BALI PROCESS AD HOC GROUP

Technical Experts Working Group on Irregular Movement by Air

Colombo 22-23 March 2010

Workshop Co-Chairs' Summary

The Bali Process Ad Hoc Group: Technical Experts Working Group on Irregular Movement by Air was held in Colombo, Sri Lanka on 22-23 March 2010. The Working Group was hosted by Sri Lanka and co-chaired by Australia and Sri Lanka.

The Working Group was attended by 21 delegates, representing the governments of Afghanistan, Australia, Bangladesh, India, Indonesia, Malaysia, Pakistan, the Maldives, New Zealand, Sri Lanka and Thailand. The primary focus of the group was the proposal adopted at the Bali Process Ad Hoc Group meeting in Perth in December 2009 to establish a Regional Immigration Liaison Network (RILON) to assist in combating irregular movements by air across international immigration borders.

The co-chairs welcomed delegates and provided a summary of the outcomes of Bali Process Ad Hoc group meetings in Bali and Perth in 2009. Each country then presented their perspective on specific challenges of irregular movement in the region. It was agreed that irregular migration cannot be addressed effectively by individual countries alone but rather needs to be resolved at the regional level with countries cooperating and working closely with neighbours and other countries in the region. The Bali Process would be a vehicle to facilitate this cooperation.

The Need for a RILON

Pakistan led the discussion on the need for a RILON. Points included the
- worldwide increase in criminal networks focussing on people smuggling and human trafficking
- increasing difficulty in determining the extent of the criminal activity
- increasing transnational scope of the criminal networks and their huge profitability
- continued existence of porous borders
- large volumes of traffic at airports which make it impossible to check each passenger
- lack of consistency of legislation in the region - while there are protocols for dealing with human trafficking in most countries, there is often no specific legislation to address people smuggling.

Delegates agreed the following
- there is a need for a RILON
- to deal effectively with people smugglers, there must be strong commitment to pursue and prosecute those criminals involved.

- to understand the extent and level of criminal activity, the region needs to share information and intelligence,
- any network put in place must be supported by effective information and intelligence support as well as a presence on the ground,
- awareness of best practices used around the world to detect and deter irregular movements by air benefits all member countries
- to keep pace with new methodologies used by criminal elements, government technology must be kept up-to-date (eg machine readable passports with modern security features).
- the levels of understanding by agencies of risks involved in facilitating the movement of people is inconsistent. RILON will provide the opportunity to reach a greater consistency of awareness across and within agencies
- the focus of RILON should be on enhancing the integrity of documents and visa issuing process and addressing vulnerabilities at airports.

At Pakistan's suggestion, there was discussion around the development of a database of information and intelligence to support RILON and it was agreed to seek assistance from IOM to investigate the feasibility of building a database on the Bali Process website. IOM would report back to the Working Group at its next meeting later in 2010.

Composition of RILON Teams

Sri Lanka led discussions aimed at determining who could be represented in RILON teams. Delegates concluded that
- the RILON process could be used to seek broader participation, particularly by host countries where, in many instances, there are significant overlaps between immigration, law enforcement and customs at airports and border posts to deal with irregular movement issues.
- the composition of each countries' representation in RILON meetings should be flexible. There would need to be a consistent point of contact to maintain continuity - possibly an immigration position. Other agencies may be invited as required.
- host governments and foreign Missions should focus their participation around the primary functions of immigration and related issues of visa integrity, travel document fraud and attempts to bypass immigration border controls.

As a guide, the following agencies could be involved:

Host Country
- Immigration
- Ministry of Foreign Affairs/Home Affairs/Internal Affairs
- Airport Authority
- Police/CID
- Labour and Manpower
- Customs
- Protection Agencies
- Intelligence organisations
- Department of Transport
- Airlines (noting concerns regarding information sharing)

Foreign Missions
- Visa issuing officers (Ministry of Foreign Affairs/Home Affairs/Internal Affairs)
- Immigration officers
- Government labour counsellors
- Airline Liaison Officers (ALOs)

Others
- Occasionally invited international organisations.

Two breakout groups were then formed to discuss in more detail the hosting of RILON teams and the participation by foreign Missions in local RILON teams. Groups identified and discussed advantages and risks for both host countries and for foreign Missions as follows:

Considerations for host country
- Selection of a lead agency
- Selection of member agencies
- Protocol in contacting foreign Missions
- Overlap/interface with other groups
- Selection of a chair - rotating/permanent?
- Costs of meetings
- Secretariat support
- Foreign mission representation
- Determining what information and intelligence can be exchanged
- Unknown amount of work – trial for six months.
- The need for host countries to be in regular contact with each other.

Considerations for foreign Missions
- There was general agreement that the proposed locations were suitable for implementation of the RILON initiative.
- A RILON team would provide an opportunity for the expansion/enhancement of involvement between host country agencies and foreign Missions.
- Current staff may not be the most suitable to participate in RILON. However, foreign Missions may take the opportunity to select more appropriate staff to be posted to these locations.
- Physical and security risks may be of concern although it is most likely that mission staff are already located in these locations.
- Co-working between participants is untested and would require some time to determine the effectiveness of collaboration.
- Important to specify which information is to be shared particularly in an environment of varying domestic legislative frameworks and sanctions.

New Zealand then led the discussion to assess the risks and find solutions. This discussion identified the following key elements:

1. Although RILON is a Bali Process activity, responsibility for the operation of individual teams rests with the host country.
2. host country approval for a RILON team to be located in that country is paramount.
3. the scope of a RILON team must be clear to all participants with well defined parameters and limitations around the use of shared information and

intelligence. Recipients would need to commit to handling restrictions, particularly in relation to sharing with third countries.

4. RILON teams must be sanctioned at an appropriate level of government
5. Participants in RILON need to be at an appropriate level.
6. RILON teams will need to maintain an acceptable (minimum) level of participation in order to ensure that all parties continue to benefit from sharing information and intelligence. Recognition of excellence within the network would encourage continued participation.

Sharing of Information

Delegates then considered the type of information which RILON teams may share, agreeing with the Maldives that whatever information can be shared should be shared effectively and efficiently. Information to be shared may include:

1. Regular reporting of visa trends in each participating country in respect of the host country.
2. Generic modus operandi of illegal migration (post mortem-type information).
3. Statistical data on illegal migration by port of embarkation.
4. Misuse of travel documents, including visa labels.
5. Security enhancements of travel documents.
6. Loss/theft of travel documents.
7. New developments in border management, including document security.
8. Shared opportunities for capacity building and training.

Sharing of information would be restricted to RILON countries.
- There needs to be a mechanism for teams to quickly share information and intelligence

Implementation

The Technical Working Group agreed to take the following proposed implementation strategy back to their governments for approval:

- seven locations identified for initial establishment of RILON teams – Bangkok, Canberra, Colombo, Islamabad, Jakarta, Kuala Lumpur and New Delhi with a possible eighth in Dhaka.
- Maldives will join the Colombo team
- Afghanistan is considering joining the Islamabad team
- Bangladesh will consider three options, namely setting up a team in Dhaka, joining the New Delhi team or joining the Bangkok team.
- Participation will be initially confined to Ad Hoc Group member countries.
- Once approval is received, each country will arrange to invite local participants to the first meeting. Host countries will do this through appropriate channels.
- All Ad Hoc Group countries will also inform their foreign Missions in RILON locations of the formation of the teams and nominate a point of contact in that location.
- This initial RILON team meeting will develop operating protocols including frequency of meetings, terms of reference and reporting procedures.
- Reporting will be done at formal and informal levels.

- Formal reporting is required back to the Bali Process Steering Group which can be done through DIAC, Australia's Bali Process coordinator.
- A standard reporting format will be drafted by DIAC and circulated for comment over the next few months.
- A review of the implementation strategy across the region would be conducted after no more than six months of operation.
- DIAC will develop an evaluation framework which will be distributed to teams for consideration.

The next meeting of the Technical Working Group will be held within six months to consider the findings.

The co-chairs thanked delegates for their participation and support staff for their assistance.

Australia and Sri Lanka (Co-Chairs)
Bali Process Technical Working Group on Irregular Movement by Air
Colombo, 23 March 2010