

THIRD MEETING OF THE BALI PROCESS AD HOC GROUP

TECHNICAL EXPERTS GROUP ON IRREGULAR MOVEMENT BY AIR
NEGOMBO, SRI LANKA, 14-16 NOVEMBER 2011

CO-CHAIRS' STATEMENT

1. The Third Meeting of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) Ad Hoc Group (AHG) Technical Experts Group on Irregular Movement by Air was held in Negombo, Sri Lanka on 14-16 November 2011. The meeting was co-chaired by Sri Lanka and Australia. The meeting was attended by representatives of Islamic Republic of Afghanistan, Australia, Peoples Republic of Bangladesh, India, Indonesia, Malaysia, Maldives, Republic of the Union of Myanmar, Islamic Republic of Pakistan, the Philippines, Sri Lanka, Kingdom of Thailand, United States of America, and Vietnam as well as representatives from the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). Canada and the United Kingdom attended the meeting as observers.
2. The theme of the meeting was 'effective removal strategies for people refused entry'.

Proceedings

3. The meeting was opened by Mr W. A. C. Perera, Sri Lankan Controller General of Immigration and Emigration and Ms Sonia Koppe, the Australian Deputy High Commissioner for Sri Lanka and the Maldives. The meeting was co-chaired by Mr W. A. C. Perera, Sri Lankan Controller General of Immigration and Emigration and Mr Bill Pettitt, Principal Intelligence Advisor, Australian Department of Immigration and Citizenship.
4. Co-chairs welcomed the Philippines, the United States of America and Vietnam as new members to the Bali Process Ad Hoc Group and noted that Canada is considering AHG membership.
5. Co-chairs expressed appreciation to the IOM and the Australian High Commission in Colombo for their assistance in the logistical arrangements.



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Key Theme

6. Co-chairs reiterated the key theme of effective removal strategies for people refused entry. They also confirmed the outcomes from the Ad Hoc Group Senior Officials meeting held in Sydney in October 2011 which endorsed the expanded mandate for the Working Group to include irregular movement by land and sea.
7. The overview emphasised the need for increased vigilance to ensure visa and other entry processes are informed by appropriate threat and risk assessments, particularly to identify high risk travellers. Further, any strategies to return people refused entry requires the development of relationships with neighbouring, transit and source countries. Where necessary, countries were encouraged to engage with non-government organisations, particularly where they have expertise in obtaining travel documents.
8. In concluding, the co-chair overview emphasised the importance of regional cooperation and harmonised strategies to ensure the actions of one country to remove people did not add to the burden of regional partners.
9. Australia provided a presentation on the benefits of both airlines and signatory countries meeting their obligations around the return of people under the ICAO Convention, particularly the provisions of Annex 9.

Country Presentations

10. Participating countries provided briefings on their strategies and standard operating procedures to address irregular arrivals and return mechanisms. Common themes in these presentations included incorporation of ICAO Convention obligations in national border legislation, the need to share information and immigration intelligence on irregular movements, including modus operandi and trends. Without exception, all countries highlighted the difficulty in obtaining travel documents to effect removals.
11. Most countries emphasised the need for higher levels of training for their supervisors and operational staff at entry points to ensure timely decisions can be made and appropriate operational procedures are applied to lawfully remove people and encourage airlines and other carriers to cooperate.
12. The briefings indicated some countries have not included ICAO Convention obligations in their domestic legislation. This can create challenges when attempting to have airlines return people to either last port of embarkation or to their country of nationality or residence.
13. The US presentation had a strong emphasis on priorities, responsibilities and challenges to obtain travel documents in a timely manner to ensure legal requirements around immigration detention are met and removals can be effected. The US shared best practices and



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encouraged other countries to cooperate in this process.

14. Australia provided a presentation of the problem of African nationals who have entered the region on a variety of visas, including student visas to facilitate their involvement in criminal activities, including significant transnational crimes.
15. UNHCR highlighted that among irregular arrivals there could be persons with international protection needs. Airport operating procedures to deal with irregular arrivals need to include mechanisms that ensure any claims for protection are properly addressed. The briefing included a regional overview of irregular movements.

Regional Immigration Liaison Officer Network Reports

16. Participants reinforced the value of the Regional Immigration Liaison Officer Network (RILON) as a forum for sharing information on irregular movements by air in major hub locations in the region. Participants welcomed progress reports from India, Sri Lanka and Thailand on their recent RILON meetings and planned future work programs. Participants also welcomed Thailand's report on the Bali Process Workshop on Immigration Aspects of Airport Security.

Website

17. As for previous Bali Process Technical working groups, participants again reiterated the importance of sharing information on irregular movement trends, new technologies to support border operations and data exchanges between immigration, foreign missions and law enforcement agencies with border security responsibilities. Participants welcomed IOM's report on the establishment of the Bali Process secure website portal, while highlighting the benefits of members actively contributing information for sharing via the website. Success is dependent on all member countries actively contributing inputs for publication on a regular basis.

Next Meeting

18. At the Fifth Malaysian-Australian Immigration Cooperation Working Group that was held in Melbourne on 11 November 2011, Malaysia provided in-principle agreement to hold the fourth meeting of the Technical Experts Working Group in Kuala Lumpur in May 2012.

Recommendations

19. The break out groups discussed the challenges for establishing identity of persons refused entry (or detained) and possible mitigation strategies; and challenges for facilitating the return of improperly documented arrivals. The two groups identified commonality, in particular, identity issues and the verification of travel documentation. The groups made a



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number of recommendations which have been included below.

20. Members agreed:

- to seek in-principle endorsement from their respective governments to the establishment of a training program to be delivered at an existing immigration institute/academy within the region. It is anticipated that the syllabus will include both practical and theoretical components to be delivered by subject matter experts from the Bali Process member countries. The Maldives and Australia will develop a concept paper within the next month, which will be circulated to members for comment, prior to the next meeting of the Technical Experts Group. The establishment of a training program will facilitate stronger relationships and regional networks amongst Bali Process members;
- to change the name of the working group to the “Technical Experts Working Group on Irregular Movements”. This reflects the AHG Senior Officials’ Meeting endorsement to expand the mandate to include land and sea travel;
- to ensure immigration officers and airline authorities at airports are fully aware of their obligations under the ICAO Convention, particularly Annex 9 in relation to inadmissible persons;
- to engage with airlines at the last port of embarkation to explore options to record details of travel documentation being presented by high risk groups to board flights;
- that where possible, countries review their visa on arrival regimes based on informed threat and risk assessments;
- to raise awareness of the importance of enhanced visa integrity processes to improve visa decision making, in particular where officers other than immigration officers are issuing visas;
- to establish better communication channels with consulates and embassies to establish the identity of travellers and facilitate travel document issuance;
- to establish better lines of communication between international transport hubs with dedicated 24/7 operational contact points;
- to create opportunities to undertake immigration decision-making while clients are offshore, rather than resolving entry issues at the physical border; and
- to continue multilateral cooperation to share best practice around removal frameworks and escalation processes to establish identity and obtain travel documents.



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Conclusions

The Co-Chairs acknowledged the support of IOM in assisting all invited members to participate in the third meeting of AHG Technical Experts Working Group on Irregular Movement.

The Co-Chairs and members expressed its appreciation to the Government of Sri Lanka for its generosity and hospitality in hosting the third meeting of AHG Technical Experts Working Group in Irregular Movement by Air.

Australia and Sri Lanka (Co-Chairs)
Bali Process Ad Hoc Group
Technical Experts Working Group on Irregular Movement by Air
Colombo, 16 November 2011