BALI PROCESS AD HOC GROUP

5TH TECHNICAL EXPERTS WORKING GROUP MEETING ON:

IMMIGRATION INFORMATION AND INTELLIGENCE SHARING MECHANISMS – STRATEGIES IN ACTION

AUCKLAND, NEW ZEALAND, 24-27 JUNE 2013

CO-CHAIRS' STATEMENT

1. The Ad Hoc Group 5th Technical Experts Working Group meeting on *Immigration Information and Intelligence Sharing Mechanisms – Strategies in Action* of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) was held in Auckland, New Zealand from 24-27 June 2013. The meeting was co-chaired by New Zealand and Australia. The meeting was attended by representatives of Australia, Bangladesh, Malaysia, Maldives, Myanmar, New Zealand, Philippines, Sri Lanka, Thailand, United States of America, Viet Nam and the International Organization for Migration (IOM). Representatives from Canada and the Bali Process Regional Support Office (RSO) also attended.

2. The meeting focussed on the challenges that exist to sharing immigration-related information and intelligence with other Bali Process members and the wider international community. Delegates explored practical ways to overcome those challenges in developing sharing mechanisms including Memoranda of Understanding/Arrangements and releasing information multilaterally via the Bali Process secure web portal.

Proceedings

3. The meeting was opened with a Mihi Whakatau (Formal Welcome). The opening speeches focused on highlighting the value of the Bali Process as a forum with a broad membership to address strategies to protect our borders from people smuggling, human trafficking and related transnational criminal activity. Mr Michael Crawford, Australian Consul-General, responded in a Manuhiri Leaders' Speech and encouraged all delegates to contribute their knowledge to ensure positive outcomes from the meeting.

4. The Australian co-chair Mr Bill Pettitt, Principal Intelligence Advisor, Department of Immigration and Citizenship, provided additional remarks, identifying some of the significant challenges faced by Bali Process members and the wider community as a result of irregular movements across our broad region. The remarks also highlighted the significance of networking between members throughout this working group and also the value of networking more generally to support information sharing strategies.

5. The New Zealand co-chair, Mr Shaun Driscoll, Manager, Intelligence and Risk, Ministry of Business, Innovation and Employment (INZ), highlighted that the sharing of knowledge and resources, together with countries having appropriate legislation and supporting relevant law enforcement protocols, are enablers, regardless of whether the countries are a source, transit, or destination country.

6. Mr Driscoll provided an overview of the different types of information sharing mechanisms and arrangements New Zealand has with other countries and emphasised the value of a supporting legal framework. Standardised templates can also be helpful as a starting point. The briefing highlighted that information sharing forums such as the Pacific Immigration Directors' Conference (PIDC), Pacific Transnational Crime Coordination Centre (PTCCC) and other international working groups provide a useful medium to share and discuss relevant immigration-related information and intelligence.

7. The importance of domestic information sharing mechanisms was stressed. A brief overview of the Combined Law Agency Group (CLAG) which brings together a range of expertise from New Zealand's agencies involved in managing risk, including border protection, was provided.

8. Both co-chairs emphasised that success in sharing information and intelligence relied on trust and the willingness of participant agencies and parties to work together to achieve common outcomes. The forum was designed to focus on actionable strategies to facilitate greater levels of immigration-related information and intelligence exchanges.

Country Presentations

9. Country presentations were generally divided into three themes:
    - the effectiveness of immigration information and intelligence sharing mechanisms available to Bali Process members;
    - issues to consider before using sharing mechanisms and any strategies adopted to mitigate potential risks; and
    - lessons learnt from experiences with information sharing mechanisms.

10. The presentations highlighted the different operational environments countries work in, particularly countries that have land borders, the requirements to operate with differing visa regimes, including visa-on-arrival arrangements, and logistical issues such as IT infrastructure.

11. Approaches to information sharing varied depending on the types of irregular movements experienced, the nature of common borders and the authority member countries have to share relevant immigration-related information and intelligence with foreign countries.

12. Most of the difficulties in sharing information can be attributed to the legislation immigration agencies are operating under, particularly with respect to privacy requirements, the lack of formal instruments such as MOU/Arrangements, and in some cases the limited capacity to extract data and other relevant information to develop intelligence products for sharing.

13. The need to develop trust and confidence in partnerships is critical to ensure that information and intelligence provided was appropriately protected was an important theme across many of the country presentations.

Case Study One: The Pacific Immigration Directors' Conference (PIDC)

14. New Zealand provided an overview of information sharing mechanisms between countries and agencies in the Pacific region. The overview highlighted the work that is being done to effectively share immigration-related information and intelligence to help combat risks to the region from irregular migration, people smuggling and criminality.

15. The brief emphasised the benefits of the PIDC, that enables heads of immigration agencies of the 23 member countries and territories across the Pacific. This allows them to discuss issues of mutual interest and to foster both bilateral and multilateral co-operation and assistance aimed at strengthening members' territorial borders and the integrity of their immigration systems.

16. New Zealand acknowledged the challenges faced by Pacific agencies in detecting, deterring, disrupting and dismantling criminal organisations and individuals entering the region for illegal purposes.

17. There was recognition that the strong institutional support provided by the PIDC Secretariat in Suva ensures a consistent and coordinated approach in the sharing of immigration-related information and intelligence. A monthly intelligence bulletin is developed as a means of summarising and sharing key information. An annual report on People Smuggling, Human Trafficking and Irregular Migration in the Pacific is produced.

Case Study Two: The UN Security Council Resolution 1373

18. Australia presented on the benefits of UN Security Council Resolution 1373 (UNSCR1373) as a mechanism to facilitate the sharing of immigration and other information. This Resolution was developed to counter international terrorist-related movements, but also supports measures that impact other irregular movements, including people smuggling, human trafficking and related transnational crime.

19. UNSCR1373 emphasised the important role that travel documentation played with regard to terrorist-related movements. Sharing our knowledge of document fraud and the modus operandi around irregular people movements more generally would assist those agencies involved in combatting terrorist activity. Access to common databases/secure web portals to share relevant immigration-related information and intelligence supports these strategies.

Special Presentation: Bali Process Regional Support Office (RSO)

20. The presentation by Ms Sophie Nonnenmacher highlighted Bali Process RSO's role and engagement with members. The RSO facilitates the operationalisation of the *Regional Cooperation Framework* (RCF) to reduce irregular migration in the Asia and Pacific region.

21. The RSO implements activities under the RCF and acts as a focal point for members to:

- facilitate information sharing on refugee protection and international migration;
- support capacity building and exchange of best practices;
- encourage pooling of common technical resources; and
- offer logistical, administrative, operational and coordination support for joint projects.

22. Various communication mechanisms are used to facilitate information sharing among Bali Process members. These include the bi-monthly *RSO Information Bulletin*, the RSO public website and the Bali Process secure web portal.

23. The RSO's engagement with members continues through a number of projects that cover key migration and refugee protection issues. Members were encouraged to participate in these projects.

Bali Process Secure Web Portal

24. Mr Sjef Broekhaar, Head Immigration and Border Management Unit, Regional Office Bangkok IOM, provided a progress report on the establishment of the Bali Process secure web portal. The briefing highlighted the benefits of members actively contributing by sharing immigration-related information and intelligence in a timely manner via the secure web portal.

25. Mr Broekhaar emphasised the type of information and services available on the secure web portal and the role of National Focal Points (NFP), Organisational Focal Points (OFP), and Users. He also explained arrangements for appropriate officers to gain access, the type of information required by members, and how this would be processed into the secure web portal.

26. Members welcomed the opportunity to familiarise themselves with the operation of the secure web portal. Useful guidelines explained the duties and responsibilities at both a national and organisational level within member countries.

27. Members were also provided with a fact sheet on the *Evaluation of Travel Documents* eLearning Package, which was developed in consultation with members. This is the first Bali Process e-Learning tool to be included in the secure web portal. The sessions emphasised the benefits of member countries providing immigration-related information and intelligence reporting to populate and maintain the secure web portal. Feedback from these sessions was very positive.

28. Additionally, the briefing highlighted that access is available through the secure web portal to the United Nations Office of Drugs and Crime (UNODC) Voluntary Reporting System on Migrant Smuggling and Related Conduct (VRS-MSRC). This database facilitates information collection, analysis and sharing to assist Bali Process members in understanding irregular movements of people in the region. Members are encouraged to accept their invitation to participate in this important database initiative. Relevant documents on this project were distributed to members.

Break-out Groups

29. Break-out groups were established to:

- Explore strategies relating to sharing immigration-related information and intelligence multilaterally. This included their impact on existing mechanisms such as Regional Immigration Liaison Officer Network (RILON), the RSO and the Bali Process secure web portal.
- Determine what sort of authority is needed to share information between members, including the role that MOUs could play.

Group 1 - *What issues should you consider before sharing immigration information and intelligence multilaterally?*

30. Group 1 emphasised the importance of effective partnerships to enhance trust between members when sharing information. This can be reinforced with MOU/Arrangements and other instruments to ensure appropriate procedures are in place regarding the protection of the material and other limitations, including whether it can be shared with third parties.

31. There is a requirement to have effective legislation, appropriate authority to share (including formal instruments), including:

- sufficient source detail to allow judgments to be made on the reliability and veracity of the immigration-related information or intelligence provided; and
- determining whether there is other relevant information and intelligence available on the subject that could also be passed to members.

32. The group highlighted the possibility that audit trails may be required to track whom the information was provided to, the method of transmission, and the reason it was shared.

33. Other issues such as the impact on RILON, the RSO and the Bali Process secure web portal, were also addressed. These were found to be important elements to support effective sharing.

Group 2 – *What sort of authority is needed to share immigration information and intelligence multilaterally?*

34. Group 2 agreed that while some information could be shared under less formal arrangements, MOU/Agreements between members provided a sound basis for effective sharing. It was recognised that establishing multilateral instruments would be challenging, given that it would be difficult for all members across the Bali Process to have a common set of requirements to facilitate/authorise sharing.

35. However, a meeting of relevant stakeholders should explore this issue in greater detail to see if there was some common ground that would form policy around the type of instrument that would best serve to develop effective information sharing arrangements between members. This could be in the form of a framework or guidelines that may be put forward at the next Bali Process Senior Officials Meeting for consideration.

36. Discussions recognised that members should continue to develop bilateral relationships and MOUs where relevant. The group also agreed that it is useful for members to share MOU templates on the Bali Process secure web portal inform members of the different styles and types of MOU frameworks that can be used.

Recommendations/Outcomes

1. Members recognised the valuable role played by liaison officers, embassies, legislative frameworks, and Interpol in facilitating information exchange.

2. Members agreed on the usefulness of both domestic and international forums, and the practicality of developing information sharing instruments to facilitate the timely exchange of relevant immigration-related information and intelligence.

3. Members highlighted the importance of the Bali Process Secure Web Portal and the UNODC VRS-MSRC database and the necessity for all members to assist in populating these sites and providing regular input of information and products.

4. Members agreed that a meeting of relevant stakeholders should explore in greater detail the development of a framework or guidelines that may be put forward for consideration at the next Bali Process Senior Officials Meeting to facilitate immigration-related information and intelligence sharing across both multilateral and bilateral environments.

5. Members were encouraged to share MOU templates on the Bali Process Secure Web Portal as examples of the different styles and types of MOU frameworks that can be used for sharing immigration-related information and intelligence.

6. Members recognised the value of bilateral MOUs and were encouraged to take the initiative to develop MOUs and/or other bilateral information sharing arrangements, where appropriate.

Conclusions

37. Co-chairs expressed appreciation to the IOM, Immigration New Zealand, and the Department of Immigration and Citizenship, Australia, for their assistance in the logistical and secretariat arrangements.

38. Co-chairs and members expressed appreciation to the Government of New Zealand for its generosity and hospitality in hosting this meeting on *Immigration Information and Intelligence Sharing Mechanisms – Strategies in Action*.

Australia and New Zealand (Co-chairs)
Bali Process Ad Hoc Group 5th Technical Experts Working Group
Immigration Information and Intelligence Sharing Mechanisms – Strategies in Action
Auckland, 27 June 2013