

PIDC NEWS

Immigration News for the Pacific Region

Edition 1: May 2002

- PIDC WORKING GROUP -

The PIDC Working Group met in Brisbane, Australia on the 7th and 8th of February 2002. The meeting was attended by PIDC members from Australia, the Cook Islands, Fiji Islands, Nauru, New Zealand and Papua New Guinea. It was also attended by representatives from the Oceania Customs Organisation (OCO), the South Pacific Chiefs of Police Conference (SPCPC), the United Nations High Commissioner for Refugees (UNHCR), the International Organisation for Migration (IOM), the Pacific Islands Forum Secretariat and the PIDC Secretariat.

At the previous PIDC held in Rarotonga, a number of issues were highlighted for discussion and further action by the PIDC Working Group and they included:

- ❑ Development of a Strategic Plan for the PIDC
- ❑ Identification of possible opportunities to achieve repatriation of illegal immigrants
- ❑ Development of a regional framework to assist PIDC members in the review of their immigration legislation, taking into account the need to be able to address refugee status claims, illegal immigration, people smuggling and terrorism
- ❑ Identification of strategies and actions to be undertaken in order to comply with the UN Resolution on Terrorism and the UN Convention Against Transnational Organised Crime.

Resulting from the Working Group a draft strategic plan was forwarded to PIDC members for their consideration, comments and accession. The strategic plan sets out tasks and projects for the PIDC and is intended to focus the work and output from the Annual PIDC.

Australia put forward a proposal for a solution to the problems facing nations wishing to repatriate illegal migrants through Australia. The proposal was tabled at the meeting and Australia will confirm the process in writing. It allows for limited transits of repatriated illegal migrants through Australia in proscribed circumstances. In addition to this, Fiji presented a paper outlining a proposed system for repatriation via the Fiji Islands.

Work was initiated on the establishment of a regional framework to assist PIDC members in the review of their immigration legislation. Since the Working Group meeting, a Sub-Committee has been working on this draft framework. Progress on this issue is anticipated to result in a report to the Annual PIDC in Niue in September 2002.



Delegates at the PIDC Working Group
Brisbane, February 2002

Consideration was given to ways in which PIDC members could ensure that their immigration processes and legislation complied with UN Security Council Resolution 1373. A draft framework for compliance has been created and should be finalised for presentation at the Annual Conference. A Sub-Committee of the Working Group was formed to prepare a paper on issues stemming from the Convention on Transnational Organised Crime and its two protocols and its effect on immigration systems in the Pacific Region. Work has also been completed on this paper and it too will be presented at the Annual Conference.

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- ESTABLISHMENT OF THE PIDC SECRETARIAT -

2002 has been a year of change and development for PIDC. The opening of the PIDC Secretariat in Brisbane, Australia marked the start of the year. As many of you will recall, at the 2001 Annual Conference in Rarotonga the need for the establishment of a PIDC Secretariat was discussed. It was considered that the PIDC had a growing strategic importance for the Pacific Region and that it would be greatly enhanced by the establishment of a formal Secretariat.

Until very recently, the work involved in promoting and organising the PIDC, and ensuring delegates' reporting requirements were met, was undertaken by the Forum Secretariat's Law Enforcement Liaison Officer, Shaun Evans. The previous PIDC Chair 2000/2001 (Norfolk Island), accepted various other Secretariat responsibilities on behalf of the PIDC. At the 2001 Conference, Australia and New Zealand offered to co-fund a PIDC Secretariat for an initial 12-month period. Following the generous offer of the OCO Secretariat and the Australian Customs Service, it was agreed to collocate the PIDC Secretariat with the OCO Secretariat in Brisbane, Australia.

The PIDC Secretariat opened in January 2002 and is staffed by a Secretariat Officer, on secondment from the New Zealand Immigration Service.

OCO has provided both office support and technical advice on the establishment of the PIDC Secretariat and continues to provide valuable support and advice on an ongoing basis. PIDC would like to formally extend its appreciation to OCO and the Australian Customs Service, and in particular the OCO Secretariat, Head of Secretariat John Marks and his staff Shashi Prasad and Tau Malietoa, for their support in the establishment of the PIDC Secretariat.

The Secretariat would also like to thank the Forum Secretariat's Law Enforcement Liaison Officer, Shaun Evans. Shaun performs a pivotal role for Law Enforcement Agencies in the Pacific Region. In his role he has provided ongoing encouragement, advice and assistance in the both the establishment and the day to day running of the PIDC Secretariat.

- CHANGES IN NIUE IMMIGRATION -



Niue Immigration wishes to advise that they have recently undergone some staffing changes. Mr Ati Helagi resigned from Immigration in March of this year. Ms Patricia Kulatea will be taking on Ati's former duties.

Niue Immigration is looking forward to hosting the 6th Annual PIDC Conference and meeting all the other immigration delegates from around the Pacific Region in September of this year.

- ANNUAL CONFERENCE 2002 -



At the close of the 2001 PIDC conference gratefully accepted an offer from Niue to host the sixth annual PIDC in 2002.

The 2002 Annual PIDC will be held in Niue from 17 – 19 September 2002. Invitations were sent to members and observers at the end of May. Members are requested to please notify the Secretariat if they have not yet received their invitation.

To help with the planning of the conference it would assist the Secretariat greatly if members could get their nomination forms in as early as possible, even if you are not sure of your final travel arrangements. Please also note that flights to Niue book up very quickly, so early reservations are recommended.

- COUNTER TERRORISM WORKSHOP -

Hawaii, 25 –27 March

The Pacific Islands Forum Secretariat, Australia, New Zealand and the United States of America co-hosted a workshop on counter terrorism for Pacific Islands Forum members from 25-27 March 2002 in Honolulu, Hawaii.

Representatives of all Pacific Islands Forum members and several regional bodies including the Forum Secretariat, the Asia Pacific Group on Money Laundering, the OCO, the PIDC, the SPCPC, and the Commonwealth Secretariat attended the workshop.

United Nations Security Council Resolution 1373 on Terrorism is mandatory for all UN members and sets out a comprehensive set of measures for combating terrorism. The objective of the workshop was to encourage compliance with the United Nations Security Council Resolution 1373 and also to encourage accession to all international counter terrorism instruments.

All of the participants acknowledged the severity of the threat facing the international community and their own states. They recognised the sustained level of action that will be required to combat international terrorism and undertook to give priority to taking practical steps to address the problem.

Wallis and Futuna, 8-12 April



Delegates to the OCO Annual Conference 2002

The Fourth Annual OCO Conference of Customs Heads was convened on 8-12 April 2002 in the French Pacific territory of Wallis and Futuna and attended by forty-four participants. The Conference was opened by the Prefect of Wallis and Futuna, Mr Alain Waquet and chaired by the Chief of Wallis and Futuna Customs, Mr Alain Chaumont.

Thirty-three delegates from twenty-one of OCO member agencies attended the Conference (Australia, Cook Islands, Fiji Islands, French Polynesia, Guam, Kiribati, Marshal Islands, Micronesia, New Caledonia, New Zealand, Niue, Norfolk Island, Northern Marianas, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu and Wallis & Futuna) along with eleven observers representing various regional organisations such as the World Customs Organisation Asia Pacific Regional Grouping (WCO), the South Pacific Chiefs of Police Conference (SPCPC), the Pacific Immigrations Directors Conference (PIDC), the Pacific Forum Secretariat, the Pacific Financial Technical Assistance Centre (PFTAC), the Pacific Plant Protection Organisation

(PPPO), the United Nations Conference on Trade and Development (UNCTAD) and the General Direction of the French Customs Service. Secretariat Officer, Sue Bodell, attended on behalf of PIDC.

The 2002 Conference considered a range of issues under the four OCO focus areas identified in the OCO Strategic Plan, namely Trade Facilitation, Law Enforcement, Human Resource Development and Communication and Representation. Of particular significance to members at this Annual Conference were a response to terrorism, the growth of transnational crime, the Regional Trade Facilitation Program, automation of customs processes and the activities of other global and regional organisations.

An important issue resolved for OCO was the future location of the OCO Secretariat. This was the last conference under the term of the current OCO Secretariat. Members expressed their appreciation and thanks to the Head of Secretariat Mr John Marks, his staff Shashi Prasad and Tau Malietoa, and the Australian Customs Service for their work over the preceding three years. At the end of the current term, the Secretariat will be relocated to Noumea, New Caledonia. Marc Jannier, Deputy Director of Customs for New Caledonia, will take on the role of Head of Secretariat. Fiji will have the first option to host the Secretariat for the subsequent three years. PIDC wish New Caledonia and Marc Jannier every success in this endeavour and congratulate them on this achievement.

Current Head of Secretariat John Marks (Australian Customs Service) and future Head of Secretariat Marc Jannier (New Caledonia Customs Service).



- BORDER CONTROL TRAINING COURSE -



Two Border Control Training Courses for customs, immigration and law enforcement officers will take place in May and June in Suva, Fiji. The courses are being run by the Australian Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) and the Australian Federal Police, under Australia's Law Enforcement Cooperation Program (LECP).

Two two-week courses will be run, one from 20 May to 31 May and another from 27 May to 7 June. Participants to the courses are expected to return to their home country and pass on the skills that they have learnt to colleagues in their own and other border agencies.



Training at the courses will be as hands on and practical as possible and is designed to build on fundamental border control skills. Course participants will receive an overview of security threats in the Pacific and transnational organised crime, people smuggling and illegal immigration in the Pacific. There will be training in document examination, passenger assessment, impostor recognition and the security features of visas and passports. Participants will also learn about the ICAO Convention, the Refugee Convention and the role of IOM in the Pacific. At the end of the course Investigation skills will be covered with instruction in intelligence, the rules of evidence, powers of investigators, interviewing skills, witness statements, exhibits and brief management.

It is intended that this course will assist participants to build networks and to protect the region's borders.



By Susana Fotu

In 2000, the Government of Tonga, made a policy decision to transfer all immigration services from the Ministry of Police to the Ministry of Foreign Affairs on July 1, 2001. This opportunity of transferral provided an ideal opportunity for the Government of Tonga to take stock and review the legal, policy, administrative and financial areas relating to immigration with a view to upgrading and improving the level of services provided. In 2000 and 2001, the Ministry of Foreign Affairs was fortunate to secure the aid and assistance of the New Zealand government in a project for institutional strengthening of all Immigration services, which was funded by New Zealand Overseas Development Aid.

Legislation revision

Legislation on the issuance of Tongan passports, visas and naturalization have all been revised and updated and it is expected that these legislative changes will be passed in the Tongan Legislative Assembly during the course of 2002. Meanwhile visa policies have been revised under current legislation and fees raised and new procedures established to combat visa abuses by non citizens in Tonga. The new laws shall also take into account Tonga's legal international obligations on asylum seekers and the prevention of illegal trade in people smuggling. Members of the public in Tonga have received many of these changes graciously and are conscious that the majority of changes which have taken place are to ensure their security and national security for Tonga.

Office Structure

The Immigration Division has been set up as a Division under the Ministry of Foreign Affairs. The Head of all Immigration Services is the Minister for Foreign Affairs, who in this capacity is addressed as the Principal Immigration Officer. Immigration services are further subdivided into 3 sections:

The Passport section (which deals with the issuance of Tongan passports to Tongan subjects);

The Border Control section (which deals with all immigration matters at the airport and sea ports and removals from Tonga ie tracking movements of non-citizens); and

The Visa and Naturalization Section

Computerization of Immigration Services

Many of the functions of the Immigration Division have been computerized. The programme, which is called TIMS (Tongan Immigration Services) was written with the assistance of consultants from the New Zealand Immigration Services and the Department of Internal Affairs, New Zealand and a New Zealand computer software company - Clinicom. The computerization of immigration services has proved invaluable for strengthening border procedures and thus protecting the national security of the Tongan people and legal non-citizens residing in Tonga. One of the security features in this programme is a built in alert system on the computer, which allows all immigration staff in the different sections to store data on persons who are not permitted to enter or re-enter Tonga and any information received from overseas foreign governments on passports which have been stolen or forged etc. can also be stored on this programme. Immigration officers in Tonga are alerted immediately, should any person holding a forged or stolen document or who has been legally removed from Tonga attempts to enter the country or apply for a visa. The programme is being used now, although it is not fully functional as yet. There have been many problems in establishing the system, such as network links from the airport to the main immigration office in Nuku'alofa, but these difficulties are slowly being overcome. The visa section is now issuing visas on machine readable security laser labels. One of the best qualities of this programme is the fact that it is user friendly. This has allowed new immigration staff to be trained within a relatively short period of time. When the programme is fully operational, it shall be installed and networked to Tonga's diplomatic missions overseas.

The Immigration Division, Ministry of Foreign Affairs continues to strengthen its ties and information sharing with other regional countries and was pleased to have been represented at the PIDC meeting, which took place in the Cook Islands in 2001. The meeting provided a valuable network connection on a more personal level for Immigration Officers in the region and the new "output focused" agenda for PIDC is making headway in resolving immigration issues which have been outstanding in Tonga for many years. The Immigration Division, Ministry of Foreign Affairs, Government of Tonga, looks forward to contributing and sharing in PIDC objectives, to ensure a safe and protected Pacific region for the future.

- REGIONAL EVENTS -



- LAW ENFORCEMENT PRE-FRSC MEETING -

Canberra 2- 3 May

At the Forum Regional Security Committee (FRSC) meeting held in Nadi in 2001 the concept of a pre-meeting for the relevant regional law enforcement agencies, prior to the full meeting of the FRSC in 2002, was endorsed by the membership. Consequently, the Forum Secretariat, the Oceania Customs Organisation (OCO), the PIDC, and the South Pacific Chiefs of Police Conference (SPCPC) all met at the Australian Federal Police (AFP) College in Canberra, on 2 and 3 May.

The purpose of this meeting was to prepare a collective response on law enforcement activities that are being carried out within the region and to identify areas requiring future attention. Topics discussed at the meeting included:

- Terrorism;
- Organised Crime;
- Migrant Smuggling;

- Drugs;
- Weapons Control;
- Fraud;
- Sex Crimes;
- Electronic Crime;
- Integrity; and
- Information and Intelligence Exchange.

The meeting prepared a report to the FRSC addressing all of the issues above. In addition to that, the meeting produced a combined framework for compliance with United Nations Security Council Resolution 1373 on Terrorism and on the United Nations Convention Against Transnational Organised Crime. The outcomes from the pre-meeting will be reported to the FRSC in June.

PIDC was represented at the meeting by Leisa Bradley (Australia), Mafaituuga Vaasatia Poloma Komiti (Samoa), Susana Fotu (Tonga), and Sue Bodell from the PIDC Secretariat.

- GUEST SPEAKERS CONTRIBUTE TO SUCCESS OF CONFERENCE -



**New Zealand
Immigration Service**
Te Ratonga Manene

Staff of the Border & Investigations Branch of the New Zealand Immigration Service gathered in Rotorua for a three-day conference in February. Reflecting the recent heightened awareness of security issues, the focus of the conference was on border security, fraud, and people smuggling.

The Branch is comprised of about 45 staff including **investigations officers** who work in the field locating and removing overstayers; **airport officers** who deal with airline enquiries and cases referred by Customs officers, and undertake the initial interview of spontaneous asylum seekers; and **fraud** and **intelligence** investigators. Staff are based at seven offices around New Zealand, although most are in Auckland with only four being based in the South Island at Christchurch. One of the objectives of the conference was to increase the knowledge and awareness of staff of current risks, threats and issues at an international and national level. This provides a broader perspective and understanding of the context in which they carry out their daily work.

A major contribution to achieving this objective was made by guest speakers from other agencies, in particular the Australian Department of Immigration and Multicultural and Indigenous Affairs (DIMIA). Cath Wilson spoke about DIMIA's responsibilities, effective border control and entry systems, and the unauthorised arrivals strategy including the reduction of 'pull' factors for these people. Linda Mortensen, State Manager Border Control based at Brisbane Airport covered dealing with asylum seekers and refused entries. Of particular interest to Branch staff was the mandatory detention provisions of Australia's immigration legislation with an assessment made of whether there is justification *not* to detain a person. This is the opposite to what happens in New Zealand.

Heather Penhaligon a Canberra based DIMIA intelligence analyst gave a presentation on the history of boat people arrivals in Australia and the various strategies aiming to stop this type of arrival. Tim Davis of the Australian Federal Police (AFP) also gave a presentation.

Other speakers were a forensic document examination and handwriting expert, the New Zealand Airline Liaison Officer based at Bangkok Airport, the Australian Immigration Consul, the Minister of Immigration's private secretary, and representatives from the New Zealand Passport Office, the Security Intelligence Service, NZ Customs Service, and the Organised Crime Unit of the New Zealand Police. Sue Bodell also spoke about the objectives of PIDC and her role, and invited participants to view its newly created website.

This was the first time that people with such a variety of expertise had been invited to give presentations at a Branch conference. The information and knowledge shared and connections made has been of real value to the staff and the work of the Branch.

By Susan Gilvear

- 2 FOREIGNERS CHARGED OF UNLAWFUL ENTRY -

By Bernadette H Carreon,
Horizon News Staff

(Article appeared in the 17-23 May issue of Palau Horizon, and is reprinted with the permission of the Horizons Editor Abed E Younis)

Criminal charges were filed against two foreigners for unlawful entry into the country.

He Yu, a People's Republic of China national was charged with unlawful entry by the Attorney General's Office for presenting a fake passport when she entered Palau on May 8.

Dulce Corazon Labarda, a Philippine national was charged with conspiracy for colluding with He.

According to the affidavit of probable cause executed by Immigration Officer III, Matthew

Elbelau, He arrived in Palau from Manila on May 8.

Upon arrival, she presented a Singapore passport and stated in the immigration form she filled up that she is a Singapore citizen.

However when asked for her permanent address in Palau, He could not reply because she did not appear to speak English.

Shortly after she was retained, another officer informed Elbelau that He's second passport was found in Labarda's baggage.

He was permitted to leave the airport but was told to return the next day, He did not appear prompting the bureau to get her from West Place Motel Downtown.

During the interview, He admitted that she was in Manila, Philippines when a Taiwanese national approached her and offered her a Singapore passport for \$2500.

On May 5, the passport was delivered to her and she paid \$2,000.

He also told the immigration that she used her Chinese passport when she left Manila but showed the Singapore passport when she entered Palau.

The fake Singapore passport already have the Philippine government immigration stamp on it.

On May 10, Immigration officer Joe Giramur and Elbelau questioned Labarda about her possession of He's passport.

Labarda testified that she found He's passport in the airplane and did not want to turn it over to the Continental stewardess because they were mean.

However in the written statement provided Labarda, she said that she did not turn over the passport because she cannot locate the stewardess.

During the investigation it was found the Labarda's handwriting s similar to the handwriting in He's immigration form.

Entries in the forms also showed that both defendants intended to stay in the country for approximately the same period of time. [sic]

- FIRST OVERSEAS BORDER CONTROL TRAINING IN 22 YEARS -



Vanuatu

History was made on Tuesday the 14th of May when Vanuatu's Principal Immigration Officer, Superintendent Leslie Garae, wished four of Vanuatu's immigration officer's success as they left to attend the Border Control Workshop in Suva, and for an attachment with the New Zealand Immigration Service. This was to be the first time in 22 years that immigration officers from Vanuatu would receive overseas training in border control.

At the time of printing this newsletter, Sergeant Alfredo Raupepe (for immigration in Santo) and Corporal Jonathan Ray (Immigration in Port Vila) were attending the Border Control Workshop in Suva, being run by the Australian Department for Immigration and Multicultural and Indigenous Affairs and the Australian Federal Police.

Two other immigration officers travelled to New Zealand for an attachment with the New Zealand Immigration Service. Senior Sergeant Simon Tofo and Mr Tom Felix spent three days with the New Zealand Immigration staff at Auckland International Airport. During their attachment they observed the processes involved with the arrival of an Iranian asylum seeker on a false passport, an Annex 9 returnee under the ICAO Convention and a refused entry for a passenger on drug related matters. The two immigration officers then spent two days attached to the New Zealand Customs seaport in Auckland.

This attachment to the New Zealand Immigration Service came about as a result of a request made by the Vanuatu Immigration Service to the New Zealand Immigration Service at the 2001 Pacific Immigration Directors' Conference in the Cook Islands. The New Zealand High Commission provided assistance for this training.

- REPORT FROM THE SECRETARIAT -

2002 has been a very busy year for the PIDC Secretariat. The year began on 2 January when the Secretariat opened its office in the Customs building, Brisbane, alongside of the OCO Secretariat. With the guidance and experience of John Marks and his OCO team, Tau Malietoa and Shashi Prasad and the assistance from afar by the Forum's LELO, the Secretariat was soon up and running and trying to keep pace with the regional events involving PIDC.

February 2002 saw the first meeting of the PIDC Working Group. This was very successful and a wide range of issues and outcomes from that meeting have kept the Secretariat busy with follow up work. The proposed PIDC website was demonstrated during the meeting. Following the meeting the website was launched onto the internet and has been updated regularly ever since. If delegates have any comments or suggestions for the website they are encouraged to contact the Secretariat.

Soon after the Working Group Meeting the PIDC Secretariat represented PIDC at the NZIS Border Investigations Conference in Rotorua. This conference focused on security issues, in particular border security, fraud and people smuggling. Delegates at the conference were given an overview of PIDC, its activities and an introduction to the PIDC Website.

As readers will be acutely aware there has been a huge focus internationally on security, particularly the threats posed from terrorism. The PIDC Working Group addressed the issue of terrorism in February and began work on a draft framework of compliance for immigration agencies with United Nations Security Council Resolution 1373 on Terrorism. In March, PIDC along with the other regional law enforcement agencies the OCO and the SPCPC, attended a Counter Terrorism Workshop in Hawaii. At the Workshop, representatives from Pacific Island Forum Countries were given an overview of work being done to comply with the Resolution and assistance that may be available to them for compliance.

In April PIDC was represented by the Secretariat Officer at the OCO Annual Heads of Customs Conference, which was held in Wallis and Futuna. Whilst at the conference the Secretariat Officer had the opportunity to meet with the Wallis and Futuna delegate to PIDC. Capitaine Lainiel of the Gendarmerie Nationale and his team are responsible for all immigration matters in the small French territory of Wallis and Futuna. He advised that they receive very few independent tourists on the islands, most people arrive on the island to visit family or friends or to work in the French Administration.

Attending the OCO conference also provided an excellent opportunity for the Secretariat Officer to get a handy insight into the running of a conference, in time for the PIDC Annual Conference in September.



Representatives from the Forum Secretariat, OCO, PIDC and SPCPC met again in Canberra in early May for the pre-FRSC meeting. The report that was prepared by this meeting will be presented to the FRSC by the PIDC Secretariat, on behalf of the all the law enforcement agencies, in June at the FRSC meeting in Nadi.

PIDC News is produced by the Pacific Immigration Directors' Conference Secretariat.

The next edition of PIDC News is due for publication in September 2002.

Comments and articles (preferably with pictures) for inclusion should be sent by the end of August 2002 to the PIDC Secretariat at:

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During the year the Secretariat has been working closely with Niue immigration on the preparations for the Annual Conference scheduled for 17 – 19 September. Over the next few months the Secretariat will be focused on the Annual Conference and making sure that the website is kept up to date. It is hoped that the next edition of PIDC News will be published in September. The Secretariat looks forward to receiving your articles and photos for the next PIDC News.



Limu Pools, Niue