

# BALI PROCESS STRATEGY FOR COOPERATION: UPDATE<sup>1</sup>

## Objective

To strengthen the work of the Bali Process to deter and address irregular migration and to combat trafficking in persons, people smuggling, and related transnational crime, including by:

- Implementing the actions and directives on deterrence, prevention, early detection, disruption, protection and prosecution, as agreed by Ministers at the Bali Process Ministerial Conferences, as well as the Jakarta Declaration;
- developing further practical work programs focussed on legal cooperation, law enforcement and border management cooperation, consistent assessment processes for mixed movements of people, protection of victims of trafficking, and related capacity building;
- linking with other regional and multilateral fora to improve coordination of activities, and share relevant resources, expertise and lessons learned;
- assisting members to strengthen domestic responses to people smuggling and trafficking in persons;
- enhancing capacity to develop, and increasing awareness of, safe and legal migration pathways; and
- as appropriate, encouraging innovative solutions to address the root causes of irregular migration, including the enhancement of development potential and stabilisation of key areas of origin.

## Background

The Eighth Ad Hoc Group Senior Officials Meeting (AHG SOM) (Canberra, 6 August 2014) of the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime* (Bali Process) endorsed the *Bali Process Strategy for Cooperation: 2014 and Beyond*. The Strategy drew on key outcomes of the Fifth Bali Process Regional Ministerial Conference (2 April 2013) and the Jakarta Special Conference on the Irregular Movement of Persons (20 August 2013). The purpose of the Strategy and its forward work program of activities is to guide the advancement of Bali Process objectives through cooperation to strengthen immigration management, refugee protection, border integrity and related legal capacity building and law enforcement measures<sup>2</sup>. The Meeting also agreed that implementation of the Strategy be reviewed at least annually by the Steering Group and the Ad Hoc Group (AHG).

The Ninth AHG SOM (Wellington, 6 May 2015) reaffirmed that the Bali Process Strategy is a ‘living’ document, to be continually revised and updated. Members welcomed proposed new and continuing initiatives in the Bali Process Strategy to sustain positive momentum.

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<sup>1</sup> This Strategy will be further updated to reflect outcomes of the Sixth Bali Process Ministerial Conference (23 March 2016).

<sup>2</sup> A number of the activities in the original BP Strategy, endorsed in Aug 2014, are reported in the Ad Hoc Group Progress Report.

This updated Strategy maintains the overriding emphasis on practical collaboration among members, including through sharing of information, experiences and policy ideas; coordinated actions, and capacity-building activities. It continues to embed the core objectives of the Bali Process and related priorities of the Regional Cooperation Framework (RCF) and Jakarta Declaration (including applying protection-sensitive approaches). It also reflects areas where the Bali Process can further support, or build on, country, sub-regional, regional and global efforts to address irregular migration, including the migration-related aspects of the 2030 Agenda for Sustainable Development.

### **Activities and scope**

The updated Strategy outlines new and continuing (or follow-up) activities that support these priorities. Its scope encompasses key activities implemented by the Bali Process operational mechanisms, including the two established **Working Groups**, and the **Regional Support Office (RSO)**; as well as discrete Bali Process activities previously endorsed, including regional biometrics data exchange, a joint information campaign pilot, and the Roundtable on Returns and Reintegration.

Members have undertaken activities to implement the Jakarta Declaration to complement the Bali Process. Two activities under the Jakarta Declaration are the International Workshop on the Protection of Irregular Movement of Persons at Sea (21-22 April 2014) and Roundtable Meeting on Addressing the Root Causes of Irregular Movement of Persons (27-28 November 2016) inform the Strategy update. Other regional meetings in 2015<sup>3</sup> also put forward certain recommendations for addressing irregular migration in the region. This Strategy recognises the leading importance of affected countries and key regional fora (including ASEAN) in responding to the regional situation, and the primary role of the Bali Process as a forum for policy dialogue, sharing information and best practice, improving coordination of states' efforts, and medium-longer term capacity-building. It also includes activities that help advance some of the key recommendations of these regional meetings.

Notably, key themes identified in the previous Strategy remain highly relevant in light of recent global developments in irregular migration. Effective cooperation to facilitate the return of persons who no longer have a lawful right to remain in a country continues to be an essential part of a comprehensive approach to migration management. The Bali Process Roundtable on Returns and Reintegration was held in Manila (3-4 December 2015) and identified a number of potential follow-up activities. Two of these are included in the updated Strategy.

The Strategy also includes **updates to existing activities**. For example, work has continued on the Regional Biometric Data Exchange Solution, of which the technical solution is ready for finalisation. A policy framework relating to this initiative has been developed by the RSO in consultation with member states and international

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<sup>3</sup> Including the two *Special Meetings on Irregular Migration in the Indian Ocean* (29 May and 4 December 2015, Bangkok) and the *Emergency ASEAN Ministers' Meeting on Irregular Migration* (2 July 2015, Putrajaya).

organisations. This will provide the basis for interested member countries to consider entering into bilateral or multi-country arrangements for biometric data-sharing.

#### *Bali Process Regional Support Office (RSO)*

The RSO's 2015-17 Forward Work Plan was considered at the Ninth AHG SOM. The Work Plan was developed under the oversight and guidance of the Bali Process co-chairs, in consultation with UNHCR and IOM, and following consultations with Bali Process members. The RSO focuses on activities related to: pooling together of common technical resources; support for joint pilot projects; facilitating exchange of best practice and information sharing; and the development of tools to assist members harmonise regional approaches to refugee protection and migration management (including people smuggling and trafficking in persons). This Strategy includes select activities drawn from the RSO work plan, as they reflect broader Bali Process priority themes and issues, and complement other regional activities. These include: a training program focused on the use of risk-based approaches to border management; a workshop on labour migration and its nexus to humanitarian responses; and a strategic roadmap to allow member states to monitor domestic and regional responses to combat trafficking in persons. Updates on these activities will also be reported in RSO reports.

#### *Other regional activities/programs*

The Strategy recognises that there are significant non-Bali Process-related regional activities that address similar people smuggling, trafficking and irregular migration issues; which undertake valuable capacity-building, information exchange and technical cooperation activities. For example, the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP) aims to strengthen the criminal justice response to trafficking at national levels in Cambodia, Indonesia, Laos, Burma, Philippines, Thailand and Vietnam, with Singapore, Malaysia and Brunei Darussalam involved through regional forums. In addition, the Tripartite Action to Enhance the Contribution of Labour Migration in Growth and Development in the Association of South East Asian Nations project (TRIANGLE II) is promoting safe and legal labour migration in South-East Asia.

### **Strategy implementation and review**

The Strategy provides a reference for Ministers in reviewing progress of Bali Process activities, as well as future direction and mandate setting at their biennial conference. Strategy implementation is reviewed at least annually by the Steering Group and AHG, and will continue to be refined and updated to reflect directions set by Ministers. Substantive amendments will require AHG SOM agreement. Timeframes for Strategy implementation will depend on available funding for associated activities.

Ongoing Strategy implementation and review will also take into account the continuing global and regional developments in irregular migration, people smuggling and trafficking in persons; and the outcomes of related multilateral and regional consultative forums.

## **Annex A - Activities**

### *Law enforcement cooperation and border management*

#### **Joint Period of Action (JPA) (continuing) under the Working Group on the Disruption of People Smuggling and Trafficking in Persons Networks:**

Coordinated law enforcement operations against individuals and criminal networks involved in people smuggling and/or trafficking in persons. The focus of the Joint Period of Action will be determined by the priorities and capacities of participating member states. A JPA will take place approximately once a year, building on the pilot conducted in October 2015, and will continue to strengthen engagement with INTERPOL.

#### Action:

- Participating AHG member states would carry out coordinated law enforcement operations against individuals and criminal networks involved in people smuggling and/or trafficking in persons over a specific, agreed time period; [the next JPA is planned to be held in the second half of 2016]
- Authorities from different member states will work within their own jurisdictions, as well as undertake possible joint cross-border investigations

#### Who:

Law enforcement agencies (e.g. police) from interested member states, coordinated by the Working Group.

**RSO-JCLEC partnership (continuing):** Agreed by Bali Process Ministers in 2013, this project commenced in June 2015. It will develop a targeted regional coordinated training mechanism to strengthen border management and related legal and law enforcement cooperation, and facilitate greater engagement between regional training directors. Under the partnership, RSO-JCLEC will develop a catalogue of training and capacity building courses, host a meeting of National Training Directors for Police and Immigration and, hold regular meetings of regional training centres of excellence.

#### Action:

- facilitate links and opportunities between training needs of member countries and available courses and funding.

#### Who:

The RSO with JCLEC and interested Bali Process members

### *Effective information and intelligence sharing*

**Regional Immigration Liaison Officers Network (RILON) (continuing):** an AHG forum for host countries and foreign missions to exchange information on travel fraud and border security. It has operated in five member states. The use of RILON for exchanging information on smugglers and traffickers, including on visa refusal or cancellation, is also a Jakarta Declaration outcome.

Action:

- continue to strengthen RILON networks as an effective means of exchanging immigration information and intelligence by developing the linkages between established RILONs and encouraging Bali Process Member States to establish RILONs.

Who:

RSO to act as a coordination point for RILON and assist Bali Process member states to establish RILONs and host regular meetings.

**Systems for data collection and sharing (continuing):** United Nations Office on Drugs and Crime (UNODC) Voluntary Reporting System on Migrant Smuggling and Related Conduct (VRS-MSRC) has been established for members to share data. Membership currently stands at 22 countries with likely further growth in the next year.

Action:

- encourage, through the senior officials meeting (SOM) process and related activities, Bali Process members to utilise the VRS-MSRC system.<sup>4</sup>

Who:

UNODC.

*Cooperation on border and visa systems to detect and prevent illegal movements*

**Immigration Liaison Officers (ILO) training (new):** Build on the outcomes of Bali Process workshops on visa integrity, document examination and the 2014 Airport Security Workshops, to enable states to strengthen border management through continued training of immigration liaison officers.

This project will commence in the first half of 2016.

Action:

- develop modularised training program, in collaboration with regional training centres of excellence

Who:

The RSO with interested Bali Process members.

**Risk-based approaches to border management(new):** Improved risk management guidelines and tools, including identity verification and visa caseload management, to strengthen integrity and support greater cooperation and consistency in border management. This project will commence in the second half of 2016.

Action:

- develop tools for visa caseload managers to determine risk profiles, create risk management strategies and develop risk tiering frameworks

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<sup>4</sup> There could be potential in expanding this system to cover human trafficking-related data.

- develop and deliver training program on visa integrity for staff of foreign missions

Who:

RSO, with interested Bali Process members.

*Increased public awareness of the dangers of people smuggling*

**Pilot joint public information campaign (new):** This activity was endorsed at the Ninth Ad Hoc Group SOM. It builds on the outcomes of the Bali Process workshop on *Addressing Irregular Migration through Effective Information Campaigns* (19-20 November 2014, Bali) and the subsequent handbook of tools and guidance to develop and implement effective information campaigns addressing irregular migration.

This proposed new activity is for interested source, transit and destination countries to partner in piloting a coordinated public information campaign(s). Development of the pilot campaign(s), including specific messages and modalities, depends on the countries involved, and based on their specific needs and circumstances.

Action:

- Interested country to agree in conducting a pilot joint information campaign
- Participating country agrees on specific messages and modalities to deliver in coordinated campaigns

Who:

Interested source, transit and destination countries. Co-Chairs to identify pilot partner country, after discussion with interested member countries.

**RSO Technical Training Working Group on Information Campaigns (new):** This activity was endorsed at the Ninth Ad Hoc Group SOM. It builds on the outcomes of the Bali Process workshop on *Addressing Irregular Migration through Effective Information Campaigns* (19-20 November 2014, Bali) and the subsequent handbook of tools and guidance to develop and implement effective information campaigns addressing irregular migration.

The *Technical Training Working Group* will target working level officials involved in the design and implementation of information campaigns. The working group will attempt to pair countries of source, transit and destination and will highlight regional examples of good practice and utilise detailed case studies to construct hypothetical campaigns based on good practices identified in the *Addressing Irregular Migration through Effective Information Campaigns Handbook*. This proposed new activity will result in the development of a coordinated public information campaign(s). This project will commence in the first half of 2016.

Action:

- RSO to establish the working group and modalities
- Countries express interest in developing a national capability to develop effective information campaigns

Who:

RSO with interested source, transit and destination countries to participate.

*Returns and removals to deter irregular movement*

**Technical Experts Group on Returns and Reintegration (new):** This activity follows from the Bali Process Roundtable on Returns and Reintegration (Manila, 3-4 December 2015). One key recommendation was the establishment of a technical experts group to explore best practices with respect to reintegration or other themes of concern to Bali Process members.

Action:

- establish a Technical Experts Group (TEG) on Returns and Reintegration
- once established, the TEG to develop a work plan, initially incorporating recommendations from the Roundtable

Who:

Bali Process Co-Chairs, in collaboration with IOM, to coordinate establishment of TEG; interested members to participate.

**Model readmission agreements (new):** This is another recommendation from the Bali Process Roundtable on Returns and Reintegration in December 2015. Readmission agreements cover a number of different returns contexts. For example, agreements are helpful in clarifying the type of evidence required to establish nationality, as well as cost-sharing arrangements and procedures for readmission. They should be flexible enough to cater for changing circumstances but sufficiently detailed to provide clarity on returns procedures.

Action:

- develop model readmission agreements for use by member states

Who:

RSO with interested source, transit and destination countries.

**Assisted Voluntary Returns and Reintegration (AVRR) (continuing):** Ongoing program to implement and facilitate returns to their country of origin of irregular migrants and persons found not to be owed protection, and encourage regional arrangements to reduce administrative barriers to returns (in line with Jakarta Declaration commitment).

Action:

- continue to work with interested member countries on arrangements to enable sustainable returns and encourage countries of origin to facilitate voluntary repatriation and return of those found not to be owed protection

Who:

IOM to manage through RSO.

*Identity verification of irregular migrants and trafficking victims*

**Regional Biometric Data Exchange Solution (RBDES) (continuing):** Developing effective tools and arrangements to assist countries with secure exchange of high value biometric data (while also supporting them to meet domestic and international privacy requirements), for agreed purposes. These may include for identity verification, assessment of claims, visa caseload management, and investigation and prosecution of suspected transnational offences. Following extensive consultation with countries, the Regional Support Office has developed a Policy Framework which incorporates strong security and privacy protections and privacy impact assessments, legal agreements and policies.

Action:

- implement technical system for exchange of biometric data (delivered by Australia's Department of Immigration and Border Protection)
- interested members to consider entering into biometric data sharing arrangements

Who:

IOM to manage infrastructure. RSO to maintain Policy Framework. Interested countries to enter into agreements.

**Workshop on Biometrics (previously endorsed):** [The Fifth Bali Regional Ministerial Conference in April 2013 endorsed further work on the use of biometrics in immigration systems.] Holding a workshop on biometrics, to build on the AHG Workshop on Biometrics for Identity Integrity in Immigration held in New Delhi, India (23-26 April 2012), where members agreed to increase cooperation among members to optimise the use of biometrics, strengthen authorised migration, and prevent or disrupt unauthorised or irregular migration. Invitations will be extended to two delegates from each AHG member country.

Action:

- hold a workshop to share and develop consistent approaches for collecting, analysing and sharing biometric information amongst members

Who:

Co-hosted by Indonesia and Australia; participants will include interested AHG member countries, other interested countries and international organisations.

*Strengthening law and justice frameworks and other measures to combat trafficking in persons and people smuggling; and protection for victims of trafficking*

**Promoting Bali Process Policy Guides on human trafficking issues (continuing and expanded):** Promoting the Bali Process Policy Guides on *Criminalising Trafficking in Persons* and on *Identification and Protection of Victims of Trafficking*, through training and other opportunities.

Action:

- continue distribution of Bali Process Policy Guides to relevant agencies within Bali Process countries

- deliver regional training workshops to officials of interested member countries on applying these Policy Guides through implementing specific domestic measures (such as developing legislation, or guidelines for frontline officers)
- translate policy guides into key regional languages.

Who:

Working Group on Trafficking in Persons, supported by the RSO<sup>5</sup>.

**Guidance on identifying victims of trafficking (new):** Developing guidance tools, including indicators, for use by relevant officials (including law enforcement, immigration and labour officials) to improve their capacity to identify victims of labour trafficking.

Action:

- develop guidelines on identifying victims of labour trafficking
- develop indicators (targeted to users) on identifying victims of labour trafficking

Who:

Working Group on Trafficking in Persons.

**Information sharing network on regional best practice (new):** utilising the Working Group on Trafficking in Persons as a network that regularly shares information on regional trends and best practice in combatting trafficking in persons.

Action:

- promote regular information sharing amongst Working Group members to showcase regional trends and best practice initiatives in combatting trafficking in persons and protecting trafficking victims, including for engaging effectively with NGOs in providing assistance to victims.

Who:

Working Group on Trafficking in Persons.

**Guidance on effectively criminalising money laundering and proceeds of crime (new):** promote the importance of complementary obligations to effectively criminalise money laundering and proceeds of crime under the Organised Crime Convention, to assist countries to disrupt and recover the proceeds of criminal activity associated with trafficking in persons and people smuggling.

Action:

- develop regional guidance materials on effectively criminalising money laundering and proceeds of crime in line with international standards and best practice.
- promote the value of formal and informal information sharing networks to assist law enforcement and justice officials to trace and recover criminal assets associated with people smuggling and trafficking across borders, maximising

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<sup>5</sup> Translation of Policy Guides separately supported by Australian Department of Immigration and Border Protection.

all available networks to foster greater information sharing (such as the Asset Recovery Interagency Network – Asia Pacific ([ARIN-AP](#))).

Who:

Working Group on Trafficking in Persons.

**Regional Strategic Road Map (new):** The Regional Strategic Roadmap is a voluntary regional roadmap/strategic plan which will allow Bali Process member states to monitor domestic and regional policy and legislative action to combat trafficking in persons.

This project will commence in February 2016.

Action:

- the development of a strategic toolkit and interactive tool that will provide States with an overview of the guiding principles in developing comprehensive counter-trafficking policy; and enable States to monitor counter-trafficking responses.
- disseminate or make available this information to members and partners.

Who:

RSO, with support from the Working Group on Trafficking in Persons.

*Adoption of best practice in asylum management and protection*

**Workshop on nexus between labour migration and humanitarian responses (new):** Explore states' labour migration experience, the development of circular, temporary labour migration trends and the potential relevance of labour mobility for refugee and displaced populations. The workshop aims to identify barriers to, and opportunities for, labour migration within the region; and any lessons.

This Workshop will be held in the first half of 2016.

Action:

- review labour mobility research
- establish a technical advisory group

Who:

RSO, with interested Bali Process members.

*Encourage innovative solutions to address the root causes of irregular migration*

**Workshop on Civil Registration and Vital Statistics (new):** Allow States to analyse and improve how births, deaths and marriages of asylum-seekers, refugees, persons of undetermined nationality and stateless persons are documented and registered.

This project commenced in November 2016.

Action:

- the development of a toolkit to enable states to access relevant international standards, recommendations and best practices
- establishment of a technical advisory group

Who:

RSO, with interested Bali Process members.

*Engagement opportunities*

**Bilateral programs (continuing):** many Bali Process member states work bilaterally on immigration management and law enforcement cooperation in relation to people smuggling and human trafficking; including on disruption of ventures and Safety of Life at Sea issues.

Action:

- Share amongst members, where appropriate, relevant training materials, guidelines, lessons learned and template Memoranda of Understanding (MOUs) from bilateral activities.

Who:

Members through the Members' Web Portal and at related Bali Process workshops.

**Regional and sub-regional initiatives (continuing):** collaborate in effective implementation of joint actions under the four main pillars in the Jakarta Declaration on Addressing Irregular Movement of Persons: prevention; early detection; protection; and prosecution.

Action:

- Take lead in the effective implementation of the Jakarta Declaration's joint actions.

Who:

Members of the Bali Process.

**Multilateral for a (continuing):** outreach with other Regional Consultative Processes (RCPs), regional capacity-building programs and multilateral fora on irregular migration issues, including people smuggling and trafficking in persons provides opportunities for sharing expertise and lessons learned.

Action:

- workshops on irregular migration trends and issues to include relevant RCPs, other regional fora and NGOs where possible to share expertise and lessons learned;
- Working Groups (Trafficking in Persons and Disruption of People Smuggling and Trafficking in Persons Networks) to engage RCPs, other regional fora, NGOs and private sector, including on sourcing of experts for capacity building activities

- IOM to continue communications and outreach activities on behalf of members, and liaise with other RCPs.

Who:

Workshop co-hosts, WG co-chairs, and IOM.