the "family".
- Be given only leftovers to eat.
- Be engaged in work that is not suitable for children.
- Travel unaccompanied by adults.
- Travel in groups with persons who are not relatives.

People who have been trafficked for the purpose of domestic servitude may:

- Live with a family.
- Not eat with the rest of the family.
- Have no private space.
- Sleep in a shared or inappropriate space.
- Be reported missing by their employer even though they are still living in their employer's house.
- Never or rarely leave the house for social reasons.
- Never leave the house without their employer.
- Be given only leftovers to eat.
- Be subjected to insults, abuse, threats or violence.

People who have been trafficked for the purpose of sexual exploitation may:

- Be of any age, although the age may vary according to the location and the market.
- Move from one brothel to the next or work in various locations.
- Be escorted whenever they go to and return from work and other outside activities.
- Have tattoos or other marks indicating "ownership" by their exploiters.
- Work long hours or have few if any days off.
- Sleep where they work.
- Live or travel in a group, sometimes with other women who do not speak the same language
- Have very few items of clothing.
- Have clothes that are mostly the kind typically worn for doing sex work.
- Only know how to say sex-related words in the local language or the language of the client group.
- Have no cash of their own.
- Be unable to show an identity document.

The following might also indicate that children have been trafficked:

- There is evidence that suspected victims have had unprotected and/or violent sex.
- There is evidence that suspected victims cannot refuse unprotected and/or violent sex.
- There is evidence that a person has been bought and sold.

- There is evidence that groups of women are under the control of others.
- Advertisements are placed for brothels or similar places offering the services of women of a particular ethnicity or nationality.
- It is reported that sex workers provide services to a clientele of a particular ethnicity or nationality.
- It is reported by clients that sex workers do not smile.

People who have been trafficked for the purpose of labour exploitation are typically made to work in sectors such as agriculture, construction, entertainment, service industry and manufacturing (in sweatshops). People who have been trafficked for labour exploitation may:

- Live in groups in the same place where they work and leave those premises infrequently, if at all.
- Live in degraded, unsuitable places, such as in agricultural or industrial buildings.
- Not be dressed adequately for the work they do, for example, they may lack protective equipment or warm clothing.
- Be given only leftovers to eat.
- Have no access to their earnings.
- Have no labour contract.
- Work excessively long hours.
- Depend on their employer for several services, including work, transportation and accommodation.
- Have no choice of accommodation.
- Never leave the work premises without their employer.
- Be unable to move freely.
- Be subject to security measures designed to keep them on the work premises.
- Be disciplined through fines.
- Be subjected to insults, abuse, threats or violence.
- Lack of basic training and professional licences.

The following might also indicate that people have been trafficked for labour exploitation:

- Notices have been posted in languages other than the local language.
- There are no health and safety notices.
- The employer or manager is unable to show the documents required for employing workers from other countries.
- The employer or manager is unable to show records of wages paid to workers.
- The health and safety equipment are of poor quality or is missing.
- Equipment is designed or has been modified so that it can be operated by children.
- There is evidence that labour laws are being breached.
- There is evidence that workers must pay for tools, food or accommodation or that those costs are being deducted from their wages.

People who have been trafficked to beg or commit petty crimes may:

- Be children, elderly persons or disabled migrants who tend to beg in public places and on public transport,
- Be children carrying and/or selling illicit drugs.
- Have physical impairments that appear to be the result of mutilation.
- Be children of the same nationality or ethnicity who move in large groups with only a few adults.

- Be unaccompanied minors who have been "found" by an adult of the same nationality or ethnicity.
- Move in groups while travelling on public transport: for example, they may walk up and down the length of trains.
- Participate in the activities of organized criminal gangs.
- Be part of large groups of children who have the same adult guardian.
- Be punished if they do not collect or steal enough.
- Live with members of their gang.
- Travel with members of their gang to the country of destination.
- Live, as gang members, with adults who are not their parents.
- Move daily in large groups and over considerable distances.

The following might also indicate that people have been trafficked for begging or for committing petty crimes:

- New forms of gang-related crime appear.
- There is evidence that the group of suspected victims has moved, over some time, through several countries.
- There is evidence that suspected victims have been involved in begging or in committing petty crimes in another country.

ANNEXE 5 – SMUGGLING VS TRAFFICKING

AHMED

Ahmed is an unmarried 23-year old man from a large city in Country B, who has been out of school and unemployed for three years. As the eldest son in a family of six, and with few local prospects on the horizon, Ahmed is unsure how he will support himself, let alone his younger brothers and sisters, when his parents are no longer able, nor whether he will be able to afford to get married someday.

One day, while walking past a sidewalk café, he meets an old high school friend named Rizwan. Ahmed hasn't seen Rizwan since graduation, but at first glance his high school classmate seems to have made the most of the past few years. Not only does he own the café, but Rizwan also lives in an upmarket part of town with his wife, and owns several other small businesses, and a new car. When he enquires about his friend's success, Ahmed learns that Rizwan's two elder brothers have been working illegally in Country D for several years, and that they have sent enough money home that Rizwan has been able to establish himself in business. Upon hearing of Ahmed's problems, Rizwan offers to introduce him to a man who can help him get to Country D as well. "There are many jobs there," he says, "but it is very far away, and it is difficult to get a work permit for Country B passport holders. I know someone who can help".

After recounting his conversation with Rizwan to his family, Ahmed and his father decide to meet with the smuggler. The smuggler promises to get Ahmed into Country D for a price of US$ 10 000 - a fortune for Ahmed's family - but his father agrees because he sees it as the only long term means by which to sustain the family. Ahmed's father sells his motorcycle, some of his wife's wedding jewelry, and manages to borrow the remainder from his brother. After the payment is made, Ahmed applies for a passport, while the man makes his travel arrangements, including the purchase of an airline ticket to Country J.

Ahmed leaves home with only a single overnight bag, and flies to Country J, where he is met by a local man named Amir. Amir tells Ahmed that the US$ 10 000 that was paid by his family was only enough to get him to Country J, and that another US$ 10 000 would be required to get him into Country D. Ahmed doesn't have an extra US$ 10 000, so Amir locks him in a room, and notifies Ahmed's father that another US$ 10 000 is required to get his son from Country J to Country D.

Ahmed is held prisoner for six months before his family manages to make the second payment. They are now deeply in debt and believe that their only hope for survival is for Ahmed to get work in Country D and send back money. Once the payment is made, Amir fraudulently obtains a Country J passport for Ahmed, and buys him a plane ticket to Country D.

Country J passport holders do not need visas to enter Country D, and Ahmed successfully enters Country D on a Country J passport.

Questions

Is this a case of human trafficking or migrant smuggling or neither? List the relevant considerations in making your determination.

Assume that instead of being locked in a room in Country J, Ahmed was put to work in an underground garment factory and works 14 hours a day, every day of the week, for one year to pay for the final leg of his journey to Country D. Would your response to question 1 change? List the relevant considerations.

ANGELIQUE

Angelique is a 9-year old girl from the capital city of Country B. She has lived with her mother's sister's family since her parents left to find work in Country D a year ago. One day, a strange man approaches her aunt, and says that he has come from Country D, at the request of Angelique's parents, to take Angelique to them. He says that they have found good jobs in Country D and can now afford to have their daughter with them. The man gives Angelique's aunt the equivalent of $50 U.S., which he says is a gift from Angelique's parents. The sight of this significant sum of money convinces Angelique's aunt that her parents must be doing very well in Country D and agrees to send Angelique with the man to be with them.

The truth is that Angelique's parents have not found good jobs in Country D. In fact, life is quite hard, and they do not have proper documentation allowing them to be in the country. Their lives become more difficult when they receive an anonymous phone call from someone who says that their 9-year old daughter Angelique is in Country D in his custody, and that they must give him $1000 U.S. before he will return their daughter. After hearing Angelique's voice on the phone, Angelique's parents are very afraid, but explain that they do not have $1000 U.S., and ask that Angelique be returned to them unharmed. The man insists, and says they have 30 days to come up with the money, or else something bad will happen to Angelique. Angelique's parents have heard stories of kidnapped children who are held for ransom, and then disappearing even after the ransom has been paid, but what choice do they have?

With substantial effort, and after borrowing heavily from friends, Angelique's parents manage to come up with $1000 U.S.. Through a series of channels, they have the money delivered to the kidnapper in expectation that Angelique will be returned to them. She is not. The day after the money is delivered, they receive another phone call from the same man telling them that they will have to deliver another $1000 U.S. before they can have their daughter back. Because they don't know what else to do, Angelique's parents again raise $1000 U.S. for the return of their daughter, and again they receive nothing for their efforts but another phone call telling them that it will cost them another $1000 U.S. to get their daughter back. Having exhausted all of their resources, Angelique's parents admit that they can no longer pay any money.

The next day, Angelique is returned to them unharmed.

> Questions
>
> 1. Is this a case of human trafficking?
> 2. If you said 'no', what additional facts are necessary for this to be considered a case of trafficking?
> 3. If you said 'yes', at what point in her journey did Angelique become a victim of trafficking?

ANTONIO

Antonio is a 12-year old boy from a rural area in Country B. His mother, Justa, is a widow with six children to care for, and with drought affecting much of the region, finding food to feed them all is an increasingly difficult task. As the eldest boy in the family, Antonio feels responsible for his siblings and would like to help his mother feed them. Before the drought, he would occasionally do odd jobs for neighbors, but these days no one has anything with which to pay him.

One day, Justa met a man, Alfredo, who said he was looking for strong boys to work on farms in Country D. When Justa told Alfredo that she had a 12-year old son who was looking for work, Alfredo offered her the equivalent of $30 U.S. for Antonio's services, promising that Antonio would be fed and accommodated at his place of employment. To Justa, the sum offered was a significant amount of money that would enable her to feed her other children for some time, and with the prospect of having someone else feeding her eldest son, and thereby having fewer stomachs to feed herself, she agreed to the deal.

Although Antonio was sad to leave his family, he was pleased to be able to help his family in this way and, together with Alfredo and four other boys, they hitchhiked for several days, often walking along the roadside, and occasionally riding in the backs of trucks. Antonio has no recollection of crossing a border, but eventually he and his traveling companions came to a farming area that had not been affected by drought. Alfredo led the boys along the edges of several large farms, occasionally negotiating with other men whom he found there. After receiving a sum equivalent to $50 U.S., he left Antonio with a man named Godfrey.

Godfrey supervised a large number of workers, and some of these were boys of Antonio's age. He made sure that they all worked very hard in the fields, with the working day starting before the sun rose, and ending after it had set. They were given no payment for their work, but were fed two meals a day, one in the morning and one in the evening. At night, the boys all slept in a small room with a hard dirt floor, without mats or mattresses, although each was given a thin wool blanket. Antonio was usually hungry, cold and uncomfortable, and was frequently ill.

After many months, Antonio was very tired of the conditions in which he was living and started to feel homesick. He had no idea how to return home to his family, but he decided to leave the farm anyway, telling no one of his intention to do so.

Shortly after leaving the farm one night, he was apprehended by the police.

> Questions
>
> 1. Is this a case of human trafficking or migrant smuggling, or neither? List the relevant considerations in making your determination.
> 2. Consider your national legislative framework. Which of the named characters in this scenario – Antonio, Justa, Alfredo, Godfrey - can be charged with a criminal offence, and with which offence(s) can each be charged, if at all?

PAM

Pam is an 18-year old woman who lives in a port city in Country J. She doesn't have much money but manages to make ends meet by working as a waitress near the harbor. Most of the customers who frequent the restaurant are seaman from foreign countries, and many of them are known to Pam since they make a practice of stopping by whenever their ship is in port.

One night, while she is working a late shift, she meets a man, Li, she has met several times before. Li is a seaman on a foreign fishing vessel that has just come in, and when he recognizes Pam as the waitress who served him on a previous occasion, he asks her out for a drink at the conclusion of her shift. Pam agrees, but no sooner are they out of sight of the restaurant than Li knocks Pam down and puts a cloth over her face until she loses consciousness.

When she wakes up, she finds herself in a small room, and unable to escape because of a locked steel door. There are no windows, but she can feel the ship moving, and realizes that she must be out at sea. A short while later, two strange men enter the room, and Pam is raped. Over the next few days and weeks, a pattern emerges: Pam is raped by a variety of men she doesn't know. They come into the room in which she is held, day or night, singly or in small groups. She is raped more than 10 times a day for a period of several months, although she quickly loses track of time. She is fed once a day - a small bowl of rice and a pitcher of water - and once every few days she is given a large pitcher of water and soap with which to wash. As far as she can tell, she is at sea for much of the time, although she suspects that the ship has come into port at least once.

After several months, Pam contracts a sexually transmitted disease. When this becomes known to the men who come to rape her, Pam is badly beaten and loses consciousness. She wakes up near the restaurant where she once worked in the port city of Country J, and immediately goes to the police with her story.

CARLA

Carla is a 21 year old Country O national who sought employment abroad to support her family of seven after her father's death last summer. Soon after she filled out an application at a local recruitment agency, Carla was assigned to work as a domestic helper to a family of five in Country D. She was promised $400 U.S. per month.

Upon her arrival in Country D, Carla's employer confiscated her passport and informed her that she was not permitted to leave the residence unless accompanied. For several months, the only time Carla was allowed outside was so that she could hang the laundry to dry.

Nonetheless, Carla tried her best to adhere to her employer's demands and fulfill her obligations. She worked approximately 19 hours per day and tried to remain positive even after her salary had been withheld for three consecutive months. When she finally received her salary, she only received $200 U.S. per month, rather than the $400 U.S. that had been agreed upon in the original contract. Carla requested her pay in full, but her employer explained that he had deducted $200 U.S. per month to cover the cost of her room and board. He also reminded her that he had possession of her passport.

Carla wanted to run away and seek help at the Country O Embassy, but she was unfamiliar with the area and didn't speak the local language. She was afraid of being mistaken for an illegal worker because she did not have her documents.

KIM

Kim is a 24-year old prostitute in Country O. Lately, business seems to be slowing down, and Kim assumes that it is because she is getting older, and the younger prostitutes are stealing her clients. She hears rumors that a number of older sex workers have been making a lot of money abroad, and when a local recruiter approaches her about working in Country D, she readily agrees.

The recruiter is very helpful. He books and pays for her $700 U.S. flight to Deeville, Country D's capital city, and arranges to have someone to meet Kim at the Airport upon arrival. When Kim voices concern about not speaking much English, the recruiter reassures her by telling her that many women from Country O arrive in Country D without speaking any English, but learn it quickly, and end up marrying wealthy men. Kim is pleased by this information. She knows that she will not be able to be a prostitute forever and is looking for a way to secure her future. She agrees to reimburse the recruiter in the amount of $7 000 U.S. for his expenses and effort, and he assures her that she can earn the money to repay him in a month's time.

Kim travels to Deeville's international airport by way of Country T and encounters no difficulties. Country O nationals do not need visas to enter Country D as tourists and are entitled to an automatic one month stay. Kim is somewhat concerned that she is only entitled to a single month's stay and wonders how she will be able to earn any money for herself if it will take a month to pay off her recruiter. As had been arranged by

the recruiter in Country O, a local man named Charles is waiting for Kim at the Airport. He doesn't speak Kim's language, but is nonetheless able to recognize her, and takes her to a private house in a wealthy part of Deeville where she recuperates after her long flight.

The next day, at about 10 o'clock in the morning, Charles escorts Kim to an up-market brothel where she begins to work off her debt. The work is more or less what Kim expected. She works very long hours, often beginning at 10 am, and finishing at 5 or 6 o'clock the next morning, and occasionally, she travels with some of the other prostitutes to brothels in some of the major cities in the region.

After her month in Country D nears its conclusion, and with some of her initial debt still to be paid off, Kim decides to continue working in Country D without a visa since she still has not earned any money for herself. To avoid potential problems with the police, Charles and the brothel owner make arrangements to have Kim marry one of her clients to enable her to stay in the country. A client agrees and pays Charles $7 000 U.S. to marry Kim. The client is quite wealthy, and Kim is happy to marry him, believing that she will be able to stop being a prostitute. However, after the wedding, Kim learns that she must continue working as a prostitute until she has paid off the $7 000 U.S. that her client/husband paid Charles.

Kim is nonetheless reasonably content with this new arrangement, since she has much greater control over her working hours, and she can take time off when she needs to. Her husband treats her reasonably well, and she has complete freedom of movement. In addition, she has her own bank account, and is able to save some money, even though she must still pay her husband a certain amount every month. Once the $7 000 U.S. debt is repaid, Kim retires from prostitution, and remains in Country D.

Questions

1. Is this a case of human trafficking or migrant smuggling or neither? List the relevant considerations in making your determination.

2. Do you think that Kim would agree or disagree with your answer to question 1? Why?

ANNEXE 6 – GLOBAL COMPACT FOR MIGRATION OBJECTIVES[65]

The GCM comprises 23 objectives for better managing migration at local, national, regional and global levels.

It aims to mitigate the adverse drivers and structural factors that hinder people from building and maintaining sustainable livelihoods in their countries of origin.

It intends to reduce the risks and vulnerabilities migrants face at different stages of migration by respecting, protecting and fulfilling their human rights and providing them with care and assistance.

It seeks to address the legitimate concerns of communities, while recognizing that societies are undergoing demographic, economic, social and environmental changes at different scales that may have implications for, and result from, migration.

It strives to create conducive conditions that enable all migrants to enrich our societies through their human, economic and social capacities, and thus facilitate their contributions to sustainable development at the local, national, regional and global levels

GCM Objectives

1. Collect and utilize accurate and disaggregated data as a basis for evidence-based policies
2. Minimize the adverse drivers and structural factors that compel people to leave their country of origin
3. Provide accurate and timely information at all stages of migration
4. Ensure that all migrants have proof of legal identity and adequate documentation
5. Enhance availability and flexibility of pathways for regular migration
6. Facilitate fair and ethical recruitment and safeguard conditions that ensure decent work
7. Address and reduce vulnerabilities in migration
8. Save lives and establish coordinated international efforts on missing migrants
9. Strengthen the transnational response to smuggling of migrants
10. Prevent, combat and eradicate trafficking in persons in the context of international migration
11. Manage borders in an integrated, secure and coordinated manner
12. Strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral
13. Use migration detention only as a measure of last resort and work towards alternatives
14. Enhance consular protection, assistance and cooperation throughout the migration cycle
15. Provide access to basic services for migrants
16. Empower migrants and societies to realize full inclusion and social cohesion
17. Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration
18. Invest in skills development and facilitate mutual recognition of skills, qualifications and competences
19. Create conditions for migrants and diasporas to fully contribute to sustainable development in all countries
20. Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants
21. Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration
22. Establish mechanisms for the portability of social security entitlements and earned benefits
23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration.

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65. *FAQs on the Global Compact for Safe, Orderly and Regular Migration (GCM)*

ANNEXE 7 – GENDER QUIZ

	STATEMENT	Mark S (SEX) or G (Gender)
1	Women give birth, men do not.	S
2	Women can breast-feed, men cannot.	S
3	Women are natural nurturers; men are natural leaders.	G
4	Globally women are paid 40- 60% of the male wage	G
5	Women are better at caring for children than men	G
6	Men are usually more aggressive than women	G
7	Little girls are gentle, and boys are tough	G
8	Women are bossy and men are assertive	G

ANNEXE 8 – STANDARD OPERATING PROCEDURES FOR BORDER OFFICIALS AT POE IN RESPONSE TO COVID-19 OUTBREAK

SOP for Front-line Border Officials at POE in Response to Covid-19 Outbreak

According to the IOM rapid assessment there is no referral mechanism for travellers in need of health assistance and border officials lack basic awareness on the risk of possible communicable diseases to which they are exposed. Infection protection control training has not been done since the Ebola crisis in 2014. There is a need to strengthen the capacity of immigration officials on how to protect themselves and other travellers from communicable disease, first aid and infection protection and control. Consequently, a health facility referral mechanism shall be put in place, and IHR core capacities will be strengthened. According to the size of workload and passengers, the port health facility shall be established in coordination with Ministry of Health.

Contents

- Terminologies and Case Definitions
- General Guidelines on Preventing the Spread of Covid-19
- Immigration and Border Management Recommended Best Practices
- Passenger Processing during Covid-19 Outbreak
- Situational Assessment

NOTE

1. It is the responsibility of senior management (higher rank/role at the PoE) to enforce this SoP after coordination with their relevant authority or counterparts

2. It is the responsibility of the senior management (higher rank/role at the PoE) to appoint a designated supervisor(s) to oversee the correct application of the SoP

3. Designated supervisor(s) involved in the correct operationalization of this SoP shall have the relevant training and / experience

4. It is the responsibility of the supervisor(s) and all employees to implement adequate preventive/ corrective actions and ensure that they are implemented.

Terminologies and Case Definitions

Terminologies

What is a Point of Entry (PoE)?

Passage for international entry or exit of travellers, baggage, cargo, containers, conveyances, goods and postal parcels, as well as agencies and areas providing services to them on entry or exit. This typically includes all formal airports, formal/informal water ports (maritime, on rivers or on lakes) and formal/informal land border crossings.

What is quarantine ?

The quarantine of persons is the restriction of activities of or the separation of persons who are not ill but who may have been exposed to an infectious disease. A quarantine's objective is to monitor their symptoms and ensuring the early detection of cases. Quarantine is often set up in hotels or migration reception centres, occasionally in the vicinity of Points of Entry.

What is isolation?

Isolation is the separation of ill or infected persons from others to prevent the spread of infection or

contamination. Isolation can be a separate room or a separate building at Point of Entry.

What is physical distancing?

It refers to the public health recommendation to leave enough physical distance between people to reduce the risk of transmission. For COVID-19, WHO recommendations stipulate that 1-2 meter (3-6 feet) should be kept between individuals to avoid breathing in droplets of saliva and mucus that may contain the virus

What is social distancing?

Social distancing is the practice of reducing close contact between people to slow the spread of infections or diseases. Social distancing measures include avoiding large gatherings, closing buildings and cancelling events.

What is lockdown ?

A temporary condition imposed by governmental authorities in which people are required to stay in their homes and refrain from or limit activities outside the home involving public contact (such as dining out or attending large gatherings). Individuals who are employed in various occupational fields (such as healthcare, public works, law enforcement, and food supply) considered essential to public health and safety may continue working outside the home during a lockdown.

In response to the COVID-19 pandemic, Egypt authorities initiated public health measures in March 2020 aimed at curbing the spread of COVID-19. These measures include travel and mobility restrictions due to partial closure of airports, points of entry (POE) along land borders. (DTM)

What is a curfew?

A temporary condition imposed by governmental authorities to keep the people off the streets and public places to address an emergency situation. A curfew is a strict mandate that will require all citizens to stay indoors during the set hours stated in the announcement. Any violations will be met with a fine or arrest.

Case Definitions

Symptoms of acute respiratory illness/infection include:

- Fever
- Shortness of breath
- Cough
- Sore throat and running nose

Suspected case of Covid 19

A suspect case of Covid-19 refers to a patient with:

- acute respiratory illness
- no other etiology that fully explains their state of health with a history of travel or residence in a country/area or territory reporting local transmission of Covid 19 disease during 14 days prior to symptoms onset
- severe acute respiratory illness infection who requires hospitalization.

Probable Case of Covid 19

A probable case of Covid-19 refers to a suspected case for whom testing for Covid 19 is inconclusive or has not yet been taken, despite clear symptoms.

Confirmed Case of Covid 19

A confirmed case of Covid-19 is a person with laboratory confirmation of Covid 19 infection, irrespective of clinical signs and symptoms.

Contact case of Covid 19

A contact case of Covid-19 is a person who is involved in any of the following:

Provide direct care without proper Persona Protective Equipment (PPE)

- A person who is involved with patients
- Staying in the same close environment of a Covid 19 patient (including workplace, classroom or household)
- Traveling in close proximity (less than 1 metre) with a Covid 19 patient
- Is within a 14-day period after the onset of symptoms in the case under consideration (since suspected exposure)

General Guidelines on Preventing the spread of Covid-19

At all levels, border officials have a three-fold and equally important role in preventing and actively combating the spread the COVID-19 disease. They shall:

- Ensure that travellers do not get infected and that COVID-19 affected cases do not infect other travellers and people present at the POEs.
- Minimize/eliminate their own risk of becoming a vector for the virus.
- Protect themselves from getting infected and from further infecting friends and family outside the workplace.

These risks can be mitigated (reduced) by:

Conducting "Personal Hygiene" both at home and workplace.

Safe and clean workplace.

Taking all recommended self-protection measures while implementing respective tasks at the workplace.

Applying "physical-distancing" (e.g. when queuing at the immigration counter, completing entry/exit forms, standing in public areas, and also while walking in groups).

Personal Hygiene and Self Protection

The application of self-protection measures helps minimize the risk of being exposed to a potential threat or hazardous situation, including being unknowingly infected by a virus or accidently infecting others. Self-protection measures to be taken by individual:

Wear a medical mask and change it regularly. Do not touch the front of your mask. Dispose of the mask into a closed bin immediately after use.

- Wash hands regularly with soap and water or use alcohol-based solutions containing at least 70% alcohol (For mandated handwashing guidelines
- Practice respiratory etiquette: sneeze or cough into a bent elbow, sleeve, or tissue paper. Tissue paper shall be thrown into a closed bin immediately after use.
- Avoid touching eyes, nose, and mouth at any time.
- Avoid closed environments and, where possible, regularly open the windows of the office.
- Maintain at least one-meter distance from those around you, especially those who are coughing or sneezing.
- Disinfect objects and surfaces that are touched regularly.

Those self-protection measures must be enshrined as a normal practice at the workplace. Officers must:

a. Arrive to work with clean hair and clean clothes. If personal clothing and belongings are stored in a designated locker facility, please ensure careful sanitization of such facilities before and after storing

personal belongings.

b. Wash your hands before wearing and after removing a facemask or disposable gloves. Carry personal alcohol-based hand spray/gel and sanitize hands before entering the workplace.

c. Avoid touching your face, nose, and mouth, especially after being in contact with objects that have not been sanitized, such as: pens used by other people, passports or supporting travel documents. Maintain trimmed, filed, cleaned fingernails without rough edges and avoid biting your own nails.

Ad hoc procedures shall be also adopted while handling travelers' documents (i.e., always rub hands with alcohol-based gel after checking each passenger). Report to the designated Supervisor(s) any flu-like symptoms, fever, diarrhea, sore throat, constant sneezing, coughing, runny nose and/or vomiting.

Safe and Clean Workplace

Although staff have a day-to-day responsibility for safe working practices within the areas under their control, it is also falling under senior Management to ensure a safe working environment.

Before beginning the operationalization of this SOP, a situational assessment should be performed, and a plan established to ensure well-coordinated implementation. Proper planning helps to ensure:

a. Elimination or reduction of risk.

b. Preventing further movement of viruses; and

c. Ultimately protecting the safety of all response staff

d. Planning also minimizes the possibility that a lack of resources (financial and/or human) limits the effective operationalization of this SOP.

e. Among other best practices, this can be addressed by:

f. Duly and regularly coordinating with the property owner or any other decision maker, to ensure, when necessary, a smooth implementation of the relevant parts of this SOP.

g. Determining supply requirements and ensure timely delivery in collaboration with relevant Logistic Sections.

h. Regularly cleaning and sanitizing air conditioning filters.

i. Providing alcohol-based hand rub solutions containing at least 70% alcohol.

j. Procuring proper disposal of waste to keep work areas clutter-free, including from used masks and paper tissues.

k. Ensuring the existence of a public order security plan.

l. Where possible, implementing shorter shift rotations to allow front-line officials to:

m. De-stress regularly to be more diligent and meticulous in applying the measures listed in this SOP.

n. Breathe fresh, clean air to minimize exposure to a sanitized environment.

o. Receive mental health and psychological support.

Disposal of solid / liquid waste in contact with a case / suspect case of Covid-19

- All solid wastes in contact or potentially in contact with a case or a suspected case of COVID-19 should be removed and disposed of safely. These can include medical masks, tissue paper, clothes, stationaries, glasses, etc.

- Any liquid waste (contaminated water, urine, vomitus, feces, body fluids, wastewater) which might contaminate the water of the PoE shall be removed and disposed of safely.

- Waste should be segregated at point of generation to enable appropriate and safe handling.

- In coordination with relevant national Authorities, a separate Waste Management Plan should be developed for safe handling (containment and packing), safe storage, treatment, transport, and safe disposal of waste from a case or suspected case of contamination.

- A dedicated Waste Management Focal Point should be appointed with specific training on standardized procedures for waste handling, including wearing appropriate PPE.
- Immigration and Border Management recommended best practices

Risk Assessment

Given that the virus may affect everybody, regardless of sex, nationality and origin, border officials shall always perform their duties in a professional manner, free from any discrimination and/or stereotypes. Additional procedures must be implemented to effectively respond to an ever-evolving situation and to eliminate and mitigate the risks identified. This includes institutional measures.

- Set up a dedicated area for sick passengers, for interviews or for transfer to medical facilities.
- Establish a long-term quarantine facility separated from the PoE in case there is a need to accommodate a large number of suspected and confirmed cases.
- Make arrangements with local medical facilities if transfer of passengers or immigration officials is needed.
- Regularly update the list of restricted countries and nationalities, distribute to immigration officials, and share with relevant national and international stakeholders.
- Organize and deliver specific trainings on infection prevention to immigration officials.
- Provide related trainings, such as passenger profiling, and update the interview protocol to collect relevant data from travelers, aimed at:
- Detect and notify potentially ill travelers.
- Enhancing and facilitating traceability of travellers.
- Educating patients, families, and travel companions.

An appropriate number of trained personnel should be assigned depending on the volume of travellers at the PoE.

- Conduct regular practical simulations on management of health events, especially when new recruits and/or new staff are assigned to the PoE.
- Procure sufficient PPE, such as gloves, masks, hand sanitizer, etc., for all immigration officials.
- Prepare and distribute multilingual posters, leaflets and/or any information material aimed at raising awareness for travellers.
- Ensure that waste bins with liners and lids are available for disposing of medical masks and tissues.
- Cooperate with local health authorities on regulations and plans to dispose of infectious waste.
- Identify several cleaning service providers who can apply recommended measures to sanitize the PoE and ensure that waste is managed properly.
- Increase the ordinary cleaning rotation systems and, if not present, identify cleaning, stocking, and supplying designated facility areas (dusting, sweeping, vacuuming, mopping, cleaning ceiling vents, restroom cleaning, etc.) and identify a responsible person that will perform and document routine inspections and maintenance activities, as well as update the list of items to be replaced according to usage.

Implement ad hoc cleaning measures, in line with the situational assessment analysis. A clean and tidy office and a hygienic toilet significantly contributes to reducing the risk of further virus transmission. These may include regularly wiping and sanitizing:

- Toilets, in particular, during rush hours with higher numbers of travelers.
- All handles and doorknobs in and around the building, including in the areas accessible to authorized personnel only.

- If relevant, moving walkway railings.
- All counters that travellers use for filling immigration/customs/health forms.
- Office desks, office telephones, desk-top computer keyboards and monitors.
- Elevator control panels (if present) and the inside of the elevator car.
- Trolleys, wheelchairs, and other personnel/luggage transport.

Passenger Processing during COVID-19 outbreak

Traveler Handling

An organized scheme for handling passengers may significantly facilitate both the ordinary entry/exit procedures at the immigration counter as well as the ad hoc procedures aimed at detecting potential positive travellers. Coordinate with flight authorities to assist passengers with preparing the necessary health and immigration forms before disembarking. This is done through self-reporting, visual observation, or temperature measurement, all of which shall be adapted to the context of the country where these procedures are applied.

a. Install thermal scan to monitor entry flow of passengers.

b. Use IR contactless thermometer on ad hoc basis, especially when a passenger is involved in a secondary line inspection.

c. Invite passengers to use available hand sanitizers.

d. Manage queues to maintain a one-meter distance between travellers.

e. Communicate the procedures clearly to travellers and the necessary documents to prepare for immigration checks.

f. Invite passengers to wear their medical masks when interacting with border officials, including during the interview at the immigration counter.

Documents checks, passport control, identity verification, and passenger interview are fundamental tasks of a border official, which pose additional challenges during a disease outbreak. Officials must consider the two-fold risk of being exposed to infection and also becoming an involuntary vector that contributes the spread of the virus at the PoE and beyond.

a. Wear medical mask at all times.

b. Apply alcohol-based hand rub before and after checking the travel documents.

c. Do not bring the travel documents close to your nose, eyes, or mouth.

An organized scheme for handling passengers may significantly facilitate both the ordinary entry/exit procedures at the immigration counter as well as the ad hoc procedures aimed at detecting potential positive travellers.

a. Check all additional documents and information in line with ad hoc procedures (e.g., medical certificate, countries visited prior to arrival, address in the country, telephone number, etc.).

b. Sanitize the equipment (passport readers, magnifiers, UV lamps, etc.) with an alcohol-based product frequently. Be sure that the product used is suitable for electronic devices, to avoid involuntary damage to its components.

c. If secondary inspection is required, avoid closed ventilation rooms. If not possible, keep distance from travellers and sanitize the room, as necessary.

The official who detects a potential ill traveler shall report without delay to the assigned Supervisor(s) and Health personnel at the PoE. Early action exponentially prevents the potential spread of communicable disease. Measures to be taken:

a. Inform supervisor immediately.

a. Report to local health authorities.

b. Develop a database for further reference, tracking and planning at each PoE (e.g., age, nationality, departing from, etc.).

c. Inform the PoE of departure of the sick passengers.

d. Inform the traveler of the actions being taken. Sanitize the equipment (passport readers, magnifiers, UV lamps, etc.) with an alcohol-based product frequently. Be sure that the product used is suitable for electronic devices, to avoid involuntary damage to its components.

e. Coordination with Health authorities at the PoE is crucial to avoid additional public health risks.

Access to appropriate health care shall be granted as per the procedures identified with designated health authorities at the PoE. The following are the minimum procedures to follow:

a. Isolate the sick passenger from other travellers, including family and friends, inform relevant health and wait until health authorities arrive; Based on the case, identify and separately isolate travel companions (if any) for further interview/testing, to be done by health authorities. Eventually, contact the airline company (applicable for airports only) and communicate the seat number of the traveler, in order to identify and isolate those who may have entered in direct contact with the ill traveler.

b. Bring the sick passenger to the identified isolation area.

c. Cordon off the area and avoid any unauthorized entry into the isolation area. Only medical staff with adequate PPE are allowed to enter the isolated area. Persons without PPE should never enter the isolation area.

d. Wear disposable gloves when tending to a sick passenger or touching body fluids. Remove gloves carefully and properly dispose of soiled gloves. After removing gloves, wash hands with soap and water or use alcohol-based solutions containing at least 70% alcohol.

e. Provide a medical mask to the sick passenger to help reduce the spread of respiratory germs.

f. Minimize the number of people directly exposed to sick passengers.

g. Have language translators ready.

h. Use existing translation apps.

i. Coordinate with relevant agencies to provide officials for further interview or referral.

j. Respect passenger's privacy and dignity.

k. Prepare food and water for sick passengers, as necessary.

l. Coordinate with relevant airport authorities to retrieve the luggage of the ill traveler.

Maintaining Protection and Human Rights in Covid-19 Responses

Access to Information and Transparency

Relevant information on the crisis should reach all people, without exception. Border officials, in conjunction with relevant authorities, should make every effort to:

1. Provide information on procedures and on COVID-19 precautions in a variety of languages, depending on the foreign populations in transit.

2. Adapt information for people with specific needs, including the visually- and hearing-impaired, and those with limited or no ability to read.

3. Have Linguistic and Cultural Mediators on site to assist with questions or concerns from travellers before, during, and after traversing through BCPs.

4. If a suspected or confirmed case is identified, practice full transparency and explain the procedures and next steps to the concerned person.

COVID-19 continues to generate stigma and discrimination. Cases of racism and xenophobia have been already registered. Everybody, including travellers, nationals, foreigners and also border officials are at risk of infection by COVID-19. Therefore, all relevant authorities must maintain order and ensure that human rights are guaranteed while implementing immigration and border management activities. In particular:

• Border officials shall deal with all travellers in a similar manner, regardless of age, gender, nationality, religion, or physical features.

• To the maximum extent possible, border officials should provide access to hygienic materials (i.e., alcohol-based hand rub, sanitizers, medical masks, bathrooms, etc.) to all travellers in need, and provide equal dignified treatment and support to suspected and confirmed cases.

• Border officials shall actively and proactively seek to deter and combat misinformation among travellers, or discrimination actively carried out among travellers, at all-time including when off duty.

Despite the tightening of border controls, immigration authorities should be aware of the continued movement of people who may be fleeing from war or persecution, under international law, or victims of human trafficking and other forms of bondage. To this end:

1. Border officials shall continue screening in line with best practice for vulnerable individuals and provide necessary legal and material protections.

2. Protection MUST still be provided to vulnerable individuals/groups who are identified as suspected or confirmed cases of COVID-19.

Despite the ever-evolving situation of COVID-19, border officials and relevant authorities continue ordinary security and monitoring activities at the border (e.g., counter-terrorism, countering document and identity frauds, people smuggling and human trafficking, etc.). Regardless of crime, criminal suspects shall still be protected from infection, or from the possibility of infecting others, including border officials involved in the operation, other travellers, and/or other detainees. When dealing with confirmed or suspected cases among criminal suspects, border officials shall:

a. Provide criminal suspects with access to hygienic materials (i.e., alcohol-based hand rub, sanitizers, medical masks, bathrooms, etc.).

b. Provide information on COVID-19 procedures and precautions with support from a translator or Cultural Mediator when necessary.

c. Coordinate with relevant health authorities to provide the necessary medical assistance.

Situational Assessment

A situational assessment is a systematic process to gather, analyze, synthesize, and communicate data to inform evidence-based planning decisions.

Information from a situational assessment can be used to inform decision makers on the most urgent needs to address and risks to mitigate, and also efficiently prioritizes human and financial resources.

Time is a critical issue during a health-related emergency Thus, it is paramount to first identify key questions and, subsequently, to keep the situational analysis focused on the most relevant risks to consider and the most effective mitigation measures.

a. Situation analysis may combine a variety of assessment tools such as:

b. Review of existing assessments/studies.

c. Conduct interviews and focus groups, as necessary.

d. Conduct site observations to identify potential risks unrelated to property/infrastructure.

Conduct a property/infrastructure assessment, in order to:

a. Identify high-risk areas and items requiring specific preventive sanitization or virus elimination actions.

b. Identify any potentially hazardous situations where risks cannot be eliminated, and identifying mitigation measures (i.e., closing a booth or an office, or consequently, a lane or a corridor).

c. Estimate budget and time frame needed to address the risks identified.

d. Revise policies and practices and identify most-at-risk attitudes and behaviors in order to minimize the risk of infection and actively contain contamination.

Most common challenges while conducting a SWOT analysis are:

a. Lack of prioritization within the analysis.

b. Too broad a focus while going through each factor.

c. The factors listed are not facts, but opinions, or they may not have been properly formulated.

d. Strengths, weaknesses, opportunities, and threats lack distinguishing features.

e. If performed properly, a situation analysis can be a useful tool for determining the current capacity to effectively respond to identified threats and set successful sustainable strategies.

Note: Designated official(s) will ensure that each concerned staff member follows the SOP and adheres to the self-protection measures during all hours of operation.

ANNEXE 9 – POWER WALK STATEMENTS

Characters

Tom – Businessman
You are a 45-year old foreign businessman from Country O who just arrived in Port-Salut. Your return flight is in a month. You do not speak the local language but can easily go around town and enjoy your stay in Port-Salut thanks to a bilingual taxi driver and well-off friends that work for the government. You make $95,000 annually. You rent a beautiful home by the lake where you live with your wife and kids.
Kassim – Cross Border Trader
You are a 32-year old cross-border trader from Port-Salut who travels twice a week to sell his vegetables across the border with Country D. You make about $15,000 annually. You own a car and a beautiful small house where you live with your fiancée you plan to marry next year.
Aicha – Hairdresser
You are a 20-year old hairdresser from Kanga, a village located 85 km from Port-Salut. You left your village after your parents tried to force you into marriage. You have no more contact with any member of your family and live in Port-Salut on your own, most of your salary goes on rent and food and you have little disposable income. You make about $700 annually.
Mustafa – Disabled Retired Man
You are an 85-year old man who worked as a policeman for 30 years. You lost the use of your leg during demonstrations 10 years ago. The government does not provide any aid to you. You can take care of yourself thanks to your health insurance and pension. Your wife passed away two years ago after a protracted illness. Your only son lives in another country.
Christina – Doctor
You are a 35-year old Doctor originating from Country D working at the local hospital. Your husband and kids are based home where they respectively work and go to school. You speak the local language and get on well with your host community. You make about $32,500 annually.
Kevin – Student
You are a 22-year-old student from Tabo, a small town near Port Salut. Despite your parents' financial assistance, you work odd jobs to make ends meet. You recently managed to get an internship in a local bank, which helps you prepare for a trip abroad that you have always dreamed of. You make about $1,000 annually.
Doris – Street Food Vendor
You are a 55-year-old restaurateur who has lived in Port-Salut since childhood. Your father (83) and your deceased sister's child (8) live with you. This year, your husband got a job in country D and you haven't seen him in four months - your 2 children live with him. You get by on about $500 a month.

- Porte-Salut is a medium sized city with an international airport within 50km, a land-based border 60km away, and a local population that is mostly city based, but there is also a significant proportion that migrates internally from their home villages for work. **If Port-Salut is your hometown, take a step forward.**

- Most work is in the formal sector - banking, education, health and national and local government, but there are also jobs in the informal sector. **If you earn more than $5 per day, take a step forward.**

- There has been a spate of violence recently, mostly driven by internal disputes over a recent election. Insurgents have begun to move nearer to the city, stating that the election was not fair and that their candidate was unfairly denied victory. **If it's the first time you're encountering such a situation, take a step forward.**

- This has had an effect upon the economy, with some workers unable to travel to work because of harassment and an absence of public transportation. **If you are able to travel without using public transport, take a step forward.**

- People have been withdrawing all their cash because of a fear that the banks will crash. **If you are not affected by the closure of the banks, take a step forward.**

- The government has stated that the situation is becoming more precarious, with more people leaving the city and rebel forces massing their troops just outside the city boundary. The government has recently stated that they are unable to protect the people and they should make their own plans for safety, including leaving the city and finding a safer location, either inside or outside the country. **If you are able to leave the country in a regular manner, take a step forward.**

- The insurgents invaded Port-Salut two days after the government's statement. If you were able to leave the city and are no longer in danger, take a step forward.

- There are growing rumours of rape by insurgents. If you don't consider yourself a potential target, take a step forward.

- A Good Samaritan offers to only exfiltrate women and children from the city because of the limited space on his bus. **If you are able to get on the bus, please step forward.**

- A few hours later, the bus arrives at the border with Country D. Only passengers with identity documentation are allowed entry into Country D. **If you are able to cross the border, take a step forward.**

- There is a rumour later in the evening that those who can afford to pay $50 per person for the crossing can be transferred to the nearest village on the other side of the border. **If you can afford to pay, take a step forward.**

- Back in Port-Salut, an NGO manages to rent a shelter for 300 people, including you. **If you were able to access the information on this initiative, take a step forward.** A few days later, an attack is directed at this shelter and everyone is forced to flee on foot along the paths. **If you are able to escape, take a step forward.** The fighting dies down, and a few weeks later, peace returns. **Please come forward if you are to witness it.**

ANNEXE 10 – INTERVIEW TECHNIQUES AND QUESTIONS

Use the PEACE Model

Planning and Preparation	The key issues to consider when planning and preparing for an interview
	• Define the objectives of the interview
	• Decide who is the best person to conduct the interview?
	• Consider the best place to hold the interview
	• Deciding when is the best time to carry out the interview – are there more important priorities at this time?
	• Consider what you know already –egs. *prima facie indicators*, country of origin/cultural/religious information?
	• Are you interviewing only one person, or more? If several, is the order in which you interview them important?
	• Draft written interview plan
Engage and Explain	The process of starting the interview and establishing the 'ground rules'
	• Introduce yourself and others and explain your positions and roles
	• Ask by what name/title s/he wishes to be addressed
	• Ask if s/he feels comfortable and secure
	• Specifically ask whether s/he is suffering from any illness or pain
	• Ask if s/he wants any refreshments or the use of toilet facilities
	• Confirm that s/he consents to the interview
	• Explain the interview process
	• Explain the objective of the interview – to provide most appropriate assistance available
	• Explain that it is okay to say that s/he is unable to remember the answers to any questions
	• Explain that s/he is not obligated to answer specific questions, and that s/he may stop the interview at any time
	• Ask the victim if s/he has any questions before the interview starts

Account, Clarification and Challenge	The central issues of obtaining the interviewee's account, clarifying this and where necessary challenging
	• Start by asking general and open-ended questions about background and welfare –eg. Is there anything you would like to tell me?
	• If s/he responds positively, encourage a free narrative
	• Don't interrupt or challenge at this time
	• Use non-specific prompts – eg. Did anything else happen?
	• Prompts should avoid using details not already provided by the interviewee
	• Be an active listener – eg. can repeat things s/he has just said, but in non-judgmental tone
	• If communication becomes difficult, can ask reassuring questions – eg. is there a way I can make this easier for you?
	• Avoid yes/no questions because some people will want to please you – the authority figure – with positive answers
	• Avoid questions containing jargon or abstract words or ideas
	• Include only one point per question
	• Ask more specific questions to develop, clarify or add information
Closure	The considerations of closing an interview
	• Summarise the interview - in the terms used by the interviewee
	• Ask interviewee to clarify or correct any of her or his answers
	• Ask if the interview has been acceptable to and understood by her or him
	• Ask if s/he has any final questions for the interview team
	• Thank him or her for the contribution and enquire as to any welfare needs
	• Explain in detail what will happen next
Evaluation	The key questions to ask about what was achieved during the interview and how this fits into the whole investigation
	• What information has been obtained?
	• How does the account given in this interview match other available evidence?
	• What action needs to be taken?
	• Do further enquiries have to be made?
	• How did the interviewer perform; what improvement is needed?
	• Check results against written plan

Good Practices: What and How to Ask?

After collecting basic information to get the interviewee's profile (Name, Age, Marital Status, Children, Education, Economic Situation at point of origin) and being sure that you are dealing with a trafficking case, the interviewer can proceed with the following questions:

Entry into the Trafficking Process	• How did you enter the migration process? Were you approached with an offer of help to relocate? By whom? What help was offered? • Was any money handed to the recruiter in advance? Did you procure your own travel documents, and/or purchase your air/train/other ticket? Did you incur a debt? • What were you promised, and what did you expect? Details of offer at final destination – wages and working conditions. Did you sign a contract? • Name, Sex, Nationality, Role, etc. of anyone else involved?
Process – Egs.	• When did you leave the point of origin? When did you arrive at the point of destination? How did you travel (ie. mode of transport)? • Who traveled with you? Escorts, other migrants? • What was the route used from points of origin to destination? • Did you cross borders and if so, how and where? • If you crossed borders at regulated points of entry, which identity documents did you use, and where are these documents now? • Did you spend any significant amount of time in transit in third countries and, if so, did you engage in any activity in these countries? • What happened along the journey? (Abuse, force, threats, confinement, imprisonment, use of drugs/alcohol, wages withheld, excessive working hours, etc.) • Name, Sex, Nationality, Role, etc. of anyone else involved during this stage?
Exploitative Purpose – Egs.	• In what activities have you been engaged since arriving at final destination? • Describe the quality of your living/working conditions – accommodation, wages, working hours, meals, etc. What activities did you do during your leisure time? • Did you earn any money through this activity? How much? Were you allowed to keep your earnings? • Did you have to repay a debt? For what? How much? For how long? To whom? • Did you want/try to leave? (If yes), what stopped you? • If you had known about the living/working conditions of this work before moving, would you still have decided to move? • What happened along the journey? (Abuse, force, threats, confinement, imprisonment, use of drugs/alcohol, wages withheld, excessive working hours, etc.) • Name, Sex, Nationality, Role, etc. of anyone else involved during this stage?