

SRILANKAN POSITION-PAPER 2

BALI PROCESS ON PEOPLE SMUGGLING, TRAFFICING IN PERSONS AND RELATED TRANSNATIONAL CRIME -SENIOR OFFICIALS' MEETING

PEOPLE SMUGGLING

Automating Sri Lanka Passport issuing Systems

As there were certain weaknesses in the G, H, J, K, series passports which were hand written documents, in the year 1992 we were able to introduce the “L” series passport which went into issue of 1,000,000 passports. This document was machine readable and manufactured to the ICAO specifications at that time. This had more security features than the manually issued passport was with a lamination over the photograph and the bio-data page to prevent photo-substitution and alteration.

We further developed the passport with more security features when we introduced the “M” series passport in the year 1996 and the present issue of “N” series passport was made after analyzing all the weaknesses from the previous issues.

Training for Border Controller Officers

It became very important for us to prepare Immigration Officers to face the new challenges. In this direction along with the assistance and support from the Government of Sri Lanka (GOSL) and the International Organization for Migration, (IOM) we were able to establish a fully equipped training centre and were able to embark on many training programs. This will be a continuing process. Further to support this process the IOM trained six senior Immigration personal as Training of Trainers.

The Training unit is responsible to identify the training needs from time to time to keep the space with the ongoing trends.

Establishment of Counter Human Trafficking Center

We have now established a counter Human Trafficking center in the main Head Office in Colombo and moving forward to strengthen the following activities initial support had been given by the International Organization for Migration (IMO).

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- 1) Organizing public awareness programmers
- 2) Train law enforcement officers
- 3) Coordinate with other stake holders such as, Sri Lanka Bureau of Foreign Employment, Child Protection Authority, Women Bureau, Sri Lanka Police, Attorney Generals Department and INGOS
- 4) Victim protected at Ports of entry and Exit with other state holders.
- 5) To conduct research on Human trafficking
- 6) To develop international cooperation by way of information and Intelligence Sharing Joint investigations
- 7) To propose Legal reforms to the Sri Lankan Government to fill gaps in existing system in accordance with international standards.

Present Challenges

1. Forge/fake visas
2. Substituting the Data page of passports
3. Impersonation
4. Using transit area for irregular boarding
5. Trafficking of Persons
6. People smuggled through un-approved exit points, mainly by boats
7. Arrest and removal of persons who overstays their entry visas

The above are some of the challenges we face and all possible actions have been taken to minimize these activities. Towards this end we have increased the number of staff and strengthened the compliance branch. All officers are in constant training schedules to meet the rapid increase of challenges.

The Department has taken the initial action to implement the following to further strengthen the Border control systems

- 1) Introduction of biometric features to the Passport issuing process with the assistance of Government of Australia.
- 2) Establish a scanning system to capture records of documents, including embarking and disembarking cards electronically.
- 3) Introduce an electronically generated sticker to replace the present departure and arrival endorsements granted by Immigration officers, with a link to the main computer systems, to prevent usage of fake endorsement.

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- 4) Introductions of an electronically checking system by the Immigration at the final boarding gate to prevent swapping of passports and boarding passes in the transit lounge.
- 5) A similar check to be done with regard to transit passengers who use Colombo to travel to a third country.
- 6) Usage of CCTV systems to track suspected passengers.

Legal amendments and Department of Immigration & Emigration and the Criminal Investigation Department (CID) participation in combating immigration related crime

Several amendments to the Immigrants and Emigrants Act of 1948 had been made to discourage persons breaching the Immigration regulations.

The main amendments are

- 1) Immigrants and Emigrants (Amendment) Act No. 16 of 1993. This amendment made the following Acts a punishable offence.
 - a) being the holder of a travel document, residing outside Sri Lanka, dispatches or transmits such travel document to a person residing in Sri Lanka, through the post or through another person, without the prior approval in writing of the Controller;
 - b) being the holder of a travel document, residing in Sri Lanka, dispatches or transmits such travel document to a person residing in any country outside Sri Lanka, through the post or through another person, without the prior approval in writing of the Controller;
 - c) has in his possession, more than one travel document for the time being in force, issued to him;
 - d) being in possession of a travel document issued to him, and for the time being in force, applies for the issue of a travel document;

- e) without lawful authority, has in his possession a travel document of any other person;
 - f) during the tendency of an order under section 51c, impounding a travel document issued to such person, applies for the issue of another travel document;
- 2) Immigrants & Emigrant Amendment Act No. 42 of 1998
Under these amendments offences under section 45 of this Act, a mandatory prison sentence from 1 year to 5 years and a fine of Rs. 50,000/- to Rs. 2,000,000/- was enforced.
- 3) Penal Code (amendment) Act No. 16 of 2006
The following offences were incorporated in the amendments and human trafficking was made a punishable crime.
- a) Any person who is guilty of the offence of trafficking shall on conviction be punished with imprisonment of either description for a term not less than two years and not exceeding twenty years and may also be punished with fine and where such offence is committed in respect of a child, be punished with imprisonment of either description for a terms not less that three years and not exceeding twenty years and may also be punished with fine.

The penalties have been increased for violating the Immigrant and Emigrants Act, which runs a mandatory fine and imprisonment. Further amendments to the Act are to be implemented soon to strengthen the teeth to combat illegal migration, human trafficking and human smuggling.

The Criminal Investigations Department (CID) is doing a highly commendable role to combat Immigration related crime. Since CID was called into handle major investigations and prosecution work, the law enforcement arm of the state has been strengthened. While the Criminal Investigation Department is doing a highly

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commendable role to combat immigration related crimes, the Department is doing a highly commendable role to combat immigration related crimes, the Department of Immigration also has taken steps to increase the capacities of the Legal Branch and the Investigation Branch to carry out the tasks needs immediate response to combat human smuggling the trafficking.

Establishment of Integrated Enquiry Management System

The Department has embarked on a new computerized system for data and information exchange among stakeholder agencies with the assistance of International Organization for Migration (IOM). The migration related information, which is electronically stored in the main system of the department, has been made available to the diplomatic missions in Sri Lanka and abroad in order for them to make use of such information in their internal decision making processes. Any enquiry, relating to Travel Documents issue details, lost passports, boarder control data, etc. is effectively responded within the day itself. The diplomatic agencies highly appreciate the system and its support extended to them (Contact details of Integrated enquiry Management Unit – Tele/Fax: 011-2674623. e-mail: enquiry@immigration.gov.lk)

Sri Lanka Immigration's effort to combat Human Smuggling and Trafficking

Good morning to every one of you and I and Mr Priyasad Dep, The Solisitor General of Sri Lanka is privileged to be at this important event held in Brisbane Australia.

At present, an International Passport has become an utmost important document for international travel. It assist to identify the person crossing borders as well as for countries to control their own security concerns effectively. I believe every state has the right to know who is coming in and who is moving out from a country.

Therefore, I would like to comment about the evolution of our passport systems to the present status.

Submitted by

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