**Pacific Immigration
Development Community**

DRAFT IMMIGRATION POLICY FRAMEWORK FOR IMMIGRATION DECISION MAKERS IN THE PACIFIC

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www.primaryline.com.au

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FOREWORD

This research was produced for the Pacific Immigration Development Community (PIDC). It is one of a series of research products developed by PIDC to support decision makers in immigration agencies from Pacific Island Countries and Territories. The research products provide information in key immigration areas that will allow PIDC Members to strengthen the management of international travel across their borders.

PIDC Research currently falls into two categories.

- ➢ The first category consists of a number of model technical documents representing international standards and regional best practices that Members can adapt as appropriate for domestic purposes. These model resources currently provide immigration specific technical advice on model legislation, model Standard Operating Procedures, and a model Code of Conduct.
- ➢ The second category provides information designed to support PIDC decision makers and leadership in key immigration areas. These products provide PICT immigration agencies with knowledge on specific immigration matters to guide national and regional initiatives and responses. To date PIDC research products have been developed on Pacific Island immigration policy drivers, labour mobility, migration trends, domestic immigration strategic and operational frameworks, and international border 'primary line' best practices.

All the research products developed by PIDC are living documents that will be constantly reviewed and updated to ensure they remain relevant to the needs of the membership. They will form the basis of PIDC's approach to technical matters and will often be the first step for Members when seeking to develop national evidence-based policy and operational reforms.

We wish you well in the use of these products.

PIDC Head of Secretariat

Ioane Alama

Pacific Immigration Development Community

The Pacific Immigration Development Community was established in 1996 and collectively seeks to ensure the secure international movement of people in the region to maintain safe and prosperous Pacific Communities.

As a regional organisation made up of immigration agencies from 21 Pacific Island Countries and Territories, PIDC seeks to advance the Forum Leaders Pacific Vision for a region of peace, harmony, security, social inclusion and prosperity, so that all Pacific people can lead free, healthy, and productive lives. To this end, PIDC works collaboratively to:

- ➢ improve the management of international people movement;
- ➢ strengthen border management and security; and
- ➢ work together to build capacity to deliver immigration services.

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List of Acronyms and Expressions Used

API – Advance Passenger Information

BMS – Border Management System - the IT system(s) which support Immigration and Border Control

Chicago Convention – the 1944 Convention on International Civil Aviation, as amended

Entry Permit – see the definition for "Visa" below

EU – European Union

GCM – The Global Compact for Safe, Orderly and Regular Migration

iAPI – Interactive API

IBM – Integrated Border Management

ICAO – the International Civil Aviation Organisation

INTERPOL – the International Criminal Police Organisation

IOM - the International Organization for Migration

OSCE – Organization for Security and Cooperation in Europe

PICTs – Pacific Island Countries and Territories

PIDC - the Pacific Immigration Development Community

PNR – Passenger Name Record

Refugees Convention – the 1951 Convention relating to the Status of Refugees

Revised Kyoto Convention - the International Convention on the simplification and harmonization of Customs procedures (2006, as amended)

SLTD – the INTERPOL database of lost and stolen travel documents

UNHCR - the United Nations High Commissioner for Refugees

UNODC – the United Nations Office on Drugs and Crime

UNSC – United Nations Security Council

UNSCR - United Nations Security Council Resolution

Visa – an entry permit or visa, terms which may be used interchangeably in common usage as the authority granted under a country's immigration legislation to permit a non-citizen to travel to, enter and/or remain in that country.

VOA – visa on arrival. Commonly operated in the Pacific to facilitate the entry of tourist and other short-stay visitors for citizens of designated countries. Depending upon domestic legislative arrangements this may, in practical terms, include *visa waiver* arrangements or *entry permit on arrival*.

WCO – the World Customs Organization

WHO – the World Health Organization

Executive Summary

Managing the identity and intent of travellers is at the core of immigration functions. It is the central purpose of immigration agencies, which are expected by governments to ensure the lawful and orderly entry and stay of people, consistent with whole-of-government objectives around national prosperity, security and social cohesion. Migration and Border Management programs which flow from these principles must be supported by well-founded legislation and policy, and operational arrangements.

Despite the hiatus imposed by the COVID-19 pandemic, global trends point to ever increasing migrant and traveller numbers, including in the Pacific. The resulting trajectory of global immigration policy is towards smarter, touchless borders. Migration and border management, driven by robust data and taking advantage of modern technologies, interoperable systems, and integrated processes along the border continuum, aims to deliver better understanding of traveller identity and intent, whilst reducing the intrusion of immigration processes into the experience of legitimate travellers.

Immigration agencies in the Pacific find themselves at various stages along this trajectory, and it is likely that realisation of elements which rely on anything more than minor capital expenditure (such as BMS procurement) will be gradual. They also need to be of appropriate scale for the country, its budget, and traveller volumes.

Reform of underpinning policy and legislation is a necessary precursor to many of the technological and organisational changes required to modernise migration and border management. This can be achieved through existing support mechanisms such as those offered by PIDC. This should be embarked upon as a matter of priority, especially where legislation has not been reviewed for more than 10 years, to ensure compliance with international obligations and national priorities.

Modernising office procedures, moving away from paper-based practices and processes as BMS and online service delivery arrangements allow, and investing in updated SOPs and staff training are simple means of improving professionalism and organisational capability. Conducting basic analysis of immigration data, including compliance and overstay data, will inform better understanding of risk, and thus inform Government as new policy proposals are developed.

Budgetary and resource challenges will always feature large among PICTs. There are a number of options to address this, including increasing revenue, and seeking efficiencies, and sharing expertise and costs across domestic agencies.

Taking a collaborative approach to regional migration and border management also holds out the prospect of sharing the infrastructure and cost burdens of regional traveller assessment, whilst preserving national sovereignty over borders. PIDC and its membership have, with the passage of UNSCR 2178 in 2014, new mandatory obligations around API and

information sharing which may seem onerous, but which also give rise to thinking as to how the principles of Integrated Border Management and Regional security can be drawn upon to most effectively implement arrangements to be benefit of all participants.

In all the apparent complexity of the reform agenda, it is clear that Immigration agencies must approach the future in collaboration with stakeholder agencies and partners. This does not necessarily imply a need to change mandates, but accepts that combined capability of these partners exceeds the sum of the parts.

1. Introduction

1.1 Rationale

At the PIDC 2018 Regular Annual Meeting (RAM), members recognised the value of developing overarching migration policies to support and guide immigration agencies' operational and strategic objectives. Members subsequently tasked the Secretariat to develop a regionally endorsed migration policy development framework specific to the PIDC environment.

This draft Framework, based upon a survey of member countries and external research, seeks to provide Immigration executives with core universal messages and facts around immigration matters that can be used for both planning and for preparing business cases or presentations to:

- highlight the importance of effective immigration management;
- highlight the comparative advantage of immigration and PIDC in identifying and managing external threats;
- support reform and modernisation;
- measure performance to support reform; and
- seek additional resources and staff.

It is envisaged that the Framework may be used either as a complete document (for example as an attachment to a Ministerial memorandum or policy note to guide significant national policy changes) or as an information resource with selected content used, as needed, in preparing documents or presentations.

The Framework also provides a foundation to support further analysis, diagnosis or planned improvement initiatives and has been developed to guide the preparation of a document or presentation that PIDC Members can readily adapt for their own purposes to reflect national immigration priorities, strategic drivers, and realities.

1.2 Out of Scope

This document does not examine emigration, with the exception of managing departing travellers and travel documents. Whilst the significance of diaspora communities to many Pacific Island States is acknowledged, the status of diaspora communities of Pacific Island nationals in other countries, returning deportees, and remittances are outside the scope of this document.

Similarly, climate change and related potential movement of peoples is outside the scope of this document. As was most recently recognised in the Boe Declaration, climate change remains the single greatest threat to the livelihoods, security and wellbeing of the peoples of the Pacific, and as such the issue is more befitting consideration within a broader National Security and Regional Cooperation policy setting rather than in this paper.

1.3   Use of this Document

PIDC encourages use of this document either in its entirety, or in part such as via specific chapters, sections or annexures depending upon the audience or subject being addressed.

1.4   Methodology

In preparing this report the author extensively researched a wide range of available material on the subject as well as drawing upon direct experience in border management in Europe, Asia, and the Pacific. The author also conducted an environmental scan to identify common agency challenges by means of a targeted survey of PIDC members.   A summary of responses received is at **Annex 1.**

2.   Main Targets and Objectives of Governments

2.0.1 Background

The function of immigration management sits at a key juncture of government policymaking, involving broader objectives of economic development and stability, social cohesion, and national security. As it involves at its core the movement across borders of people and their stay within a state or territory, it also necessarily involves consideration of domestic and international law and policy, and well-considered administrative and operational arrangements.

National objectives of Social Cohesion, Ecomonic Propertity, National Security

Framed by modern whole-of-government legislation and policy

Cognisant of international obligations and standards

Delivered via the orderly and lawful movement and stay of people

Safeguarded via management of the Identity and Intent of travelers

Administered by properly managed, trained and equipped officials adhering to principles of Integrated Border Management

The role of this section of the paper is to explore the targets and objectives of governments, in part in a "purist" sense, as illustrated above. It is recognised there is sometimes a disconnect between these Government expectations of immigration and border control agencies, and the mandate and resources provided to achieve them. In discussing the principles, solutions which make sense in the Pacific will also be developed here and in the Sections below.

2.0.2 Foundations

Control by a country over its borders, along with the regulation of the entry and stay of foreign nationals and differential treatment of citizens versus non-citizens, is regarded as one of the core aspects of the sovereignty of a nation-state.

IOM provides the following useful definitions that assist in further considering the role of immigration and its underlying policy framework:

> **Migration management** – "*The management and implementation of the whole set of activities primarily by States within national systems or through bilateral and multilateral cooperation, concerning all aspects of migration and the mainstreaming of migration considerations into public policies. The term refers to planned approaches to the implementation and operationalization of policy, legislative and administrative frameworks, developed by the institutions in charge of migration.*"

> And

> **Border management** - "*The administration of measures related to authorized movement of persons (regular migration) and goods, whilst preventing unauthorized movement of persons (irregular migration) and goods, detecting those responsible for smuggling, trafficking and related crimes and identifying the victims of such crimes or any other person in need of immediate or longer-term assistance and/or (international) protection.*"

IOM also states that "*Efficient border and migration management policies and structures, supported by professional, well-trained personnel, facilitates and fosters enhanced movement management at borders, prevents irregular migration, helps dismantle organized criminal networks, and protects the rights of migrants.* "[1]

Governments universally expect that these elements are understood and delivered by the responsible agencies. It flows from this that Governments seek through border control that the movement of people across borders is **lawful and orderly.**

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[1] IOM – Glossary on Migration - https://www.iom.int/key-migration-terms and IOM – Immigration and Border Management - https://www.iom.int/immigration-and-border-management-2

The diagram below illustrates four key sets of arrangements by which effective migration and border management can be achieved:

Administrative arrangements	Regulatory Arrangements	Operational Arrangements	Information Management
•Agency structure •Resources •Recruitment •Performance standards •Training program, •Staff turnover •Values and conduct (anti-corruption measures)	•Legislation (Act and Regulations) •Policy •International agreements •Inter-agency and regional cooperation	•SOPs •Entry and residence •Passenger processing •Intelligence •Prosecution, •Detention • Removal •Humanitarian and health	•Border management information systems •Alert lists •Passport and visa systems •System integrity •Interoperability of systems •Linkages with other systems (API, Interpol)

IOM specifically examines these four areas when conducting assessments of border management at the request of recipient countries[2]. Together they describe the functional design elements which, when properly designed and implemented, enable immigration and other border agencies to deliver immigration management objectives.

There is never a "one-size-fits-all". The needs of Pacific Island countries differ markedly from Pacific Rim countries and regions such as Europe, which each have different drivers of immigration, emigration, asylum, skills shortage and economic migration, and tourism. Differences also exist between Pacific Island countries. These are driven by differences in traveller volumes and compositions and, when considering locations such as Europe, the Americas and Asia, the absence or presence of land borders.

Other differences emerge from the delegation and delineation of responsibilities between domestic border and law enforcement agencies. Examples include whether Customs or Immigration operate at the border primary line, whether Immigration or Police have primacy in the location and management of unlawful non-citizens, and whether immigration agencies also manage passport and citizenship programs.

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[2] Adapted from IOM's Fact Sheet on Border and Migration Management Assessments https://www.iom.int/sites/default/files/our_work/DMM/IBM/updated/02_FACT_SHEET_Border_and_migratio n_management_assessments_2015.pdf

It can also be seen that, in respect of the immigration function and the movements and stay of people, "**border management**" is operationally distinct from "**migration management**". The two functions are interrelated; however, it is not necessarily the case that the entirety of both functions must rest with or delivered in full by the one agency.

By way of example, border management generally does not include considerations around domestic labour market policy, and (for example) which occupations are reserved for local citizens, however this is very commonly a relevant policy consideration in migration management in partnership with domestic Ministries of Labour and Chambers of Commerce. Likewise, migration management is less focussed upon API data-sharing with carriers, or passenger flow through border control checkpoints, which are clear focal activities for border management.

Underpinning the effective application of these elements must be a well-defined legislative and policy framework that:

- reflects Whole-of-Government objectives, considering all affected portfolios and not just Immigration
- is the result of careful stakeholder consultation
- is evidence-based
- is consistent with other domestic law
- is guided by international law and practice
- involves necessary collaboration between relevant domestic and international stakeholders
- is capable of responding to change, emergencies, and technological development
- is reviewed regularly.

2.0.3 Integrated Border Management

Annex 2 deals with the topic of Integrated Border Management in detail, however it is introduced here as it is a further fundamental development in management theory around migration and border management. Emerging from the World Bank and WCO, supported by ICAO and IOM, the value proposition lies in the fact that a properly integrated approach shares the systems, resources and skills of agencies, stakeholders, countries and regions to manage ever increasing complexity and volumes more effectively and at reduced cost per traveller.

Integrated Border Management sees management structures within agencies, arrangements between agencies and carriers, and IT system or BMS design all based upon principles of interoperability and information and burden-sharing within defined governance mechanisms. This enhances the chances of early risk or threat identification, meaning scarce resources can be diverted to areas of need, with the vast majority of

legitimate travellers and trade managed as "low risk" and accorded a "light touch" approach at the border or during related processing.

2.1   Migration and Border Management Objectives

The focus of governments in Pacific Island countries and elsewhere is weighted substantially, but not exclusively, towards answering the following key questions of domestic importance around the movement and stay within countries of people, whether they are citizens or otherwise:

Who

When, Where

How

Why
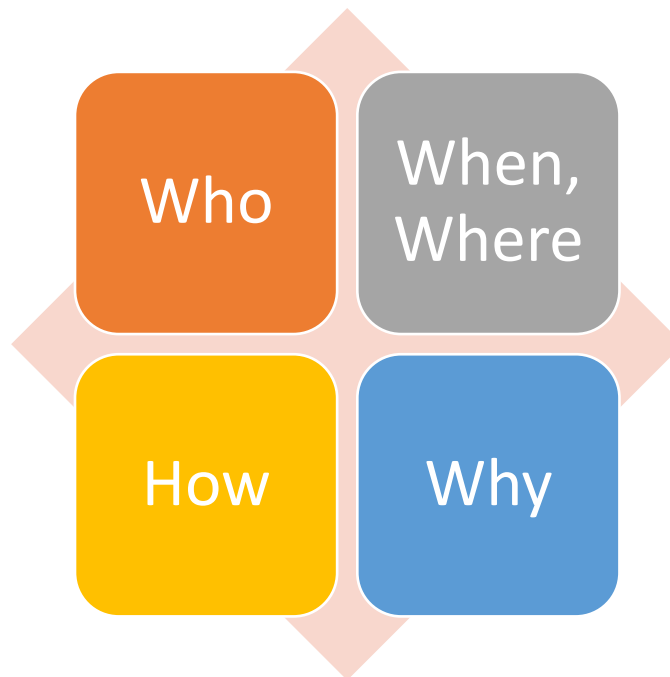
Governments have a legitimate expectation that their immigration policies drive legislation and practices, and agencies as a minimum, manage and remain accountable for:

- who is crossing a border and/or seeking to remain in the country;
- why they are doing so;
- how they are doing so (e.g., by air, land, sea, lawfully or unlawfully, etc.); and
- when and where they are doing so.

Whilst there is considerable policy, legal, and practical complexity underlying these premises, they serve as a useful foundation for understanding why national and international immigration policies have emerged in the way that they have.

Whilst it is not the purpose of this document to explore in detail the operational framework for implementing immigration policy, in summary it is generally implemented via the following means:

- Visa programs
- Border Management regimes, including pre-arrival, arrival and departure arrangements and primary-lines
- Travel document regimes
- Citizenship and national identity arrangements
- Domestic compliance and enforcement regimes

2.1.1 Management of Identity

Regardless of the nationality or status of travellers, a core objective of Immigration and delegated border agencies is establishing and recording the identity of arriving and departing travellers and, in many cases, of foreign nationals within the country.

This mandate intersects with the identity requirements of national travel document and citizenship programs, which may also be managed by immigration agencies, as well as other national identity-related programs such as ID cards, driver licenses, work permits, and civil registries.

Without robust identification measures, many other core Government objectives, such as entitlement verification and risk assessments of individuals, and assessment of traveller intent, cannot be achieved.

Due in no small part to its importance in respect of aviation and transport security, and in countering terrorism and transnational crime, identity management is also a key focus of the international community, along with the closely linked objective of intent management (which is dealt with in the next section).

As a result, this policy area has benefited more than most from the significant collaborative effort in establishing international governance and standards including:

- a number of international Conventions, beginning with the Convention on International Civil Aviation (the Chicago Convention) and its **Annex 9** (Facilitation)[3],
- via the UN Security Council, several counter-terrorism resolutions which establish **mandatory** objectives around traveller identification, information-sharing between

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[3] The Chicago Convention and its subsidiary policy documents are available at https://www.icao.int/publications/Pages/doc-series.aspx. Annex 9 is available at https://www.icao.int/Security/FAL/ANNEX9/Pages/default.aspx

Governments, and the global implementation of Advance Passenger Information (API)[4], and

- via the International Civil Aviation Organization (ICAO), a UN specialized agency, established by States in 1944 to manage the administration and governance of the Chicago Convention, including
  - the ICAO Traveller Identification Programme (TRIP) Strategy[5]
  - Document 9303 – "Machine-Readable Travel Documents"[6]
  - the ICAO Guide on Evidence of Identity.[7]

According to ICAO, *"…at the centre of the ICAO TRIP Strategy is the key proposition for States, ICAO and all stakeholders to address, individually and collectively: that a holistic, coherent, coordinated approach to the interdependent elements of traveller identification management is essential, encompassing the following elements:*

- ***Evidence of identity*** *– credible evidence of identity, involving the tracing, linkage and verification of identity against breeder documents to ensure the authenticity of identity;*

- ***Machine-readable travel documents (MRTDs)*** *– the design and manufacture of standardized MRTDs that comply with ICAO specifications;*
- ***Document issuance and control*** *– processes and protocols for document issuance by appropriate authorities to authorized holders, and controls to prevent theft, tampering and loss;*
- ***Inspection systems and tools*** *– inspection systems and tools for the efficient and secure reading, recording and verification of MRTDs, and*
- ***Interoperable applications*** *– globally interoperable applications and protocols that provide for timely, secure and reliable linkage of MRTDs and their holders to available and relevant data in the course of inspection operations."*[8]

These standards and related international governance have in many cases flowed through to governments. Where this has not yet happened, they are still key to informing domestic policy and legislative considerations along with the acceptance of standards around identity management, such as travel document design, issuance, border management systems and processes, and more recently, moves toward adoption of API.

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[4] Of particular relevance are UNSCR 2178 (2014), UNSCR 2322 (2016) and UNSCR 2396 (2017), texts available at https://www.un.org/securitycouncil/content/resolutions-0

[5] Available from https://www.icao.int/Security/FAL/TRIP/Pages/Publications.aspx

[6] Available from https://www.icao.int/publications/pages/publication.aspx?docnum=9303

[7] Available at https://www.icao.int/Security/FAL/TRIP/Documents/ICAO%20Guidance%20on%20Evidence%20of%20Identity.pdf

[8] Text and diagram from the ICAO TRIP Strategy, https://www.icao.int/Security/FAL/TRIP/Pages/default.aspx

2.1.2 Management of Intent

Understanding **why** someone seeks to cross a border and stay within a country, and responding accordingly, is a core migration management objective. As has been explained in the section above, any assessment of intent is contingent firstly upon assessment and management of identity.

Examples of reasons why a person may seek to cross a border and/or seek to remain in a country include:

Legitimate

- Entry and stay as a citizen
- Tourism
- Transit
- Permitted residence
- Visiting family or friends
- Permitted employment
- Permitted medical treatment
- Study or cultural visit
- Family reunification
- Official/diplomatic
- Disaster relief

Illegitimate

- Employment without permission
- Overstay
- Medical treatment without permission / health clearance
- Unlawful or criminal activity including
  - Terrorism
  - Organised crime
  - Migration fraud (such as obtaining stay on fraudulent grounds, e.g.: contrived marriage or employment fraud)
  - Trafficking in persons
  - Smuggling of migrants
  - Identity fraud
  - Manufacture or distribution of illegal drugs or other contraband
  - Fugitives from justice

Examination and verification of intent is generally backed by a policy and legislative framework that establishes border control and visa regimes. These generally include powers to enable relevant enquiry and decision-making by immigration and border control officials.

These arrangements seek to establish "legitimate" reasons or pathways for the entry and stay of people, and thus the differentiation between "legitimate" and "illegitimate" intent or purpose.

In PICTs, intent is also very commonly assessed on arrival often as part of a VOA process. Universally, arrival passenger cards address some of the elements involved, with basic questions often included around the purpose and duration of stay. The information provided by travellers in the form of a written statement assists in verifying or confirming statements of identity and intent that may have already been made (such as in pre-arrival visa applications). If all else fails, it is written evidence that may be used in a prosecution should false statements have been made.

As will be dealt with later in this paper, VOA is useful in that it facilitates tourist arrivals at low cost and meets visitors' expectations of a seamless and light-touch experience at the border. The downside is that border officials in this scenario have no opportunity to assess identity and intent until travellers have presented at the arrivals counter.

2.1.3 Visa Policy

> "Visa policies are an essential component of a country's or region's migration management policy. On one hand, visas are an instrument for managing and facilitating entry and admission. At the same time visa policies also play an important role in tackling irregular migration and ensuring security. Balancing these two sides of migration management has become increasingly pertinent as there are more people on the move today than ever before. Good governance of mobility, in turn, creates value for the development of people, increases the competitiveness of the countries concerned and enriches respective societies."[9] (IOM 2019).

Managing and responding to intent of travellers is generally via the establishment of pathways with defined criteria, through visa classes or types. This relationship between policy intent and operational pathways can be visualised as per the diagram below, which

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[9] ACP-EU & IOM - Visas in ACP Countries: Key Challenges and Way Forward -
https://acpeumigrationaction.iom.int/sites/default/files/acp_eu_visa_report-web_small.pdf

illustrates the common basis to permit the entry of tourist visitors as an example:

Policy intent

A government decides to make provision for non-citizen visitors to enter for genuine tourism.

Legislated or Policy Criteria

Visa program established with criteria and conditions established for visitors including:

Entrants state an intention to visit for tourism purposes

Propose to stay for a defined short period

Have adequate funds during stay

Have incentive to return home

Are of good health and character

Operational Arrangements

Prescribed forms and entry cards eliciting relevant information

Visa decision-making by immigration based upon criteria

Verification of identity and intent at the border

Border Management systems recording key details

Building upon the concepts of "legitimate" and "illegitimate" reasons for entry and stay detailed in section 2.1.2 above, visa programs allow States to define entry categories via visa classes and types, visa criteria and conditions, and facilitate entry and stay accordingly, such as for certain types of skilled workers, tourists, family reunification, national development and regional integration. They can also serve to counter irregular migration by both providing an alternative legitimate pathway to entry and stay, and providing clear criteria by which immigration and border officers can judge intent and decide whether to permit or refuse entry.

It follows that a well-constructed and logical visa framework allows for accurate reporting on which foreign nationals have entered the country, for what purpose, and for how long.

Where visas are required prior to travel, or are delivered via a form of electronic pre-clearance, they also allow some pre-screening of identity and intent prior to arrival in the country. Visa fees, forms and documentary requirements may prove cumbersome for short-stay visitors, but may be more necessary in other circumstances where employment or permanent stay is the objective. Finding the correct balance within visa programs will depend upon an assessment of the risk posed by an identified cohort of travellers or migrants, versus the broader social and economic objectives of government.

Given the centrality of visa policy to the broader migration management objectives of governments, it is essential that national visa arrangements are underpinned by regular consultation and evidence, which in turn drive regular legislative review.

2.1.4 Management of Character and National Security Issues

A common government expectation of immigration is community protection through the prevention of entry and/or stay of foreign nationals who pose a threat to the community due to criminal activity, history, or threat to national security. This can be seen as a subset of "intent", dealt with in section 2.1.2 above, however given its importance, it is often seen by government as a standalone policy objective.

This objective is often expressed in policy and legislation in the Pacific in various forms including:

- A power to refuse entry where this intent is suspected
- A requirement that criminal records are disclosed in certain circumstances
- Powers to refuse or cancel visas in the case of criminal activity or conviction or national security concern
- Powers of detention and enforced removal or deportation related to character issues, often separate to similar powers relating to overstayers.

Policy in this area will often attract Cabinet-level interest, and policy review will necessarily involve Police, Security agencies, and Ministries or Departments of Prime Minister, Interior, and Foreign Affairs as a minimum.

2.1.5 Health Control

The recent measles outbreaks in the Pacific and the COVID-19 Pandemic, along with memories of the Spanish Influenza pandemic a century ago have again focussed governments and the international community on the role of borders and immigration in managing community health expectations.

Human Health Policy rightly remains a core function of domestic Ministries of Health, and internationally, the World Health Organisation (WHO). Food and animal biosecurity are likewise the core responsibility of relevant domestic Ministries of Agriculture, Food Safety, and/or Quarantine.

Immigration has an important subsidiary role in Human Health policy management, with governments generally expecting Immigration and delegated border agencies to engage in some form of health checking of persons seeking to enter and remain in the country, including citizens to some extent.

This policy expectation is generally tempered by the length and purpose of stay sought, with investigation generally ranging from basic questions on an entry card, up to full medical examinations, with exceptions directed to the relevant Health Ministry officials for assessment and direction.

In the Pacific, this is often expressed in policy and legislation in various forms including:

- A power to refer travellers to a medical practitioner for a medical examination
- A power to refuse entry to non-citizens where advised to by the Ministry of Health or a medical practitioner
- A requirement that medical records are disclosed in certain circumstances
- Powers to refuse or cancel visas relating to non-citizens on health grounds

Immigration health policy is generally a "delegated" mandate, with the policy and related legislative settings guided by the domestic Ministry of Health.

2.1.6 Economic Objectives

Governments have high expectations of immigration arrangements when it comes to national economic objectives, which in the Pacific are often also closely aligned with National Development objectives.

Tourism bodies and operators, Chambers of Commerce, major business groups such as banks, shipping & fishing enterprises, and Ministries of Labour and Fisheries are major stakeholders, which in many cases may lead policy initiatives which are then partly to be implemented by immigration and border agencies.

Tourism Facilitation

In 2018, there were 1,392,601 total visitor arrivals in the Pacific Island small states.[10]

Whilst Fisheries, Mining and Gas, and remittances from diasporas play a significant role in Pacific Islands economies, the services sector is also a growing and significant element. In some countries, Tourism eclipses most other sectors, and relative to GDP, is in many cases larger than it is for Australia and New Zealand, at least prior to the COVID-19 pandemic.

> "*Tourism is an important source of export earnings for many PICs. In Samoa and Vanuatu, tourism generates the majority of export earnings. In Tonga it is the largest single source, about five times as that of agriculture and fisheries combined. For Fiji it has replaced sugar as the primary export earner.*
>
> *Tourism is also a tax base, which generates revenue from targeted taxes, like Fiji's service turnover tax on hotels and restaurants. Targeted taxes also give governments another means to influence visitor arrivals numbers by affecting prices, like Palau's efforts to limit arrivals via increased departure and hotel taxes.*

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[10] World Bank - https://data.worldbank.org/indicator/ST.INT.ARVL?locations=S2

Tourism is a significant employer in those countries where tourism is a major industry. The South Pacific Tourism Organization (SPTO) estimates indicate the highest levels of employment in Tonga, 15 percent, Samoa, 18 percent, and Palau, 50 percent. [11]

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[11] Diagram and paragraph from World Bank "Pacific Possible" 2017, Tourism sub-report - *http://pubdocs.worldbank.org/en/95491462763645997/WB-PP-Tourism.pdf.*

In 2040, transformational tourism opportunities could bring an additional US$1.7 billion in revenue and 116,000 jobs to Pacific Island Countries

| Opportunity | → → | Additional Impact |

Increasing the Chinese Market
660,000 tourists
US$947m receipts
65,200 jobs
$36.9m airport taxes

Home-basing 4 Cruise Ships
266,000 tourists
US$67m receipts
4,700 jobs
$9.2m port fees

Expanding the High-end Resorts Market
139,000 tourists
US$487m receipts
32,500 jobs
$7.8m airport taxes

Capturing the Retiree Market
10,000 retirees
US$200m receipts
13,800 jobs
$0.56m airport taxes

Due to the significance and potential of tourism to economies in the region, a common expectation of governments is that immigration policies will facilitate the industry to the fullest extent possible whilst maintaining fundamental controls around identity, intent, health and character.

In terms of tourist visitors themselves, this generally takes the form of "light touch" travel and entry arrangements, most often involving visa waiver or visa-on-arrival (VOA) programs

for at least those citizens of major tourism source countries such as Pacific Rim and European (EU) countries.

The expectations of governments also often extend to facilitating the entry, stay, and employment in the sector of hotel managers, tour-guides, interpreters, tour-boat captains, and other individuals with skills or working in areas which facilitate the tourism industry.

The appropriateness of the assumptions underpinning these arrangements are important, and should be tested against the evidence and with stakeholders and Government on a regular basis. These include core considerations such as:

- Appropriateness of VOA or visa-waiver eligible countries against indicators such as recorded domestic or regional cases of overstay, people trafficking or smuggling, employment without permission, fraud, or other non-compliance
- Appropriateness of VOA or visa-waiver arrangements against new opportunities presented by technology for light-touch replacement programs such as E-visa, ETA or pre-clearance systems
- Appropriateness of entry for tourism-related employment of foreign nationals versus domestic employment objectives

The rationale for extending VOA or visa-waiver arrangements to nationals of certain countries may be based upon reciprocity or an evidence-based assessment of risk, or a mix of both policy drivers. Whilst this will ultimately be a decision for Governments, it is recommended that some form of risk assessment inform initial decisions around facilitated entry criteria, and their regular review, and that reciprocity alone not be the only reason for extending and maintaining VOA for particular nationalities where VOA is continued and not replaced by some form of pre-clearance, ETA or E-visa arrangement.

Labour Market Objectives

Most governments regulate access to their domestic labour market in favour of their own citizens and permanent residents (where these exist). In the Pacific this often takes the form of segmentation of occupations into those restricted to citizens only, and those which may be filled by a foreign national on the basis of satisfying certain criteria, often relating to specific skills identified as being in short-supply in the domestic market or otherwise identified as benefiting the local economy.

Policy ownership around regulation of the domestic labour market, and definition of areas suited to imported skills, may rest with a Ministry of Labour or equivalent, however where this involves employment of foreign nationals, there is a significant overlap with immigration policy, and any related visa policy.

A common friction-point in this area is the division of policy and operational responsibility between Immigration on one hand, and the agency responsible for Labour on the other. In

the Pacific this has sometimes seen the establishment of separate application processes and fees within both agencies, presenting as double-handling and excessive red-tape to business.

Another friction-point is in the assessment of skills and the need for a business to employ the foreign national, whichever agency is responsible. A question often posed is the extent to which a bureaucracy is capable of assessing skills, particularly those which do not consist of a degree or diploma, and the appropriateness or otherwise of a business structure employing a foreign worker or manager.

Governments generally establish monitoring, compliance and enforcement powers in this area, and there may be an expectation that Immigration, along with the agency responsible for Labour, have roles that may overlap.

Business Investment Objectives

Governments generally embrace the principle of encouraging legitimate foreign business investment, as this is seen as bringing new employment and training opportunities for citizens, as well as increased revenue for government, all funded with imported capital.

Short-stay business entry by foreign nationals is a common feature of immigration policy and related visa frameworks, and is largely non-controversial especially where it is designed to cater for business negotiations and meetings, and exploration of business opportunities.

Longer-term entry and stay for business purposes by foreign nationals, including establishing and operating a business is also a common feature of government policy, however it is also generally more complex.

Governments often seek to regulate the sectors of the economy in which foreign business is either encouraged, or discouraged.

The policy landscape generally involves an intersection between immigration and visa policies, as well as policies around business registration and investment. Institutionally, this often sees an immigration agency sharing responsibility with an agency responsible for corporate regulation, as well as in some cases agencies responsible for foreign affairs, taxation, banking, law enforcement and security, and interior affairs.

This area has in some cases seen the development of a separate, sometimes "fast track" pathway to residence, investor passports, and even full citizenship distinct from other pathways such as via marriage, descent, or long-term residence.

Pitfalls for governments in this area include placing too great an emphasis upon the immediate revenue benefit or the size of a proposed business investment or seeking only a cash deposit, instead of delivering genuine economic impact. In worst case scenarios, a host of issues can arise around the legitimacy of the business proposal and those involved,

including money-laundering, identity and/or tax fraud, proceeds of crime, and organised criminal activity seeking the cover of "legitimate" business investment.

Coordinated management of identity and intent, along with considered policy settings informed by corporate regulators will go a long way to addressing these issues.

2.1.7 Social Objectives

Governments, communities, business and groups such as churches and civil society often engage in the development of immigration policies with a number of social objectives in mind. Key objectives include:

- Family reunification, particularly the entry and stay of non-citizen immediate family such as spouses
- Facilitating continued engagement with diaspora brethren, including management of dual-national citizens and issuance of travel documents abroad
- Missionary activities
- Cultural and educational exchange

Social cohesion elements of migration also inform government objectives including, for example, settlement and integration of migrants, issues around land ownership, and eligibility to vote. Whilst these issues may cross into the policy mandates of agencies such as those responsible for land management and civil registries, governments may also seek to express conditions or restrictions on foreign nationals in these areas within immigration policy and legislation, such as with visa conditions.

The expectation on the part of governments and migrants alike is these sorts of restrictions or controls reduce and then (in most cases) disappear as people transition from the status of visitors or temporary entrants, through residence to citizenship. This transition often involves a deliberate strategy of settlement or integration, to ensure new permanent residents and citizens play a cohesive and productive part in their adopted society.

2.1.8 Compliance and Enforcement

Governments have a broad range of expectations around immigration compliance and enforcement, mainly aimed at ensuring those foreign nationals who seek to enter and remain without authority, or who pose a health or character risk to the community can be managed.

Whilst the implementing agency may vary depending upon the type of power or activity involved (such as Police taking the lead in search and detention matters), governments generally include the following powers within immigration legislation and policy:

- Visa refusal
- Visa cancellation
- Prevention of unlawful entry and stay
- Search of vessels and aircraft
- Power to make enquiries of travellers
- Location and detention of those unlawfully in the country
- Seizure of fraudulent travel documents
- Deportation or removal powers

Government policy will often also mandate the use of an alert list within border management systems to aid in these functions, and also provide for a number of immigration-specific offences, fines, penalties, and restrictions which can be applied to individuals, and in many cases also to employers and carriers.

Less common but nonetheless highly relevant to this function and related expectations of governments are legislative provisions defining:

- Immigration Search warrants
- Authority to share immigration information with partner agencies, especially those abroad

2.1.9 Humanitarian Objectives

As is documented in the Environmental Scan at **Annex 1**, a number of Pacific Island countries, but not all, are party to international conventions including

- the Refugees Convention,
- the Convention on Statelessness,
- the Conventional Against Torture, or
- the Convention against Transnational Organised Crime and its optional Protocols against Trafficking in Persons and Smuggling of Migrants.

Each of these instruments include provisions for managing foreign nationals who seek asylum or who otherwise cannot return to their country of residence for reasons recognised by each. Where a country is a party to these instruments, or is not but has passed legislation which provides for similar practices, governments expect immigration agencies to manage the status of affected foreign national accordingly, even where they may not be responsible for other aspects such as the law-enforcement elements.

In cases where the country is not a party to these instruments, governments may still seek to accommodate or exercise flexibility around genuine cases of humanitarian concern. Whilst there may not always exist a specific provision in legislation, such as a visa for victims of trafficking in persons or processes for asylum-seekers, governments in the Pacific are

often receptive to interventions by international agencies such as IOM or UNHCR, or civil society groups where such cases arise.

The expectation in such circumstances is that immigration will exercise discretion and flexibility where this is possible and agreed to by the relevant Minister, to at least allow progress towards a durable solution, even if this means the eventual resettlement of the person elsewhere.

Where there is no international or domestic legal framework, this is, however, a tenuous arrangement at best, and may easily become subject to domestic criticism as not being based in law.

3.   Roles of Immigration and its Environment

The survey results (at **Annex 1**) and the experience of the author is that immigration agencies in the Pacific are generally not standalone agencies (such as the example of ICA in Papua New Guinea), tending more often to be a subsidiary division or function within another larger Ministry or Department, such as Foreign Affairs or Prime Minister. Visa functions are the only universal function shared among Pacific immigration agencies in the Pacific. In some cases, functions such as Passports, Employment, and Nationality or Naturalisation may lie with other agencies, with immigration performing functions only related to visas, permits, and border clearances. Customs may manage some or all of the arrival and departure primary line functions, or this may lie with immigration.

Common to all are competing pressures of budget and resourcing constraints, even reductions, against ever increasing government and popular demands for more effective migration management and facilitation of genuine travellers whilst maintaining border integrity over sometimes vast maritime territories. Gaining traction in this environment for even maintaining the status-quo can sometimes prove challenging, let alone seeking additional staff, office equipment, or BMS procurement, upgrade, or replacement.

Budget & Resources

Expectations
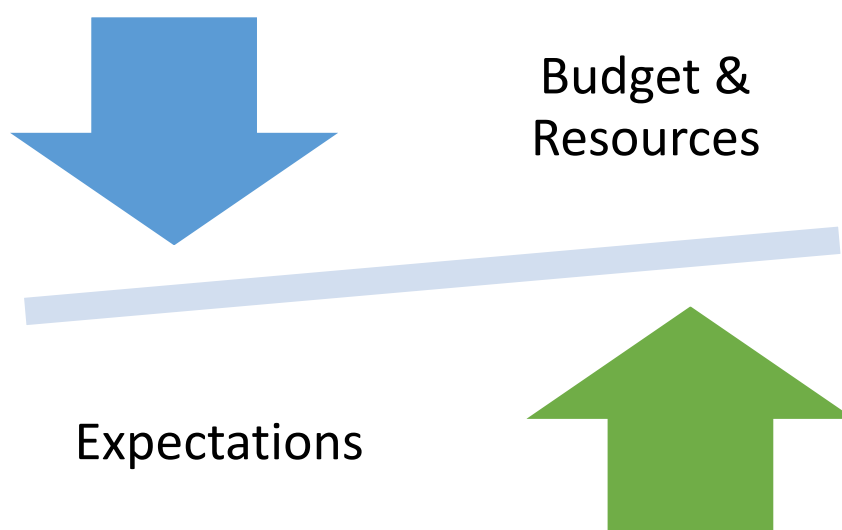
Other agencies may appear to have more traction with government finance areas, particularly those which are seen as greater "revenue" generating areas.

As governments and agencies seek to balance these pressures, consideration must be given to agency responsibilities, maximising whole-of-government resources, and the concept of "coordinated border management" or "integrated border management" to deliver more with less.

Whilst the topic of Integrated Border Management was introduced in section 2.0.3 above and is dealt with in detail in **Annex 2**, it is worth reflecting again here on meaning of the

term, which the WCO has described as the "***the holistic approach involving all cross-border regulatory agencies so that their regulatory functions are discharged in a coordinated manner***"." [12]

The key point about integrated border management here is its ability to allow agencies to better meet their mandates despite these challenges by combining resources, strengths, skills, and capabilities. Properly implemented, it is a "win-win" for all parties, in that whilst mandates and functions are respected, each improves their business outcomes through the support of the other.

Operating in an environment where integration or coordination of functions is increasing across agencies and borders, whilst essential, requires that clear line of sight is maintained over responsibilities, delegations and accountability for government objectives.

3.1 Ownership of Immigration Functions

One of the most commonly discussed issues among border agencies, senior officials, Ministers and Cabinets in the Pacific is the "ownership" and administrative structure of immigration and border control functions.

A notable outlier example of change in this area is that of Australia, where there is effectively no separate, identifiable immigration or customs agency, with functions of both being merged into a larger Department of Home Affairs and a subsidiary Border Force.

This outcome is both unlikely and not recommended for Pacific Island States as the migration management and border security drivers are substantially different, along with staffing and budget capacity. It does, however, serve as a reminder that senior administrators within immigration portfolios need to remain focussed on what their portfolios entail, who owns the risk, and how best to deliver value to government through promotion of integrated border management, bringing the combined resources of border agencies to bear on migration and border management issues without necessarily considering merger of agencies or transfer of functions.

The airport primary line is a current example in the Pacific Island States where there has been considerable discussion as to whether Immigration or Customs should staff and operate this function. A general observation in the Pacific is that immigration agencies generally have legislative and policy ownership of the responsibility for the orderly and lawful movement of the people across the national border, including the primary line because:

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[12] World Customs Organisation, Coordinated Border Management Compendium, 2015, available at http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/cbm-compendium.pdf?la=en

- these agencies are responsible for setting and administering entry and exit policy and visa frameworks in the national interest;
- they are the custodians of the controlling legislation;
- they are responsible for determining identity and intent of travellers; and
- they own the risk of failure of administration in any of the above.

Arrangements can and have been made to assign primary line functions to Customs, theoretically under delegation from the relevant immigration legislation. Whilst concerns are sometimes raised that the different operational focus of organisations such as Customs can see less focus on the identity and intent concerns of Immigration with such arrangements, this can be overcome by training.

A more serious issue arises where this delegation does not work in practice, and the management oversight and accountability for the function between the agencies breaks down. Evidence for this can be seen where information sharing and access, such as to the primary line BMS, or in secondary line referrals to Immigration ceases or is not forthcoming. This can be seen as a failure of Integrated Border Management.

The solution in such cases is either direct agency control where its mandate is concerned, i.e.; immigration operating the Primary Line itself, or ensuring the arrangements around delegation of functions to the other agency are as clear as possible and contain measures to ensure and measure accountability. Clear governance mechanisms, agreed in writing by all parties, are essential to success, particularly where arrangements of this kind are new. Less formal arrangements may develop over time as mutual trust and familiarity around functions grows, as is anticipated with the integrated border management principles set out in **Annex 2**.

Similar observations can be made where an immigration agency has been made the custodian of other legislation such as that relating to work permission for foreign nationals, which is canvassed further below in **Section 3.8**.

3.2   Border Management and the Primary Line

"Immigration control is a relatively recent invention of states. With a few exceptions, immigration controls mainly emerged at the end of the 19th century in some countries and for specific categories of aliens."[13]

A key decision of government is around how the border is defined, and which agency will manage which parts of it.

In contemporary thinking, the border is not so much a static place, line, or single function. It is often instead elaborated as a "border continuum", in which the actions of people intending to travel, actually travelling, arriving, and remaining within the destination country each can be seen as component parts of the border management process.

This can be understood in the diagram below.

After arrival - Within the country (visa extensions, compliance etc)

Prior to final clearance at a port (Customs baggage checks, Quarantine checks etc)

Arrival - Presentation at the border (the Primary Line)

Travel commencement - Check-in overseas with an airline or shipping company, immigration departure clearance

Pre-travel - Visa application & ticketing overseas
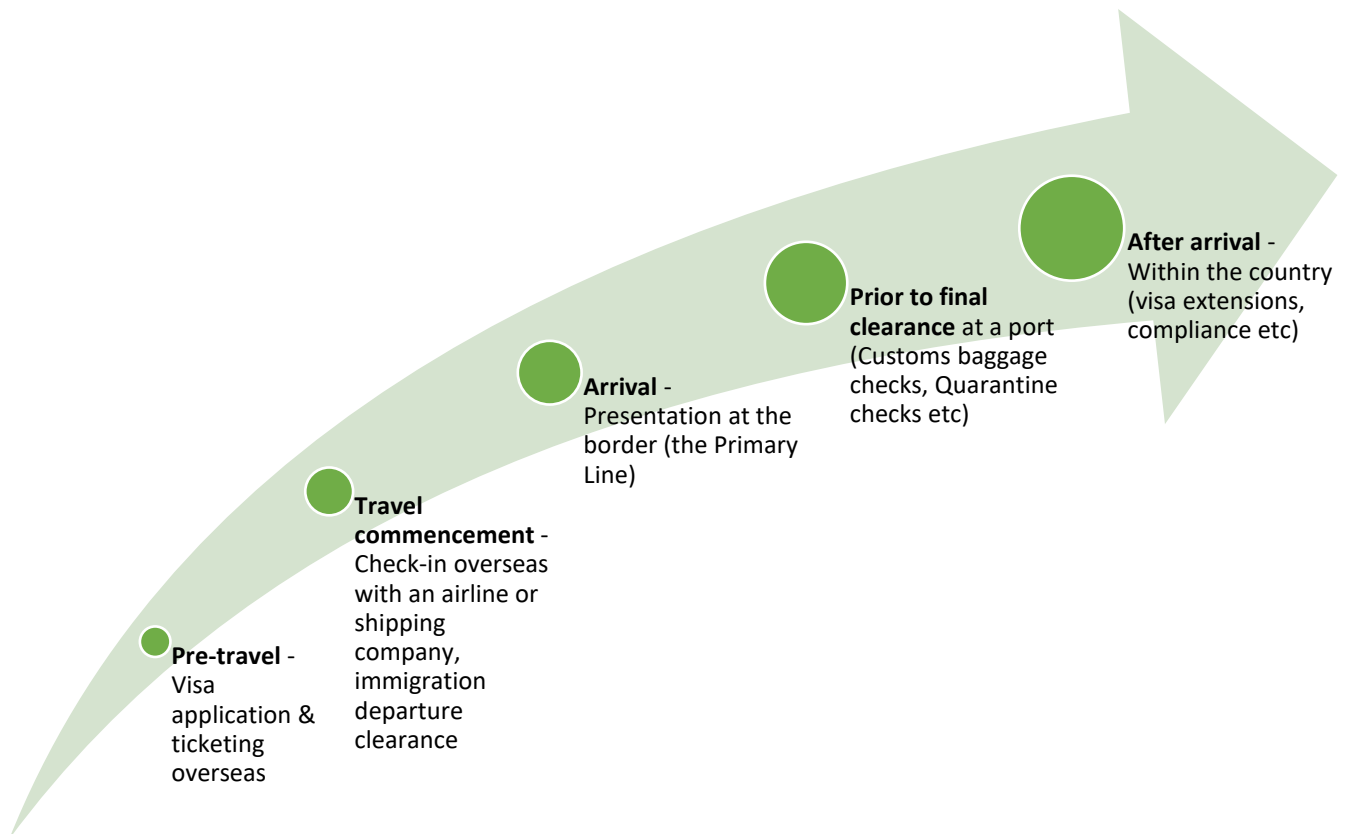
At each step, there are opportunities for checking the identity and intent of travellers, and in some cases, intervening. Management of each of these can be achieved with the aid of integrated border management practices and risk management strategies described elsewhere in this document[14], or by means as simple as information campaigns aimed at airlines and the travelling public in the pre-travel and check-in phases. At their most basic, these may be in part achieved and reinforced through airlines via ensuring up-to-date country travel information along with VOA eligibility in IATA's TIMATIC system.

A common focus is around which agency manages the primary line at ports of arrival and departure. The uniform worn by the person staffing the primary line booth is generally either Immigration or Customs, with Immigration in any case either providing a secondary line or referral capability for primary line officers where complex issues arise.

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[14] See Part 3.3 below

There is no single answer as to the best configuration as the circumstances are often dictated by resourcing and staffing levels of Customs and Immigration agencies, training and capabilities of both agencies, inter-agency relations and politics, and the state of border management systems in the country along with integration with other systems, and which agency "owns" these systems.

A pitfall in this area is lack of integration across human and IT systems, whichever agency has the lead at the primary line. Immigration not being able to access arrival and departure data, alert lists or API data, and Customs likewise not being able to verify visa and passport data at the border is a scenario which is best avoided no matter which agency has responsibility for which elements.

3.3 The Systems Environment

3.3.1 BMS Fundamentals

All PICTs operate a BMS of some kind. Some are fully manual systems, without any computer-based functions, relying on a combination of manual passenger card collection, record books, wet-stamp entries in travel documents, and manual alert lists. These kinds of arrangements are generally augmented by hard-copy airline manifest records, and supported to a basic degree by airline check-in procedures and border controls in the port of embarkation. Others rely on these with basic spreadsheets used to record visa processing.

Whilst manual arrangements remain the case in some PICTs, most now operate some form of computerised BMS to support various elements of border control, and most of the remaining agencies are moving in this direction, which is strongly recommended. These arrangements may be based upon one BMS serving several functions such as visas, passports, alerts, and primary line operations including automation or document checking and alert checking, or see several different systems performing separate functions.

Whilst "ownership" of BMS access and data can be a source of friction between agencies, ICAO provides useful guidance in its TRIP Strategy on how to overcome this by ensuring systems are "interoperable", thereby ensuring the principles of Integrated Border Management can be realised from a systems perspective.[15]

A caution with BMS arrangements in the Pacific is that they should not seek to over-complicate the solution, or be too expensive to procure and operate. They need to be able to assist in the verification of identity and risk management of travellers by employing inspection tools such as passport readers to verify and record identity and travel document

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[15] Available from - https://www.icao.int/Security/FAL/TRIP/Pages/Publications.aspx

data and visa data (where relevant), and check these against alert lists, passport and visa databases, and movement records.

A BMS which is of appropriate scale and interoperable should also assist with the risk-management of passengers, in addition to recording events, decisions and data. Where resources and BMS capability permits, importing data from and cross-checking with inter-operable systems such as INTERPOL systems, and airline API, APP and PNR data is preferred, however for many this will be a gradual transition and is something that will form part of the national development pathway.

What is most important is that BMS data is seen as a national resource, and is collected and made available to other systems and agencies on an appropriate basis, such as read-only or restricted access where another agency does not have a need to create records, or see all data within a particular system.

It is clear from ICAO's work in this area, when considering the deployment of BMS systems, that they should not be regarded as a standalone operation. Whilst the BMS in operation at the primary line does not necessarily need to be a part of the same system which manages, for example, visas or national passports, or even alerts, it is critical that these databases are interoperable so that data within them can be cross-referenced and verified in real-time by officers performing each of these functions.

Examples now exist in the Pacific where border management systems within a country have emerged in isolation from each other. Some of these situations have historical origins, and may have emerged due to piecemeal donor or procurement activity, however some are more recent. Smart-gates which do not connect to these reference systems are immediately de-valued, as are alert lists or movement records which do not enable checking by the multiplicity of agencies with a stake in border security. Lack of reference to visa and passport systems by other parts of the system such as arrivals processing immediately diminishes the ability of staff to detect fraud.

Immigration agencies should seek to ensure they value-add to BMS deployment and operation by ensuring they advocate for, and where they "own" a system, implement the principles of interoperable and interconnected systems, delivering **Integrated Border Management System** services across Government. This should form a core part of thinking in any systems upgrade or procurement exercise.

Visas & Permits

Reporting

Alerts

Arrivals and Departures

Revenue collection

Online applications & E-visa

Integrated Border Management System

Passports & Travel Documents

Customs

Interpol SLTD

Animal/Plant Biosecurity

Carriers (API/PNR)

Law Enforcement & Security

Health

Statistics

3.3.2 API, E-Passports & Smart-gates: Mandatory vs. Optional

API, PNR & INTERPOL SLTD

By virtue of United Nations Security Council Resolutions (UNSCRs) 2178, 2309 and 2396, and the standards at Chapter 9, **Annex 9** of the Chicago Convention[16], adoption of API and related identity information sharing is technically **mandatory** for all Chicago Convention signatories, which includes PICTS[17]. Similarly, ETA or pre-clearance measures, PNR and INTERPOL SLTD[18] interoperability, whilst not mandatory, are also recommended by ICAO and/or the UNSC. This is due to the capability to improve traveller risk assessment which these can deliver, vastly improving border and aviation security outcomes.

These data exchange methodologies rely upon countries having a BMS which is interoperable with them, and represents a capability which should be considered in any future BMS procurements, upgrades, or replacements. It is recognised that for many this will be a gradual transition and is something that should form part of the national or agency development pathway.

In 2018, Dutch authorities proposed via ICAO an amendment to the Chicago Convention, Annex 9, Chapter 9, to create a (mandatory) standard 9.1 to the effect that "*States requiring the exchange of Advance Passenger Information (API),/ interactive API (iAPI) and/or Passenger Name Record (PNR) data from aircraft operators shall create a **Passenger Data Single Window** facility for each data category or both data categories combined that allows parties involved to lodge standardized information with a common data transmission entry point for each category to fulfil all related passenger and crew data requirements for that jurisdiction.*"[19]

The Dutch proposal included lessons learned from that jurisdiction, in which it was clear that moving to a Passenger Data Single Window (PDSW) arrangement is easier when this is done deliberately at the beginning. This recommendation was adopted by ICAO via amendment 27 to Annex 9 – Facilitation, which was anticipated to become effective on 21 October 2019 and to become applicable on 21 February 2020.

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[16] Available at https://www.icao.int/WACAF/Documents/Meetings/2018/FAL-IMPLEMENTATION/an09_cons.pdf

[17] See ICAO's API Implementation pathway at https://www.icao.int/Security/FAL/TRIP/Documents/ICAO%20API%20Brochure_2018_web.pdf

[18] See https://www.interpol.int/en/How-we-work/Databases/Stolen-and-Lost-Travel-Documents-database

[19] See the ICAO Facilitation Panel working paper of September 2018 at https://www.icao.int/Meetings/FALP/Documents/FALP10-2018/FALP10.WP5.Single%20Window-Netherlands-Final.pdf . See also the Dutch presentation in this matter at https://www.icao.int/Meetings/FALP/Documents/FALP10-2018/WP5.Single%20Window%20for%20passenger%20Information.pdf

In practical terms, this means that API & PNR data from airlines should be collected from the source once only. The legal, policy and technological arrangements should be constructed to ensure that data is transmitted or shared behind the scenes with any other agency which needs it to ensure collective border management objectives are met.

Agencies should also be aware that in order to derive the most benefit from API, the data needs to be able to be received and assessed, and passengers cleared or flagged for further enquiry (or offload) prior to flights departing from the point of embarkation. Whilst this will require redeployment of staff, the upside is that fewer resources will be required in arrival halls as most flights will be "pre-cleared", reducing the need for on-arrival intervention.

As adoption of API is mandatory standard, PICTs should prioritise the acquisition of this capability above other technology, such as e-Passports and Smart-gates, neither of which are driven by mandatory international obligations.

E-Travel Documents

ICAO has developed standards for e-travel documents to improve security through introduction of a standardised, tamper-proof chip which enables independent verification of biometric and visible/MRZ bio-page data.[20]

Whilst the increase in document security is clearly desirable, and ultimate adoption of e-documents should be a genuine aspiration, this is not mandatory. There are significant costs involved and governance and procedural hurdles which need to be considered very carefully before embarking upon procurement. Costs of participation in and compliance with the ICAO Public Key Directory (PKD), which is at the heart of the process, may significantly challenge the budgets of some small island state immigration agencies.

Similarly, there is little to be gained where supporting processes such as foundation identity documentation (birth certificates, etc.), and office procedures are not as robust as the e-document itself.

A final consideration is that, for small island PICTs, not being a mandatory requirement of common destination countries around the Pacific Rim or Europe, there is not the prospect of improved access to those countries for their travel-document holders, where current documentation already satisfies ICAO MRTD standards.

What is more important is that BMS and entry/departure document readers are interoperable with other systems, are up-to-date, and capable of reading e-Travel Documents issued by other countries, and verifying the data contained within them properly.

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[20] See ICAO's Document 9303 at https://www.icao.int/publications/pages/publication.aspx?docnum=9303 and ICAO Public Key Directory (PKD) information at https://www.icao.int/Security/FAL/PKD/Pages/default.aspx

Smart-Gates

Similar considerations apply with Smart-gates. Where these are installed but not interoperable with the full range of Border Management systems, they can prove to be an expensive exercise which does little to actually improve the ability of immigration and border agencies to verify the identity and intent of travellers.

Interoperability always comes at a cost, and consideration should also be given to the relative costs of employing humans to perform the same tasks at the entry and departure primary lines, particularly where traveller volumes and wages are low.

The automation offered by Smart-gates is inherently attractive to border agencies and travellers alike, and they do offer the perception of a "light touch" for travellers who are not identified as warranting some form of intervention, however this automation can also be misleading and without proper oversight and training, can see false positive and negative assessments, delivering unsound outcomes.

3.3.3 Risk Assessment

Apart from assisting with automation of certain tasks such as checking of document security features, alert list matching, and workflow or staff delegations, a key potential of BMS systems is the opportunity they present to allow analysis of the data they hold in order to drive risk assessments and evidence-based policy-making.

An example might be in comparing overstayer, turnaround, or compliance data with a national VOA policy to determine whether travellers of certain nationalities should, for example, continue to enjoy VOA privileges, or have these withdrawn, reduced, or altered.

Green Channel (low-risk, light touch)

Red Channel (increased scrutiny, higher -risk)
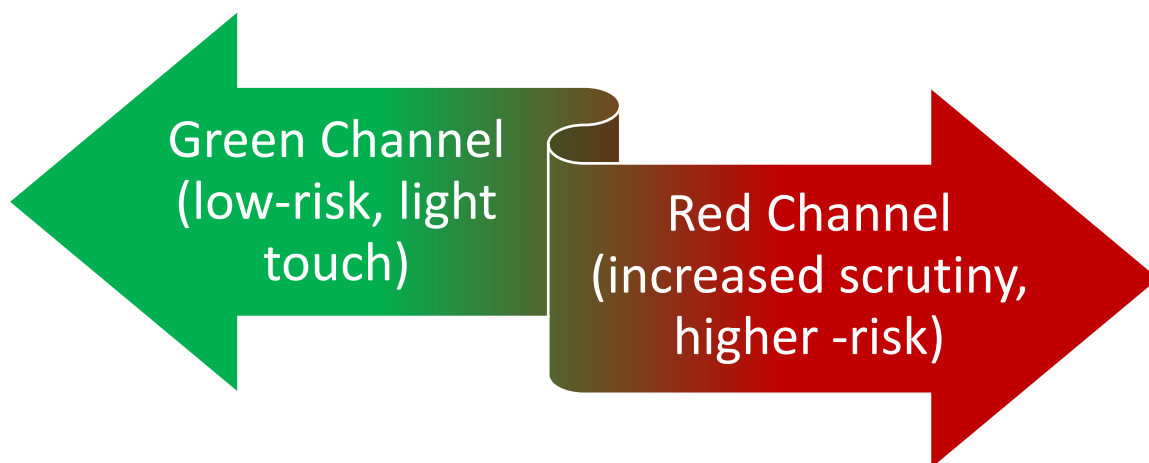
Similarly, analysis of BMS data might allow the creation of risk profiles, indicating which types of visa applicants are "low risk", permitting either "light touch" visa processing or even computer "auto-grant" of visa applications, or conversely, identify high-risk visa applicant characteristics. This could lead to creation of profiles based upon nationality, age, gender, purpose of entry, and so on.

In the current environment, the application of this type of risk-management logic to migration and border management has the potential to deliver a "light touch" immigration experience for most travellers (who are low-risk), with scarce resources both within immigration agencies and other delegated agencies being directed at identified higher risk groups.

Unfortunately, even where BMS systems exist within the Pacific, in many cases their reporting capability is low, and/or reliant upon manual data extraction into Excel and subsequent analysis. Similarly, many BMS in the Pacific lack the ability to establish and respond to traveller profiles which might be created.

3.3.4 Opportunities presented by online processes, VOA versus ETA

Establishing a Website and Online Presence

Tourism and the diaspora are two of the most significant contributors to the economy of many smaller PICTs, and encouraging continued contact between overseas brethren and their families at home remains a core government policy of those with large diasporas.

Given the dominance of the internet in most facets of modern life, establishing an agency website is a key means of ensuring there is a credible, branded location to which any person in the world can access to find approved, accurate information regarding immigration services, and passport and citizenship service for emigres. The survey results at **Annex 1** and author experience reveal agency website presence is mixed.

An objective of Government is to move towards a "touchless" border for genuine, bona-fide travellers. Access to entry requirements, forms, policies, advice checklists, and details of current fees and service locations serve to reduce the visible intrusion of immigration officials into travel and arrival processes, enhancing efficiency and traveller experience, which can only improve the national image and reputation of the tourism market.

It is not practical to have immigration offices available overseas to all intending travellers. A website addresses this issue, opening the country and its immigration services to a global audience in a cost-effective way. A basic informational website can be created using free, open-source content manager software, and securely hosted for a very low cost within reach of even the smallest PICTs.

A further benefit/advantage for establishing a website is that in doing so, an official domain name will be created, such as "immigration.gov.[country suffix]. This immediately allows the creation of official email addresses for client correspondence and for staff, in turn improving the professional appearance of the organisation, and integrity of operations as personal emails can be phased out for work purposes.

An established website also lays the foundations for expanding into online services, such as online visa applications and online payments for fees and charges. These can be built onto a website using off-the-shelf e-commerce software, further improving the modern, professional image of the agency and country, expanding the reach of immigration services to a global audience.

Security measures around email, and e-commerce arrangements can be delivered by ensuring the providers of these services is reputable, and certified for Government hosting. These include Google Gsuite, Microsoft Azure and Amazon Web Services cloud solutions.

Establishment of this basic presence will assist in expanding into online services, with robust, secure interoperability with the BMS.

ETA or Pre-clearance versus VOA

As discussed elsewhere in this paper, most PICTs currently operate some form of VOA arrangement, which applies to the vast majority of their foreign traveller arrivals and departures (visitors). These are generally fee-free.

Whilst this presents as more cost-effective and less bureaucratic for both travellers and agencies for this generally low-risk group, the downside is that the arrangement generally means that the first time any checking of identity and intent, and related checks of alert lists by officials is when they present to the primary line arrivals counter, especially where there is also no API capability. This can result in short-notice turnarounds, which are not preferred by agencies or carriers.

E-visa, ETA, or some form of pre-clearance arrangement opens up opportunities to conduct checking of identity and intent at earlier stages of the Border Continuum identified in Section 3.2 above. This is recognised in the related recommendations pertaining to Electronic Travel Systems at Chapter 9, **Annex 9** of the Chicago Convention.[21]

Online pre-clearance or ETA arrangements can be implemented relatively inexpensively, and examples include Australia's ETA system, where the process is outsourced to the private sector, the US ESTA system, New Zealand pre-registration system, or PNGs E-visa arrangements. Several of these examples are self-funding, and may in some cases increase revenue return.

Online and electronic processes have the further advantage of also eliminating or substantially reducing the amount of low-value work performed by immigration staff. This is particularly important for small immigration services which are present among PICTs. Benefits include:

- Data entry is done by the client
- Documents are scanned and submitted electronically by the client
- Visa evidence can be electronic
- Standard correspondence can be auto-generated
- Visitor applications meeting defined low-risk profiles can be auto-granted
- Electronic records or visas or other pre-clearance can be matched with API data
- Fees can be received and receipted electronically and automatically linked to an application, reducing the risks of cash and vastly improving accountability
- Online presence is global, increasing the reach of Immigration services at lower cost than traditional physical presence at an overseas mission or even HQ client service counter
- Staff previously involved in manual processes can be redeployed to more important tasks around assessment of identity and intent of travellers.

3.3.5 A Model Systems Implementation Pathway

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[21] Available at https://www.icao.int/WACAF/Documents/Meetings/2018/FAL-IMPLEMENTATION/an09_cons.pdf

Based upon the paragraphs above, it is clear that the ideal systems implementation pathway for PICTs should be founded upon the ICAO TRIP Strategy, and observe the following steps in order of precedence and priority. An integrated BMS is seen as a necessary precursor to any of the next steps, mandatory or optional.

| (Precursor) Integrated BMS Procurement or upgrade | (Mandatory) Acquisition of API capability | (Strongly Recommended) PNR & Interpol SLTD capability | (Recommended) Acquisition of e-Visa or pre-clearance capability | (Optional, Long-Term) E-Travel Documents | (Optional, Long-Term) Smartgates |
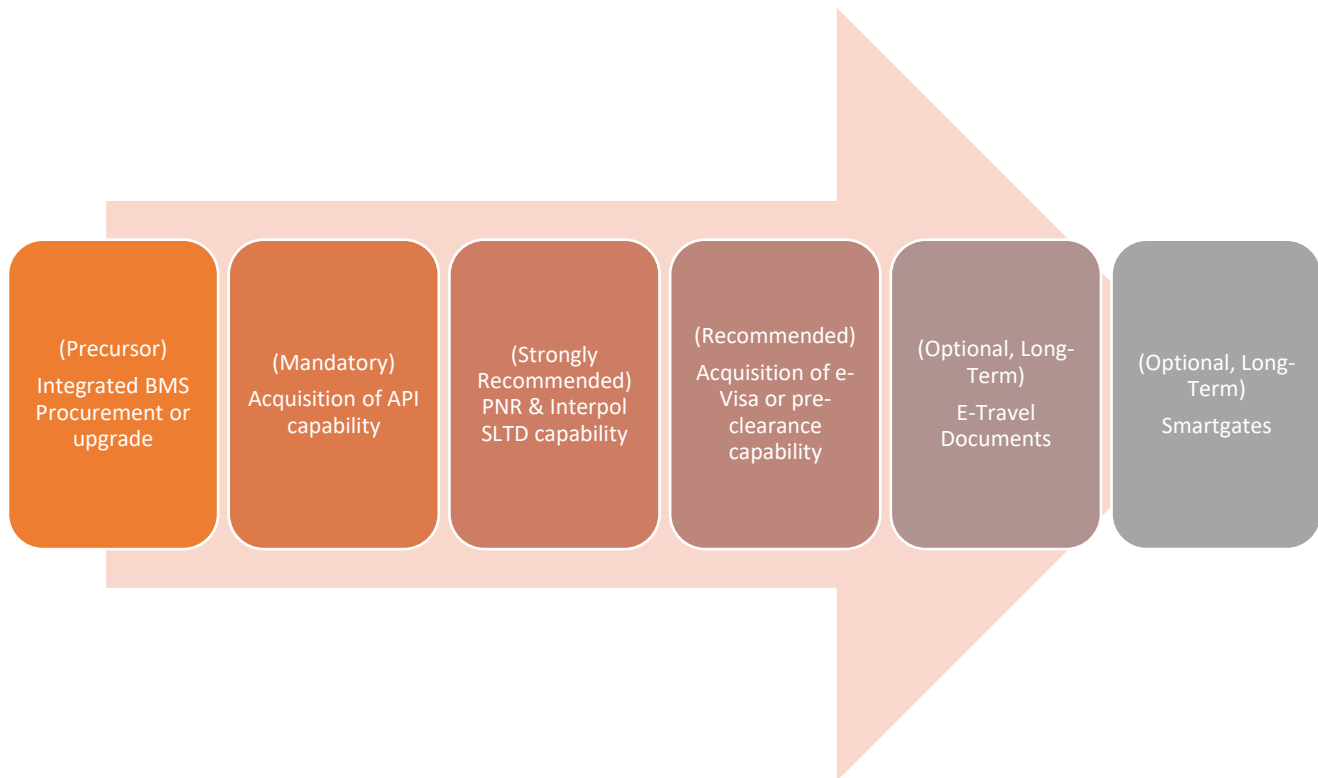
3.4   State of Policy and Legislative Review

Immigration laws in the Pacific Islands generally existed in some form or another under pre-independence colonial rule, be this British, German, French, Japanese, Australian, New Zealand, or the US.

The US and France continue to legislate for their Pacific territories in this area.

With independence, immigration laws were enacted in other Pacific States, largely following their specific post-colonial Constitutional and legal frameworks. In the South Pacific, many countries that became members of the Commonwealth of Nations have adopted the British common-law system, overseen by Westminster-style parliamentary forms of government.

This has led to similar legislative structures and concepts being expressed within immigration legislation across a number of Pacific Island countries. An example can be found with the immigration legislation of Tonga (the *Immigration Act 1970*) and Kiribati (the *Immigration Ordinance of 1969*) which in places appear almost identical.

Properly considered and articulated legislation and policy provide the core underpinnings of all immigration and border control arrangements. Without these foundations being established and maintained, immigration settings which commence appropriately may over time become out of date, no longer fit-for-purpose and end up contrary to the wishes of governments.

This can lead to a situation, where the legislation and policy does not reflect the situation on the ground. This is currently the case with a number of visa frameworks, where there may be only two "visas" in an Immigration Act and Regulations, such as visitor and temporary resident with limited visa criteria and conditions, but more than 10 "visas" existing in policy, defined instead via checklists or similar which have limited basis on law. Issues of currency and applicability are also encountered with Passport and Citizenship legislation.

Whilst a number of PICTs have since conducted, or are in the process of conducting comprehensive reviews of immigration portfolio legislation, it is clear from survey results at **Annex 1** as well as experience of the author that legislative reviews in this area have not been frequent, and that related policy development and consultations, and drafting and passage of amendments is often beset with capacity constraints within agencies, attorney-general or State Solicitor's offices, and Parliaments themselves.

This is a key issue for immigration reform, particularly as left unchecked, it can see the rise of practices and procedures which may have no backing in law. In addition, border security may as a result be ineffective, and national confidence in immigration management may be reduced.

Considered policy should drive the framing of legislation, and other key aspects of migration management including various visa types along with criteria and conditions, foreign employment, and migration policies, and the administrative arrangements such as agency powers, structures, staffing, and budgets.

Legislation and policy should also properly reflect and enable international standards to which PICTs are bound either through treaty law or customary international law, particularly human rights, and traveller identification.

For these reasons, immigration policies should be reviewed regularly to ensure settings remain current, and reflect government, business and community expectations.

Legislation and policy should also be, as far as possible, anticipate future policy changes, technology and service delivery modes, and international standards. Future-proofing in this area is essential, and suggestions are canvassed in **Annex 3**.

This requires a different approach to both structuring legislation to make it more flexible into the future, but also policy advice to ensure key standards and methodologies are correctly identified for consideration. It is a major undertaking initially, however properly conducted, the downstream work in maintaining the legislative framework can be significantly reduced.

Key focal areas for current and future reviews, given current trends in Migration Management and Border Management, should include:

- Legislative structure – what should be in an Act, what should be in Regulations
- National visa framework review, with a clear focus on visa classes, subclasses, and clearly legislated visa criteria
- Foreign labour and skills review
- Obligations of carriers, sponsors, employers, educational institutions
- Powers & offences
- Conformance with UNSCR and ICAO standards
- Electronic business – applications, visas, payments, online presence, decisions made by computer (auto-grant)
- Integrated Border Management principles and governance
- Biometrics

As the expertise to undertake such a review may not be available in all PICTs, it is strongly recommended that external advice is sought via trusted partner such as PIDC, through their Framework for Immigration Legislation and associated expert support. More details can be found on the PIDC website at https://www.pidcsec.org/legislation/

3.5   The UN Sustainable Development Goals

"After an intensive period of experimentation and expansion, global migration governance entered a new phase of acceleration from 2006 to 2015, which witnessed the revitalization of the UN under the auspices of the migration-development nexus. ….. The renewed interest in the migration-development nexus has not only been a pragmatic way to promote the UN as a new platform of intergovernmental discussion. It has also generated an atmosphere propitious to constructive dialogue based on the mutual interests of both states of origin and destination.……..

… Since 2006, the General Assembly has become the catalyst of global migration governance in initiating several important markers under the broader and relatively uncontroversial auspices of the migration-development nexus. In less than ten years, it organized the first High-level Dialogue on International Migration and Development in 2006 which resulted in the creation of the Global Forum on Migration Development. In 2013, it also held a second High-level Dialogue that produced the very first declaration on migration and development agreed on by all

UN Member States, before further mainstreaming migration within the 2030 Agenda for Sustainable Development adopted in 2015." [22]

The United Nations Sustainable Development Goals (SDGs)[23], target 10.7 aims to reduce inequality in and among countries by "*facilitate[ing] orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies*."

According to IOM's 2030 Agenda [24], the SDGs directly reference migration in several further targets, as well as containing other targets which are also relevant to considerations around migration.

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[22] Vincent Chetail, "International Migration Law", 2019, Oxford University Press. DOI: 10.1093/law/9780199668267.001.0001, part 6.2.2

[23] Available at https://www.un.org/sustainabledevelopment/sustainable-development-goals/

[24] Available at https://publications.iom.int/books/migration-2030-agenda which is also the source of the diagram below. See also ACP-EU & IOM (21019) - Visas in ACP Countries: Key Challenges and Way Forward - https://acpeumigrationaction.iom.int/sites/default/files/acp_eu_visa_report-web_small.pdf

Student Mobility	→ Increasing international student mobility	4.B
Human Trafficking and Exploitation	→ Combating all types of trafficking and exploitation → Addressing trafficking and exploitation of women and children	5.2, 8.7, 16.2
Labour Migration and Employment	→ Promoting decent work → Combating child labour and the worst forms of child labour → Combating trafficking for forced labour → Addressing the feminization of migration → Improving labour migration governance	8.5, 8.7, 8.8
Migration Governance	→ Facilitating orderly, safe, regular and responsible migration and mobility → Implementing planned and well-managed migration policies	10.7
Remittances	→ Lowering remittance transaction costs	10.C
Migration Data	→ Improving data across migration topics → Increasing disaggregation of data by migratory status → Increasing disaggregation of migration data by other variables	17.18

Most Pacific Island countries have National Development Strategies or Plans, often which have been developed in collaboration with the International Community through agencies such as UNDP, and also with key regional donors[25]. These will often have been informed by, and in some cases directly reference the SDGs, particularly around strengthening governance and promoting sustainable economic development linked with both diasporas and tourism. Some may also include climate change, and refer to the possibility of climate-change migration.

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[25] Examples are that of Tonga, at http://finance.gov.to/tonga-strategic-development-framework and Fiji, at https://www.fiji.gov.fj/About-Fiji/National-Development-Plan

These documents are highly relevant when approaching questions around migration policymaking, agency roles and resourcing, and to questions of whether government (alone or with donor support) should fund a Border Management System for example, which finds a direct reference at SDG 17.18, and that aims to improve migration data by "*Improving data across migration topics, increasing disaggregation of data by migratory status, and increasing disaggregation of migration data by other variables..*"

These documents and goals provide the high-level backing to proposals to modernise border management and legislation, or better regulate visa programs to ensure the mix of inwards labour migration suits the national interest beyond single-issue considerations of, for example, the source country of a migrant.

Member survey responses at **Annex 1** indicate a generally high level of awareness of the SDGs within PICT Governments, and engagement of Immigration agencies in the development of related national development plans.

3.6   International Law, Obligations, and the Global Compacts

"There is …. no worldwide legislation establishing an exact legal framework for the movement of persons with which States must comply. Currently, "international migration law" is an umbrella term for which the complex web of legal relationships among persons, groups and States that together regulate the movement of individuals. It is a branch of law that has developed over time and … continues to develop with the ever-increasing need for international cooperation and regulation involving States, migrants and international civil society in general" (Perruchoud & Tömlöva, 2007)[26]

Regulation of migration has emerged from the development of the concept of the nation-state, and as such, has hitherto been left to individual states as they were seen as being in control of population, land, and nationality. Increasing travel and migration has led to an understanding that international norms needed to be developed particularly in focal areas such as human rights, refugees, traveller identification, transportation security, and counter-terrorism.

Thus, any immigration policy framework must reference and understand those international policies, laws and standards which exist, whilst also recognising the significant space in which individual State sovereignty is paramount, and must operate.

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[26] From the Introduction to the "Compendium of International Migration Law Instruments", Richard Perruchoud & Katarina Tömlöva (eds), International Organization for Migration, 2007, at https://www.asser.nl/ihcl-platform/about-ihcl-platform/asser-press-publications/?rId=4301

3.6.1 Customary and "Hard" International Law, Refugee Law

All States are bound by "hard" international law, whether this is explicitly codified in national legislation or otherwise. These obligations flow from both Treaties or Conventions to which a State is party, and also customary international law.

Customary international law relating to migration is derived from the United Nations Charter (which all PICTs are bound by), and other instruments most PICTs are also bound by including the Universal Declaration of Human Rights, various United Nations Covenants including the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). These have laid foundations of international migration law, usefully summarised as follows:

Departure	Admission	Stay
• Right to leave any country, except when restrictions are provided by law, necessary to protect public order, and consistent with other fundamental rights	• Right to return to one's own country • Principle of *non-refoulement* • Family reunion of children • Prohibition of arbitrary detention and arbitrary deprivation of life • Access to consular protection • Prohibition of collective expulsion	• Principle of non-discrimination • Prohibition of slavery, forced labour, and child labour • Right to a fair trial in civil and criminal matters • Freedom of conscience, of expression, and of association, except when restrictions are provided by law, necessary to protect public order, and consistent with other fundamental rights

[27]

It is generally accepted that these customary international law principles are binding upon all States, including PICTs, and as Courts may well rely upon them especially where domestic law does not provide clarity, they should inform immigration legislative and policy development.

International norms around or affecting States with respect to travel, borders, border crossings, refugees, and migration have been further codified is several treaties and Conventions, in what is known as "treaty law", including:

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[27] Table adapted from Vincent Chetail, "International Migration Law", 2019, Oxford University Press. DOI: 10.1093/law/9780199668267.001.0001, table 2.2

- The Refugees Convention (1951) and its 1967 Protocol
- The Chicago Convention (as amended) and particularly its **Annex 9**, to which most PICTs are Parties
- The Convention on Facilitation of International Maritime Traffic (FAL 65)
- The Revised Kyoto Convention
- The United Nations Convention against Transnational Organized Crime and the
  - Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children
  - Protocol against the Smuggling of Migrants by Land, Sea and Air
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) and
  - The Migration for Employment Convention (Revised), 1949 No 971 and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No 143)
- The Convention on the Rights of the Child
- The Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (or Hague Adoption Convention)
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- The United Nations Convention on the Law of the Sea (UNCLOS), to which most PICTs are Parties.

Where States are Parties to these instruments, they are binding upon them, and should guide domestic migration, labour, and border management policy-making in these areas. Of the Conventions above, the Chicago Convention and the United Nations Convention on the Law of the Sea (UNCLOS) are the most commonly adopted areas of treaty law among PICTs. Of these, given the predominance of air transportation and the provisions of **Annex 9**, the Chicago Convention is probably the most significant in terms of border management standards.

Six Pacific Island countries are signatories to the Refugees Convention - PNG, Nauru, Fiji, Samoa, Solomon Islands, and Tuvalu, along with French Territories via France, however only Fiji, Nauru and PNG have enacted enabling domestic legislation. Whilst the provisions of this Convention are binding upon each, the principles of customary international law elaborated above apply to both these countries, **as well as all other PICTs who may not be parties to the Refugees Convention**. When considering asylum-seekers or refugees, *non-refoulement* is important. This is the principle that a person should not be returned to a country where they face torture or inhuman treatment, and applies regardless of signatory status to the Refugees Convention.

This, along with the other provisions of customary international law detailed above are relevant in framing immigration policies and legislation around detention, removals and deportations, the right of entry to the country of citizens, family reunification, foreign labour, and prevention of discrimination. This is particularly pertinent in PICTs which follow

the common-law legal system of the UK, as treaty and customary law obligations need to be enacted into domestic legislation to have full effect and clarity.

3.6.2 Trade Liberalisation & Regional Agreements

International trade liberalisation agreements also form a relevant part of treaty law, and include terms directly impacting migration management.

In 1995, the General Agreement on Trade in Services (GATS) was adopted at the conclusion of the Uruguay Round of multilateral trade negotiations – almost a half century after its equivalent in the goods area, the General Agreement on Tariffs and Trade (GATT). This provided the first internationally accepted definition of and framework for regulating and facilitating trade in services.[28]

Services include transport (both freight and passengers), travel and tourism, communications services (postal, telephone, satellite, etc.), construction services, insurance, banking and financial services, computer and information services, royalties and license fees, other business services (merchanting, operational leasing, technical and professional services, etc.), cultural and recreational services, and government services not included in the list above. Trade in services drives the exchange of ideas, know-how and technology, although it is often restricted by barriers such as domestic regulations.

An important factor in the growth of cross-border trade in services has been agreements around definition, regulation, and deregulation.

Several important regional initiatives have emerged in this area, following the 1995 GATS agreement.

These are:

- The Pacific Island Countries Trade Agreement (PICTA). This is a free-trade agreement (FTA) on trade in goods among 14 members of the Pacific Islands Forum. (Australia and New Zealand are excluded.) It was signed in 2001. Eleven countries — Cook Islands, Fiji, Kiribati, FSM, Nauru, Niue, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu — have so far ratified PICTA. From 2008, it was being expanded to trade in services and the temporary movement of persons.

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[28] See WTO - The General Agreement on Trade in Services (GATS): objectives, coverage and disciplines, website page, available at https://www.wto.org/english/tratop_e/serv_e/gatsqa_e.htm
and OECD (2019), Trade in services (indicator). doi: 10.1787/3796b5f0-en. Available at https://data.oecd.org/trade/trade-in-services.htm

- The Pacific Agreement on Closer Economic Relations or PACER. This is a framework agreement to deepen trade and investment liberalisation in the broader Pacific on a step by step basis. It was signed in 2001 and came into force in 2002.

- The Melanesian Spearhead Group (MSG) Free-Trade Agreement, which is a reciprocal free trade agreement among 12 Pacific islands, including Fiji, Papua New Guinea, Solomon Islands and Vanuatu.

- The Pacific Plan, endorsed in 2005, which includes Trade in Services as an important priority under its economic growth pillar.

- The PACER Plus agreement, which has currently been ratified by New Zealand, Australia, Samoa, Kiribati, Tonga, Solomon Islands, Niue and Cook Islands, entering into force on 13 December 2020.

Despite these, in the regional context, Pacific countries do not yet have an overarching consolidated services policy, however these agreements provide the "stepping stones" for the liberalization of services sector under a positive list approach. The sectors committed for liberalization are different for each Pacific country based on their level of development, and the implementation of the PICTA is yet to reach fruition.

In the multilateral context, some of the small island states in the Pacific region have also undertaken commitments in selected services sector in the context of obligations under the World Trade Organization (WTO). Pacific WTO member countries including Fiji, Samoa, Tonga, Papua New Guinea, Solomon Islands and Vanuatu.

In the Pacific Plan of 2005, the following priority can be found under the Regional Priorities for Immediate implementation, Economic Growth heading:

"Integration of trade in services, including temporary movement of labour, into the Pacific Island Countries Trade Agreement (PICTA) …."

It is important to note the policy intersection expressed by regional policymakers with between labour mobility and trade in services.

Intra-regional labour mobility schemes include:

- the Melanesian Spearhead Group (MSG) Skills Movement Scheme (SMS), which allows 400 people from each of the member countries (Fiji, PNG, Solomon Islands and Vanuatu) to work in another MSG country in specified occupations. The SMS Schedule of Occupations sets out the relevant occupations for each country and covers a vast range of areas including: agriculture, fisheries, construction, health, teaching, urban and regional planning, environmental science, aviation, mining, various trades and professional services. The primary objective is to facilitate the temporary movement of skilled MSG nationals within the region for the purposes of taking up employment. This will help to address a problem of under-employed and

unemployed skilled workers in Fiji, and address skill shortages in other MSG countries. To date, however, no workers have moved under the SMS.

- the PICTA Temporary Movement of Natural Persons (TMNP) Scheme promotes intra-Pacific labour migration to meet national skill shortages and stimulate skills development. Under PICTA TMNP a two-tier labour mobility program is proposed.

    o Tier 1 is open to professionals with a minimum bachelor's degree and three years' relevant work experience.

    o Tier 2 is for semi-skilled / trades professionals that hold a diploma with a minimum of three years' work experience, or a certificate with five years' work experience.

The main difference between the two tiers is that Tier 2 will operate with a minimum quota system which gives PICs control over whether to keep recruiting beyond the minimum or to protect their domestic labour force.

PACER Plus includes clauses relating to the movement of natural persons at Chapter 8,[29] which include specific obligations around temporary entry of defined categories of people to which each signatory has agreed. The practical effect in several countries is that new work permit and/or visa arrangements will need to be created to give effect to the agreement.

Alongside the PACER Plus free trade agreement, that was signed by Australia, New Zealand and eight Pacific countries on 14 June 2017, the parties concluded a separate Arrangement on Labour Mobility (LMA). The LMA provides a new platform for enhanced regional cooperation on labour mobility, with the formal establishment of the Pacific Labour Mobility Annual Meeting for PACER Plus participants, funded by New Zealand and Australia.

Border management officials, particularly those involved with visa policy, and labour policy, have a significant role in creating, reviewing, and deploying good legislation and policy which facilitates the movement of labour at the required skill-level, as well as the temporary entry of specialists, experts, and senior managers and business-people to ensure legitimate trade in services is facilitated whilst risks such as those to the domestic labour market are also addressed. This includes developing inputs into negotiation these sorts of regional arrangements to ensure a whole-of-government approach, as well as, once they are agreed, providing for them with domestic legislative and policy amendment.

3.6.3 "Soft" International Law and the Global Compacts

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[29] Available from https://www.dfat.gov.au/sites/default/files/pacer-plus-chapter-8.pdf

"Soft" international law is by definition (generally) non-binding in nature. It can take the form of, for example, UN General Assembly declarations or resolutions, and can even exist within Conventions and treaties, where Parties may be bound by vague terms such as an obligation to "consider" implementing a practice. Another example of this lies in the recommended practices, as opposed to mandatory standards, which are found throughout **Annex 9** of the Chicago Convention.

Soft international law can therefore be seen as a statement of intent, or promotion of an ideal, often in support of customary or treaty law. It can assist in the interpretation of treaty law, for example. In recent times, it has also emerged as an alternative to "hard" or treaty law where there is a lack of consensus to adopt binding principles, where relevant international organisations themselves lack and international legislative role, or where the soft law approach is considered sufficient to encourage norms of behaviours without the need for enforceability. As Vincent Chetail has observed:

> "…soft law is not always a deliberate choice but more frequently a product of necessity to bypass the limits inherent in the rigidity and formalism of a state-centric legal system. For international organizations, this is even their only option, since most of them lack any general law-making competence to adopt binding rules. For states, soft law enables them to explore areas that they would be reluctant to address in a binding form."[30]

The Global Compact for Migration (GCM)[31] and the Global Compact on Refugees (GCR)[32] are both current examples of "soft" international law, in that both were adopted by the UN General Assembly, and serve to interpret and promote customary international law and related norms of international behaviour, but are not binding upon States. As described by IOM:

> *The [GCM] is the first inter-governmentally negotiated agreement, prepared under the auspices of the United Nations, covering all dimensions of international migration in a holistic and comprehensive manner. It is a non-binding document that respects states' sovereign right to determine who enters and stays in their territory and demonstrates commitment to international cooperation on migration. It presents a significant opportunity to improve the governance of migration, to address the challenges associated with today's migration, and to strengthen the contribution of migrants and migration to sustainable development. The Global Compact is framed in a way consistent with target 10.7 of the 2030 Agenda for Sustainable Development in which Member States committed to cooperate internationally to facilitate safe, orderly and regular migration. The Global Compact is designed to:*

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[30] Vincent Chetail, "International Migration Law", 2019, Oxford University Press. DOI: 10.1093/law/9780199668267.001.0001, part 6.1.3.
[31] See https://www.iom.int/global-compact-migration
[32] See https://www.unhcr.org/en-au/the-global-compact-on-refugees.html

- *support international cooperation on the governance of international migration;*
- *provide a comprehensive menu of options for States from which they can select policy options to address some of the most pressing issues around international migration; and*
- *give states the space and flexibility to pursue implementation based on their own migration realities and capacities.[33]*

Survey responses indicate that whilst the GCM was adopted among PICTs, awareness of it and recommended approaches to adopting it are not widely understood. Notably, the GCM was not adopted by Australia or the United States.

IOM has published highly useful Thematic Papers around the GCM and recommended approaches to implementation. These serve as an excellent starting point for PICTs and PIDC to consider how to approach GCM and its guidance in ongoing national policy and legislative development. [34]

Several of these also contain recommendations which may be of use in briefing Ministers and Government when seeking legislative change, or in budget or procurement discussions. All are useful; however, the following amplify several of the themes already detailed above:

- Border Management – the paper contains useful support and detail around identity management, border management systems, and integrated border management
- International Migration Statistics – recommendations around the importance of data collection would bolster proposals around BMS capability and related staffing

3.7 Revenue Collection and Budget Allocations

Member survey responses at **Annex 1** indicate clearly that budgetary issues are a major challenge and a commonly held concern. This was seen to affect policy and legislative capacity, the ability to procure or upgrade a BMS, training, associated issues of staff turnover, development and professionalism. Despite this, opportunities appear to exist even with current revenue versus budget situation, as most respondents reported that gross revenues to Government from their operations exceed budget allocations.

Proposed increases to budget, capital expenditures, or staffing are always an easier proposition where revenue exceeds expenses (as is often seen more clearly with Customs Services which also collect revenue), although in some cases both revenues and expenses are so small that major purchases such as that of a BMS will always pose challenges.

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[33] IOM - https://www.iom.int/global-compact-migration
[34] Refer to the IOM GCM Thematic Papers - https://www.iom.int/iom-thematic-papers

As at the time of writing, only one PICT immigration agency (Papua New Guinea) was in the position of being able to directly collect revenue, and then retain a proportion of revenues for operational expended and capital expenditure within that fiscal year. The situation in other PICTs is generally that revenue, however collected, is deposited directly to a central consolidated revenue account, with expenses provided for in an entirely separate budget allocations process. The experience the Pacific suggests the PNG example is unlikely to be replicable elsewhere in the region.

Revenue collection in the Pacific is also often done with cash, with receipting done manually. The risks of these processes include robbery, theft, corruption, and in respect of receipting, difficulties in reconciling receipts with services.

These inefficiencies can be managed through moving away from cash, generating receipts electronically linked to BMS services (such as a particular visa type), and even moving to online payments and doing away with payment in person altogether, which would be a logical extension of moving to online application lodgements. This is a genuine possibility as most immigration clients are either foreigners themselves, or sponsored by employers, they will generally have access to credit and debit cards, and other non-cash forms of payment.

In considering ways to enhance revenue collection or cost savings, several options are worthy of consideration:

- Increasing revenue, either directly through means such as fees, fines, and penalties, or indirectly through less visible taxes or levies such as a passenger levy on airlines or airports, or a hotel "bed tax";
- Streamlining processes to allow redeployment of scarce staffing to more important tasks. An example might be introducing online visa applications, which would reduce paperwork and see visa applicants themselves entering key data, taking this low-value task away from staff whilst improving client service;
- Cashless revenue collection and online payments;
- Cost recovery arrangements to fund systems upgrades or new functionality, such as API, E-visa, ETA, which will all have service provider and maintenance costs. A similar arrangement can be seen with PNG's E-visa service fee.
- Inter-agency and Regional collaboration. Opportunities exist to share costs and operational burdens consistent with the principles of Integrated Border Management, as detailed in **Annex 2**.

Each is likely to aid any bid for either additional budget allocation, major procurements, and/or additional staff.

3.8   Labour and Work Permits

As can be seen at **Annex 1**, only one respondent reported their agency was part of a broader Department which included Labour, however 7 reported some involvement in the processing and issuance of work permits to foreign nationals.

The policy settings in the Pacific sometimes see this function split between two separate agencies, sometimes involving two completely separate sets of applications and fees, and permissions, one being for a "work permit" and the other being for a "work visa". This approach is generally not viewed well by business and foreign workers, who rightly point out that the questions asked by both are often the same, and having two processes simply slows down outcomes and adds cost, with little actual gain in terms of Government objectives.

A number of PICTs have devised arrangements whereby one application is lodged, but considered by both Immigration and a separate Labour Department prior to a single permission being granted, usually taking the form of the visa. This is a pragmatic approach to client service, which respects the dual-agency approach whilst delivering the appearance of a "one-stop-shop", although it is still less efficient than rolling the process into one agency, with the result being a combined set of permissions evidenced via the visa.

Apart from simple agency "territoriality", the stumbling block to truly mainstreaming this process within Immigration are genuine concerns around domestic labour markets, where there are often occupations designated as restricted or reserved for citizens and permanent residents. Labour departments point out that their assessment is aimed at this area of policy.

A counter to this is that departments responsible for Labour should be able to devise a list of occupations, and a checklist of criteria by which to decide such matters and, with appropriate training, outsource the assessment of these to Immigration, which already assesses a number of similar elements within its processes dealing with identity and intent, visa criteria, and status of employers.

Properly constructed Immigration legislation, which imposes binding obligations upon employers via sponsorship arrangements, along with associated powers of inspection and penalties for breach, are likely to resolve residual concerns around abuse in the foreign work sector.

This arrangement sees the department responsible for Labour still retaining policy "ownership" of the function, but effectively outsourcing the operational aspects to Immigration. This bears some similarity to the outsourcing of Primary Line functions to Customs in some PICTs, where Immigration still retains policy ownership. This approach to work permission for foreign nationals is similar to that taken in several Pacific-rim States, such as Australia, and is consistent with the principles of integrated border management detailed in **Annex 2**.

Another consideration is costs and internal efficiency of the Public Service. The cost to the taxpayer of duplicating process should be a factor in all PICTs, where budgetary pressures are a universal issue.

3.9   SOPs and Staff Capability, Anti-Corruption Measures

Responses from survey participants at **Annex 1** indicate that in addition to the budgetary issues addressed in section 3.7 above, issues around training, associated issues of staff turnover, development and professionalism were also of concern to agencies.

The entirety of the legislative and policy objectives of an immigration agency depend upon correct, quality implementation. This in turn depends upon the staff delivering the various services, their level of commitment and capability, and the governance measures or quality controls put into place by management.

Standard Operating Procedures (SOPs) are a critical form of written guidance for staff in how they should perform a particular function. They form the body of advice which interprets the high-level legislation and policy objectives of Government into practical, operational steps towards a goal or decision, ensuring sufficient checking and quality controls along the way. SOPs also facilitate training, which should be based around them, and transparency with clients, who should also be able to view SOPs to understand the process through which their application or service will be processed. These should include:

- Lawful decision-making
- Visa processes for each visa type
- Passport and Citizenship processes
- Revenue Collection
- Records Management
- BMS operations
- Passenger processing (Arrivals and Departures), Refusing entry
- Alert list management and response
- Compliance and enforcement powers
- Information and Intelligence sharing
- Joint law enforcement activities

It is essential these are created and maintained by management to ensure they reflect current legislation, policy, and practice.

They should also detail practical steps to ensure delegations are observed, and reinforce separation of key functions to ensure integrity of processes, and reduce the risk of impropriety or corruption.

Similarly, there should exist an Immigration Code of Conduct, particularly where there is no broader Public Service Code of Conduct, or where its provisions do not fully cover the risks posed to immigration staff. This, along with careful consideration of delegations and segmentation of duties should form the basis of anti-corruption measures put in place by management. It is recommended these are reviewed both by senior management, and also where possible, by an outside scrutineer such as a Government Audit Office, or Public Service Commission.

Training should cover these documents on a regular basis, but should also be sought and delivered in areas requiring particular skills such as the assessment of documents and travellers, or intelligence analysis. Where expertise is not available within the country, regional resources can be coordinated through PIDC and/or with regional donors which provide this type of training.

Well trained and guided staff are more likely to be retained by agencies, as job satisfaction will generally improve. Similarly, staff who are able to rely on a well-considered suite of SOPs and training are likely to gain expertise more quickly, and thus become more efficient, and able to take on additional tasks, or rotate to different roles within the agency, to the benefit of both the agency and the staff member.

Note: PIDC has developed model SOPs and a model Code of Conduct to draw upon if required.

4. Reform and Modernisation of Immigration (Key Issues/Challenges)

4.1 Summary of Issues and Recommendations

This section summarises the recommendations, key issues and challenges from the entirety of the paper, with references to the specific section where it is elaborated further.

Topic & Chapter/ Reference	Issues and Recommendations
Integrated Border Management **2.0.3, 3.1, Annexes 2 & 7**	**Issue: Incomplete implementation of IBM** **Recommendation:** PICTs review "ownership" of migration and border management functions, legislation, roles and delegations, governance arrangements, budgets and Government objectives against principles of Integrated Border Management. Identify efficiencies, negotiate IBM arrangements within Government, with carriers, and within the region.
Legislation (General) **2.0.1, 2.1.6, 3.4 & Annex 3**	**Issue: Legislation out of date or not fit-for-purpose** **Recommendation:** PICTs should review national immigration policies and legislation with a view to future-proofing through legislative restructure, accommodating new technologies, reflecting national social, economic and security objectives.
Legislation (Visa Framework) **2.1.3, 3.3.4, 3.4**	**Issue: Visa Framework out of date, does not aid management of traveller intent** **Recommendation:** As part of legislative review, redesign visa framework with categories and classes to reflect current economic, social, and security objectives of Government, ensuring clarity and transparency of criteria and conditions, and containing modern intent management tools.
Legislation (International Obligations) **2.1.9, 3.6.1**	**Issue: International Treaty and Customary Law obligations not enacted in domestic law** **Recommendation:** As part of legislative review, ensure relevant obligations arising from treaty or customary international law are properly enacted and clarified in domestic immigration portfolio legislation where required
Border Management Systems **2.1.1,**	**Issue: BMS not installed or not integrated** **Recommendation:** As budgets permit, consider BMS system installation, upgrade, or replacement which integrates functions within Immigration as well as with key Government agency and international stakeholders (Customs, Law enforcement, INTERPOL, carriers), and which is API-

Chapter 3 & Annex 7	capable**.** For smaller PICTS, consider collaborative systems arrangements with regional countries of origin.
Online presence **3.3.4**	**Issue: Lack of online presence (website) hampers transparency, client education, and compliance** **Recommendation:** PICT immigration agencies should establish a website containing up-to-date legislation and policy documents, forms, checklists and fees. With establishment of official domain, official email accounts should be created.
Traveller Identification **2.1.1 & 3.3.2**	**Issue: Lack of API Capability, lack of interoperable systems** **Recommendation:** PICT's which have or plan to procure a BMS should acquire API capability in accordance with United Nations Security Council Resolutions (UNSCRs) 2178, 2309 and 2396, and the standards at Chapter 9, Annex 9 of the Chicago Convention. PICTs implementing API should also adopt, where possible, the further recommended practices around API at Chapter 9, Annex 9.
Traveller Identification & Visa Framework **2.1.1 & 3.3.2, 3.3.4**	**Issue: VOA does not aid pre-clearance of travellers** **Recommendation:** Given the risks inherent in VOA arrangements, and consistent with the recommendations at Chapter 9, Annex 9 of the Chicago Convention, consider phasing out VOA and replacing with pre-clearance, ETA and/or E-visa capability to aid in pre-clearance of travellers, augmenting API capability, and to also expand the reach of Immigration visa services to a global market.
Work Permission **2.1.6, 3.1, 3.8**	**Issue: Work Permit and Work Visa processes not joined-up between Immigration and Labour functions** **Recommendation**: Consistent with IBM principles, implement measures to streamline employment permission for foreign nationals, and evidence of such permission
Settlement of Migrants (Social Cohesion) **2.1.7, 2.0.1, 2.1.6, 3.4, GCM Thematic Papers (3.6.3)**	**Issue: Settlement and related social cohesion objectives not clearly articulated** **Recommendation**: Ensure the transition from visitor to temporary resident, to permanent resident and ultimately citizenship is articulated in policy and catered for in legislation. Ensure issues around land ownership, voting, employment, busines ownership, national ID, and dual nationality are clarified across Government in respect of permanent residents and naturalised citizens. **Recommendation**: Dual citizenship, its effect, and requirements around evidence of citizenship at the border clarified for naturalised citizens
Budget (Revenue) **3.7**	**Issue: Revenue generation is inefficient, and does not always cover operating or capital costs, or necessary expansion/procurements** Recommendation: Consider measures to increase revenue generation without diminishing key markets such as tourism, streamline processes including moving to electronic and online payments, cost recovery for online services, and agency burden-sharing consistent with IBM.

Regional/ International Agreements **Labour Mobility** **3.6.2**	**Issue: Role of immigration in negotiation and implementation of Regional/International Agreements** **Recommendation**: As such agreements may have implications for entry, stay, employment, fee and visa arrangements, and regional labour mobility, Immigration should ensure its involvement in whole-of-government deliberations and negotiating position
Sustainable Development Goals (SDGs) **3.5**	**Issue: Insufficient awareness of the Immigration-SDG linkage** **Recommendation**: Immigration to ensure continuing involvement in National Development planning, and also ensure attention of Minister, Cabinet and donors are drawn to the linkages in submissions seeking policy and legislative change, donor support.
Global Compact for Migration (GCM) **3.6.3**	**Issue: Insufficient awareness of the GCM among policymakers** **Recommendation**: Immigration to draw upon IOM's Thematic Papers to ensure awareness in National Development planning, and also ensure attention of Minister, Cabinet and donors are drawn to the linkages in submissions seeking policy and legislative change, donor support.
SOPs and Staff Capability **3.9**	**Issue: SOPs and staff training insufficient or out of date** **Recommendation**: Develop and regularly review agency SOPs and deliver training around them regularly. Seek external expert training in specialist skills where required.
Staff integrity and anti-corruption measures **3.9** **3.3.4**	**Issue: Anti-corruption measures insufficient or out-of-date** **Recommendation**: PICTs should institute regular independent reviews of their anti-corruption processes and controls to ensure they remain current and are functioning effectively. PICTs should also ensure they have a Code of Conduct applicable to immigration staff. **Recommendation**: Phase out usage of personal email accounts for work purposes, implement official email accounts for all staff
Regional Border Management Collaboration **Annex 7**	**Issue: PICT Immigration services considering API and preclearance implementation in isolation, often with small budgets** **Recommendation**: PICTs consider the central negotiation and procurement by an organisation, such as PIDC, of the capability outlined in Annex 7 on behalf of and for the benefit of all interested members.
Dual Nationals (Diaspora) **Annex 4.1**	**Issue: Facilitating travel to PICTs of citizen dual-nationals from diasporas** **Recommendation**: In order to facilitate continuing engagement between diaspora and home communities, PICTs should ensure travel into the country is permitted on third country travel documents, whilst recognising PICT citizenship

4.2   Further Key Challenges[35]

Administering immigration policy and legislation, and revising and modernising it is a complex task. The following are some of the common issues and challenges faced by officials in the region as they have sought to do so. These are drawn from PIDC's previous work on developing legislation a d policy, the survey results at **Annex 1**, and the author's own experience.

4.2.1 Political Will

Commitment and buy-in from government Ministers and from politicians are key factors in the ultimate success of policy and legislative modernisation, or budget bid. Without this commitment it is very difficult to find the parliamentary time for the reform or budget item to be discussed and voted on, or for key clauses to be retained in a meaningful form. Unless the law-makers understand the importance of new policy or legislation, or major procurement such as a BMS or API capability, it might take a long time before a proposal becomes law, or authorisation is given for a major procurement.

4.2.2 Support from Other Agencies

As mentioned in the recommendations above, and in **Annex 2,** Integrated Border Management does not happen by itself. It is the result of a deliberate process. Immigration departments do not operate in isolation. Changes in legislation and policy, or new systems can affect the way Immigration Officers work with the police, customs, and quarantine, in enforcement and at the border. They can also affect the interests of other government departments, including labour departments, health departments, and departments responsible for tourism, investment and overseas promotion. There may be suspicion and concern within these agencies that changes may have a negative impact on them or their objectives.

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[35] Parts 4.2 & 4.3 are substantially adapted from PIDCs Framework for Developing Immigration Policy and Legislation, Part A, 2010, available at https://www.pidcsec.org/legislation/

4.2.3 Capacity

Most immigration departments in the Pacific have limited resources. Those resources that are available are often focussed on day-to-day visa processing, enforcement and border management. Developing new policy, legislation or procuring major new systems is a large undertaking that requires a significant amount of staff time and commitment. Extra capacity needs to be found to successfully progress these objectives.

4.3 Basic Principles - Making the Case for Change

4.3.1 Be clear about what you want to achieve

It is important from the beginning to be clear about what it is you want to achieve. If this can be framed as overarching objectives or aims then these objectives can be used to help build consensus, convince Ministers and politicians of the importance of proposed changes, and give you a reference point for everything that follows. During discussions you will always be able to ask, "Will it contribute to what we want to achieve?" and thereby help ensure the work does not become side-tracked.

Your overarching objectives should be linked to International standards, SDGs, national development plans or government strategies, and draw on the principles of Integrated Border Management. If the connections are clear this will further demonstrate the importance of the changes you want to make.

4.3.2 Identify what is preventing these objectives being achieved now

In many cases current policy and legislation will not run counter to overarching objectives. It is more likely that they will in some way simply hinder progress towards these objectives. For example, no PIDC member's legislation prevents visitors arriving, but the periods of stay granted or visa requirements can discourage a person from choosing to visit and thereby reduce benefits from tourism. Similarly, fee disparity with other competing countries can discourage tourism.

Reviewing international standards, existing systems, practice, policy and legislation and identifying what is hindering objectives or simply not working is important. It will help you understand what needs changing and will help to ensure that proposed changes will improve the situation. A review may identify certain missing provisions in legislation, or out of date instructions, or simply that front-line practice does not follow stated procedure.

It is equally important, however, that you also identify what immigration procedures are working well and already contribute to your stated objectives. This will ensure that these existing strengths are not lost in any changes, but built on.

Being clear on the issues that affect the achievement of objectives that in turn affect national goals will help build a strong argument that can be put to Ministers or other agencies for making any changes.

4.3.3 Set out what you plan to do

Armed with what you want to achieve, the issues that are preventing you achieve this, and an understanding of what is working well, you are well placed to set out what exactly it is you want to do to improve on the existing situation. This forms a policy paper which will act as the basis for consultation and will eventually form the basis for drafting a bill, a policy change, or bidding for funds. It is normal for sections within this paper to be revised and redrafted many times as ideas are refined and changed as they receive greater consideration and input.

It can feel as though you are exposing yourself to undue criticism by putting out a policy paper, but even though people may disagree or have different ideas, this will ultimately contribute to making the policy or legislation better, the procurement more successful, and the benefits of Integrated Border Management closer to realisation.

4.3.4   Consider different options for how changes can happen

Once you have a policy paper setting out what you want to do it becomes possible to consider how changes can be made. The original intention may have been to develop primary legislation, but it may be that some changes can be made through regulations, immigration instructions or existing procedures. It is usually much easier to amend and change these things than it is to introduce a new Immigration Act.

Similarly, procurement of a replacement BMS may seem attractive, but consider also can current arrangements be upgraded to meet international standards, or objectives such as online visa processing.

4.3.5 Consult widely

Consultation sometimes feels like a lot of effort with little return. However, a good consultation process is extremely important for building understanding and consensus, as well as ensuring all key issues and the widest possible range of solutions are considered. It

will also help to ensure that any new policy, legislation, procedure, or procurement is forward-looking and will be consistent with changes other departments or agencies are planning. This also further encourages IBM.

Informal consultation often happens instinctively through discussions with colleagues and key contacts in other organisations. Thinking about a more formal process helps to ensure that the consultation is inclusive, that certain groups are not marginalised, and that the views expressed are properly recorded and fed into the development of policy.

Consultation should be ongoing throughout the process although at different stages it may take different forms. Initially it may be confined to the immigration department as you develop an initial policy paper, before broadening out to other government departments and key stakeholders, and eventually to the wider public as the policy becomes clearer and more comprehensive. At each stage you may encounter ideas or suggestions that you did not know about or did not realise were an issue.

5. Role of the PIDC and International Organisations

5.1   International Organisations

A number of UN and other international organisations have mandates relevant to, and are active in policy areas of direct relevance and importance to PICT immigration agencies. Several are recipients or conduits of donor funds and capacity-building capability, and many responds to the inputs of PICT Governments at a high level including via the UN General Assembly, and through membership such as IOM, ICAO, and INTERPOL.

5.1.1 Migration Governance & Standards

Perhaps the most visible role of many of these agencies in in the development of international standards and related governance mechanisms. ICAO, backed by the Chicago Convention and its mandatory standards, guides the development of standards most of the travelling public will be familiar with even if they do not know the source, such as the standardised design of travel documents.

Governance in the form of "hard"" or treaty law (such as the Refugees Convention or the Convention against Transnational Organised Crime), or "soft" international law such as the Global Compact for Migration have emerged through global consensus via the UN System, but are driven and supported by mandated agencies such as IOM, UNHCR and UNODC.

5.1.2 Humanitarian Law, Standards, and Assistance

Humanitarian law and standards, advocacy and capacity building are also key remits, particularly for UNHCR. As elaborated in section 3.6.1 above, foundational aspects of international immigration and humanitarian law apply even to PICTs which may not have become parties to certain Conventions such as the Refugees Convention. Standards which apply include *non-refoulement*. UNHCR has a supervisory role in respect of the Refugees Convention, where a State is a party, but also has a highly visible and useful role in assisting and advising in non-party states where asylum-seekers are located in their territories, or other asylum-related issue which arise, including providing advice on policy-making and legislative reform.

IOM also has a highly visible role, advocating and assisting with implementing international human-rights standards across the immigration legislative, policy and operational landscape. IOM is also active in the area of Assisted Voluntary Returns of stranded migrants,

and also has programs for assisting victims of trafficking on persons, including assisting States with the assessment and care of these vulnerable people.

5.1.3 Information Sharing

INTERPOL is not a UN agency, however as the international police agency, it has a key role in establishing and facilitating mutual law-enforcement cooperation, and information exchange including the Lost and Stolen Travel Documents database (SLTD)[36], and its 17 other law-enforcement databases.

UNODC also has a role in global information sharing in respect of the Convention Against Transnational Organised Crime and its three protocols, as well as the international legal framework on counter-terrorism. [37]

5.1.4 Capacity-building

IOM delivers capacity building in a number of key areas from technical advice, training in immigration skills and techniques, and also in terms of assistance with equipment from small scale examination tools right up to fully-functional, integrated border management systems (MIDAS). Capacity-building, technical advice and training is also delivered or facilitated by a number of other international organisations, notably the Bali Process RSO, UNODC, and UNHCR.

Support for developing and revising Visa policies in the Pacific has been provided via ACP-EU Dialogue on Migration and Development launched under the Cotonou Agreement (the ACP-EU Migration Action, via its Secretariat in IOM), which was funded until 2019.

5.2 The Regional Role of PIDC

PIDC has a unique role in the Pacific, which is not replicated by International or UN agencies, or other regional bodies. Drawing its mandate from members, which are Pacific Immigration agencies themselves, rather than other more common internationally representative agencies such as Foreign Affairs, PIDC is able to present a genuine insight into the challenges faced by sometimes very small agencies trying to manage significant territorial and legislative mandates.

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[36] See the SLTD reference on INTERPOL's website at https://www.interpol.int/en/How-we-work/Databases/Stolen-and-Lost-Travel-Documents-database
[37] See UNODC's Sherloc database at https://sherloc.unodc.org/cld/v3/sherloc/

As a trusted, non-Government, regional forum for these agencies operating under its own charter and legal entity status, PIDC can greatly assist by coordinating member or donor activity or making the regional case for donor funding for regional capacity building and advice. It is also a voice for Immigration agencies which are in many cases, less well funded than other border agency stakeholders such as Customs, Police, and Defence.

PIDC coordinates regional cooperation, such as the Regional Information and Intelligence Sharing Network, which sees PIDC providing support and more importantly, a governance mechanism, for the sharing of official immigration information between member agencies to the benefit of all.

This regional role is likely to continue to play a significant role in the region, and has the potential to provide a point of coordination and source of governance to progress other information sharing or operational collaboration arrangements which members may wish to pursue, and which otherwise may be difficult for a Government of donor to lead directly. Possible examples are provided at **Annex 7**.

PIDC also plays an important role in coordination with other regional for a, such as the PIF Secretariat, OCO, PTCCC, as well as coordinating with international organisations such as IOM. Particularly in respect of capacity building, this is important as it helps ensure activities of different donors are "joined up" in the region.

5.2.1 Legislative and Policy Review

PIDC has an established donor-funded program of providing assistance to members who wish to review and modernise their portfolio legislation – the Framework for Immigration Legislation and associated expert support. More details can be found on the PIDC website at https://www.pidcsec.org/legislation/

Delivered or underway in 6 member PICTs already, PIDC offers expert advice, including stakeholder consultations, development of drafting instructions, and legislative drafting expertise to deliver draft bills and regulations for Cabinet and Parliamentary approval processes. This work has included immigration legislation and passports legislation to date.

PIDC Model Immigration Legislative Framework

1. Core provisions (source of powers, definitions, power to regulate, rights of citizens)	9. Appeal and review measures
2. Permissions required for non-citizens to travel to or be in your country	10. Designation (delegation) of powers
3. Arrivals and departures – passenger responsibilities	11. Powers

4. Arrivals and departures – carrier responsibilities (includes API, PNR provisions)	12. Arrest, detention, Monitoring
5. Decisions and refusal of permissions	13. Responsibilities of employers and education providers
6. Turnaround, removal and deportation	14. Information collection, sharing and data protection
7. People smuggling and human trafficking	15. Offences
8. Refugee and protection status determination	

This program should ideally be coupled with a national policy development and consultation process, and guidance from relevant PIDC papers including this document, particularly in respect of "future-proofing" and mandatory international standards.

6.   Conclusion

Managing the identity and intent of people is at the core of immigration functions. It is the central purpose of immigration agencies, and must be supported by well-founded legislation and policy, and operational arrangements. The concept underpins visa, travel document, and citizenship programs, and management of travellers at the border.

Despite the hiatus imposed by the COVID-19 pandemic, global trends point to ever increasing migrant and traveller numbers, including in the Pacific. The resulting trajectory of immigration policy is towards smarter, touchless borders. Migration and border management, driven by robust data and taking advantage of modern technologies, interoperable systems, and integrated processes along the border continuum, aims to deliver better understanding of traveller identity and intent, whilst reducing the intrusion of immigration processes into the experience of legitimate travellers.

Immigration agencies in the Pacific find themselves at various stages along this trajectory, and it is likely that realisation of elements which rely on anything more than minor capital expenditure (such as BMS procurement) will be gradual, and possibly dependent upon donor support. They also need to be of appropriate scale for the country, its budget, and traveller volumes.

Reform of underpinning policy and legislation can be achieved through existing support mechanisms such as those offered by PIDC. These should be embarked upon as a matter of priority, especially where legislation has not been reviewed for more than 10 years, to ensure these elements are future-proofed to permit the adoption of mandatory international standards around API, as well as recommended traveller pre-clearance, and cross-agency and cross-border collaboration consistent with Integrated Border Management (IBM) principles.

International Customary and Treaty obligations, and related human rights provisions are yet to be given expression in the domestic laws of many PICTs to which they apply. Where relevant, these should also inform policy and legislative reviews.

Modernising office procedures, moving away from paper-based practices and processes as BMS arrangements allow, and investing in updated SOPs and staff training are simple means of improving professionalism and organisational capability. Conducting basic analysis of immigration data, including compliance and overstay data, will inform better understanding of risk, and thus inform Government as new policy proposals are developed.

Given the movement towards "touchless" borders for genuine, bona-fide travellers, an online presence via a website is an inexpensive "quick win". Whilst improving access to core documents and information, a website lays the foundations for expanding into online services, such as online visa applications and online payments for fees and charges. These improve the modern, professional image of the agency and country, expanding the reach of

immigration services to a global audience. By having clients enter data and scan documents, they also reduce the need for staff to carry out these low-value tasks, improving agency efficiency, increasing the opportunities for pre-clearance, reducing cash-handling, and improving financial accountability.

Budgetary and resource challenges will always feature large among PICTs. There are a number of options to address this, including increasing revenue, and seeking efficiencies.

Taking a collaborative approach to domestic and regional migration and border management also holds out the prospect of sharing the infrastructure and cost burdens of regional traveller assessment, whilst preserving national sovereignty over borders. PIDC and its membership have, with the passage of UNSCR 2178 in 2014, new mandatory obligations around API and information sharing which may seem onerous, but which also give rise to how the principles of Integrated Border Management and Regional security can be drawn upon to speed implementation.

A possible reform pathway may be summarised as per the diagram below.

Quick wins

- Review current checklists
- Review office processes
- Establish website
- Move to EFT fee payments,
- Revise SOPs
- Train staff accordingly
- Commence assessment of IBM principles against national border arrangements

Laying reform foundations

- Document IBM requirements
- Commence policy and legislative review
- Identify reforms to revenue and funding arrangements
- Identify gaps in legislation, policy, procedures, international obligations & standards, future-proofing
- Consult and draft
- Pass amendments

Address systems needs

- Critically examine and establish BMS business requirements
- Assess interoperability and ability to comply with current international standards and recommended practices
- Establish preclearance and online service requirements
- Undertand possible future requirements
- Establish donor involvement
- Identify vendors, Procurement

Implement

- Secure IBM arrangements with stakeholders, establish governance mechanisms
- Deploy integrated BMS with API
- Establish online services, payments and preclearance
- Review office processes
- Update checklists and SOPs
- Train staff

Annex 1 - Immigration Environmental Scan

As part of the methodology for this paper, the PIDC Secretariat asked PICTs to respond to a survey. Individual, detailed responses have not been included as the information was provided in-confidence but an aggregated summary of the responses follows.

From the point of view of respondents, it is clear that staffing and budgetary issues are a major challenge and a commonly held concern. Issues include resourcing, training and associated issues of staff turnover, development and professionalism. Despite this, opportunities appear to exist even with current revenue versus budget situation, as most respondents reported that gross revenues to Government from their operations exceed budget allocations.

In terms of the operating environment, increasing border volumes are a common concern. Lack of up-to-date and comprehensive policy and legislation and organisational capability to deal with this was also a common concern.

Most respondents reported they operated some form of computerised BMS, however deployment of an integrated or partly integrated BMS is a rarer occurrence. The risks posed by this scenario are clear, and run counter to the principles of Integrated Border Management, and interoperable systems espoused by ICAO and Annex 9 of the Chicago Convention.

The next area of concern is the lack of API access in many countries – also an important feature of integrated border management.

ETA or pre-arrival processes are rare, but are probably a second order concern after a BMS and API.

Opportunities for automation, including BMS, API and ETA are detailed in the main report.

1.   Summary of Survey Responses

Aggregate Responses (Total responses)	8 responses in total	
Staffing Numbers	Maximum 145, minimum 5. Most common 10-25 staff.	
Annual Operating Budget and Revenue 2018	5 x responses. Generally, revenue exceeds budget, often significantly.	
	Revenue Max (AUD)	8,970,925
	Revenue Min (AUD)	416,500

	Budget Max (AUD)	4,022,531
	Budget Min (AUD)	332,685
2018 Portfolio Data	Arrivals	Highest = 870,309, lowest = 5000
	Departures	Highest = 831,609, lowest = 6000
	Passports	Highest = 39,081, lowest = 4584
	Work Permits	Highest = 3,716, lowest = 400
	Overstayers	Highest = 11,911, Lowest = 3
	Visas Refused	Highest = 38, lowest = 0
	Visas Cancelled	Highest = 1177, lowest = 3
	Deportations	Highest = 11, lowest = 0
	Air/Sea Turnarounds	Highest = 12, lowest = 0
	Human Trafficking	Highest = 1
	People Smuggling	Highest = 1
	Asylum-Seekers/Refugees	Nil reported
	Trends	Where trends were reported, there was a general increase
Agency status	Standalone agency or part of larger agency	6 x part of larger agency, 2 x standalone agency
Minster	Details of portfolios	All Ministers were reported to have several significant other portfolios, including commonly Head of State or Prime Minister, Minister for Foreign Affairs.

Responding Agency Responsibilities	Visas	7
	Passports	5
	Citizenship /Naturalisation	4
	Work Permits	6, with 1 additional shared with Labour
	Border Primary Line functions	5 directly, 3 oversighting another agency
	Border Secondary line functions	6
	Business Investors	2, with 1 additional shared with another agency
	Threat Intelligence development, reporting and analysis	2, with 1 additional shared with another agency
	Investigation and prosecution	5, with 1 additional shared with another agency
	Enforcement - cancellation, detention/arrest, deportation	7, with 1 additional shared with another agency
	Alert lists	7, with 1 additional shared with another agency
	Immigration statistics collection	7, with 1 additional shared with another agency
	Immigration policy development and review	8
	Labour policy relating to employment of foreign nationals	3, with 1 additional shared with another agency
	Tourism policy	1
	Revenue collection	5 directly, 3 indirectly via other agency such as Finance

	Provision of portfolio services such as visas and passports overseas	4
	Policy and legislative development	6, with 1 additional shared with another agency
	Other (specify)	
Legislation availability	Online	5
Agency website	Online	4
BMS	Operating	6
	Procurement date	Earliest 2004, latest 2019 (pending)
	Functionality	**Most basic** - passenger processing only. **Most complex**: Travel Documents, Visa, Permits, Border Control, Citizenship, Compliance & Investigation, User Management, Inquiries, Refugee Determination, Human Resource Management, Workflow and Appeal Process. **One reported separate BMS and passport systems**.
	Donor supported	2 = yes 2 = support with original design and/or procurement only 3 = no.
Respondents reporting national policy documents or strategic plans relating to:	Visas	3
	Immigration	4
	Foreign Labour / Employment	5
	Foreign investment	5
	Tourism	4
	Remittances / Diaspora	1
	Labour mobility	4

	National development	7
	Border Security	5
	Other/comment	
Agency role in developing the above?		4 report a role, most of these significant roles
Treaty / Convention signatory status	Convention on International Civil Aviation (the Chicago Convention)	7
	Convention on Facilitation of International Maritime Traffic (FAL 65)	2
	1951 Convention on the Status of Refugees	2
	United Nations Convention against Transnational Organized Crime	3
	Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children	1
	Protocol against the Smuggling of Migrants by Land, Sea and Air	1
	Convention on the Rights of the Child	5
	Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (or Hague Adoption Convention)	1
	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	3
	United Nations Convention on the Law of the Sea (UNCLOS)	5
UN Sustainable Development Goals	Is there sufficient awareness in your agency, other agencies, your Government, and donors regarding the direct linkage between the Sustainable Development goals and migration?	2 report sufficient awareness/engagement. 6 report little or none.

	How frequently and effectively are programs around visas, migration, remittances, labour, and nationality considered and set by your Government?	6 report regular reviews.
	Are these policies linked and/or have they been drawn up in consideration of each other?	5 report sufficient linkage.
	What is the role of your agency in developing, reviewing, and implementing these policies?	7 report sufficient role.
	What are the limitations faced by your agency in developing, reviewing, and implementing these policies?	6 responses, all citing funding and human resources. Other comments included issues with linkage with SDGs and Compact, availability of data, information sharing.
	What other national agencies are involved in developing, reviewing, and implementing these policies?	6 responses. Substantive other agency engagements.
Global Compact on Migration	Is there sufficient awareness in your agency, other agencies, and your Government, regarding this Resolution?	2 x yes, 6 x no
	Which of these do you see as most important to your country and agency?	3 stated all are important. 2 commented that 11 and 21 were most important. 1 indicated that 17 was the most important. 1 additionally indicated 3,4,5,9,10, and 20 were most important
	Is your agency responsible for policy development and /or implementation of objectives similar to these? Describe any gaps you see between your agency's current situation and these objectives.	7 x responses. Gaps identified were data and funding, and the need to strengthen networking between border agencies.

	What role do you see for PIDC in assisting in achievement of these objectives?	5 x responses. Support and guidance, capacity building and legislative and policy drafting were raised, identification of international and regional trends and threats within Regional Framework.
Portfolio Legislation	When was the last time your portfolio legislation was reviewed and/or substantively amended?	7 x responses. Earliest review 2004, a further 3 x underway at present and 2 x reviewed since 2016. 1 x review in 2011.
	What drove the review?	5 x responses. Concerns included outdated procedures and visa frameworks, compliance with international standards and obligations.
	What was the result?	5 x responses. 3 are underway, 2 implemented either partially or fully.
Key challenges, threats and opportunities	What are the 3 greatest challenges or threats faced by your agency?	6 x responses. Challenges noted were shortages or financial and human resources, training and development of staff, human capacity, BMS, lack of API/APP data, law and policy outdated. Political influence.
	What are the key factors which might prevent success in addressing these?	5 x responses. Lack of budget, low salaries for immigration staff. BMS not integrated. Reliance on donors. Legislative gaps.
	Considering your agency's current resources, access to and support from Government, and current policies and legislation, what are your most important internal challenges?	6 x responses. Same as above two answers.

	In an ideal situation, what would be required to address these issues?	5 x responses. In addition to above responses, one noted that becoming a standalone agency would be beneficial. Training courses were also noted. Possibility of generating more revenue, then seeking additional budget was noted, along with need to hire policy and compliance officers.
	What do you see as the greatest opportunities presented by emerging technologies?	6 x responses. Information sharing and accountability were noted along with capability to collect and analyse data to generate intelligence. The possibility of server-less, cloud-based systems was also raised.
	How do you hope to harness these?	4 x responses. Cloud-based systems to improve connectivity was noted.

Annex 2 - Integrated Border Management

"National and international coordination and cooperation among all relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and coordinated border management at the external … borders, in order to reach the objective of open, but well controlled and secure borders." - European Commission (2016)[38]

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[38] Available at https://ec.europa.eu/home-affairs/content/european-integrated-border-management_en

By definition, border controls have never been unilateral, solely internal matters, as they always involve at least one other country and at least some level of coordination and communication of arrangements and standards between them. Even hostile borders involve some basic communication and expected norms between both sides. Similarly, there is never one agency involved in migration or border management within a country.

Global concepts around this have developed significantly with the growth of air travel since the last World War, and the events of September 2001, to bring about more structured notions of domestic and international coordination of border management arrangements.

The concept is not unique to specific streams of border management, such as Customs or Immigration, and has been described via several different names, including "Coordinated Border Management" (CBM), a term used by the World Customs Organisation (WCO), "Collaborative Border Management" (a term used by the World Bank), and the Organisation for Security and Cooperation in Europe (OSCE)'s term "Comprehensive Border Management". The International Organisation for Migration (IOM) also commonly uses the term "Integrated Border Management".[39]

The WCO argues that the term "Coordinated Border Management" is preferable as the term "integrated border management" can be taken to also suggest a structural and institutional integration such as that which has occurred in Australia and the United States, which potentially narrows the scope of the concept – the WCO believes that CBM is much broader in the sense that resources, functions, processes and legislations have to be mobilized around a shared vision of effective and efficient border management and there are several solutions to achieve that where an integration of services is just one of the option.

OSCE uses the term Comprehensive Border Management to denote an emphasis on a whole-of-government approach to border management, focusing on the need for cooperation among the agencies in a highly complex and interconnected environment.

Whilst there are some different nuances in meaning and use of these terms, they all refer to "***the holistic approach involving all cross-border regulatory agencies so that their regulatory functions are discharged in a coordinated manner***", as described by the World Customs Organisation. The term "integrated border management" is used in this paper, however where it is used, it is used with this WCO definition in mind.

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[39] See "Coordinated border management: from theory to practice" by Mariya Polner, World Customs Journal, 2011, Vol 5, No. 2, pages 49-64, http://www.wcoomd.org/en/topics/facilitation/activities-and-programmes/coordinated-border-management.aspx; World Customs Organisation, Coordinated Border Management Compendium, 2015, available at http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/cbm-compendium.pdf?la=en; Tom Doyle, "The Future of Border Management", Chapter 2, World Bank – Border Management Modernisation, 2011, available at http://documents.worldbank.org/curated/en/986291468192549495/pdf/588450PUB0Bord101public10BOX353816B.pdf ; McLinden, Gerard, "Collaborative border management : a new approach to an old problem", 2012, World Bank, available at http://documents.worldbank.org/curated/en/693361468331207794/Collaborative-border-management-a-new-approach-to-an-old-problem.

There certainly has been a greater body of work around the application of integrated border management in the area of trade and movement of goods, in large part led by the WCO, informed by the Revised Kyoto Convention, as is documented in the WCO Coordinated Border Management Compendium of 2015, from which this Annex is substantially drawn with relevant adaptation.

1.   Types of inter-agency relationships

The diagram below (from the WCO Coordinated Border Management Compendium), illustrates the different styles of organisational relationships which can be seen to exist between border agencies depending upon the formality or otherwise of the relationship between them.
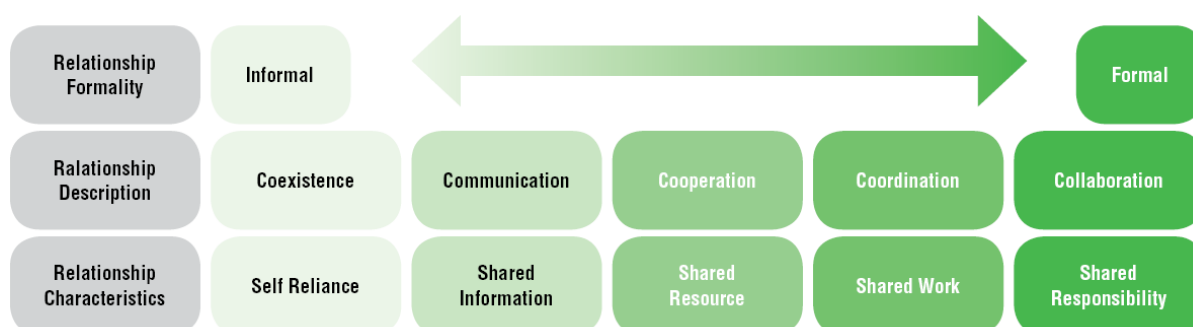
Figure 1: Continuum of Inter-Governmental Integration (Source: Adapted from "Better Connected Services for Kiwis", Institute of Policy Study, New Zealand)

Integrated border management is ultimately about coordination within and between border management agencies within a country, and also coordination with partner agencies across a border, establishing mechanisms, agreements, and means of communication to ensure that regulatory processes are streamlined and effective.

As the relationships between agencies grow in frequency and confidence, generally backed with official agreements or MoUs, they become both deeper and more formal. This has the effect of seeing siloed agency responsibilities shift towards shared responsibility for regulatory outcomes.

An example of this in the Pacific Islands is the collaborative work at the border between Customs, Immigration and Quarantine agencies, often referred to as CIQ.

Customs or Immigration variously operate primary arrival counters for passengers. In performing this role, they collect data, ask questions, and often even perform regulatory duties under delegation from other agencies, referring more complex matters or problems

to those agencies following initial assessment. The formality of such arrangements is commonly described in an MoU, or Cabinet direction to border agencies.

The situation varies even within the Pacific due to domestic regulatory arrangements, the designation of roles of agencies, the physical realities of border crossings, and budgets and human resource constraints.

2. The Value of Integrated Border Management

Tourism agencies of the Pacific Islands as well as elsewhere are highly focussed on the "traveller experience" when seeking to market their individual tourist markets. One of the first, and sometimes lasting, impressions of a country is the arrivals hall at an airport or seaport. Travellers, and businesses seeking to import or export goods, resent having to go through multiple steps of red tape, answering similar or duplicated questions, or producing the same extended chain of paperwork to customs agencies in sending and receiving countries along with several shipping agents, brokers, and carriers, as can happen when there is no integrated approach.

Regulatory functions, when carried out in an integrated or coordinated manner, improve the predictability of clearance of goods and travellers, and improve efficiency in the use of Government resources by seeing functions generally performed once or in facilitated manner in an environment of shared regulatory responsibility between agencies. It means that Governments can "do more with less", meaning that as responsibility for border functions is formally shared, duplication of process and staff engagements is reduced, freeing up resources.

This in turn has the potential to improve border integrity and security, with officials able to focus their attention on higher risk border traffic, or complex problems, rather than performing redundant tasks.

Through greater collaboration, cross-border agencies are also able to develop capabilities which they would not be able to internally. An example is the border intelligence groups, or compliance taskforces which are common throughout Pacific Island countries. In these scenarios, the sum of the whole is greater than the parts, meaning the capacity gained though such collaborative arrangements is far greater than could be achieved by the same agencies and officers working the same problem independently with the same resources.

2.1 A Multiplicity of agencies at the border

Most countries separate border management functions and responsibilities across various agencies. This is not fundamentally a problem, and there remains value in specialisation

which is inherent in this type of structure. Immigration may have specialist document examiners, Customs and Police may have specialist skills in narcotic detention and identification, and Quarantine may have specialised officers capable of identifying and responding to the threats posed by introduced flora and fauna.

In seeking to achieve truly Integrated Border Management, border agencies should examine their mandates, resources and directions from Government, and identify the specialisations and redundancies, and identify processes which have little value.

In some countries, this has led to actual merger of agencies and functions, such as in Australia and the United States, however this has been an uncommon outcome, and is not recommended for PICTs. The more frequent has been the cross-delegation of officers, along with cross-training to enable officers of several agencies to perform at least initial assessments on behalf of another, without diminishing the specialisations which are required in questioned cases.

Integrated border management is based on the need for agencies and the international community to work together to achieve common aims. Integrated border management provides that border management agencies can actually increase control while providing a more efficient service, and that they can do so while retaining their own organisational mandates and integrity.

2.2 Limited Resources – Growing expectations

Integrated border management brings the resources and synergies of several agencies to resolve common scarcities.

Cross-training and cross-delegation of staff at the border can assist in bringing efficiency. In addition to this, redesign of processes at the border can ensure more efficient use of time and human resources. An integrated approach can also increase the capacity of border agencies ability to receive, assess, and action information and intelligence of value to border integrity and security.

An emerging process is also the pre-clearance of travellers and goods at the point of embarkation, which may involve stationing officials at the overseas airport or port. For passenger movements in the Pacific Islands, this concept is most commonly encountered with cruise ships, where arriving cruise ship passengers may be regarded as either fully or partly "cleared", allowing for timely disembarkation and re-embarkation procedures.

This approach can vary or even be extended by arrangements with cross-border partner agencies such as Immigration and Customs at the port of embarkation, advance electronic passenger and cargo information, and arrangements or partnerships with industry such as carriers where degrees of pre-clearance across several agencies, or at least pre-arrival risk assessment can take place and be accepted by all involved agencies. This becomes a logical

extension of the notion that one country's departure or export is the other country's arrival or import.

3.   Implementation

Integrated Border Management (IBM) does not come naturally – it is a directed process, put in place by like-minded cross-border regulatory agencies both within and across borders to achieve the desired outcome of effective and efficient border control. The motivation behind IBM can be internal or external.

External motivations include:

- Implementing bilateral or multilateral agreements including:
    - Business facilitation agreements, such as the Melanesian Spearhead Group Skills Movement Scheme
    - Mutual Assistance Agreements
    - Free Trade Agreements
    - Regional Integration Agreements
    - Multilateral Trade Agreements

- Internal motivations include:
    - Enhancing national competitiveness or tourism
    - Construction of new infrastructure like sea ports or airports
    - Addressing security threats and regulatory challenges
    - Improving service quality

Both internal and external motivations are valid reasons for undertaking IBM and many situations may result due to a combination of both internal and external motivations. The need to implement legal agreements often provides some legal basis and obligations on the part of signing agencies or countries and may even provide the specific scope of the type of IBM required.

Several key aspects need to be considered in any implementation of IBM:

1.   Policy

IBM understands the value of compliance management but also recognizes that the vast majority of travel and trade is legitimate.

Trusted partnership arrangements, such as with airlines, improve both regulatory control and client service. More comprehensive compliance management makes agency staff operate more efficiently, targeting only high-risk passengers and goods for intervention.

Integrated border management demands improved intergovernmental and interagency networking arrangements, allowing agencies to cooperate in accordance with common and agreed standards.

The consistency of information across border management agencies provides more accurate intelligence, allowing agencies to focus their resources on risk-driven intervention. By working with other domestic agencies and neighbouring and participating countries, all partners benefit from the piecing together of previously disparate information, and the client experience is more efficient and consistent across border management agencies and jurisdictions.

Integrated border management takes advantage of the availability of information at the earliest point at which border management agencies can become involved, which for travellers may include visa applications lodged prior to travel, Passenger Name Record (PNR) data which commenced with flight bookings, and advance passenger information (API), which is generated at airline check-in. This advance information generation and collection is known as the "virtual border", and the process of requiring and utilising this data as "pushing the border out".

Ensuring compliance at the virtual border reduces clearance time at the physical border, so border management agencies can focus on the audit and examination of higher risk shipments and passengers.

2.   Processes

Integrated border management requires border management agencies to define **outcome-based processes**, such as increased client compliance and greater tourism competitiveness, rather than **output-based processes**, such as the volume of transactions processed.

Looking at desired outcomes from both agencies' and client's points of view allows processes to be defined that satisfy both sets of needs. In addition, looking at border management operations as a whole allows certain common outcomes—such as reduced irregular migration—to be identified, creating opportunities to boost efficiency and make service delivery more cost effective.

Integrated border management enables border management agencies to concentrate on the intelligent treatment of clients. Having a single view of the client enables border management agencies to cooperatively analyse and assess information and to make more informed, rigorous decisions.

Clients benefit from streamlined, simplified interactions with multiple border management agencies. And services can be designed to improve the client experience across all interactions.

Intelligent data analysis at the client level also enables agencies to concentrate on auditing higher risk clients and shipments. Trusted client relationships are developed, and information shared across agencies allows greater efficiencies.

3.   People

Integrated border management demands that border management agency officials be well equipped with the skills, knowledge, behaviour, and experience to manage new processes. The role of skilled, experienced, committed officials is the driving force.

A comprehensive capability assessment of the administrative capacity of each border management agency should ensure a focus on delivering quality integrated border management while minimising compliance and administrative costs.

The assessment illustrates the steps needed to effect change, including, for example, organisational change. In addition, the assessment could result in a program enabling border management agency staff whose previous responsibilities may have become less essential to discharge their new responsibilities more effectively. Staff should be trained and designated to perform cross agency tasks where appropriate, eliminating redundancy, reducing duplication, and creating client service efficiencies.

4.   Information and communications technology

Integrated border management promotes the technical development and interaction that is needed for more effectively sharing information and identifying risks. It implies significantly closer national, regional, and international collaboration for government agencies and for the international travel and transport industries. This can be achieved through technology systems that share and link information.

In addition, bilateral, regional, and multilateral agreements may be required that facilitate policies and strategies for collaborating, information sharing, and developing interoperable systems.

Systems, including Border Management Systems (BMS) and business processes across countries and organisations should be interoperable. Linking both structured and unstructured information or data across border management agencies prevents redundant processing and avoids the inefficiencies inherent in standalone, or siloed information.

ICAO makes particular reference to interoperable systems and standards in the elaboration of its Traveller Identification Programme (TRIP) Strategy[40].

ICAO TRIP Strategy

TRIP Strategy partners and stakeholders

5. Infrastructure and facilities

Infrastructures at ports of entry often have designs that predate today's security, trade, and travel demands and priorities. Facilities at ports of entry often are inadequate. Upgrading these facilities, in collaboration with both other border management agencies is an important step in cost effective trade facilitation and regulatory control improvements.

Integrated border management enables the creation of a shared services environment where a collaborative operating model and facilities could be created using industry leading-edge practices. Significant economies of scale could be realized through such arrangements. In a regional setting, a shared service environment could save agency specific country development costs, interagency country development costs, and the country and regional costs of maintaining support technologies. An example in the Pacific Islands might be a regional, shared cost approach to alert systems, or Advance Passenger Information (API) via a regional partner such as the Pacific Immigration Development Community (PIDC) to save on infrastructure costs in the region.

6. Governance.

Integrated Border management arrangements, particularly those between agencies, and across borders or regions, need to be documented, usually in the form of a written

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[40] Available from - https://www.icao.int/Security/FAL/TRIP/Pages/Publications.aspx

agreement setting out responsibilities, objectives, and key issues such as policy "ownership" of border control elements, delegations, data protection and privacy matters, and even more importantly, the management oversight and governance structure.

Integrated border management arrangements generally include elements of which are shown in the diagram below, which is from the WCO Coordinated Border Management Compendium. [41]
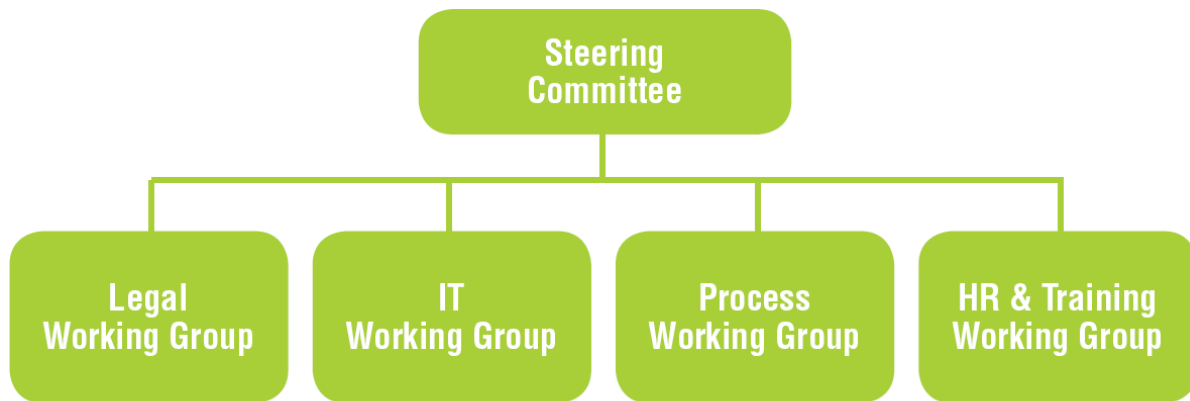

Fig 7: Example of CBM Working Group Structure

These may exist with varying degrees of formality and with different nomenclature, but overall joint or integrated management steering arrangements are essential to ensuring integrated border management is progressed within the structural, budgetary, and legislative environment faced by individual countries and partners.

Essential fields that are important in IBM and which should be considered as part of governance working group structures with an immigration focus include:

- **Legal Basis of IBM**: For Border agencies on the ground to identify the various legal enablers that provide for enhanced IBM, or legal gaps that prevent effective IBM.
- **Information Technology**: To identify areas where data harmonisation can lead to greater simplifications for border management, and where greater system interoperability can lead to more efficient systems and greater alignment with the flow of travellers, recording their movements, and assessment of identity, intent and risk.
- **Processes**: To map existing border processes so that bottlenecks and inefficiencies can be identified and resolved.
- **Human resources & training**: To identify current state of competencies among participating agencies to identify capacity gaps and new skills needed.

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[41] World Customs Organisation, Coordinated Border Management Compendium, 2015, available at http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/cbm-compendium.pdf?la=en

Annex 3 - Immigration Policy Issues for Future Proofing

1. Legislation & Policy

Properly considered and articulated legislation and policy provide the core underpinnings of all immigration and border control arrangements. Without these foundations being established and maintained, immigration settings that commence appropriately may over time become out of date, no longer fit-for-purpose and end up contrary to the wishes of Governments.

This can lead to a situation, which is encountered in the Pacific, where the legislation and policy does not reflect the situation on the ground or current practice. Such a state of affairs should not be allowed to remain in place for any length of time, particularly as it can lead to the rise of practices and procedures which may have no backing in law. As a result, border security may be ineffective, and national confidence in immigration management may be reduced.

Considered policy should drive the framing of legislation, and other key aspects of migration management including various visa types along with criteria and conditions, foreign employment, and migration policies, and the administrative arrangements such as agency powers, structures, staffing, and budgets.

For these reasons, immigration policies should be reviewed regularly to ensure settings remain current, and reflect Government, business and community expectations. Policy review should ideally be driven by Immigration agencies, with key triggers for review including:

- Change of Government
- Change of Minister
- National Development Planning cycles
- Budget cycles
- Regional and International policy developments

It is similarly important that legislation is framed in such a way that it:

- is flexible in design to accommodate future policy changes and new technologies;
- articulates or provides for the agreed national visa policy;
- provides a sound legal basis for key policy settings such as obligations of employers and visa holders, powers of officers, obligations of carriers, identity management.

Given the time and political attention it takes to change top-tier legislation, such as an Immigration Act, the practical question is how to achieve the above in an efficient manner.

Future-proofing legislation can be achieved in the Pacific through careful design of top-tier legislation so that it provides "heads of power" for subsidiary legislation such as Regulations, and also Ministerial or Secretarial Directions.

An example might be that an Immigration Act provides that "the Regulations may provide for and define means of electronic lodgement of applications for visas and electronic payment of associated fees". This power in an Act is framed so it unlikely to need regular amendment, with all of the detail pushed to the far more easily amended Regulations. This allows greater flexibility as processes and technologies change.

A similar example can be seen with the definition of visa application forms and border stamps appearing as Schedules to a number of older Immigration Acts. Whilst this was a common practice in decades past, again it poses the problem that, once enshrined in an Act, change is very cumbersome.

Review of legislation and related policy which occurs in the future should seek to build this thinking into the design from the start, as it has the potential to ensure a far nimbler policy and legislative approach in the Pacific.

2.   Systems

The Systems Environment was covered in **Part 3.3** in the main body of this document; however, this Annex expands upon the issue with future-proofing in mind. It is an immigration policy issue as systems capability is required in order to respond to key international standards and obligations, such as those relating to Passenger Data and API at Chapter 9, Annex 9 of the Chicago Convention.

It may sound contradictory given the rapid pace of technological development in past decades, and whilst it is true that software, hardware, and associated human processes can become superseded or obsolete within a few years, careful assessment and planning can deliver cost savings and a degree of continuity and manageable change.

Apart from basic office automation (desktop and laptop PCs, office software, copiers and communications equipment), the main area affected by technology, for immigration agencies, will always be the BMS.

BMS are firstly configured to address the business requirements of the host agency and its portfolio responsibilities. For immigration, this almost universally involves a visa program and alerts, and may include functions such as arrival and departure management, passports, work permits for foreigners, and nationality/citizenship.

A truly integrated BMS is designed not only so that systems relating to functional areas within an immigration agency are interoperable, and data from each function is available to

others, but that the same applies with relevant systems of other agencies, international partners, and carriers as applicable.

Future-proofing this may sound impossible, however in the Pacific, with a few exceptions, integrated border management systems are yet to be deployed. Those BMS which exist are often confined to functions wholly within the immigration portfolio, and in many cases, even within the agency there is no data linkage, such as between the Visas, Alerts, and Passport systems, which instead operate as siloed systems.

PICTs considering procuring a BMS, or those considering an upgrade or replacement to move to a more integrated system have the luxury of being able to reconsider their business requirements, and ensure that **integration** and **interoperability**, along with relevant international standards and recommendations are at the heart of the design.

A BMS so designed does not need to be rolled out with all functionality in place. Nor do all functions need to be provided by the same vendor – for example e-commerce software allowing for electronic payment of visa fees may be off-the-shelf software from a vendor quite separate from other BMS components.

Depending upon business needs and budget, a BMS may commence with basic integration across Immigration functions, and the Primary line and API, with internal databases such as Passports and Citizenship also integrated.

Functions such as E-visa, pre-clearance, and online payments could be delivered at a later stage when legislation permits, or budget allows. The same applies to biometrics.

The important principle is that with any Integrated BMS, new international standards, upgrades and new technology or processes are to be expected, and planned for.

A circular diagram titled "Integrated Border Management System" at the centre, with arrows radiating outward to surrounding elements: Visas & Permits, Alerts, Arrivals and Departures, Passports & Travel Documents, Customs, Animal/Plant Biosecurity, Law Enforcement & Security, Statistics, Health, Carriers (API/PNR), Interpol SLTD, Online applications & E-visa, Revenue collection, Reporting.

The key is that any BMS needs to be capable of future interoperability. To ensure this, vendors or providers need to be carefully selected. Key areas to consider with selecting any BMS vendor, when also considering future-proofing, include:

- Corporate history and stability
- Staffing - is the provider reliant on only one or two staff for BMS expertise? What happens if they leave?

- Capability of system support and service standards
- History of prior Integrated BMS deployments
- Compliance with International Standards
- Track record of developing interoperability with other systems
- Will they be there in 20 years?

A BMS vendor which already has a track record of integration with, for example, API, PNR and INTERPOL systems, and/or other vendor passport systems, is more likely to provide the ability to expand BMS capability down the track.

PICTs may wish to consider a BMS development pathway, which builds this expectation into systems thinking from the first stages of design and procurement. This can include:

- Budget provisioning – providing for a major BMS software upgrade at least every 5 years, and also considering a staged BMS rollout
- Hardware refresh schedules need to be established – once these are out of warranty, they should be replaced, and provision for this made in the budget
- Donor support – is it ongoing beyond initial procurement?
- Staff training and capability development

Another capability which forms part of future proofing is internal IT Management. Larger immigration services may already have recruited this capability within their agency structures. Others which are part of larger Ministries or Departments should consider shared ICT Management arrangements within a broader agency, or in smaller PICTs, across key Ministries. This can reduce cost across Government, and also serve to ensure basic services such as physical security and networking, and maintenance is done so as not to imperil core BMS functions.

Annex 4 - Immigration in the Pacific Islands

"The Pacific islands were settled by successive waves of intrepid seafarers who sailed boldly west to east across immense distances. Their incredible navigational skills, endurance and courage have shaped the Pacific's people and cultures. "

World Bank – Pacific Possible
(2017)

Despite clear national differences, immigration has had, and continues to have, a profound impact on the social and economic make-up of the Pacific. Global developments, positive and negative, are also making themselves felt in the region. The smaller size of many countries in the Pacific mean that the effects of population movements may have a proportionally larger impact than raw numbers may otherwise suggest. Key themes which continue to drive policymakers in the region are summarised below.

1.   Emigration, Remittances and Labour Mobility

Basic labour mobility and economic indicators for different Pacific country groupings

	Stock of emigrants	Resident population	Emigrants/ population	Remittances /GDP	GDP p.c. (2005 $US)
Open labour market access					
Marshall Islands	11,841	52,786	22.4%	13.8%	3,045
Micronesia (Fed. States of)	40,642	103,718	39.2%	9.1%	2,338
Palau	6,855	20,919	32.8%	5.6%	8,731
High mobility					
Fiji	189,571	880,487	21.5%	6.2%	3,828
Samoa	87,949	190,390	46.2%	28.2%	2,668
Tonga	53,247	105,139	50.6%	45.8%	2,502
Low mobility					
PNG	17,464	7,308,864	0.2%	0.2%	1,122
Solomon Islands	1,768	560,685	0.3%	2.8%	1,125
Vanuatu	2,280	253,165	0.9%	5.9%	2,089
Climate affected atoll countries					
Kiribati	4,324	108,544	4.0%	11.1%	1,109
Tuvalu	1,816	9,876	18.4%	16.2%	2,654

Whilst is it not the purpose of this paper to deal with diasporas in detail, it would be remiss in any discussion of immigration in the Pacific not to acknowledge the profound effect emigration and labour mobility from the Pacific Islands to mainly Pacific Rim countries has had since World War 2. The table above indicates the scale of this in the Pacific, a trend which continues as net migration in small island Pacific states continues to be outwards, totalling -63,416 in 2017.[43]

The effect on national development through remittances, and the influence of growing people-to-people contacts between sending and receiving countries has been profound, with many emigres settling permanently in their new homes, and acquiring citizenship in these countries.

This poses three issues for Immigration agencies in the Pacific Islands:

1. Managing a large volume of national travel document applications for departing citizens, and emigres abroad
2. Managing citizenship by descent for children of emigres born abroad
3. Facilitating the entry and stay of citizens who may be dual nationals of other countries, and who may travel on passports of the other country of nationality

Retaining and encouraging continuing contact with the diaspora, and between emigres and families at home is important for reasons of social cohesion and economic prosperity. Where dual citizenship is permitted, recognition of home citizenship in the relevant Pacific Island country should be made as simple as possible to encourage this contact, even where they travel on the passport of another country.

2.   Tourism, Inwards and Regional Migration

As set out in section 2.1.6 in the main body of this paper, there were 1,392,601 total visitor arrivals in 2018 in the Pacific Island small states, a figure which has been steadily growing according to the graph below.[44]

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[42]   Available   from   http://pubdocs.worldbank.org/en/555421468204932199/pdf/labour-mobility-pacific-possible.pdf
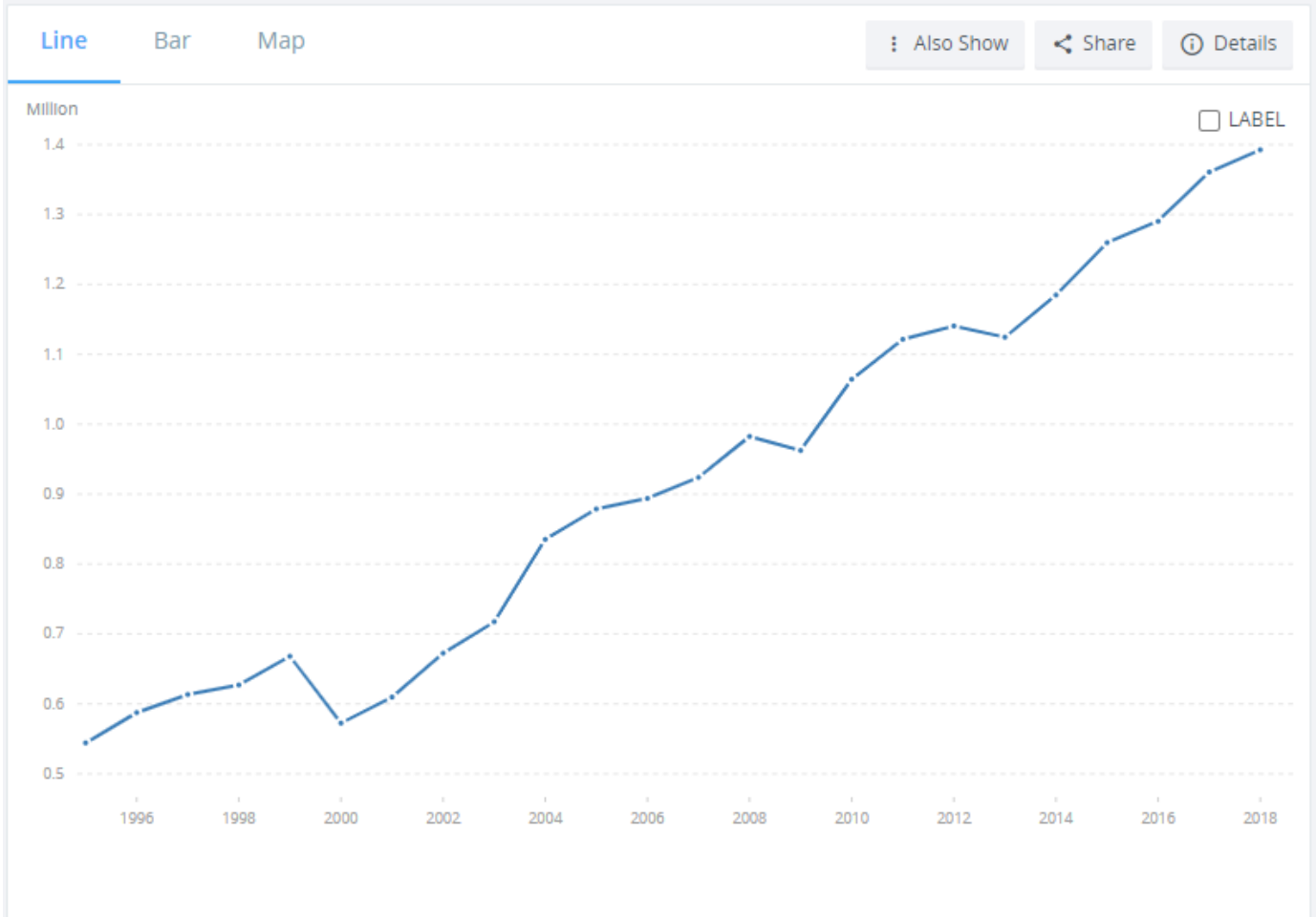[43] World Bank - https://data.worldbank.org/indicator/SM.POP.NETM?locations=S2
[44] World Bank - https://data.worldbank.org/indicator/ST.INT.ARVL?locations=S2

International tourism, number of arrivals - Pacific island small states

World Tourism Organization, Yearbook of Tourism Statistics, Compendium of Tourism Statistics and data files.
License : CC BY-4.0 ⓘ

| Line | Bar | Map | | ⋮ Also Show | ⌁ Share | ⓘ Details |

Whilst Fisheries, Mining and Gas, and remittances from diasporas play a significant role in Pacific Islands economies, the services sector is a growing and significant element as well. In some countries, Tourism eclipses most other sectors, and relative to GDP, is in many cases larger than it is for Australia and New Zealand, at least prior to the COVID-19 pandemic.

The vast majority of these are genuine visitors which stay only a short time (typically 30-90 days) and depart. As such, whilst they also have an enormous impact on Pacific Island economies, they have no discernible impact on net migration figures.

Inwards migration has typically been smaller, reflecting the size of domestic employment and business markets, where this has not been linked to spouse of other family reunification

programs. UNDESA and World Bank statistics confirm this trend, with data summarised as follows:[45]

Country	Migrant stock (2013)	Top 5 Migrant Source countries (2013), in order of volume	Tourism Arrivals (2014)	Total population (2013)	Net Migration figure (2013)
Fiji	22,828	India, Bangladesh, Australia, Pakistan, NZ	693,000	881,000	-29,000
PNG	25,441	Indonesia, Australia, USA, Philippines, NZ		7,321,000	0
Solomon Islands	7,870	France, Indonesia, Wallis & Futuna, Australia, Vanuatu	20,100	561,000	-12,000
Vanuatu	3,108	Australia, France, NZ, New Caledonia, Fiji	109,000	253,000	0
Kiribati	2,619	Tuvalu, Fiji, USA, Nauru, Australia	5,000	102,000	-1,000
Marshall Islands	1,705	USA, Philippines, FSM, Kiribati, China	4,900	53,000	-5,000
FSM	2,600	Philippines, USA, China, Guam, Marshall Islands	35,400	104,000	-8,000
Nauru	2,070	Kiribati, China, Tuvalu, Fiji, Australia		10,000	0
Palau	5,590	Philippines, China, FSM, USA, Guam	140,000	21,000	0
Cook Islands	3,243	NZ, Australia, Fiji, French Pol, UK		21,000	-1,000
Niue	552	NZ, Tonga, Tuvalu, Fiji, USA		1,000	0
Samoa	5,623	American Samoa, NZ, USA, Australia, Fiji	120,400	190,000	-13,000
Tokelau	298	Samoa, NZ, Australia, Tuvalu, Fiji		1,000	0
Tonga	5,436	Fiji, Samoa, India, China, Japan	50,400	105,000	-8,000
Tuvalu	148	Fiji, Kiribati, USA, Australia, UK	1,400	10,000	-1,000

- Most are 2013 figures, which are the latest UNDESA data available. Whilst more recent World Bank tourism data is available, data was chosen closest to the UNDESA data for better comparison.

Whilst inwards migration, and thus total national migrant stocks are dwarfed by tourism numbers, migrant stock numbers sometimes form a significant part of total population in the smallest of Pacific Island countries and territories, partly because of the small size of the original population.

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[45] Source – UNDESA Country-specific Migration Profiles - https://esa.un.org/MigGMGProfiles/indicators/indicators.HTM#oceania and World Bank - https://data.worldbank.org/indicator/ST.INT.ARVL?locations=S2

What is revealed in the data is the continuing significance of migration between Pacific Islands, which in some countries is significantly greater than from Pacific Rim countries, or migrants from further afield. Fiji in particular after its coups has come to feature widely in Pacific migration patterns.

Annex 5 - Summary of Migration Instruments, Tools and Programs

Significant resources relevant to this topic may also be found in **Annex 8** – References and Further Reading.

1.   International Instruments

Three very useful starting points in identifying and locating International Migration Instruments are as follows:

1. "Compendium of International Migration Law Instruments", Richard Perruchoud & Katarina Tomolova (eds), International Organization for Migration, 2007. https://www.asser.nl/ihcl-platform/about-ihcl-platform/asser-press-publications/?rId=4301 and https://www.asser.nl/upload/documents/4282010_32315Perruchoud%20Tomolova%20ToC.pdf

Whilst the full text is not available for free online, the website above has a sub-link to a list of all of the instruments by title and type in a PDF document. Dated 2007, it does not include later items such as the Global Compact for Migration or the Global Compact on Refugees.

2. International Instruments related to the Prevention and Suppression of International Terrorism, United Nations, New York 2008 – available at https://www.unodc.org/documents/terrorism/Publications/Int_Instruments_Prevention_and_Suppression_Int_Terrorism/Publication_-_English_-_08-25503_text.pdf

3. PIDC's list of International Instruments and Signatory status at https://www.pidcsec.org/legislation/

Regional Instruments are usefully collected at the Pacific Islands Forum Secretariat website: https://www.forumsec.org/

2.   Tools and Programs

Compliance and Risk Management

Balancing limited resources against high expectations around migration management is not a new concept. Compliance and enforcement are areas which are some of the most resource-intensive. A risk management approach provides a key tool in balancing these competing pressures. A highly useful tool from the Customs border perspective, easily translatable into the migration management environment is the WCO Customs Risk Management Compendium – available at http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/tools/risk-management-compendium.aspx

Global Compact on Migration and the Sustainable Development Goals

Whilst the texts of these have been promulgated, and in the case of the SDGs, significantly incorporated or referenced in the National Development plans of many PICTs, the direct application of both to PICT Immigration agencies is assisted with the following:

- GCM - IOM thematic papers are at https://www.iom.int/iom-thematic-papers
- SDGs – "Migration and the 2030 Agenda: A Guide for Practitioners", IOM (2018) - https://publications.iom.int/books/migration-and-2030-agenda-guide-practitioners

Given the importance of migration (both immigration and emigration, along with tourism) to most PICTs, the practical examples of how these can be addressed and incorporated into policymaking are highly relevant.

Integrated Border Management, Traveller identification and API

One of the most current and relevant sets of tools in respect of traveller identification, risk management, and interoperable systems is ICAOs TRIP Strategy.

Available at https://www.icao.int/Security/FAL/TRIP/Pages/Publications.aspx , this suite of

This comprehensive suite of policy advice, tools, standards, and implementation pathways covers most issues any State should consider when designing legislation and policy, and deploying human and systems resources to any aspect of traveller identification. This includes the Primary Line, Travel Document issuance and standards, API/PNR, and interoperable systems.

In respect of API, another potentially useful tool is GTAS: https://us-cbp.github.io/GTAS/

This is a free system, developed by US Customs and Border Protection for the WCO to assist States in implementing API UNSC Resolution 2178 and Chapter 9, Annex 9 of the Chicago Convention. With some integration work, this should be capable of installation along with

current BMS arrangements, and allow proper analysis and profiling of travellers using API data, enhancing border security.

In addition to **Annex 2**, the key toolkits which should guide initial consideration around implementing Integrated Border Management Practices, in addition to ICAO's TRIP Strategy are as follows:

- World Customs Organisation, Coordinated Border Management Compendium, 2015, available at http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/cbm-compendium.pdf?la=en

- World Bank – Border Management Modernisation, 2011, available at http://documents.worldbank.org/curated/en/986291468192549495/pdf/588450PUB0Bord101public10BOX353816B.pdf

Migration Data

Data is everything in migration management. Without it, there is no evidence-based policymaking or risk management.

Whilst the primary source for domestic migration data will lie in the BMS and National Statistics office, regional and global data is also highly relevant. Key sources include:

- IOMs Migration Data Portal - https://gmdac.iom.int/migration-data-portal
- The Handbook for Improving the Production and Use of Migration Data for Development http://www.knomad.org/sites/default/files/2017-11/Handbook%20for%20Improving%20the%20Production%20and%20Use%20of%20Migration%20Data%20for%20Development.pdf

Trans-National Crime, Smuggling of Migrants and Trafficking in Persons & Security

The Bali Process Regional Support Office (RSO) - https://www.baliprocess.net/regional-support-office/

The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process) was established in 2002. The RSO was established under its auspices to support and strengthen practical cooperation on refugee protection and international migration, including human trafficking and smuggling, and other components of migration management in the region.

A number of PICTs and also RSO members.

There are a number of resources available on the RSO website, either publicly available or via the closed members area.

UNODC, under its UN mandate to combat trans-national crime, has developed the following useful toolkits:

- SHERLOC – This portal is an initiative to facilitate the dissemination of information regarding the implementation of the United Nations Convention against Transnational Organized Crime, the three Protocols thereto and the international legal framework against terrorism. Located at https://sherloc.unodc.org/cld/v3/sherloc/
- UNODC – Toolkit to Combat Smuggling of Migrants, available at https://www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/toolkit-to-combat-smuggling-of-migrants.html
- UNODC – Toolkit to Combat Trafficking in Persons, available at https://www.unodc.org/unodc/en/human-trafficking/2008/electronic-toolkit/electronic-toolkit-to-combat-trafficking-in-persons---index.html
- UNODC - Manual on International Cooperation in Criminal Matters related to Terrorism, 2009, available at https://www.unodc.org/documents/terrorism/Publications/Manual_Int_Coop_Criminal_Matters/English.pdf

Annex 6 - Examples of Business Cases for Immigration Reform and Modernisation to Support Donor Engagement

1.   Procurement or Upgrade of a BMS

Background arguments for use in proposals

The United Nations Sustainable Development Goals (SDGs) target 10.7 aims to reduce inequality in and among countries by "*facilitate[ing] orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies*." Target 17.18 also explicitly sets accurate migration data as a goal, given its role in effective migration management and related development.

Timely, accurate, structured (electronic) data is everything in migration management. Without it, there is no evidence-based policymaking, program management and reporting, or effective traveller risk management. Acquiring and managing this data is completely dependent upon the deployment of some form of computerised BMS.

Air travel is the predominant link between States within and surrounding the Pacific. Cruise ships, cargo and fishing vessels are an important additional means of transportation of tourists, crew, and fishers along with goods in the region. Given the global importance of transportation security, and regional measures to share information combat the smuggling of migrants and trafficking in persons, it is of critical importance that traveller assessment capabilities which accompany BMS are deployed within the Pacific.

By virtue of United Nations Security Council Resolutions (UNSCRs) 2178, 2309 and 2396, and the standards at Chapter 9, Annex 9 of the Chicago Convention, adoption of API and related identity information sharing is technically **mandatory** for all Chicago Convention signatories, which includes PICTS. These, along with related standards, are promulgated in the ICAO TRIP Strategy.

Similarly, ETA or pre-clearance measures, PNR and INTERPOL SLTD interoperability, whilst not mandatory, are also recommended by ICAO and/or the UNSC. This is due to the capability to improve traveller risk assessment which these can deliver, vastly improving border and transportation security outcomes.

These data exchange methodologies rely upon countries having a BMS which is interoperable with them, and represents a capability which should be considered an essential component of the Pacific regional security infrastructure, benefiting not only the State involved, but the entire region including key donors.

The proposed BMS arrangements do not seek to over-complicate the solution, and it is well understood that they must be sustainable. A number of vendors including international organisations offer BMS solutions that are relatively inexpensive, and scaled appropriately for the Pacific. In several cases these take advantage of cloud-based infrastructure, and include tools which offer the prospect of significant transformation of current manual, paper-based and inefficient processes including online applications and payments, collection and retention of documents and records, and pre-clearance arrangements such as ETA or E-visa.

Any BMS and its data will be regarded as a national resource, with interoperability and Integrated Border Management at the heart of the design. Working across relevant border agencies, the proposed BMS will address business requirements including verification of identity and risk management of travellers by employing inspection tools such as passport readers to verify and record identity and travel document data and visa data (where relevant), and check these against alert lists, passport and visa databases, and movement records.

Examples now exist in the Pacific where border management systems within a country have emerged in isolation from each other. Some of these situations have historical origins, and may have emerged due to piecemeal donor or procurement activity, however some are more recent. As they are not integrated or interoperable, they are unsustainable in their current form.

Upgrade to allow for E-visa, ETA or preclearance

VOA currently applies to the vast majority of foreign traveller arrivals and departures (visitors), and is generally fee-free.

Whilst VOA presents as more cost-effective and less bureaucratic for both visitors and agencies for this generally low-risk group, the downside is that the arrangement means that the first time any checking of identity and intent, and related checks of alert lists by officials is done when travellers/tourists present to the primary line arrivals counter. The risks to border security are self-evident.

E-visa, ETA, or some form of pre-clearance arrangement opens up opportunities to conduct checking of identity and intent at earlier stages of the Border Continuum, and implementation would further support API capability, improving regional border security. This is recognised in the related recommendations pertaining to Electronic Travel Systems at Chapter 9, Annex 9 of the Chicago Convention.

It is also consistent with the objective of moving towards a "touchless" border for genuine, bona-fide travellers. Preclearance, coupled with API, in general means that the visible intrusion of immigration officials into the travel and arrival processes is minimised,

enhancing efficiency and traveller experience, which can only improve the national image and reputation of the tourism market.

Online pre-clearance or ETA arrangements can be implemented relatively inexpensively, and examples include Australia's ETA system, where the process is outsourced to the private sector, the US ESTA system, New Zealand pre-registration system, or PNGs E-visa arrangements. Several of these examples are self-funding, and may in some cases increase revenue return, demonstrating sustainability.

Online and electronic processes have the further advantage of also eliminating or substantially reducing the amount of low-value work performed by immigration staff. Benefits include:

- Data entry is done by the client
- Documents are scanned and submitted electronically by the client
- Visa evidence can be electronic
- Standard correspondence can be auto-generated
- Visitor applications meeting defined low-risk profiles can be auto-granted
- Electronic records or visas or other pre-clearance can be matched with API data
- Fees can be received and receipted electronically and automatically linked to an application, reducing the risks of cash and vastly improving accountability
- Online presence is global, increasing the reach of Immigration services at lower cost than traditional physical presence at an overseas mission or even HQ client service counter
- Staff previously involved in manual processes can be redeployed to more important tasks around assessment of identity and intent of travellers
- Reduction in operating costs

System Definition and Procurement Steps

The steps Country XX Immigration proposes to take in respect of procuring/upgrading/replacing a BMS consist of the following:

Identity and understand the extent of donor support for this step and any expressed supplier preference – modifying or deleting steps below accordingly.

Step 1: Planning the Procurement Based on an Identified Need

a) Obtain advice of a Business Analyst with border management system experience and/or an Immigration management expert with experience with border management systems procurement and/or design experience to:

- o Map the objectives for the procurement, factoring in principles of integrated border management, stakeholder mandates, interoperable systems, and international standards;

- o Detail a clear statement of business requirements, which must be included in any tender or market approach;

- o Research the market to understand capabilities and restraints and possible vendors; possibly including a Request for Information (RFI).

- o Estimate the value of the procurement.

b) Consider whether there are opportunities for cooperative procurement, such as but not limited to stakeholder border and law enforcement agencies.

Step 2: Determine the Procurement Method and approach the market

a) Decide upon Direct approach, Open Tender or Limited Tender.

b) If a tender is selected, prepare the tender evaluation plan and tender request documentation, and notify the market

Step 3: Evaluate Submissions and Conclude the Tender Process

a) Judge tenders or supplier proposal on the basis of value for money. This means cost is not the only consideration, factors such as existing alignment with business requirements, configuration requirements, capability, ability to interface with other national, regional and carrier systems, support, and regional experience with the vendor are all relevant considerations

b) Ensure the procurement process is/was fair, equitable and will stand up to scrutiny, including that the evaluation is conducted in accordance with the Tender Evaluation Plan.

c) Undertake a financial viability assessment(s) of the preferred supplier(s).

d) Develop and settle the design, deployment, and supply contract.

e) Advise unsuccessful tenderers.

Step 4: Manage the Contract (particularly where vendor is a private-sector supplier)

a) Develop a contract management plan to assist the supplier to understand and implement obligations under the contract.

b) Assess contract extension options on a value for money basis in accordance with the terms of the contract.

c) Appropriately consider and, as appropriate, issue contract variations.

d) Consider any obligations that survive the contract end-date or termination of the contract such as confidentiality.

Depending upon donor support and the extent of the procurement/upgrade or replacement, modify these accordingly.

Phase 1

Initially, support will be required from a donor to provide the services set out in Step 1 above. This is due to the fact that the relevant expertise in immigration / border management systems business analysis and advanced program management is scarce, and may require donor support to locate, fund and deliver.

This is likely to require

- A business analyst, preferably with border management systems expertise, or
- An immigration policy / management expert, preferably with an understanding of border management system procurement and design, and immigration procedures

Phase 2

Donor support may/will be required for the cost of the procurement.

Phase 3

Support may also be required to additionally assist as follows:

- A business analyst, preferably with border management systems expertise for Steps 3 and possibly 4
- An immigration policy/management expert (step 3)
- IT systems contract management expertise (steps 3 and 4)
- Contract management expertise (step 4).

2.   Legislative and Policy Reform

The United Nations Sustainable Development Goals (SDGs) target 10.7 aims to reduce inequality in and among countries by "*facilitate[ing] orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies*."

This governance-related objective is consistent with National Development Plan governance objectives, and similarly expressed donor aid objectives.

Current immigration portfolio legislation was last fully reviewed in **(year)**. **(State the legislation or policy, eg: Immigration Act & Regulations, Passport Act, Citizenship Act, Non-Citizens Employment Policy, National Visa Framework etc).**

The legislation has been identified as no longer delivering in accordance with agency and Government expectations in the following areas **(delete, expand as required):**

- Client service
- Employment of non-citizens and skilled entry
- Tourism facilitation
- Delegation of powers
- Powers
- Border controls
- Visa framework and design, types and categories, application criteria, conditions of grant
- International standards (specify - such as Chicago Convention Annex 9, etc)
- Online and electronic service delivery
- Fees and charges
- Compliance, enforcement and offences
- Dual citizens
- Trans-national crime
- Biometrics
- Privacy

This situation is demonstrably hampering effective migration management, border security, and development objectives because (**describe affected sectors and impacts**).

Whilst Immigration and State Solicitor (insert correct agency names) have conducted a preliminary review and gap analysis, it is clear that the following is required prior to submitting any reform legislation to Parliament:

- Full policy development including consultations and documentation
- Development of drafting instructions
- Legislative drafting

Neither agency is adequately resourced to conduct this work, not is there sufficient expertise in the country to bring to bear the necessary and current subject-matter knowledge.

Support Required

Donor support is required to locate and fund the services of a consultant or consultants capable of facilitating the appropriate policy review, followed by development of drafting instructions and legislative drafting (delete/amend as required).

Annex 7 – Opportunities for Regionally Coordinated Border Management

This Annex presents several interlinked, longer-term suggestions for regional border management which anticipate shared costs (possibly even being budget-neutral), and encourage cross-border collaboration consistent with Integrated Border Management principles, whilst preserving sovereignty. It is closely adapted from Annex 2 of PIDC's "Strengthening the Primary Line" paper of October 2020, which the author co-wrote[46], and is presented here as it is directly relevant to the regional role of PIDC and broader policy questions as to how small PICT Immigration agencies can aim to deliver their mandates over huge territories with the limited resources available to them.

1. API, E-visa, and Regional Traveller Data Sharing

The World Bank's *Pacific Possible Report 2017*[47] suggests that experience with regional collaboration in the Pacific indicates that the chances for success with shared arrangements are highest when collaboration is driven by the shared economic interests of participating countries. It cites the dramatic increase in revenue from fisheries under the Parties to the Nauru Agreement as a clear example of how cooperation among PICTs can help to unlock economic opportunities. The collaboration between labour-sending and labour-receiving countries is cited as another example of a collaborative arrangement that brings significant benefits to all parties involved.

In the context of this report, whilst PICTs could continue to address the issue of data sharing individually, the overall costs and complexity could be more efficiently and effectively addressed with a Regional, collaborative solution. Applying the ICAO Passenger Data Single Window (PDSW) concept to the Pacific, it is immediately apparent that an application of the principle is equally valid in a regional context as long as core conditions are met:

- Development and ongoing costs are sustainable
- Sovereignty is assured
- Legislative basis is clear
- Security and Privacy of data is assured
- Governance arrangements are defined
- BMS deployments are API capable
- Solution architecture is sustainable and scalable

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[46] Paper written by Peter Speldewinde, Jim Williams, and Haddon Wright for PIDC via Coordinated Border Solutions – www.coordinated-border.solutions

[47] Available at *http://documents.worldbank.org/curated/en/168951503668157320/pdf/ACS22308-PUBLIC-P154324-ADD-SERIES-PPFullReportFINALscreen.pdf*

- Flexibility in design allows responsiveness to different requirements, such as API type, whether PNR data is required, and agencies to which data must be transmitted domestically.

As mentioned elsewhere in this paper, API implementation is technically a **mandatory** ICAO standard following relevant UNSCRs. Similarly, PNR access, whilst not mandatory, is strongly recommended by ICAO and the UNSC. Adoption of API, and ultimately PNR data exchange with carriers forms part of ICAO's Traveller Identification Strategy, and would bring significant benefits border security in the Pacific.

Currently, only a few PICTs have access to API:

- Australia
- Cook Islands
- Fiji
- Nauru
- New Zealand

Adoption has been slow as in many cases, border management systems have not accommodated API, or in some cases, are not computerised. Budgets, staffing, reliable power supply and connectivity have also been significant issues in a number of countries over the past decade. This has seen most airlines sharing only hardcopy manifests of travellers with Immigration and/or Customs agencies, thereby limiting the value which can be derived from the data.

Most notably, a number of PICTs have procured, or are in the process of procuring API-capable BMS, including:

- IOM's MIDAS (installed in RMI)
- UNCTAD's Asycuda Passenger Processing Module (ASYPX)
- Merit BMS (functionality currently dormant in PNG and Samoa)
- Informatics Infoborder (installed in Fiji)

The design and acquisition of some of these systems has been supported by donors, suggesting there is appetite for adoption of API in the Pacific by both home governments and the donor community.

Another issue has been the cost and complexity of arranging connections with airlines. Major airline data network suppliers such as Société Internationale de Télécommunications Aéronautiques (SITA) charge a commercial fee, which may be prohibitive for PICTs acting individually. Individual airline connections are also possible, but may require bespoke arrangements which bring cost and complexities, particularly if new carriers enter the market and require different connections.

Apart from the UNCTAD ASYPX system, these systems also have the capability to accept online applications and payment for visas, and to issue e-visa or ETA-like products. Only one PIDC member, other than Australia and NZ, is known to have deployed this capability - Papua New Guinea.

In 2018, Dutch authorities proposed via ICAO an amendment to the Chicago Convention, Annex 9, Chapter 9, to create a (mandatory) standard 9.1 to the effect that "*States requiring the exchange of Advance Passenger Information (API),/ interactive API (iAPI) and/or Passenger Name Record (PNR) data from aircraft operators shall create a **Passenger Data Single Window** facility for each data category or both data categories combined that allows parties involved to lodge standardized information with a common data transmission entry point for each category to fulfil all related passenger and crew data requirements for that jurisdiction.*".[48]

The Dutch proposal included lessons learned from that jurisdiction, in which it was clear that moving to a Passenger Data Single Window (PDSW) arrangement is easier when this is done deliberately at the beginning. This recommendation was adopted by ICAO via amendment 27 to **Annex 9** – Facilitation, which was anticipated to become effective on 21 October 2019 and to become applicable on 21 February 2020.

The PDSW amendments to Annex 9 are important and relevant as they provide a legal and technical precedent of considerable value to PICTs, and provide an impetus to ensuring that Integrated Border Management principles drive any systems development in these areas domestically.

In practical terms, this means that data from airlines (API/PNR data), and e-visa solutions should be collected from the source (being carriers and travellers) once only. The legal, policy and technological arrangements are constructed so as to ensure that data is transmitted or shared behind the scenes with each other agency which needs it to ensure collective border management objectives are met.

2.   A Pacific Passenger Data Single Window

A Pacific PDSW arrangement envisages a single point of entry for carriers through which to transmit API (and potentially at a later stage, iAPI and/or PNR data) to the authorities of participating States. It also envisages a single point of contact from which participating member states could receive this data, constructed in a way that no other party, including other participating states could see the data, unless for some reason the "owner" state so wished. Participating States then have the option of sharing this data within their own

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[48]   See the ICAO Facilitation Panel working paper of September 2018 at https://www.icao.int/Meetings/FALP/Documents/FALP10-2018/FALP10.WP5.Single%20Window-Netherlands-Final.pdf . See also the Dutch presentation in this matter at https://www.icao.int/Meetings/FALP/Documents/FALP10-2018/WP5.Single%20Window%20for%20passenger%20Information.pdf

jurisdiction, for example, including Immigration and Customs in the data reception arrangements.

The value inherent in the concept is that with a Pacific PDSW, both carriers and regional government agencies gain a standards-based, cost shared arrangement, intentionally constructed in this manner whilst relevant BMS are also designed and deployed, saving complex integrations which may emerge if this were done later. In addition, should a Single-Window concept be pursued for API, it has equal relevance with online visa application and payment arrangements.

Apart from requiring enabling domestic legislation, a regional, collaborative approach will require some form of governance arrangement. Depending upon the business model employed, this may be a contractual arrangement with a provider, or a MoU with the operating agency or body.

Sovereignty of data would need to be assured, and any coordinating partner will need to be trusted by participating States. One possibility might be for the coordinating partner function to be established under the auspices of the PIDC Secretariat or some similar coordinating agency.

System architecture will also play a part in these considerations. Secure cloud hosting could be considered, noting that some existing Pacific BMS solutions already make use of this architecture (UNCTADs ASYPX Passenger Module, and the E-visa payments gateway for PNG's Merit BMS).

Options for funding ongoing costs could include:

- National budget support from participating member States, split between each State based upon traveller volumes
- Ongoing donor support
- Cost recovery via a levy on passenger tickets or similar

Of these, ongoing donor support beyond initial development costs appears least likely unless a compelling case can be made that the ongoing support and operation of the system provides clear benefits in enabling donor countries to push their border decision-making out further to the mutual benefit of all parties.

Consistent support from national budgets of member states may also prove challenging, but may be more likely than open-ended donor support and should be explored.

Cost recovery via a levy on airline tickets in the region is also a possibility worth exploring. Based upon pre-COVID-19 South Pacific Tourism Forecasts[49], it would appear that a charge of AUD$1 per ticket would likely support annual running costs, and leave funds over to support related initiatives such as that suggested below.

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[49] https://corporate.southpacificislands.travel/spto-releases-2019-2024-pacific-tourism-forecast/

Were the cost-recovery model to be pursued, this would likely require legislative arrangements within participating States, and were a regional entity such as PIDC to "host" the solution or at least provide a central point of governance for it, clarity that its legal entity status would permit this would be important.

A similar synergy may lie in the gradual adoption of pre-clearance, e-visa, or ETA-like arrangements in the Pacific. Sharing of cloud-based resources to accept applications and payments, securely transmitting these to participating agencies, fully respecting privacy and sovereignty whilst sharing costs is worthy of consideration. Examples of this sort of collaborative work can already be seen in the region with shared Statistical and Procurement and tendering websites.[50]

3.   A Pacific Border Operations Centre

When considering the foregoing, it is also possible to consider further collaboration to reduce and share costs and improve regional border security such as some form of co-located Joint Border Clearance Operations Centre.

Whether physically co-located in a chosen PICT, or virtually linked, the concept would see officers operating to clear flights based upon API data and their own BMS arrangements, possibly also processing ETA applications which require human intervention or alert hits whilst co-located with officers from regional partner agencies.

The concept anticipates sovereignty of data and national processes are fully respected, however where problems arise or travellers of concern are detected, collaboration with officials of countries of origin and transit would be able to take place following clearly established governance arrangements in real time. This would increase the likelihood that robust assessment of passengers would occur quickly resulting in them either being offloaded from a flight before departure, or being cleared and given a 'light touch' on arrival having had risks assessed in advance.

This also has the attraction in that the capability of smaller Immigration services would be significantly enhanced, leveraging the concept that one country's departure becomes another's arrival, significantly reducing the pressure on primary line officers.

With improvements to internet connectivity and BMS capability in the region, this along with the concepts discussed above are no longer in the realm of the impossible. Drawing on the concepts of CBM, sitting under the governance framework of a trusted regional partner such as PIDC, it is possible that a well-constructed proposal would attract donor support

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[50] See https://in-tendhost.co.uk/adbprocurementnetwork/aspx/Home for Pacific Procurement and Tendering, and https://sdd.spc.int/ for Pacific Statistics.

given the clear improvements in regional border and aviation security outcomes that would follow.

Annex 8 - References and Further Reading

1. International Law

- "Compendium of International Migration Law Instruments", Richard Perruchoud & Katarina Tomolova (eds), International Organization for Migration, 2007. Details and table of contents listing the instruments is at https://www.asser.nl/ihcl-platform/about-ihcl-platform/asser-press-publications/?rId=4301

- International Instruments related to the Prevention and Suppression of International Terrorism, United Nations, New York 2008. Available at https://www.unodc.org/documents/terrorism/Publications/Int_Instruments_Prevention_and_Suppression_Int_Terrorism/Publication_-_English_-_08-25503_text.pdf

- **Convention on International Civil Aviation (the Chicago Convention)** – Available at https://www.icao.int/publications/pages/doc7300.aspx
    - Annex 9, at https://www.icao.int/WACAF/Documents/Meetings/2018/FAL-IMPLEMENTATION/an09_cons.pdf

- **Convention on Facilitation of International Maritime Traffic (FAL 65)** – Available at http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/Convention-on-Facilitation-of-International-Maritime-Traffic-(FAL).aspx

- **1951 Convention on the Status of Refugees** – Available at https://www.unhcr.org/1951-refugee-convention.html

- **International Convention on the simplification and harmonization of Customs procedures (as amended), known as the Revised Kyoto Convention** – Available at http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/conventions/pf_revised_kyoto_conv.aspx

- **United Nations Convention against Transnational Organized Crime** and the
    - Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children
    - Protocol against the Smuggling of Migrants by Land, Sea and Air

Available at https://www.unodc.org/unodc/en/organizedcrime/intro/UNTOC.html

- **International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families** – Available at https://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx

- **Convention on the Rights of the Child** – Available at https://www.ohchr.org/en/professionalinterest/pages/crc.aspx

- **Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (or Hague Adoption Convention)** – Available at https://www.hcch.net/en/instruments/conventions/full-text/?cid=69

- **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**. Available   at https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx

- **United Nations Convention on the Law of the Sea (UNCLOS)**. Available at https://www.un.org/Depts/los/convention_agreements/convention_overview_convention.htm

- "International Migration Law", Vincent Chetail, 2019, Oxford University Press. DOI: 10.1093/law/9780199668267.001.0001 - Print ISBN-13: 9780199668267. Available via https://opil.ouplaw.com/view/10.1093/law/9780199668267.001.0001/law-9780199668267

2.   Global Compacts

- **Global Compact for Migration** - https://www.iom.int/global-compact-migration
  - Related IOM thematic papers are at https://www.iom.int/iom-thematic-papers

- **Global Compact on Refugees** - https://www.unhcr.org/en-au/the-global-compact-on-refugees.html

3.   Comparisons of Immigration Law

- International Comparative Study of Migration Legislation and Practice, April 2002 - https://publications.iom.int/system/files/pdf/international_study_legislation.pdf

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4.   Integrated Border Management

- Coordinated border management: from theory to practice" by Mariya Polner, World Customs Journal, 2011, Vol 5, No. 2, pages 49-64 - http://www.wcoomd.org/en/topics/facilitation/activities-and-programmes/coordinated-border-management.aspx

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- McLinden, Gerard, "Collaborative border management : a new approach to an old problem", 2012, World Bank, available at http://documents.worldbank.org/curated/en/693361468331207794/Collaborative-border-management-a-new-approach-to-an-old-problem

5.   Traveller Identification

- Chicago Convention, Annex 9 – Traveller Facilitation (ICAO), available at https://www.icao.int/WACAF/Documents/Meetings/2018/FAL-IMPLEMENTATION/an09_cons.pdf

- European Union – PNR Policy - https://ec.europa.eu/home-affairs/what-we-do/policies/police-cooperation/information-exchange/pnr_en

- ICAO TRIP Strategy and related supporting documentation, available at https://www.icao.int/Security/FAL/TRIP/Pages/Publications.aspx and specifically
  - ICAO TRIP Guide on Border Control Management 2018, available at https://www.icao.int/Security/FAL/TRIP/Documents/ICAO%20TRIP%20Guide%20BCM%20Part%201-Guidance.pdf
  - ICAO TRIP Strategy Compendium, 2017, available at https://www.icao.int/Security/FAL/TRIP/Documents/9161_ICAO__icao-trip-Compendium_v15_HIRES_no_Spine.pdf

- ICAO Document 9303 – Machine Readable Travel Documents – available at https://www.icao.int/publications/pages/publication.aspx?docnum=9303

- WCO – API Guidelines & PNR Reporting Standards - http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/tools/api-pnr.aspx

6. Compliance and Risk Management

- WCO Customs Risk Management Compendium – Available at http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/tools/risk-management-compendium.aspx

- Chapter 6, World Bank – Border Management Modernisation, 2011 - Available at http://documents.worldbank.org/curated/en/986291468192549495/pdf/588450PUB0Bord101public10BOX353816B.pdf

- The Revised Kyoto Convention – World Customs Organisation – Convention and related resources at http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/conventions/pf_revised_kyoto_conv.aspx

7. Trans-National Crime & Security

- UNODC - Transnational Organized Crime in the Pacific: A Threat Assessment (2016) – Available from https://www.unodc.org/documents/southeastasiaandpacific/Publications/2016/2016.09.16_TOCTA_Pacific_web.pdf

- UNODC – Toolkit to Combat Smuggling of Migrants, available at https://www.unodc.org/unodc/en/human-trafficking/migrant-smuggling/toolkit-to-combat-smuggling-of-migrants.html

- UNODC – Toolkit to Combat Trafficking in Persons, available at https://www.unodc.org/unodc/en/human-trafficking/2008/electronic-toolkit/electronic-toolkit-to-combat-trafficking-in-persons---index.html

- Pacific Islands Forum Secretariat Website – Security, available at https://www.forumsec.org/security/#1509850993375-113a6d90-5fac

- UNODC - Manual on International Cooperation in Criminal Matters related to Terrorism, 2009, available at https://www.unodc.org/documents/terrorism/Publications/Manual_Int_Coop_Criminal_Matters/English.pdf

8. Migration Health Policy

- IOM Migration Health*:* http://www.iom.int/migration-health

- International Migration, Health and Human Rights, IOM 2013 - https://www.ohchr.org/Documents/Issues/Migration/WHO_IOM_UNOHCHRPublication.pdf

- Promoting the health of refugees and migrants – WHO - https://www.who.int/docs/default-source/documents/publications/promoting-health-of-refugees-migrants-framework-and-guiding-principles.pdf?sfvrsn=289d4ae6_1

9. Social and Economic Impacts

- Border Management Magazine, Mach 2019, "Interview: Border control, immigration policy, and economic performance" – available at http://bordermanagement.net/?p=1550

- "Labour Mobility in the Pacific Region" – PIDC (Dr Charlotte Bedford and Matthew Gibbs), October 2017

- OECD – Trade Facilitation - https://www.oecd.org/trade/topics/trade-facilitation/

- World Bank Pacific Possible Report (2017) – http://documents.worldbank.org/curated/en/168951503668157320/pdf/ACS22308-PUBLIC-P154324-ADD-SERIES-PPFullReportFINALscreen.pdf
  - *Tourism sub-report - http://pubdocs.worldbank.org/en/95491462763645997/WB-PP-Tourism.pdf*

- Receiving countries - OECD Report – "Is Migration good for the Economy?", 2014 – available at https://www.oecd.org/migration/OECD%20Migration%20Policy%20Debates%20Numero%202.pdf

- Sending countries – World Bank – "Migration and Remittances: Recent Developments and Outlook Special Topic: Global Compact on Migration", April 2017, available at http://pubdocs.worldbank.org/en/992371492706371662/MigrationandDevelopmentBrief27.pdf

10. General Reading

- ACP-EU & IOM - Visas in ACP Countries: Key Challenges and Way Forward - https://acpeumigrationaction.iom.int/sites/default/files/acp_eu_visa_report-web_small.pdf

- Border Security, Migration Governance and Sovereignty, Susan Martin and Elizabeth Ferris (IOM 2017) – available at https://publications.iom.int/books/border-security-migration-governance-and-sovereignty

- International Centre for Migration Policy Development (ICMPD) - https://www.icmpd.org/home/
  - o Policy Brief: Crossing borders in the next 15 years: How should and will border management develop? - https://www.icmpd.org/fileadmin/user_upload/12_01_18_BM_Policy_Brief.pdf
  - o Other migration-related links - https://www.icmpd.org/publications/useful-links/

- International Monetary Fund (IMF) - Regional Economic Outlook: Asia Pacific May 2018 - https://www.imf.org/en/Publications/REO/APAC/Issues/2018/04/16/areo0509

- International Organisation for Migration (IOM) – www.iom.int
  - o World Migration Report 2020 - https://www.un.org/sites/un2.un.org/files/wmr_2020.pdf
  - o Global Migration Indicators 2018 - https://publications.iom.int/books/global-migration-indicators-2018
  - o Glossary on Migration - https://www.iom.int/key-migration-terms

- o Migration Data Portal - https://migrationdataportal.org/

- o Migration and the 2030 Agenda: A Guide for Practitioners - https://migrationdataportal.org/tool/migration-and-2030-agenda-guide-practitioners

- o IOM Migration Governance Framework (MiGOF), 2015, available at https://publications.iom.int/system/files/migof_brochure_en.pdf

- Migration Policy Centre - http://www.migrationpolicycentre.eu/

- Migration Policy Institute – https://www.migrationpolicy.org/

  - o Immigration Data Matters (March 2018) - https://www.migrationpolicy.org/research/immigration-data-matters

- OSCE - labour migration management publications and tools - https://www.osce.org/publications/migration

- Pacific Island Statistics - https://prism.spc.int/ - soon to be moved to https://sdd.spc.int/

- PIDC Framework for Immigration Legislation - https://www.pidcsec.org/legislation/

- United Nations Department of Economic and Social Affairs – Population Division, Migration Data - https://www.un.org/en/development/desa/population/migration/data/index.asp

  - o Country-specific Migration Profiles - https://esa.un.org/MigGMGProfiles/indicators/indicators.HTM#oceania

- UNHCR – www.unhcr.org

  - o Asylum and Migration https://www.unhcr.org/en-au/asylum-and-migration.html

- United Nations Sustainable Development Goals - https://www.un.org/sustainabledevelopment/sustainable-development-goals/