

List of background documents



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Prior to each session, facilitators should review handouts, Power Point presentations and any other written material required to conduct each of the sessions adequately, to ensure that the contents of this material are relevant for the learning needs of the group of participants. The pre-workshop learning needs assessment should always be taken into consideration to this end.

Facilitators should therefore feel free to modify any of these documents in whatever way they feel that will better serve the learning needs of their group of participants.

The document folder on each session also contains a sub-folder with background reading. Facilitators are not expected, nor would it be realistic, to read all these documents. Yet, these sub-folders constitute a useful compilation of specialized literature, which can help facilitators wishing to gain more in-depth knowledge on any specific aspects of the training. Generally, such documents, on which this manual has greatly relied, include:

- Key legal instruments relevant for the respective sessions;
- UNHCR's official documents, including EXCOM Conclusions, position papers and reports;
- Training modules and guidelines from other organizations, such as OSCE, UNICEF or IOM, which are complementary to this training tool;
- Articles by academics and professionals related to humanitarian work or border control;
- Reports and position papers by well-known international non-governmental organizations, such as ECRE, Amnesty International, as well as by national refugee- or migrant support organizations.

Session 1: Europe a Region of Migration and Protection

- Europe as a Region of Migration and Protection (PowerPoint Presentation). [↗](#)

Background reading for facilitators

- Regulation (EC) No 81/2009 of the European Parliament and of the Council of 14 January 2009 amending Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code [↗](#)
- Communication from the European Commission, Policy Plan on Asylum: an Integrated approach to Protection across the EU, 17 June 2008 COM (2008) 360 [↗](#)
- Communication from the European Commission, A Common Immigration Policy for Europe: Principles actions and tools, 17 June 2008 COM (2008) 359 [↗](#)
- Jeff Crisp, Beyond the nexus: UNHCR's evolving perspective on refugee protection and international migration, New Issues in Refugee Research, Research Paper No 155, April 2008 [↗](#)
- UNHCR's Response to the European Commission's Green Paper on the Future Common European Asylum System, Sept 2007 [↗](#)
- Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers [↗](#)
- Standing Committee Paper of the Executive Committee of the High Commissioner's Programme, UNHCR's Activities in Relation to the Asylum-Migration Nexus, 4 June 2007 [↗](#)
- Communication from the European Commission, Reinforcing the management of the European Union's Southern Maritime Borders, COM (2006) 733 final [↗](#)
- Communication from the European Commission on policy priorities in the fight against illegal immigration of third-country nationals, COM (2006) 402 [↗](#)
- Council of Europe Resolution on the Human Rights of Irregular Migrants, CoE Res. 1509 (2006) (Text adopted by the Assembly on 27 June 2006, 18th Sitting) [↗](#)
- Regulation (EC) No 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), 15 March 2006 [↗](#)
- European Council, Presidency Conclusions, Brussels 4/5 November 2004, Annex 1: The Hague Programme: strengthening freedom, security and justice in the European Union [↗](#)
- Council Regulation of 26 October 2004 establishing a European Agency for the management of Operational Cooperation at the External Borders of the Member States of the European Union, (EC) No 2007/2004 [↗](#)
- Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities [↗](#)
- Council Regulation of 19 February 2004 on the creation of an immigration liaison officers network, (EC) No 377/2004 [↗](#)
- Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents [↗](#)
- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification [↗](#)
- Council Regulation of 27 February 2003 on the issue of visas at the border, including the issue of such visas to seamen in transit, (EC) 415/2003 [↗](#)

- Council Directive of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence, Ref: 2002/90/EC [↗](#)
- Council Directive of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985, 2001/51/EC (Carrier Sanctions) [↗](#)
- Council Regulation of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, (EC) No 539/2001 [↗](#)
- Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 [↗](#)
- Stockholm Programme – Lisbon Treaty Art. 78. [↗](#) [↗](#)

Session 2: Introduction to the Legal Framework

- Instructions for Quiz exercise (Power Point Presentation) [↗](#)
- Questions for the Quiz (Power Point Presentation) [↗](#)

Legal instruments for consultation during the quiz exercise (print one full set per working group):

- 1951 Convention on the Status of Refugees and its 1967 Protocol [↗](#)
- Palermo Protocols (to the United Nations Convention against Transnational Crime) [↗](#) [↗](#)
- European Convention on Human Rights [↗](#)
- Universal Declaration of Human Rights [↗](#)
- Convention Against Torture [↗](#)
- EU Charter of Fundamental Rights [↗](#)

Background reading for facilitators

- Guy S. Goodwin-Gill and Jane McAdam, *The Refugee in International Law*, 3rd Edition, Oxford University Press, 2006. (Published textbook, not available online)
- COUNCIL DIRECTIVE 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted. (Known as the Qualification Directive) [↗](#)
- UNHCR's *Guidelines on Applicable Criteria and Standards relating to the Detention of asylum-Seekers*, February 1999 [↗](#)
- ExCom Conclusion No. 58 (XL) – 1989, *The Problem of Refugees and Asylum Seekers who Move in an Irregular Manner from a Country in which They had already found Protection*. [↗](#)
- ExCom Conclusion No. 15 (XXX) – 1979, *Refugees without an Asylum Country*. [↗](#)
- UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status*, September 1979 [↗](#)
- *Cartagena Declaration on Refugees*, 1984 [↗](#)
- OAU, *Convention governing the specific aspects of refugee problems in Africa*, 1969 [↗](#)

Session 3: Who is a Refugee?

- The Refugee Definition (Power Point Presentation) [↗](#)
- “To be a refugee” (Documentary Film - the film can be obtained from DIP)

Background reading for facilitators

- UNHCR, Interpreting in a refugee context, January 2009 [↗](#)
- EU COUNCIL DIRECTIVE 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee [↗](#)
- UNHCR, Self-Study Module 2 on Refugee Status Determination, Identifying who is a refugee, September 2005 [↗](#)
- UNHCR, Providing International Protection including through Complementary Forms of Protection, EC/55/SC/CRP.16, 2 June 2005 [↗](#)
- EU COUNCIL DIRECTIVE 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted. [↗](#)
- UNHCR, Procedural Standards for Refugee Status Determination under UNHCR’s Mandate, November 2003 [↗](#)
- EU COUNCIL DIRECTIVE 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof [↗](#)
- UNHCR, Note on International Protection, UN doc. A/AC.96/830, 7 September 1994 [↗](#)
- UNHCR, Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol on the Status of Refugees, HCR/IP/4/Eng/REV.1 Reedited, Geneva, January 1992, 1979 [↗](#)
- Convention relating to the Status of Refugees of 28 July 1951 [↗](#)
- Protocol relating to the Status of Refugees, New York, 31 January 1967 [↗](#)
- Statute of the Office of the United Nations High Commissioner for Refugees, 1950 [↗](#)

Session 4: Identifying Protection Needs in Group Arrivals

- Participants instructions for simulation (Print one copy per participant as a handout) [↗](#)
- Individual case cards (Print a full set of the 15 cases per group, to be handed out by “individuals approaching the border” during simulation) [↗](#)
- Template of Daily Incident Sheet (Print at least 15 copies per group) [↗](#)
- The impact of working in a complex border environment (Power Point Presentation) [↗](#)
- Summary of key protection messages (Power Point Presentation) [↗](#)

Background reading for facilitators

- United Nations High Commissioner for Refugees (UNHCR), *Guidelines on Formal Determination of the Best Interests of the Child*, 2007 [↗](#)
- UNHCR, *Refugee Protection and Mixed Migration: A Ten Point Plan*, Rev. January 2007 [↗](#)
- UNHCR, *Implementing the Ten-Point Plan of Action in Southern Europe: Activities Undertaken by UNHCR to Address Mixed Migration in the Context of the Mediterranean/Atlantic Arrivals*, October 2006 [↗](#)
- UNHCR, *The State of the World's Refugees 2006, Human displacement in the new millennium*, 2006 [↗](#)
- UNICEF *Reference Guide on Protecting the Rights of Children Victims of Trafficking in Europe*, 2006 [↗](#)
- EU Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), as regards the implementing powers conferred on the Commission, 15 March 2006 [↗](#)
- EU Council Directive 2005/85/EC of 1 December 2005 on *minimum standards on procedures in Member States for granting and withdrawing refugee status* [↗](#)
- Separated Children in Europe Programme, *Statement of Good Practice*, 3rd Edition, 2004 [↗](#)
- EU Council Directive 2003/9/EC of 27 January 2003 *laying down minimum standards for the reception of asylum seekers* [↗](#)
- Mark Walkup, *Policy Dysfunction in Humanitarian Organizations: The Role of Coping Strategies, Institutions and Organizational Culture*, Journal of Refugee Studies, 1997, Oxford University Press. [↗](#)
- Barbara Harrell-Bond, *Can Humanitarian Work with Refugees be Humane?*, Human Rights Quarterly 24 (2002) 51-85, The John Hopkins University Press. [↗](#)
- *UN Convention on the Rights of the Child*, 1989. [↗](#)

Session 5: Ethics and Communication at Border Points

- Case studies for fish bowl exercise [↗](#) [↗](#)
- Checklist for border officials communicating with persons in need of protection (Handout, print one per participant) [↗](#)
- Ethics and communication at the border (Power Point Presentation) [↗](#)

Background reading for facilitators

- United Nations High Commissioner for Refugees, *Interpreting in a refugee context*, Self-Study Module 3, January 2009 [↗](#)
- British Refugee Council, *How UK Border Controls are Endangering the Lives of Refugees*, December 2008 [↗](#)
- Hungarian Helsinki Committee, (Magyar Helsinki Bizottsag), *Access to Protection at Airports in Europe: Report on the monitoring experience at airports in Amsterdam, Budapest, Madrid, Prague, Vienna and Warsaw*, December 2008 [↗](#)
- Italian Refugee Council, *Services at Borders: a practical cooperation, SAB project final report*, September 2008 [↗](#)
- Angela Mackay, "Border Management and Gender." *Gender and Security Sector Reform Toolkit*. Eds. Megan Bastick and Kristin Valasek. Geneva: DCAF, OSCE/ODIHR, UN-INSTRAW, 2008. [↗](#)
- UNICEF, *Guidelines on the Protection of Child Victims of Trafficking*, September 2006. [↗](#)
- M. Caparini and O. Marenin, DCAF, *Borders and Security Governance: Managing Borders in a Globalised World*, 2006. [↗](#)
- IOM, *Resource book for Law Enforcement Officers on Good Practices in Combating Child trafficking*, March 2006. [↗](#)
- Separated Children in Europe Programme, *Statement of Good Practice*, Third Edition 2004. [↗](#)
- OSCE, *National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons: A Practical Handbook*, 2004. [↗](#)
- World Health Organization, *WHO Ethical and Safety Recommendations for Interviewing Trafficked Women*, 2003. [↗](#)
- United Nations High Commissioner for Refugees, *Interviewing Applicants for Refugee Status*, RLD4, 1995. [↗](#)

Session 6: Protection at Sea

- Telex from Ship Master to RCC (handouts for participants). [↗](#)

Background reading for facilitators

- UN High Commissioner for Refugees, *The treatment of persons rescued at sea: conclusions and recommendations from recent meetings and expert roundtables convened by UNHCR*. - Background note, November 2007. [↗](#)
- UN High Commissioner for Refugees, *Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol*, 26 January 2007. [↗](#)
- UN High Commissioner for Refugees, *Selected Reference Materials, Rescue at Sea, Maritime Interception and Stowaways*, November 2006. [↗](#)
- UNHCR, *Rescue-at-Sea, Specific Aspects Relating to the Protection of Asylum-Seekers and Refugees*, Expert Roundtable, Lisbon 25 – 26 March 2002. [↗](#)

Session 7: The Return of Persons not in need of International Protection

- The Return of persons who have been found not to be in need of international protection (Power Point Presentation) [↗](#)
- Checklist for participants: aspects of a return process that may be relevant in the context of border guards responsibilities (handouts for participants) [↗](#)

Background reading for facilitators

A) On reception conditions and pre-removal detention

- Amnesty International, *Migration-Related Detention: A Research Guide on Human Rights Standards Relevant to the Detention of Migrants, Asylum-Seekers and Refugees*, November 2007. POL 33/005/2007. [↗](#)
- UNHCR (Malta), *The Detention of Refugees and Asylum-Seekers by Reason of Their Unauthorised Entry or Presence*, July 2007. [↗](#)
- UNHCR “Being a refugee” – *How refugees and asylum seekers experience life in central Europe, an Age, Gender and Diversity Mainstreaming Report*, 2007. [↗](#)
- UNHCR, *Alternatives to Detention of Asylum Seekers and Refugees*, April 2006. POLAS/2006/03 [↗](#)
- COUNCIL DIRECTIVE 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers. [↗](#)

B) On the return of persons not in need of international protection

- British Refugee Council, *How UK Border Controls are Endangering the Lives of Refugees*, December 2008 [↗](#)
- COUNCIL DIRECTIVE 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals. [↗](#)
- UNHCR *Position on the Proposal for a Directive on common standards and procedures in Member States for returning illegally staying third-country nationals*, June 2008. [↗](#)
- John Gibson, *The removal of failed asylum seekers: international norms and procedures*, New Issues in Refugee Research, Research Paper No. 145, December 2007. [↗](#)
- ECRE, *The Way Forward. The return of Asylum Seekers whose Applications have been rejected in Europe*, 2005 [↗](#)
- Council of Europe, *Guidelines on Forced Return*, CoE Committee of Ministers, CM (2005) 40 Final, 9 May 2005. [↗](#)
- Committee on the Rights of the Child: General Comment No. 6(2005): *Treatment of unaccompanied and separated children outside their country of origin*, CRC/GC/2005/6, Chapter VII(c), Return to the country of origin. [↗](#)
- UNHCR, *Executive Committee Conclusion on the return of persons found not to be in need of international protection*, 10 October 2003 No. 96 (LIV) - 2003. [↗](#)
- European Council on Refugees and Exiles, *Position on Return*, October, 2003. [↗](#)
- UNHCR, *Legal and Practical Aspects of the Return of Persons not in Need of International Protection*, Global Consultations Paper, May 2001. [↗](#)
- Khalid Koser, *Return and Reintegration of rejected asylum seekers and irregular migrants, an analysis of government assisted return programs in selected European countries*, report prepared for the International Organization for Migration, May 2001. [↗](#)