



Managing International Protection Needs at Borders

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Executive Summary

Dynamic and efficient processes at international borders are vital to a well-functioning humanitarian protection system. As states and international organizations work to improve access to asylum earlier on in migration journeys, and as governments experiment with relocating aspects of their asylum systems to locations outside of their territory, corollary upgrades to border processes are needed to safeguard territorial asylum as an option for people with protection needs who have no alternatives. And even with growing efforts to increase the availability of lawful migration pathways for those who do not meet protection criteria, mixed migration at borders will not disappear. As publics in many receiving states become increasingly vocal in their dissatisfaction with the management of their nation's borders, policymakers are charged with the difficult task of designing border systems that prevent the outbreak (or perception) of chaos, even as major displacement crises and the complexities of mixed migration strain outmoded infrastructure.

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Policymakers face several layered challenges in shaping processes that can respond to current border pressures and are resilient to future changes in migration patterns. To begin, border systems are fundamentally complex. They must be able to rapidly determine a new arrival's identity, screen for potential security risks and protection needs, and move cases into the appropriate procedural pipelines. Increasingly, border processes also include the mandate to administer all or part of

the asylum procedure (when necessary), alongside a central obligation to initiate the relocation of certain cases away from the border, either for further processing inland or for removal to a country of origin or transit. A functional border apparatus must also be prepared to meet immediate humanitarian needs, such as for basic medical care, and to move those deemed inadmissible into return proceedings. Monitoring and managing borders involves building the capacity to operate in multiple, often challenging, physical environments, including on the open seas. Rapid fluctuations in the volume of arrivals, migrant profiles, and corresponding needs mean that processes at borders must remain adaptable, with the ability to scale aspects of these systems up or down without much warning.

Well-designed border processes can meet all of these intersecting imperatives, and the integrity of these processes rests largely on their ability to efficiently fulfill these obligations. Analysis of the broad array of approaches implemented by states in recent years points to several key elements that have emerged as central to the creation and execution of a coherent set of processes at borders:

- ▶ Having **differentiated procedures** for various case profiles can help a system move people through and away from border crossing points as quickly as possible. In some instances, this will mean quickly funneling straightforward cases that meet certain criteria into **complete asylum procedures at the border itself**. For more complex cases or those meeting certain vulnerability criteria (such being an

unaccompanied minor or a victim of trafficking), this may mean relocation to areas further inland where asylum seekers can access a more complete range of services while their cases are considered.

- ▶ The ability to **rapidly screen and triage cases** into these processes is paramount to ensuring that differentiated procedures are used to the greatest effect, and to preventing processing backlogs that can lead to chaos. When sufficiently resourced, initial security, health, and vulnerability screenings can be carried out simultaneously, enabling border authorities and asylum officers to process high volumes of arrivals and avoid bottlenecks.
- ▶ Fluctuations in available resources, the characteristics of arrivals, and conditions at the border require **flexible infrastructure and staffing capacity** that can be rapidly scaled up or down. Well-designed forecasting and contingency planning protocols can aid in the creation of such capabilities, though the large number of individuals displaced by unanticipated crises in recent years underscores the need for states to maintain standing buffer capacity and actionable emergency response plans.

In addition to the dynamism created by standing flex capacity, managing sophisticated border processes requires consistent and resilient coordination among the many stakeholders involved in their execution, including national and local governments and civil society. Strategies such as co-location of relevant personnel at strategic sites and improving data sharing and case management capacity can help to ensure the efficient exchange of information. Effective coordination can also ensure that policymakers and relevant authorities take into account the needs of border communities when designing strategies for where and when to relocate individuals granted entry into the country and those undergoing additional processing. Finally, well-managed systems should be subject to routine monitoring that identifies gaps, anticipates shifts, and results in corrective action or policy adaptation.

1 Introduction

National borders are one of the primary apertures through which publics perceive and judge migration trends and policy. As official ports of entry along many nations' borders are strained by sustained periods of high arrivals, irregular crossings between ports continue to beleaguer border authorities. At the same time, photos of migrant caravans, videos of violent apprehensions, and news stories describing desperate people crowded into small boats have drawn considerable attention and paint a picture of frequent pandemonium at the external borders of the United States, the European Union, and elsewhere. As publics become increasingly vocal in their dissatisfaction with national migration and border management strategies, the political pressure they exert can lead to reactionary policies. In one stark example, on June 4, 2024, President Biden issued an executive order effectively closing off access to asylum for migrants who cross the U.S. border without authorization between ports of entry. The order came in response to unauthorized border crossings that surpassed 2,500 per day, a level the new rule describes as exceeding the government's capacity to apply consequences, including removals and returns.¹

Dysfunction at borders, either real or perceived, has implications that go well beyond national security. Borders are crucial sites of commerce, trade, and travel, meaning disruption can have massive impacts on

¹ The White House, "A Proclamation on Securing the Border" (presidential action, June 4, 2024).

national and regional economies, particularly when resources are diverted away from these functions in the midst of a migration crisis. And for millions of asylum seekers and others on the move, borders represent an essential demarcation between danger and safety and are key sites in the international protection architecture. Mayhem at borders threatens access to protection by jeopardizing the social license a government has to make investments in asylum, wider protection infrastructure, and migration pathways overall. Governments charged with managing borders therefore face the colossal task of not only creating order out of chaos, but also of convincing the public that well-managed borders can and should remain open to those in genuine need of protection.

Even as rapid changes are underway in the protection landscape, borders will continue to play an important role in asylum systems. States and international actors are increasingly exploring ways to move access to protection and other migration options further away from destination countries' borders and closer to migrants' countries of origin. Examples of such initiatives include the Safe Mobility Offices operating in several Latin American countries that help connect eligible migrants to protection and other lawful migration pathways to multiple receiving states.² And the United Nations High Commissioner for Refugees (UNHCR) has articulated a "route-based approach" that lays out strategies to forestall dangerous journeys by facilitating protection access and other solutions at multiple points along key migration corridors.³ While these approaches reflect a substantial evolution toward a more dynamic international protection system, they will not fully supplant protection-seeking at borders, via countries' territorial asylum systems.

Destination-country governments themselves recognize the need for improved processes at their borders. This is reflected, for example, in EU Member States' formal adoption in May 2024 of the Pact on Migration and Asylum, which sets parameters for unified asylum and border processes across the bloc, as well as in state-led innovations in multifaceted

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processes at borders. But in the face substantial operational and political complexities, building effective and protection-sensitive border management systems requires adopting a holistic approach spanning all aspects of border administration, including planning and establishing multistakeholder coordination mechanisms, conducting efficient first arrival procedures, swiftly moving arrivals away from the border (for further processing, settlement, or removal, as warranted), and performing robust monitoring and evaluation. It also requires investments in preparedness and flexible capacity to respond to unexpected crises. And critically, it requires a clearly defined dual-purpose of controlling migratory flows and ensuring that new arrivals can access the protection system and necessary services.

This report examines the elements needed to effectively implement such an approach to border operations. It begins with an overview of the factors that make border management challenging at the best of times, and particularly amid acute displacement crises. Building on the experiences and approaches of states to date, Section 3 then describes key elements of border processes capable of responding to mixed migration

² U.S. Department of State, "Safe Mobility Initiative," accessed June 6, 2024.

³ Speech by Filippo Grandi, United Nations High Commissioner for Refugees, *In Pursuit of the Possible: Addressing Population Flows in the Americas*, at Georgetown University, Washington, DC, June 3, 2024.

while protecting the right to seek asylum, while Section 4 explores the conditions necessary for these procedures to be successful.

2 The Challenges Shaping Asylum and Border Processes

Complex border arrivals are increasingly common, and not just during acute crises such as recent displacement from Afghanistan, Myanmar (also known as Burma), Ukraine, and Venezuela. Instead, these crises add an additional layer of complexity on top of already strained border management and protection systems. Faced with such arrivals, governments have a dual imperative: first, to control their borders (who enters and stays) and maintain order (and public perceptions of control) through efficient processing of new arrivals, and second, to fulfill their protection obligations (as set out in national and international law). But in a world where *prima facie* recognition⁴ of protection needs is rare amid mass border arrivals, and where mobility is constrained for most people, efficiently meeting these obligations is difficult. Governments face four primary challenges to doing so.

A. *Allocating Resources amid Rapidly Changing Arrivals*

Where, when, how many, and why people arrive at borders without prior authorization to enter can change quickly, leaving policymakers in many countries struggling to prepare for future arrivals. Sometimes, unexpected crises such as conflicts and disasters trigger cross-border displacement with little warning. Other times, the challenge is that transit-country governments or smugglers act in unexpected ways that make managing borders difficult. Belarus, for example, has been accused of instrumentalizing migration by facilitating the transit of migrants and asylum seekers via its territory to EU borders for the purposes of creating political instability within the European Union, where migration and border security policy are often a source of controversy.⁵ Unrelated crises can also have knock-on effects that complicate border capacities. The COVID-19 pandemic meant that migrant detention and shelter facilities had to rapidly adapt their physical spaces so people could keep their distance and isolate if sick, provide protective equipment, and prepare their health services to treat a novel illness, all of which cost money.

Four categories of resources are generally needed, each of which tends to be difficult to scale rapidly:

- ▶ **Human resources:** Staff are needed to screen arrivals for protection needs and vulnerabilities, conduct identity and security screening, initiate asylum claims, provide dedicated services to vulnerable groups (such as children and victims of trafficking), and initiate return procedures for those found not to have authorization to stay or protection needs. Each of these tasks requires a specific skill set and often comprehensive, time-intensive training, which makes rapidly scaling up staffing difficult. In the United States, for example, authorities have struggled to provide sufficient staff to conduct asylum screening

⁴ *Prima facie* recognition refers to a decision by a government to confer protection and/or legal status on a generalized basis to all persons with certain characteristics (for example, recognizing all persons displaced by a specific conflict as refugees).

⁵ Council of the European Union, “Belarus: Declaration by the High Representative on Behalf of the European Union on the Instrumentalisation of Migrants and Refugees by the Regime” (press release, July 30, 2021).

at the border and have instead at times admitted arrivals without such screening to be processed within the country.⁶

- ▶ **Physical resources:** Facilities are needed to conduct screening and initial processing, as well as to provide initial shelter or medical treatment, particularly to individuals with vulnerabilities and special needs. Without sufficient physical infrastructure, governments have to deal with overcrowding or homelessness, both of which can trigger public anxiety about migration.⁷ But physical infrastructure, such as shelters and processing sites, are often immobile and cannot be moved elsewhere along the border if arrival patterns shift. And investing in infrastructure before migrants arrive may not be politically popular, as building permanent structures rather than temporary tents or shelters is a tacit acknowledgement that increased arrivals are likely to exceed existing capacity in the long term. Alternatives such as temporary facilities⁸ or hoteling can be more expensive to stand up and run,⁹ however.
- ▶ **Digital resources:** Connectivity and communication between the various security, immigration, and social service agencies involved in managing border arrivals are essential to a smooth response. Digital resources can facilitate this by speeding up processing and improving the efficiency of workflows. While borders in high-income countries are becoming increasingly high-tech, there are still elements of many asylum and border management processes that are poorly digitized or not digitized at all, causing inefficiencies across both high- and low-income countries.
- ▶ **Financial resources:** Undergirding the challenges facing all parts of border management and asylum systems is the need for money. Without sufficient financial resources, hiring the requisite staff and building necessary physical infrastructure are impossible. Yet scaling up funding in response to shifting needs at the border can be difficult, particularly if procedures are not already in place to allow for easy and swift transfer of money from emergency funds or between budget lines.

Scaling human, physical, digital, and financial resources up and down in response to changing arrival patterns is particularly challenging. It can also be difficult to generate the political will to maintain funding for protection measures at borders, particularly when arrival numbers drop, making border systems less resilient to future rapid increases in arrivals. In Europe, for example, several countries cut resources for asylum and reception capacity when arrivals decreased during the COVID-19 pandemic. Then, when arrivals increased again in 2021 and 2022, these systems came under severe strain.¹⁰ Each resource category, but especially physical and human resources, cannot be easily stood up in times of crisis or scaled down once crises are over. Maintaining dedicated surge or flex capacity can help to address this issue (see Section 4.A),

6 Muzaffar Chishti and Kathleen Bush-Joseph, “U.S. Border Asylum Policy Enters New Territory Post-Title 42,” *Migration Information Source*, May 25, 2023.

7 Al Jazeera, “Greece to Shut Down Overcrowded Refugee Camps on Islands,” Al Jazeera, November 20, 2019.

8 Temporary facilities include, for example, the soft-sided facilities used by U.S. Customs and Border Protection (CBP) to hold migrants, including asylum seekers, who have recently crossed the U.S. southwest border. See U.S. Department of Homeland Security (DHS) Office of Inspector General, *CBP Could Do More to Plan for Facilities along the Southwest Border* (Washington, DC: DHS, 2023).

9 For example, the UK government has been using hotels to house asylum seekers since 2021 as a temporary solution to uphold its statutory obligation to accommodate them. In 2024, the government announced its commitment to reduce its use of hotels, given the £8 million per day cost. See UK Home Office, “150 Asylum Hotels Returned to Communities” (news release, April 10, 2024).

10 See, for example, Claudia Chiappa, “Belgium’s Eternal Asylum Crisis,” Politico, September 19, 2023.

but this too requires forward planning and resources since flexible infrastructure (such as mobile screening units, portable housing, or staff reserves) look and function quite differently than standing capacity.

B. Managing Arrivals with Diverse Profiles and Vulnerabilities

Managing borders becomes more complex as the people arriving become more diverse. Spontaneous arrivals at borders increasingly reflect mixed migration, in which individuals have a range of profiles, needs, and reasons for wanting to enter a country without prior permission. While some have protection needs aligned with the criteria set out by the 1951 Refugee Convention and integrated into many countries' asylum systems, others have migrated due to climate-related shocks, conflict, or economic and social reasons and may not meet the convention definition of a refugee. In many contexts, the absence or limited availability of lawful migration pathways means that many people who would choose such pathways end up seeking protection instead. Within this diverse group, border authorities must rapidly identify those seeking protection (and who must therefore be given access to the asylum system), arrivals with vulnerabilities (such as victims of torture, trafficking, or gender-based violence who might need additional support), and those who likely do not have a credible protection claim or are not seeking protection at all. Arrivals must then be directed to the appropriate set of immigration or asylum procedures.

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Aside from protection needs, people arriving at a country's border without prior authorization to enter frequently also present vulnerabilities that warrant intervention. Border agencies routinely provide humanitarian support to meet the basic needs of the

most vulnerable, such as people with disabilities or health issues, those who are pregnant, elderly people, unaccompanied children, and often women and girls. Many of these vulnerabilities are exacerbated during irregular, lengthy, and/or dangerous journeys to the border.¹¹ Vulnerable groups often require different services and shelters, run by specialized agencies. For instance, migrant children in Mexico are, since 2021, no longer put into detention.¹² Implementing this policy, however, requires setting up dedicated referral centers able to connect migrant children with youth services, and supporting mainstream youth shelters' inclusion of migrant children (for example, by training their staff to protect the rights and welfare of this particularly vulnerable group). Because such groups require a targeted set of services, rapid changes in who is presenting at a border can cause challenges. For instance, increased arrivals of children or women can outpace the availability of family-appropriate or gender-sensitive shelter services.

Similarly, linguistic diversity among arriving asylum seekers and other migrants complicates authorities' ability to conduct registration and screening, particularly if they speak minority languages. Border officials are not always trained to speak foreign languages, and translation services are more widely available for common languages (e.g., Spanish or Arabic) than for Indigenous languages (e.g., those spoken in parts of Latin America¹³) or languages of smaller ethnic groups or countries (e.g., Pashto for Afghan or Pakistani

11 Richard Luscombe, "Scorching Heat Caused Deaths to Double at Busiest US-Mexico Border Route," *The Guardian*, October 3, 2023.

12 United Nations High Commissioner for Refugees (UNHCR), "UNHCR Welcomes Mexico's Reforms to Protect Rights of Child Refugees and Asylum-Seekers" (press release, January 15, 2021); International Detention Coalition, "Law Reform Opens the Door to Effective Implementation of the National Protocol for the Protection of Migrant Children," updated October 13, 2020.

13 Brian Osgood, "Indigenous Groups Say They Are Left out of US Immigration Debate," *Al Jazeera*, July 24, 2023.

asylum seekers). In some cases, translation services may not be available even for more common languages, such as Mandarin for Chinese asylum seekers. Processing speakers of each language group requires dedicated resources (for both due process and equity reasons), and these extend beyond translating written materials to include interpretation during interviews and throughout the asylum process.

BOX 1

Case Study: Changing Profiles and Operational Challenges at the U.S. Southwest Border, 2014 and 2020

The U.S. southwest border has seen significant shifts in the profiles of arrivals over the past decade, highlighted by two key moments. Around 2014, the United States saw a shift away from primarily single Mexican men attempting to cross the border without prior authorization, many seeking work, toward more families and children arriving from across Central America, often to seek asylum. Starting around 2020, the country has seen yet another shift, this time toward truly hemispheric migration patterns that have seen southwest border arrivals from other parts of the Americas rival those from Central America. These shifts have necessitated adaptations to border processes, something U.S. authorities are still grappling with.

First, the rise in Central American families and unaccompanied children necessitated a different set of enforcement and protection responses. More of these arrivals came with protection claims, meaning there was a need to invest in more staff to conduct asylum screenings. These protection claims, as well as the fact that many arrivals' countries of origin were beyond neighboring Mexico, meant many could not be quickly returned. Similarly, families and children cannot be detained as easily or for as long as single adults. Instead, child-specific shelters and guardianship arrangements are needed, which U.S. authorities lacked sufficient capacity to provide.

The more recent increase in arrivals from other parts of the Americas, notably South America (particularly Venezuela and Colombia) and the Caribbean (such as Cuba and Haiti), has also had implications for U.S. border capacities and operational responses. Nationality has at times been a key factor in determining how individual migrants and asylum seekers are processed: during and immediately after the COVID-19 pandemic, northern Central Americans and Mexicans could be returned directly to Mexico under what were known as Title 42 expulsions, while others were processed under Title 8, which could result in release into the country with a notice to appear in immigration court or removal. While Title 42 has since been ended, different procedures remain in place for different nationalities, with significant variation based how quickly migrants and asylum seekers of different nationalities can be processed and, if appropriate, returned.

Sources: Marc R. Rosenblum, "New Era in Immigration Enforcement at the U.S. Southwest Border," *Migration Information Source*, December 16, 2014; Muzaffar Chishti and Faye Hipsman, "Dramatic Surge in the Arrival of Unaccompanied Children Has Deep Roots and No Simple Solutions," *Migration Information Source*, June 13, 2014; Muzaffar Chishti and Kathleen Bush-Joseph, "U.S. Border Asylum Policy Enters New Territory Post-Title 42," *Migration Information Source*, May 25, 2023.

C. Working in Remote and Complex Border Terrain

Land and maritime borders are often situated in tricky natural terrain (e.g., rivers, seas, forests, and mountain ranges) and far away from major population centers (such as capital cities).¹⁴ Borders in such challenging

¹⁴ Often, borders were drawn around natural geographical features, such as rivers, forests, and mountain ranges, which can pose natural barriers to human movement. See National Geographic, "Border," updated November 28, 2023.

or remote areas take significant resources to control and are often porous and very difficult to monitor, especially for low- and middle-income countries.

Without access to safe and orderly routes to enter a country, migrants often arrive in remote areas along borders rather than at official ports of entry. Sometimes, this is an intentional choice by migrants (and smugglers) aiming to avoid detection or to circumvent legal provisions. For example, until 2023, asylum seekers who arrived at the U.S.-Canada border between border checkpoints were allowed in while their cases were processed, whereas those who presented at a port of entry were subject to the U.S.-Canada Safe Third Country agreement and turned back (the rule changed in 2023, and the agreement is now applied to the entire border).¹⁵

BOX 2

Case Study: Diverse Geographies at the Europe Union's External Borders

The primary migration routes for asylum seekers and irregular migrants seeking to reach Europe have shifted repeatedly in the last decade, across radically different natural geographies. The 2015–16 crisis saw large numbers of people arriving in Europe through the eastern Mediterranean via Turkey into Greece, a maritime border, and through the Western Balkans, a land border. Unprecedented efforts to encourage transit countries to stem irregular migration into Europe (such as the 2016 EU-Turkey deal) saw arrival numbers along these routes drop precipitously starting in 2017, but arrivals to Spain's Canary Islands spiked sharply in 2020–21, and numbers have remained high. In 2021, migrants and asylum seekers also began arriving at the European Union's external land border with Belarus, following Belarus's simplification of visa policies for nationals of several Middle Eastern and Central Asian countries and efforts to facilitate the travel of individuals arriving on Belarussian tourist visas onward into EU territory. In 2022 and 2023, arrivals rose again across the central Mediterranean, with most landing in Italy.

Each of these situations evolved in very different natural geographies. Asylum seekers and migrants crossing the Mediterranean to Greece, Italy, and Spain often encounter dangerous maritime conditions, with at least 27,600 recorded cases of people going missing in the Mediterranean between 2014 and 2023. In contrast, those traversing the Western Balkans may travel through mountains to avoid detection, which during winter can be dangerous terrain. And the forests along the European Union's eastern border, between Belarus and Poland, are particularly difficult natural geographies in which to enforce borders and provide protection, since forests can be harder to surveil than seas and rivers, especially when thick tree cover prevents thermal imaging. They can also be dangerous to cross, especially in winter.

Sources: International Organization for Migration (IOM) Missing Migrants Project, "[Migration within the Mediterranean](#)," accessed October 27, 2023; Frontex, "[Migratory Routes](#)," accessed October 27, 2023; Frontex, "[Operations](#)," accessed October 27, 2023; Europol, Frontex, and European Asylum Support Office (EASO), *Tackling Migrant Smuggling in the Western Balkans: Illegal immigration along Western Balkan Route and Neighbouring Countries, July 2018 - June 2019* (Valletta: EASO, 2020); Amaya Valcárcel, "Out of Sight – Refugees and Migrants at the Belarus-Poland Border," Jesuit Refugee Service, June 1, 2022; Jonathan Este, "[Outsourcing Migration Control Is Leading to Violence in Eastern Europe and Beyond](#)," The Conversation, December 8, 2021; author interview with a representative of the United Nations High Commissioner for Refugees (UNHCR) Spain, July 23, 2022; Maria Mentzelopoulou, "[Instrumentalisation in the Field of Migration and Asylum](#)" (EU Legislation in Progress briefing PE 739.204, European Parliamentary Research Service, Brussels, November 2022); Frontex, "[Half of Arrivals to the EU through the Central Mediterranean](#)," Frontex, June 16, 2023.

15 Muzaffar Chishti and Julia Gelatt, "[Roxham Road Meets a Dead End? U.S.-Canada Safe Third Country Agreement Is Revised](#)," *Migration Information Source*, April 27, 2023.

Arrivals in remote areas pose particular challenges for asylum systems and border management. Fully staffing an entire border region, rather than a few checkpoints, would be costly. More often, when people arrive in remote regions, authorities must rapidly relocate staff from elsewhere to those areas (similarly, the civil-society groups and other actors providing shelter and services to arrivals also need

to move). Another challenge is retaining staff in remote areas, where the living conditions they (and possibly their families) face are not appealing. As a result, remote areas may lack specialized staff trained to manage the full spectrum of arrival profiles at the border (including specialists in working with unaccompanied children, for example). Aside from remoteness, the physical geography of some border areas adds to the difficulties of operating enforcement and protection mechanisms: maritime borders can involve search-and-rescue operations at sea, while monitoring forest and desert borders can necessitate very different technologies. The more diverse a country's border geographies, the more agencies, technologies, and resources are needed.

Aside from remoteness, the physical geography of some border areas adds to the difficulties of operating enforcement and protection mechanisms.

D. Addressing Arrivals' Disproportionate Impact on Border Communities

When people arrive and seek asylum at borders, they typically move into border communities while their cases are processed. This can raise distinctive, disproportionate challenges for communities hosting and supporting these arrivals, particularly when surges in border arrivals exceed existing shelter and service capacity. While some arriving migrants and asylum seekers may have family or friends they hope to join in communities further inland, many are in need of short-term shelter immediately after arrival. Unless assistance is provided by national authorities, the resources needed to respond typically come from local governments, straining their often already limited budgets. And even when the national government provides formal reception capacity and support, clustering such services close to the border can still put strain on nearby communities, particularly when arrivals numbers are high. In 2015, sudden increases in people arriving in the Greek islands, many of whom were accommodated in camp-like conditions for prolonged periods, triggered massive drops in tourism and corresponding revenue in these tourism-dependent economies.¹⁶

While the empirical evidence is mixed on whether migrants are a net benefit or a net cost to local communities, the costs are more keenly felt in frontline communities that receive insufficient support to respond to new arrivals. In the United States, for instance, the lack of a federal reception or relocation strategy has meant that services at the border are largely provided by local nongovernmental organizations. The exact type of services provided and level of coordination with U.S. border authorities varies considerably across communities based on location and capacity.¹⁷ And in Greece, some civil-society

¹⁶ Patrick Kingsley, "Greek Island Refugee Crisis: Local People and Tourists Rally Round Migrants," *The Guardian*, July 9, 2015.

¹⁷ Ariel G. Ruiz Soto, Colleen Putzel-Kavanaugh, and Doris Meissner, *Shifting Realities at the U.S.-Mexico Border: Immigration Enforcement and Control in a Fast-Evolving Landscape* (Washington, DC: Migration Policy Institute, 2024).

representatives attribute part of border communities' backlash against arrivals to a lack of effective integration services.¹⁸ Such tensions are likely to persist unless defused by an influx of federal or donor funding and capacity support, interior relocation programs, or by arrivals moving elsewhere.

BOX 3

Case Study: The Impacts of Venezuelan Displacement on Border Communities

The displacement of more than 7 million Venezuelans since 2014, primarily to other countries within Latin America and the Caribbean, has triggered tension and conflicts in certain border communities. While the regional response has been characterized by a bold, albeit highly uneven, welcome, there are cases where this warm welcome has worn off quickly. In several South American countries, arriving Venezuelans have clustered in border communities, where they have faced backlash. In Brazil, for instance, high volumes of Venezuelan arrivals in the late 2010s led to the formation of informal encampments in border towns, followed by multiple high-profile physical attacks that sought to break down these encampments and force Venezuelans to leave. Similar incidents took place in Chile. And in Colombia, public opinion of Venezuelans was most negative in the eastern part of the country and in Bogotá, where many of Venezuelans live; this is the case despite national policies seeking to integrate them.

The factors behind tensions and public perceptions of migrants and asylum seekers in border communities, as in societies more broadly, vary. There is strong empirical evidence that Venezuelans do not commit crimes at higher rates than native-born residents of South American receiving countries, but stereotypes and concerns about security persist. Other research indicates that in some contexts, migrant arrivals in border areas may be associated with higher unemployment and negative labor market impacts for certain segments of the local population (such as for local women in the Brazilian state of Roraima), even if migration's broader labor market impacts are positive. Thus, when seeking to gauge public opinion and craft policy responses to border pressures, it is important to understand how particular segments of a society, such as border communities, might have different and at times more negative reactions.

Sources: Interagency Coordination Platform for Refugees and Migrants from Venezuela (R4V), "Refugees and Migrants from Venezuela," updated June 3, 2024; Andrew Selee and Jessica Bolter, *An Uneven Welcome: Latin American and Caribbean Responses to Venezuelan and Nicaraguan Migration* (Washington, DC: Migration Policy Institute, 2020); Dany Bahar, Meagan Dooley, and Andrew Selee, *Venezuelan Migration, Crime, and Misperceptions: A Review of Data from Colombia, Peru, and Chile* (Washington, DC: Migration Policy Institute and Brookings Institution, 2020); Fabian Cambero, "Chile Anti-Migrant Protesters Destroy Camps in Tense North," Reuters, January 30, 2022; Natalia Banulescu-Bogdan, M. Murat Erdoğan, and Lucía Salgado, *Confronting Compassion Fatigue: Understanding the arc of public support for displaced populations in Turkey, Colombia, and Europe* (Brussels: Migration Policy Institute Europe, 2024); Mrityika Shamsuddin et al., "The Labor Market Impacts of Venezuelan Refugees and Migrants in Brazil" (working paper 15384, Institute of Labor Economics, Bonn, June 2022).

18 International Rescue Committee, "Joint NGO Briefing on the Situation in Greece" (recommendations presented to the Members of the European Parliament, October 27, 2021).

3 Building Effective and Protection-Sensitive Processes at Borders

Governments have experimented with a range of measures to manage mixed migration at their borders, many of which have been established or evolved in reaction to large or sudden upsurges. Faced with constant fluctuations in resourcing, migration drivers, public sentiment, and political will, border management in many receiving countries has taken a whack-a-mole approach, prioritizing whatever problem seems most urgent in the moment. Instead, what is needed is a well-functioning set of basic competencies capable of operating effectively regardless of shifting geographic and seasonal conditions, arrival numbers, and migrant profiles.

Border management in many receiving countries has taken a whack-a-mole approach, prioritizing whatever problem seems most urgent in the moment.

This section lays out what this kind of well-built, adaptable border management system could look like, drawing on recent experiences and experimentation in various national contexts. Key elements include initial reception and screening measures, rapid triaging of cases into differentiated procedures, and the ability to complete asylum and return processes for certain cases at the border itself.

A. Sufficiently Resourced and Efficient Screening

In order to efficiently administer the multiple processes carried out at borders, a receiving country's authorities must first ascertain key data, including establishing an individual's identity through the review of identity documents and the collection of biometric data such as fingerprints. Several countries also include vulnerability and health screenings at this stage or closely thereafter to identify arrivals with health needs or vulnerabilities that require specific assistance and/or procedural safeguards. In the United Kingdom, for example, police officers processing asylum seekers arriving by boat are encouraged to identify and record any vulnerabilities,¹⁹ and authorities in Greece and Italy, with support from the European Union Agency for Asylum, conduct vulnerability and health screenings of new arrivals.²⁰ The EU Pact on Migration and Asylum has introduced a new mandatory screening mechanism to be implemented at all EU external borders, which will include health and vulnerability checks, identification, and referral of each case to the appropriate procedure.²¹ Identifying such health and other needs early on, in one procedural step, can help authorities meet these needs, while the identity and initial case screenings provide an early indication of which process is best suited to each case (for example, if an individual is identified as an unaccompanied minor or a victim of trafficking).

19 Independent Chief Inspector of Borders and Immigration, "An Inspection of the Initial Processing of Migrants Arriving Via Small Boats at Tug Haven and Western Jet Foil: December 2021 – January 2022" (presented to Parliament pursuant to Section 50(2) of the *UK Borders Act 2007*, Independent Chief Inspector of Borders and Immigration, London, July 2022).

20 European Union Agency for Asylum (EUAA), "Country Operations," accessed October 27, 2023.

21 "Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 Introducing the Screening of Third-Country Nationals at the External Borders and Amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817," *Official Journal of the European Union* 2024 (May 22, 2024).

In efforts to ease immediate border pressures and rapidly process new arrivals, states have experimented with the timing and location of these screening procedures. Some countries have set up facilities at or near the border where arrivals stay for a short span of time (from 24 hours to a few days) while these procedures are being conducted. This is the case in the United Kingdom, where people arriving by boat are held in short-term facilities while identification and health checks are completed,²² and in Italy, where arrivals spend a few days at so-called hotspots for registration, screening, and immediate assistance purposes.²³ Similarly, migrants and asylum seekers arriving by boat in Spain's Canary Islands are held for a maximum of 72 hours in Centers for the Temporary Assistance of Foreigners (CATEs) to conduct identification and other police proceedings.²⁴ In all these cases, arriving asylum seekers and migrants are held in detention-like conditions until identification procedures have been conducted. In other countries, such as Greece and Germany, identification and screening are conducted at first arrival centers where migrants can also register an asylum claim and receive services while the asylum procedure takes place, and where they are thus typically housed for longer periods.²⁵

While evaluations on the effectiveness of short-term arrival facilities are scarce, establishing dedicated facilities at the border could help to improve the management of arrivals, including identification and initial screening operations. For instance, following increased arrivals in 2015–16, Italy and Greece set up hotspots at several key disembarkation points, bringing together different authorities, and saw improved identification, registration, and fingerprinting rates.²⁶ Yet, if

enough resources are not allocated to these facilities, they can easily become overwhelmed when faced with heightened arrivals, and this can lead to substandard reception conditions, misidentification of needs, and poor safeguarding of vulnerable individuals. For example, an inspection of UK short-term holding facilities near disembarkation points found that, in October 2022, arrivals were staying on average six days, well beyond the 24-hour limit.²⁷ In Spain, the CATEs in the Canary Islands have received criticism as

Following increased arrivals in 2015–16, Italy and Greece set up hotspots at several key disembarkation points, bringing together different authorities, and saw improved identification, registration, and fingerprinting rates.

22 Gina Clayton, Judith Dennis, and Jon Featonby, *Asylum Information Database Country Report: United Kingdom* (Brussels: European Council on Refugees and Exiles, 2022 update).

23 EU Agency for Fundamental Rights, *Update of the 2016 Opinion of the European Union Agency for Fundamental Rights on Fundamental Rights in the 'Hotspots' Set Up in Greece and Italy* (Luxembourg: Publications Office of the European Union, 2019). This is also the case in other countries, such as Uganda, where arrivals go through initial processing at the border in the span of a few days, before moving to reception centers where they are fully screened through processes that can take up to weeks. See Alison Ryan, *Refugee Status Determination: A Study of the Process in Uganda* (Oslo: Norwegian Refugee Council, 2018).

24 These centers, however, are not regulated by law, and access to asylum from them is still complicated in some provinces. Author interview with a representative of UNHCR Spain, July 12, 2022; Asylum Information Database, "Place of Detention: Spain," accessed October 27, 2023.

25 Hanne Beirens, *Chasing Efficiency: Can Operational Changes Fix European Asylum Systems?* (Brussels and Gütersloh, Germany: Migration Policy Institute Europe and Bertelsmann Stiftung, 2020); EU Agency for Fundamental Rights, *Update of the 2016 Opinion... on Fundamental Rights in the 'Hotspots'*.

26 European Court of Auditors, *Asylum, Relocation and Return of Migrants: Time to Step up Action to Address Disparities between Objectives and Results* (Luxembourg: Publications Office of the European Union, 2019).

27 HM Chief Inspector of Prisons, *Report on an Unannounced Inspection of Short-Term Holding Facilities at Western Jet Foil, Manston and Kent Intake Unit* (London: UK Inspectorate of Prisons, 2023).

having poor accommodation standards.²⁸ And in Greece, a shortage of doctors to conduct vulnerability assessments at hotspots in 2018 had downstream effects, creating bottlenecks and increasing processing backlogs.²⁹

Another approach taken by some countries to increase efficiency and reduce pressure on overstretched border officers has been to create a legal or de facto two-stage registration procedure. In Greece, for instance, asylum law states that when full registration is not possible, authorities can conduct a “basic registration” of asylum seekers’ basic personal details within three working days, with the full registration taking place within 15 working days.³⁰ And in the United Kingdom, arrivals can apply for asylum at the border, but the formal registration of their asylum application occurs at a later stage.³¹ Evidence on the effectiveness of two-stage registration procedures is limited, but implementation experiences suggest they can ease pressure when registration authorities are overwhelmed, while still activating the rights and forms of assistance in place for asylum seekers. Yet, this approach also creates an additional administrative layer and might thus increase the length of the overall asylum procedure.³²

Digital tools can offer other potential solutions to pressure on frontline staff. In the United States, for instance, U.S. Customs and Border Protection (CBP) launched a phone app, known as CBP One, in October 2020 to streamline and shorten processing at the border by requesting that asylum seekers and other migrants upload information prior to requesting an appointment at a border crossing point.³³ Other countries, such as Canada, the Netherlands, and Norway, have leveraged digital tools to facilitate asylum seekers’ registration of their own asylum applications after arriving in the country.³⁴ Yet, while collecting information through digital means might reduce pressure on border staff, it can also leave behind people with limited digital skills and access to technology. For instance, there have been reports of migrants struggling to use the CBP One app to request an appointment at the U.S. border.³⁵ Authorities, therefore, should carefully pilot and assess the use of digital tools and embed appropriate safeguards, such as offering alternatives or dedicated support for people experiencing difficulties with online applications. The Netherlands, for instance, provides asylum applicants with an option of either self-registering their asylum claim via a digital platform, with assistance from an immigration officer, or submitting a written application.³⁶

28 *La Provincia*, “La Fiscalía denuncia que el antiguo CATE de Arrecife ‘repetía los errores en Arguineguín,’” *La Provincia*, September 7, 2022.

29 European Court of Auditors, *Asylum, Relocation and Return of Migrants*; Aspasia Papadopoulou, Elisa Maimone, Vicky Tsioura, and Katerina Drakopoulou, *The Implementation of the Hotspots in Italy and Greece: A Study* (Amsterdam: Dutch Council for Refugees, 2016).

30 Maria-Louiza Karagiannopoulou et al., *Asylum Information Database Country Report: Greece* (Brussels: European Council on Refugees and Exiles, 2021).

31 Clayton, Dennis, and Featonby, *Asylum Information Database Country Report: United Kingdom*.

32 Beirens, *Chasing Efficiency*.

33 American Immigration Council, “CBP One: An Overview” (fact sheet, American Immigration Council, Washington, DC, June 2023).

34 Karagiannopoulou et al., *Asylum Information Database Country Report: Greece*; European Asylum Support Office (EASO), *EASO Practical Guide on Registration: Lodging of Applications for International Protection* (Luxembourg: Publications Office of the European Union, 2021).

35 Daniela Dib and Ann Deslandes, “Migrants Must Overcome a New Barrier at the Border: The U.S. Government’s Terrible App,” *Rest of World*, March 9, 2023.

36 Jean-David Ott and Eleonora Testi, *Digitalisation of Asylum Procedures: Risks and Benefits* (Brussels: European Council on Refugees and Exiles, 2021).

B. Differentiated Procedures and Triaging Mechanisms

To respond to increasingly mixed migration, effective border management requires procedures that reflect the complexity and diversity of migrant and asylum seeker profiles and needs presented at the border. By instituting tailored procedures for different case types, governments can administer several processes simultaneously and allocate resources accordingly. Such differentiated procedures typically form two central tracks: one for cases deemed to qualify for continued asylum processing, and one for cases in which migrants choose not to seek asylum, do not meet asylum criteria, or are otherwise deemed inadmissible.

Asylum Admissibility

States set admissibility benchmarks according to various criteria, including individuals' manner of entering the country, migration trajectories, and in some cases, countries of origin. In the United States, for example, most who cross the southern border without authorization between ports of entry are automatically placed in expedited removal procedures, but if arrivals express a fear of return and intention to apply for asylum, they undergo what is known as a credible fear interview to screen the potential merit of their application.³⁷ Several countries also apply safe third country concepts when deciding if an individual's asylum application will be accepted for consideration. Although the details of such rules differ by state, they generally apply when a person is determined to have had the opportunity to apply for asylum in a country deemed "safe" or capable of offering meaningful protection. For example, the safe third country agreement between the United States and Canada stipulates that, with some exceptions, those arriving at Canada's southern border are not eligible for asylum because they transited through the United States and could have applied for asylum there.³⁸

Processes to decide admissibility at the border often have short time limits. For instance, the entirety of border processing in Spain, which aims to filter out manifestly unfounded asylum cases, takes max ten days.³⁹ And in Greece, Syrians arriving in the Greek islands were, prior to 2022, channeled into a fast-track border procedure⁴⁰ to decide on the admissibility of their claims.⁴¹ In general, this approach aims to channel migrants who do not intend to seek asylum or whose asylum claims are deemed inadmissible into return proceedings, as long as there are no extenuating circumstances that prevent their removal (including heightened vulnerability or the risk of refoulement⁴²). The EU Pact on Migration and Asylum provides for such a procedure, wherein cases deemed unlikely to be eligible for protection are adjudicated at the border prior to entry, and also includes a return border procedure to facilitate the rapid removal of those found not

37 U.S. Citizenship and Immigration Services, "Credible Fear Screenings," updated August 7, 2023.

38 Immigration, Refugees, and Citizenship Canada (IRCC), "Canada-US Safe Third Country Agreement," updated March 27, 2023.

39 UNHCR, *Effective Processing of Asylum Applications: Practical Considerations and Practices* (Geneva: UNHCR, 2022).

40 Equal Rights Beyond Borders, HIAS Greece, and Refugee Support Aegean, *The State of the Border Procedure on the Greek Islands* (N.p.: Equal Rights Beyond Borders, HIAS Greece, and Refugee Support Aegean, 2022).

41 For instance, the procedure in Spain lasts approximately ten days, including appeals. In Greece, the law establishes a seven-day time limit for authorities to decide on the admissibility of the claim, which can be extended to almost a month if the decision is appealed. In Peru, applicants were waiting at the border for around 30–70 days in 2019. See Accem, "Border Procedure (Border and Transit Zones) – Spain," Asylum Information Database, May 30, 2024; Greek Council for Refugees, "Fast-Track Border Procedure (Eastern Aegean Islands) – Greece," Asylum Information Database, June 24, 2024; Amnesty International, *In Search of Safety: Peru Turns Its Back on People Fleeing Venezuela* (London: Amnesty International, 2020).

42 Refoulement refers to the forcible return of a person to a country where they may face persecution.

to have a valid protection claim.⁴³ In many contexts, some migrants whose cases do not qualify for asylum nonetheless have protection needs, and some countries have instituted measures to direct those individuals into other, non-asylum processes (such as temporary or humanitarian pathways).⁴⁴

Fast-Tracks within Asylum Procedures

Rather than barring certain arrivals from accessing asylum proceedings, some countries, including the Netherlands, Sweden, and Switzerland, have differentiated tracks *within* their asylum system for likely well-founded and likely unfounded claims.⁴⁵ In such systems, expedited procedures are usually used for certain nationalities or risk profiles. These can include prioritized tracks for particularly vulnerable cases and manifestly well-founded cases (with applicants relocated away from the border for further processing), and accelerated tracks for those unlikely to receive a positive asylum decision. The cases of asylum seekers from certain countries may also be more readily fast tracked, for instance when conditions in an origin country mean its nationals are likely to qualify for asylum or, conversely, when a country of origin is deemed to be safe.⁴⁶

Registration and Triage

Where differentiated processes exist, robust first arrival procedures can help authorities efficiently triage and move cases into the appropriate asylum or return procedure. This triaging into or out of asylum processes, however, depends on arrivals receiving information about their right to apply for asylum. For instance, in Italy, people rescued at sea are often handed a *foglio-notizie* form that asks them to identify their reason for arrival, such as work, family reunion, asylum, or escaping poverty. While the aim of this form is to help authorities sort cases and channel them into the appropriate procedure, civil-society organizations have criticized this approach, describing the form as oversimplified and expressing the concern that arrivals are not adequately informed that this is the moment when they should express their intent to apply for asylum.⁴⁷ Moreover, even well-designed legal provisions can be ineffective if access to the envisioned process is not facilitated in practice. For instance, while Spanish law allows individuals to apply for asylum at border crossing points, asylum applications at the border crossing points of Ceuta and Melilla were negligible until the Spanish authorities opened dedicated police offices to register asylum applications.⁴⁸

Digital tools can be used to facilitate triaging based on the information provided by arrivals at the registration stage (see Section 3.A.). In Finland, for instance, the government has established an online screening system that automatically channels asylum applications to different tracks or “baskets” based

43 European Commission, “Pact on Migration and Asylum,” accessed June 6, 2024.

44 Across Latin America, for example, many Venezuelans have not gone through asylum procedures in order to enter neighboring countries, but rather accessed legal status through other lawful migration pathways and/or regularization campaigns. See Luciana Gandini and Andrew Selee, *Betting on Legality: Latin American and Caribbean Responses to the Venezuelan Displacement Crisis* (Washington, DC: Migration Policy Institute, 2023).

45 For a more in-depth discussion on tailoring asylum procedures to specific cases, see: Beirens, *Chasing Efficiency*.

46 EASO, *EASO Practical Guide on Registration*.

47 Caterina Bove et al., *Asylum Information Database Country Report: Italy* (Brussels: European Council on Refugees and Exiles, 2023).

48 However, reaching those border crossing points is still challenging for many people seeking protection. Author interview with a representative of UNHCR Spain, July 23, 2022; Daniela Lo Coco, Sani Ladan, Diana Cardona, and Andrés Berrio, *Vulneraciones de derechos humanos en la Frontera Sur: Gran Canaria y Melilla* (Barcelona: Oxfam Intermón and Irídia, 2021).

on the information collected by border officers.⁴⁹ While the tool has not been formally evaluated, it is a promising development that could potentially improve the efficiency of the asylum system and reduce pressure on border staff.

C. *In Situ Processing Capacity*

In addition to differentiated procedures that fast-track certain categories of asylum claims and provide for the rapid transfer of asylum seekers with more complex cases away from borders, some countries have set up a system in which the entire asylum procedure is conducted at or near the border. In the European Union, some Member States were already conducting asylum procedures at their borders, but the newly approved Pact on Migration and Asylum expands on this by mandating that certain applicants' cases be processed at the bloc's external borders, such as cases where the applicant poses a risk to national security or the public order, has intentionally misled authorities, or comes from a country whose nationals are granted asylum at a rate of 20 percent or less. In these cases, the asylum procedure can last a maximum of 12 weeks, extendable to 16 weeks under certain circumstances.⁵⁰

Conducting admissibility or merit assessment procedures at the border could potentially increase an asylum system's efficiency by filtering out or investing less time in applications that are likely to be rejected, and by facilitating a swifter return for migrants with no right to stay. However, some stakeholders have voiced concerns over the risks of lowering protection standards—for example, because accelerated procedures abbreviate the amount of time applicants have to prepare to present their asylum claim and because admissibility procedures mean some people will not have their asylum claims heard in full.⁵¹ The existing evidence shows these to be realistic concerns: in Greece, for example, many inadmissibility decisions made at the border for Syrians were overturned when appealed.⁵² Strengthening procedural safeguards can mitigate (though not completely avoid) these risks.⁵³ For example, Spanish law grants free legal assistance to asylum applicants having their claims processed at the border, and those not granted this legal assistance are admitted to the country's territory for further processing.⁵⁴ Ensuring adequate reception conditions while asylum and other processes are conducted at the border is also important to ensure respect for the rights of asylum seeker and migrants.

Beyond necessary safeguards, these procedures also require significant investments if they are to be efficient and protection-sensitive. This includes bringing more operational resources to the border, including lawyers and interpreters, and constructing facilities to appropriately accommodate migrants and asylum seekers while their cases are processed—both of which have proven challenging. For instance, the

49 Lucía Salgado and Hanne Beirens, *What Role Could Digital Technologies Play in the New EU Pact on Migration and Asylum?* (Brussels: Migration Policy Institute Europe, 2023).

50 For more information, see European Council, "A Common Asylum Procedure," updated May 16, 2024; "Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 Establishing a Common Procedure for International Protection in the Union and Repealing Directive 2013/32/EU," *Official Journal of the European Union* 2024 (May 22, 2024).

51 United Nations Human Rights Council, "Report of the Special Rapporteur on the Human Rights of Migrants on His Mission to Greece" (report A/HRC/35/25/Add.2, United Nations Human Rights Council, Geneva, April 2017).

52 Until the end of 2021, Greece conducted a "fast-track border procedure" for Syrian nationals arriving to the Greek islands, whose applications were examined for admissibility based on the safe third country concept. See Equal Rights Beyond Borders, HIAS Greece, and Refugee Support Aegean, *The State of the Border Procedure*.

53 UNHCR, *Effective Processing of Asylum Applications*.

54 Accem, "Border Procedure (Border and Transit Zones) – Spain."

U.S. government's ability to screen asylum claims at ports of entry has run into severe capacity constraints. The lack of personnel, compared to the scale of arrivals in recent years, has meant that in practice, most people who schedule an appointment via the CBP One app undergo only a security screening and are then released into the country with a notice to appear before an immigration court at a later date.⁵⁵ And while the government tried to solve this capacity crunch by moving more personnel to the border, this meant that asylum processing inside the country slowed down. In the United States and elsewhere, policies that concentrate asylum and other processes at or near the border have also been widely criticized due to the frequent use of detention.

BOX 4

Incentivizing Asylum Seekers to Arrive at Official Border Ports of Entry

Concentrating the resources needed to receive and process mixed migrant arrivals at specific points along a border can enable authorities to mitigate the challenges posed by lengthy borders, remote areas, and difficult terrain. However, persuading people to present themselves for screening at these official ports of entry has generally not proved easy. Many countries have sought to do so with measures designed to deter unauthorized crossings, such as by constructing walls and other barriers, but this approach has rarely produced the desired results and, instead, often pushed migrants and smugglers to use other, more dangerous routes.

Some countries have also sought to incentivize orderly arrivals at ports of entry by limiting the rights of those who cross without authorization. For instance, individuals hoping to seek asylum in the United States who do not make an appointment via the CBP One app and who cross the border between ports of entry are subject to stricter processing parameters, including a presumption of ineligibility for asylum. Such an approach is legal under current international law, which finds that such measures do not amount to punishment for irregular entry (prohibited under the 1951 Refugee Convention), provided that ports of entry are reasonably accessible to protection seekers—something that has not always been the case. In 2014, for instance, the Spanish government established asylum offices at border crossing points in Ceuta and Melilla, but UNHCR and nongovernmental organizations have criticized these sites as being inaccessible to sub-Saharan African migrants and asylum seekers due to pushbacks by the Moroccan police. And in the United States, the CBP One app has received criticism following reports of migrants struggling to book an appointment to present themselves at official ports of entry for screening.

Measures to incentivize orderly entry at official crossing points also face more intangible challenges. For example, such policies presume that people on the move know they can request asylum at these locations, but in practice, many do not have complete, up-to-date information during their journey. To be convinced to go to designated border crossings, protection seekers also need to believe that border processes will be fair and efficient. If governments fail to operate in a way that is credible and creates trust in these procedures, efforts to channel people to ports of entry and to discourage unauthorized crossings will likely be in vain.

Sources: Reece Jones, "Borders and Walls: Do Barriers Deter Unauthorized Migration?," *Migration Information Source*, October 5, 2016; U.S. Department of Homeland Security, "Fact Sheet: U.S. Government Announces Sweeping New Actions to Manage Regional Migration" (news release, April 27, 2023); UNHCR, "Convention and Protocol Relating to the Status of Refugee," accessed October 27, 2023; Spanish Commission for Refugees (CEAR), "La odisea de solicitar asilo en fronteras españolas" (news release, October 15, 2019); author interview with a representative of UNHCR Spain, July 23, 2022; Daniela Dib and Ann Deslandes, "Migrants Must Overcome a New Barrier at the Border: The U.S. Government's Terrible App," *Rest of World*, March 9, 2023; U.S. Customs and Border Protection, "Large Group of Migrants Encountered Were Misinformed" (news release, March 31, 2023).

55 Chishti and Bush-Joseph, "U.S. Border Asylum Policy."

4 Creating the Conditions for Successful Border Management

In a well-managed border system, the quality of core procedural functions—including needs assessments, asylum, and returns processes—should remain stable, regardless of geographic conditions, arrival numbers, or profiles. However, to avoid capacity strains that lead to chaos at borders (or the perception thereof), the rate at which these functions operate must match the scale of need. Achieving such efficiency requires governments to create conditions conducive to smooth border operations.

A. *Flex Capacity that Can Anticipate and Respond to Shifting Border Needs*

Given the many challenges involved in conducting effective border operations, there is a need for strategies that are responsive to changes in both arrivals and the resources available to manage them. Such flex capacity, as the term implies, is dynamic and can be scaled up and down quickly and adapted to different situations and geographies. It can also be built into a range of resources, from funding levels to staff and physical infrastructure. Strategies for creating flexible capacity should aim to accomplish three primary goals: provide an early indication of when capacity shifts are needed, produce detailed logistical plans for responding to warning signals, and deliver the infrastructure and resources necessary to mobilize that response.

Flex capacity models operate best when informed by early warning systems, forecasting, and scenario planning. Early warning systems, for example, can monitor real-time displacement and identify factors shaping migration decisions to estimate the likelihood that people will move, usually in the short term (from weeks to months).⁵⁶ In 2012, for instance, the European Asylum Support Office (since renamed the European Union Agency for Asylum) created the Early Warning and Preparedness System to monitor asylum trends in EU+ countries.⁵⁷ As part of the system, the agency has created a Push Factor Index that draws on global media and internet searches (for instance, in relation to visas or asylum) to detect events that are likely to drive migration, which can then trigger an alarm.⁵⁸ Early warning and alert systems are not perfect: it can be difficult to find the right thresholds to avoid triggering false alarms, and they are not well-suited to estimating final destinations or arrival numbers, given that people on the move may change their intentions based on conditions encountered en route.⁵⁹ But despite their limitations, early warning systems have shown themselves to be effective in helping governments predict impending asylum system pressures; for instance, the alerts the Early Warning and Preparedness System generated between 2012 and 2018 were

56 Organization for Economic Cooperation and Development (OECD) and EASO, “Can We Anticipate Future Migration Flows?” (working paper 16, Migration Policy Debates, OECD and EASO, 2018); Julia Lendorfer, “Introduction – Forecasting Global Migration,” *Migration Policy Practice* X, no. 4 (2020): 2–5.

57 EUAA, “Data Analysis and Research,” accessed June 25, 2024.

58 Constantinos Melachrinou, Marcello Carammia, and Teddy Wilkin, “An Innovative Framework for Analyzing Asylum-Related Migration,” in *Harnessing Data and Innovation for Migration Policy: A Handbook for Practitioners* (Geneva: International Organization for Migration, 2023).

59 OECD and EASO, “Can We Anticipate Future Migration Flows?”

closely followed by spikes in asylum applications filed by Syrians in the European Union.⁶⁰ Other tools, such as forecasting methods and scenario-building exercises, can help policymakers plan for medium- and longer-term trends, although they have limited value in the face of sudden mass exoduses triggered by unexpected conflict or disasters and may therefore be more useful for more predictable, regular migration flows (e.g., labor, family) than asylum.⁶¹

For a flex capacity strategy to be effective, policymakers also need to ensure that information on anticipated migration and border scenarios is translated into detailed contingency plans and emergency coordination mechanisms that can be activated in times of pressure at the border. For example, Canada has developed a national contingency plan in case of increased migrant and asylum seeker arrivals between ports of entry, which includes enhanced coordination between different government agencies and with municipalities.⁶² In the European Union, the Pact on Migration and Asylum has also introduced contingency planning, as well as measures to strengthen coordination and resource mobilization in times of crisis.⁶³ While some of the European Union's new crisis response provisions have been criticized as having the potential to allow Member States to sidestep certain obligations,⁶⁴ they illustrate growing efforts to improve preparation and planning through specific frameworks and coordination mechanisms that can be enacted on short notice. Effective contingency plans should also include strategies for communicating with the public during border crises, including which agencies will manage strategic communications and how. Importantly, if specific mechanisms are put in place to respond to emergencies, policymakers should also reflect on how to transition back from these mechanisms once the situation has changed.

For a flex capacity strategy to be effective, policymakers also need to ensure that information on anticipated migration and border scenarios is translated into detailed contingency plans.

60 Melachrinou, Carammia, and Wilkin, "An Innovative Framework."

61 Rhea Ravenna Sohst, Jasper Tjaden, Helga de Valk, and Susanne Melde, *The Future of Migration to Europe: A Systematic Review of the Literature on Migration Scenarios and Forecasts* (Geneva: International Organization for Migration, 2020); OECD and EASO, "Can We Anticipate Future Migration Flows?" Governments such as Canada fund asylum and border agencies based on assumptions about how many people will arrive (whether through formal forecasts or informal estimates). Better forecasting could therefore result in better resourcing of these agencies ahead of arrivals.

62 Public Safety Canada, "Border Management," updated May 19, 2022.

63 This includes dedicated legislation to respond to situations of crisis and force majeure, which mandates that Member States develop national strategies that include measures to ensure a sufficient level of preparedness and contingency planning. The European Commission also set up a Migration Preparedness and Crisis Blueprint mechanism to strengthen coordination and resource mobilization in times of crisis. "Regulation (EU) 2024/1359 of the European Parliament and of the Council of 14 May 2024 Addressing Situations of Crisis and Force Majeure in the Field of Migration and Asylum and Amending Regulation (EU) 2021/1147," *Official Journal of the European Union* 2024 (May 22, 2024); "Commission Recommendation (EU) 2020/1366 of 23 September 2020 on an EU Mechanism for Preparedness and Management of Crises Related to Migration," *Official Journal of the European Union* 2020 L317/26 (October 1, 2020).

64 These include, for instance, an extended time limit for registering asylum applications or the possibility to prolong the process at the border, which critics argue could hamper the ability to rapidly register an asylum claim and thereby access rights to reception and protection against refoulement. See European Council on Refugees and Exiles, "Alleviating or Exacerbating Crises? The Regulation on Crisis and Force Majeure" (policy note 32, European Council on Refugees and Exiles, Brussels, 2021); Amnesty International, "The Proposed Crisis Regulation" (position paper, Amnesty International, London, March 2021).

A common challenge is that even when contingency plans or standard operating procedures are in place, staff may not be sufficiently trained or resourced to use or adapt them to changing circumstances.⁶⁵ In light of this, the Platform for Disaster Displacement alongside UNHCR, the International Organization for Migration (IOM), International Labor Organization (ILO), and the Intergovernmental Authority on Development (IGAD) have conducted simulation exercises in East African border regions. These exercises have involved national and local authorities from both sides of a border, representatives of various ministries and agencies, and local civil society, and they have sought to validate standard operating procedures and secure participants' buy-in to using these procedures during future emergencies.⁶⁶ To make border management systems more resilient and adaptable to future demands, authorities in a range of countries—including Mauritania, Senegal, and Ukraine—have similarly conducted simulation exercises to test and improve their border management strategies.⁶⁷

To reliably act on contingency plans and respond to unanticipated needs at the border, states will need to invest in scalable infrastructure that creates resiliency—a challenging prospect in several regards. Building flexible reception capacity, for example, could involve preparing buildings for future use, investing in modular reception centers that can be quickly set up or removed depending on capacity needs,⁶⁸ or concluding standing agreements with regional authorities on the potential use of municipal buildings, to avoid needing to undertake lengthy negotiations in the midst of a crisis.⁶⁹

Hiring and training staff on short notice is another common challenge to the successful implementation of contingency plans. One solution is to have a reserve pool of staff that can be quickly deployed when needed.⁷⁰ For instance, in 2016, the European Border and Coast Guard Agency (Frontex) created a rapid intervention pool that would enable the agency to deploy up to 1,500 border guards within five working days to assist Member States facing pressure at EU external borders.⁷¹ Similarly, the European Union Agency for Asylum has set up a pool of 500 asylum experts from various Member States who can be swiftly deployed to other Member States that require assistance.⁷² And in Canada, a unique arrangement between the Canada Border Services Agency and Immigration, Refugees, and Citizenship Canada allows for work-sharing, where staff from each agency can take on some processing roles for the other agency, depending on demand. An alternative way to quickly mobilize human resources, particularly in remote border areas, is to invest in mobile units. Kenya, for example, has created mobile border control units that allow for rapid deployment of immigration and law enforcement staff to remote border areas.⁷³ Defining the optimal level of staffing capacity to maintain on a permanent basis is no easy task, but setting this baseline and layering

65 Author interview with a representative of the International Organization for Migration (IOM), January 20, 2023.

66 Lawrence Huang et al., *Evaluation Report: Addressing Drivers and Facilitating Safe, Orderly and Regular Migration in the Contexts of Disasters and Climate Change in the IGAD Region* (Washington, DC and Nairobi: Migration Policy Institute and Axiom Monitoring and Evaluation, 2023).

67 Author interview with a representative of IOM, January 20, 2023.

68 EUAA, *Modular Approach to Reception: Container Site Designs* (Brussels: EUAA, 2022).

69 Beirens, *Chasing Efficiency*.

70 UNHCR, "Better Protecting Refugees in the EU and Globally: UNHCR's Proposals to Rebuild Trust through Better Management, Partnership and Solidarity" (fact sheet, UNHCR, Geneva, December 2016).

71 Frontex, "European Border and Coast Guard Agency Launches Rapid Intervention Pool" (news release, December 7, 2016).

72 European Parliament, "A Strong EU Asylum Agency to Support Asylum Systems in the Member States" (news release, November 11, 2021).

73 IOM, "IOM Hands Over Mobile Border Control Unit to Address Kenya's Porous Borders" (news release, September 23, 2010).

on measures that create the flexibility to respond to different situations are key to improving border preparations.

B. Strong Coordination and Communication Mechanisms

Successfully executing orderly first arrival procedures and adjusting border capacity levels when necessary require a range of actors to work together. While governments typically oversee borders and asylum systems,⁷⁴ in many receiving states, different agencies are responsible for border management and asylum processing, which in turn may be different from the agencies responsible for health screenings, child protection, family reunification, detention, and return. Smooth border processes also require close cooperation with civil society and international organizations to provide services and shelters to new

Effectively managing complex and mixed migration requires whole-of-government and whole-of-society approaches, which hinge on strong communication.

arrivals, as well as international partners to manage how migrants leave and transit through countries before they arrive, and how they are returned and reintegrated, where appropriate. In short, effectively managing complex and mixed migration requires whole-of-government and whole-of-society approaches, which hinge on strong communication.

Several models exist to ensure effective coordination among government entities. Standing coordination committees at the technical and political levels can help to ensure consistency and more clearly define roles and responsibilities. For instance, Canada created a new Asylum System Management Board in 2020, following the recommendations of an earlier review and based on similar committees created in the Netherlands and Germany after the 2015–16 migration crisis.⁷⁵ This board, which operates at the deputy minister level, provides overall direction and monitors the country's entire asylum system, which involves the Canadian Border Services Agency; Immigration, Refugees, and Citizenship Canada; and the Immigration Review Board. Its work is supplemented by additional committees at the operational level. While this new system has not yet been evaluated, the country has seen a period of close interagency coordination in its response to spikes in arrival numbers in recent years.

Data sharing and joint case management are other means of streamlining coordination. Canada again serves as an important example in this regard, given investments in its Asylum Interoperability Project and the pilot Integrated Claim Analysis Centre (ICAC). These two related initiatives allow the three relevant agencies to digitally share intake information, evidence, and other files and to automatically notify other

74 In some low- and middle-income countries, UN agencies and donors take on a greater role in supporting and supplementing national asylum capacities, for instance where governments are not parties to the 1951 Refugee Convention and its 1967 Protocol.

75 IRCC, *Report of the Independent Review of the Immigration and Refugee Board: A Systems Management Approach to Asylum* (Ontario: IRCC, 2018).

agencies when decisions are made.⁷⁶ The ICAC pilot showed enough promise, despite COVID-19 disruptions, that the government has continued to implement it.

Perhaps the most direct approach to establishing well-coordinated border operations is co-location, where staff of multiple governmental agencies (and in some cases, nongovernmental entities) are physically located at the same site. Examples of this approach include Arrival, Decision, and Municipal Distribution or Return (AnKER) Centers established to process asylum seekers near Germany's southern border in 2018,⁷⁷ and the hotspot approach used in Italy and Greece to respond to increased arrivals in 2015–16. Co-location arrangements vary in terms of both their participation and purpose. They can include representatives of a range of national authorities and other key personnel (from police to asylum officers to doctors), international or regional institutions (such as EU agencies), and local partners (including local authorities and service providers). And they can be designed purely for initial reception and screening, or also include shelters or detention facilities designed for longer stays while arrivals are processed and relocated or returned.

Several studies have documented co-location's positive impacts on system efficiency. A 2019 evaluation by the European Court of Auditors of the hotspot approach found that registration and fingerprinting rates had dramatically improved, from 8 percent in the Greek Islands and 60 percent in Italy in 2015 to 100 percent in both countries in 2018.⁷⁸ Some of this success is specific to the EU institutional set-up: these hotspots allowed the EU Regional Task Force to coordinate how EU agencies (notably, the European Asylum Support Office, Europol, Eurojust, and Frontex) would work in these locations. But this model has also shown promise in other contexts. In Switzerland, co-location was found to help asylum authorities to make quality decisions considerably faster.⁷⁹ Broadly speaking, co-location creates efficiencies by allowing agencies to pass off cases immediately once they have completed their role, enhancing learning and knowledge-sharing (for instance, about emerging bottlenecks), standardizing procedures, and saving on the costs involved in keeping track of, following up with, and ensuring that asylum seekers admitted to a country complete the asylum process and, if their claim is denied, the return process.

However, physical co-location is not always straightforward. Building infrastructure, moving equipment, and relocating staff to borders (especially to remote locations) is already a challenge, and this challenge is only amplified when it requires cooperation from a host of agencies, including some whose primary mandate is not at the border (e.g., ministries of health). Additionally, co-location requires clear communication and delineation of responsibilities among agencies in order to avoid gaps or duplication of efforts. In the Greek

76 Canada reformed its tripartite systems model in part so it could minimize “administrative overhead” and achieve “greater economies of scale.” Over the past two years, this has proved a key factor in the country's ability to manage cases at its border with the United States. Because more asylum cases were being filed at the border, which is under the Canada Border Services Agency (CBSA) mandate, rather than inland (IRCC's mandate), the interoperability of data and software under the reformed system allowed IRCC to take some of the processing workload off CBSA's plate, including by having staff remotely work on these cases despite not being at the border. See IRCC, *Report of the Independent Review of the Immigration and Refugee Board*; author interview with a senior official from CBSA, May 4, 2023.

77 Minos Mouzourakis, Kris Pollet, and Jean-David Ott, *The AnKER Centres: Implications for Asylum Procedures, Reception and Return* (Brussels: European Council on Refugees and Exiles, 2019).

78 European Court of Auditors, *Asylum, Relocation and Return of Migrants*.

79 For a discussion of this finding from the Swiss Refugee Council, see Beirens, *Chasing Efficiency*, 35.

hotspots, standard operating procedures were created to outline each agency's roles at the site.⁸⁰ Moreover, co-location cannot solve all border challenges. The fact that many countries have vast borders makes it unlikely that co-location facilities will become the norm at all ports of entry, and if migrants (encouraged by smugglers) seek to cross the border far from co-location sites, additional resources would be needed to intercept and bring them to the designated sites for processing. Nonetheless, if implemented where border pressures are most acute, this approach can lead to more efficient processing.

In these and other efforts, attention should be paid to coordination not only among national government agencies but also with local and nongovernmental partners. Local authorities and civil-society organizations provide important basic services for border arrivals, but they often lack the resources and breadth of expertise available to national governments. Formal coordination mechanisms, such as standing committees and interoperable digital platforms, typically do not include these actors, although they are often part of co-located services. Coordination between these actors must be both vertical (given that national governments typically fund local institutions in border regions and have the core mandate to process asylum claims and often to manage interior relocation) and horizontal (requiring local authorities and civil-society organizations to work together to provide shelter and services). This type of coordination is often informal and not institutionalized, though this can at times produce inefficiencies at the local level and threaten overall system resilience if institutional knowledge is lost when key staff leave.

C. *Strategies to Manage Pressure on Border Communities*

In order for processes at borders to function reliably, they must account for the strain arrivals can place on nearby communities, whose experience can have a substantial impact on national asylum and migration discourse and lead to reactionary policies and funding disruptions if tensions rise. Efforts to help new arrivals and those granted asylum move further inland to areas with additional reception capacity can mitigate some of the pressure on initial reception services and border communities.

Many countries have instituted relocation strategies. In Europe, for example, the United Kingdom established a dispersal policy in 2000 to move new arrivals to different parts of the country and relieve pressure on London and other southern areas with high concentrations of asylum seekers. This policy was made mandatory for all local authorities in 2022.⁸¹ Similarly, in Spain, asylum seekers arriving in Ceuta and Melilla are often transferred to different parts of the country, depending on available capacity.⁸² Some countries, instead of relocating all arrivals and doing so based on local capacity, have established relocation mechanisms for particular groups. In 2018, Brazil launched Operation Welcome for Venezuelan migrants and refugees entering the country through the northern states of Amazonas and Roraima.⁸³ The voluntary relocation strategy, implemented in cooperation with IOM and UNHCR, aims to reduce pressure on these

80 European Court of Auditors, *EU Response to the Refugee Crisis: The 'Hotspot' Approach* (Luxembourg: European Court of Auditors, 2017).

81 Until 2022, local authorities could voluntarily participate in the mechanism. In April 2022, the government made participation mandatory for all local authorities in England, Wales, and Scotland. See Asylum Matters, "Asylum Matters Advocacy Update," updated April 27, 2022.

82 Author interview with a representative of the Spanish Commission for Refugee Aid (CEAR), June 1, 2022.

83 Federal Subcommittee for Relocation, *Voluntary Relocation of Refugee and Migrants* (Brazil: IOM and Brazilian Federal Ministry of Citizenship, 2021); author interview with a representative of UNHCR Brazil, April 12, 2023.

border states and improve Venezuelans' socioeconomic integration, and has relocated more than 100,000 persons.⁸⁴ And in Greece, while most asylum seekers arriving in the Greek islands are required to remain there, some (such as unaccompanied minors, vulnerable asylum seekers, or those whose applications are considered well-founded) are transferred to the mainland.⁸⁵ Lastly, some countries have relocation initiatives specifically for recognized refugees. This is the case in Mexico, where UNHCR set up a mechanism in 2016 to relocate refugees from the south of the country, where the great majority of asylum applications are filed, to central and northern cities, where they are matched with employment opportunities.⁸⁶ The program hinges on close cooperation between authorities and the private sector, and it had relocated more than 13,000 refugees by November 2021.⁸⁷

While most of these mechanisms have not been subject to robust evaluations, the evidence that does exist is promising. For instance, in Mexico, UNHCR found that 92 percent of relocated refugees found a job and all school-age children and youth were enrolled in schools.⁸⁸ And in Brazil, Venezuelans relocated through Operation Welcome have had better access to jobs, housing, and educational programs, according to a 2021 survey.⁸⁹ Yet, more evidence is needed to properly assess such initiatives' effectiveness. Moreover, relocation mechanisms can come at a political cost, especially when participation by all localities is mandatory. A law passed in the Netherlands in 2024 that requires local authorities to accommodate asylum seekers has faced strong resistance,⁹⁰ and in the United Kingdom, the decision in 2022 to mandate participation in the dispersal policy faced legal action from some local councils that wanted to prevent asylum seekers from being hosted in hotels in their area.⁹¹ If relocation becomes a numbers game and does not adequately take into account factors such as local economic opportunities, housing, and service capacity as well as arrivals' preferences and networks, such programs can also have a detrimental effect on both newcomers and receiving communities. Delays in transferring asylum seekers can also be disruptive. In the United Kingdom, for example, long waiting times to be relocated from London to other parts of the country mean that some children need to change schools after enrollment and that social connections forged in asylum seekers' first months can be lost, increasing social isolation.⁹² Therefore, to increase the effectiveness of such dispersal mechanisms, authorities should carefully weigh considerations such as local capacity, political feasibility, and flexible mechanisms to provide additional resources to communities receiving asylum seekers.

84 IOM, "After 5 Years, Brazil Relocation Strategy Benefits over 100,000 Venezuelans" (news release, April 4, 2023).

85 Greek Council for Refugees, "Freedom of Movement: Greece," Asylum Information Database, June 8, 2023.

86 UNHCR, "Mexico: Relocations for Refugee Integration Top 10,000 Mark" (news release, June 8, 2021).

87 UNHCR Country Office Mexico, "Socio-Economic Inclusion of Refugees and Asylum Seekers in Mexico – Relocation, Job Placement and Local Integration Support" (fact sheet, UNHCR, Mexico City, 2021).

88 UNHCR, "Socio-Economic Inclusion of Refugees and Asylum Seekers in Mexico." An evaluation of the UNHCR integration strategy, however, noted that the lack of sufficient socioeconomic data on people on the move made it difficult to reach conclusive findings. See Enric Grau, Nancy Landa, Elena Lucchi, and Elizabeth Posada, "Country Strategy Evaluation - Mexico: 2017-2021" (working paper EvOE/S2/02202/20/90, UNHCR Evaluation Service, Geneva, August 2022).

89 IOM, "After 5 Years, Brazil Relocation Strategy."

90 Dutch News, "Government Will Act to Allocate Refugees If Needed: Minister," Dutch News, May 25, 2023; Natasha Mellersh, "Dutch Parliament Approves Controversial Asylum-Seeker Law," InfoMigrants, January 24, 2024.

91 Mark Smulian, "More Councils Plan Legal Action over Asylum Places," Local Government Chronicle, November 7, 2022.

92 Catherine Gladwell and Georgina Chetwynd, *Education for Refugee and Asylum Seeking Children: Access and Equality in England, Scotland and Wales* (London: Refugee Support Network, 2018).

D. *Mechanisms to Improve System Accountability and Address Shortcomings*

The complex web of legal frameworks, contingency planning, (flexible) infrastructure, and coordination mechanisms required to make border management effective leaves even carefully designed systems vulnerable to implementation challenges and bottlenecks. Such disruptions, in turn, can compromise not only the effectiveness of border management, but also downstream asylum and return procedures. Therefore, it is crucial that policymakers invest in effective monitoring systems at the border in order to identify any shortcomings and ensure arrivals' fundamental rights are respected.

Several monitoring and assessment exercises have been conducted of border management systems around the world. The Schengen Evaluation and Monitoring Mechanism allows the European Commission to carry out evaluations in Member States to identify and address shortcomings in the implementation of the Schengen *acquis*,⁹³ including in relation to external border management.⁹⁴ If shortcomings are identified, Member States are required to submit an action plan within one month to address them. While the European Commission has identified some inadequacies in the mechanism, such as lengthy evaluation periods, it is generally considered effective and beneficial in addressing deficiencies.⁹⁵ Alongside this mechanism, Frontex carries out vulnerability assessments to regularly monitor EU Member States' border control systems, infrastructure, and resources,⁹⁶ and the European Commission has proposed introducing a new independent monitoring mechanism at the border to monitor human rights compliance, with the guidance of the EU Agency for Fundamental Rights.⁹⁷ However, while the existence of multiple monitoring mechanisms focusing on different aspects of border management can make for a robust monitoring exercise, it can also lead to duplication of efforts if there is a lack of coherence between these mechanisms.

Countries in other parts of the world have also sought to assess their border management systems. For instance, IOM has conducted border management assessments in several countries, including Sri Lanka and Mauritania, upon the request of their governments.⁹⁸ These assessments look at four aspects of border management: administration (such as organizational structure and human resources), regulatory frameworks, operations, and information management.⁹⁹ And in the United Kingdom, the Independent Chief Inspector of Borders and Immigration, a public appointee independent from the government,

93 The Schengen *acquis* is a set of rules and legislation, integrated into EU law, that regulates the abolition of border controls at internal borders within the Schengen Area as well as standards for border controls at external borders. See "The Schengen Acquis - Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the Gradual Abolition of Checks at Their Common Borders," *Official Journal of the European Union* 2000 L239 (September 22, 2000).

94 The mechanism was created in 2013, but in 2020, the European Commission proposed creating a new regulation in order to identify the mechanism's shortcomings. While EU monitoring is typically continuous and capable of identifying issues in real time, evaluations tend to be conducted at regular intervals or the end of a project. These evaluations can be more robust and carried out by external entities. See European Commission, "Schengen Evaluation and Monitoring," accessed October 27, 2023.

95 Martin Wagner et al., *The State of Play of Schengen Governance: An Assessment of the Schengen Evaluation and Monitoring Mechanism in its First Multiannual Programme* (Brussels: European Parliament, Policy Department for Citizens' Rights and Constitutional Affairs, 2020).

96 Frontex, "Monitoring and Risk Analysis," accessed October 27, 2023.

97 EU Agency for Fundamental Rights, *Establishing National Independent Mechanisms to Monitor Fundamental Rights Compliance at EU External Borders* (Luxembourg: Publications Office of the European Union, 2022).

98 IOM, "IOM and Border and Migration Management Assessments" (fact sheet, IOM, Geneva, 2015).

99 IOM, "Border and Migration Management Assessments" (fact sheet, IOM, Geneva, n.d.).

monitors and reports to the UK Parliament on the efficiency and effectiveness of the country's immigration and asylum system, including on border management functions such as the processing of arrivals.¹⁰⁰

However, a country's willingness to set up a monitoring mechanism at the border does not guarantee successful implementation. For instance, a recently established independent monitoring mechanism in Croatia that aims to detect human rights violations at the border has received widespread criticism from civil society, noting the lack of transparency in its operations and its geographic limitations, with monitoring allegedly only taking place in border-adjacent police stations, border crossing points, and detention centers, leaving potential blind spots.¹⁰¹ To help countries address such issues, the EU Agency for Fundamental Rights' guidance on setting up border monitoring mechanisms that respect human rights provides a useful set of standards, including on the financial independence and operational autonomy of such mechanisms, the use of both announced and unannounced inspections, and making the mechanisms' findings publicly available.¹⁰² It is also crucial to ensure monitoring and assessment lead to tangible system improvements. In the context of the Schengen Evaluation and Monitoring Mechanism, the slow implementation of action plans has reduced the mechanism's effectiveness,¹⁰³ pointing to the need for concerted effort to ensure action is taken when deficits are found.

5 Conclusions

The integrity of the international protection system is being tested. As staggering numbers of arrivals exert pressure on national asylum systems in North America and Europe, destination countries' efforts to limit access to overwhelmed border processes are having spillover effects in neighboring transit countries. And even as states and international organizations experiment with moving access to protection closer to asylum seekers' countries of origin and design interventions to manage mixed migration along key routes, national borders will remain vital sites for accessing protection as well as focal points in migration discourse and policy. Concurrent efforts are therefore needed to improve border management systems' ability to respond to fluctuating and increasingly complex challenges, including the search for safety.

To preempt the chaos, real or perceived, that displacement crises and mixed migration can engender, border processes need to be well defined, clearly communicated, and crucially, molded to reality. They should also be built out in such a way that authorities can efficiently organize caseloads according to the speed at which they can be processed, to avoid shifting cases to the judicial system or relying heavily on detention. Asylum

To preempt the chaos, real or perceived, that displacement crises and mixed migration can engender, border processes need to be well defined, clearly communicated, and crucially, molded to reality.

¹⁰⁰ UK Home Office, "Inspections of Border, Immigration and Asylum Services: About Us," accessed October 27, 2023; UK Home Office, "The Home Office Response to the Independent Chief Inspector of Borders and Immigration's Report: A Re-Inspection of Initial Processing of Migrants Arriving via Small Boats, Including at Western Jet Foil and Manston" (policy paper 01-02, UK Home Office, London, June 2023).

¹⁰¹ Human Rights Watch, "Croatia/EU: Strengthen Border Monitoring System," Human Rights Watch, August 2, 2021.

¹⁰² EU Agency for Fundamental Rights, *Establishing National Independent Mechanisms*.

¹⁰³ Wagner et al., *The State of Play of Schengen Governance*.

officers and other relevant personnel should be able to leverage a full complement of corresponding infrastructure to decide straightforward cases on site, move complex cases to other venues for further processing, and initiate returns of those without a protection need, when appropriate.

Designing effective border processes is a formidable challenge. Policymakers must at times balance competing best practices, such as deciding asylum cases at the border to avoid the risk of abscondence or protracted processes elsewhere versus moving people away from the border quickly to relieve strained systems and maintain public confidence. And to forestall the need to expend significant resources on monitoring and controlling crossings in remote areas, border processes must provide a meaningful incentive for protection seekers and others to arrive at ports of entry, while optimizing the ability to move people through and away from these sites. To achieve these objectives, border management processes require a clear delineation of which of a wide range of actors is responsible for which tasks, supported by actionable contingency plans and well-designed coordination mechanisms. Institutionalizing flex capacity capable of meeting fluctuating infrastructure and staffing needs is also paramount, particularly in light of compounding displacement emergencies in recent years.

Finally, dynamic and effective border processes require meaningful investment by governments. Asylum systems are, in general, under-resourced, in particular because public attention (and therefore political prioritization) tends to only turn toward asylum systems in times of crisis. But waiting until such crises emerge to fully fund asylum systems is problematic, for several reasons. Human, physical, and digital resources are less nimble than money, so while transferring funds among government agencies might be fairly quick, hiring staff and expanding shelters are not. In addition, due to persistent under-resourcing, all parts of an asylum system can become overwhelmed when arrival numbers spike, and once this happens, it can be difficult to objectively prioritize and assess funding needs to decide where to send limited resources. And finally, investments made in the midst of an emergency may simply not be cost-effective, since designing and funding digital and physical infrastructure in non-crisis times would likely be less costly than suddenly standing up these resources with little advanced planning. In short, making smart investments now in the fundamental building blocks of protection-sensitive border processes—alongside digital, technical, and procedural innovations—is likely to pay off in the long term.

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