



Agenda item 09: Panel Discussion Two – PIDC Legislation Review Project

Recommendations

The PIDC Regular Annual Meeting is invited to:

- a) **note** the panellist discussions and learnings regarding the PIDC legislation review project;
- b) **welcome** the work undertaken by the Republic of the Marshall Islands, Samoa, and Tuvalu to review and modernise their immigration legislation; and
- c) **encourage** the Secretariat to continue the provision of support in advancing this important work noting the activities to be undertaken in the 2018/19 Annual Work Plan.

Purpose

Members are to discuss the learnings of the 2017/18 PIDC legislation review project.

Background

2. Robust, modern and streamlined policies and legislation are a fundamental prerequisite for effective, transparent and fair immigration procedures and frameworks. A key role of the Pacific Immigration Directors' Conference (PIDC) is supporting Pacific Island Countries and Territories to modernise domestic immigration legislation aligning where appropriate national provisions to relevant international and regional standards and best practices.

PIDC Legislation Review Programme

3. PIDC recognises the importance of Members developing modern and streamlined national policies and legal frameworks aligned to international standards and best practices to support Members effectively execute their core business. Modern and streamlined policies and frameworks allow immigration agencies to:
- a) improve service delivery;
 - b) align organisational activities to national objectives;
 - c) increase inter-operability, collaboration and where appropriate integration of border enforcement activities with partner agencies and stakeholders;
 - d) strengthen compliance with the rule of law and respect for human rights;
 - e) improve support for labour and economic related initiatives; and
 - f) enhance effective border enforcement.

Activities

4. The Project consists of three phases. Phase I sets out to develop a set of legislative drafting instructions based on a review of:

- a) the Host Agency's immigration legal framework to identify gaps with existing regional and international standards and best practices utilising inter alia the PIDC Policy and Legislative Framework document as a primary resource;
- b) current and upcoming national and international immigration policy drivers; and
- c) agreed recommendations on proposed reforms presented and discussed through national consultations.

5. Phase II involves the development of draft amending provisions based on the legislative drafting instructions. PIDC undertakes the development of these drafting provisions through a partnership approach where either Members may choose to utilise in-house legislative drafting expertise or seek the support of the Pacific Islands Forum Secretariat (if available) or NZ Parliamentary Counsel legislative drafters.

6. Phase III involves the drafting of accompanying regulations to support the revised immigration legislation where, for the purposes of continuity, the drafting of regulations utilises the same legal drafter Members used in phase II.

7. In 2017/18, PIDC successfully rolled out its legislation review programme adopting the 3-phase methodology working with the Republic of the Marshall Islands from October 2017, Samoa in April 2018, and Tuvalu in May 2018. Cook Islands also undertook a review of their immigration legislation through institutional support provided by Immigration New Zealand. These four Members are to discuss in the panellist session their experiences during their respective review programme especially on learnings that should assist Members in future legislative review programmes.

Financial Implications

8. There are four scheduled legislative review activities to be undertaken in 2018/19 based on requests to the Secretariat (Tonga, Solomon Islands, Kiribati and Federated States of Micronesia (to be confirmed)) and these have been included in the Annual Work Plan and Budget.

Annex 1: Panel Discussion Guidelines

Pacific Immigration Directors' Conference Regular Annual Meeting Guidelines for Panel Discussions

The following guidelines have been developed to assist you with your preparation for the Panel Discussions at the PIDC Regular Annual Meeting to maximize information exchange and interaction with conference participants in the limited time available.

2. There are seven panel sessions planned for the Regular Annual Meeting. Each session is structured to provide Session Objectives with specific Session Outcomes to be achieved and Key Issues to be discussed. Due to time constraints, not all panellists will be invited to present and the selection of presenters will be discussed between the panellists with the Secretariat having the final say should there be more than one presenter seeking to present on a specific topic.

Panel discussion process

3. The panel discussion process is as follows:
- i. Prior to each Panel Session the Chair will provide a brief introduction of the topic and its relevance to the PIDC.
 - ii. The Facilitator will provide a very brief introduction (no longer than 4 minutes):
 - a) outlining objective(s) of the panel discussion;
 - b) introducing the panellists; and
 - c) introducing the panellist presenters, their topics and the time limits.
 - iii. Each Panel will be invited to provide between two and three presentations (depending on allocated time) and Presenters will be given an 8-10 minute speaking time slot to present on their topic. Presenters will be requested to adhere to this time limit to ensure there is adequate time available for open discussion among the participants.
 - iv. At the completion of the scheduled presentations, the non-presenting panellists will be invited to make verbal interventions regarding their experiences with the issue discussed and the objectives of the panel discussion.
 - v. The Facilitator will then open the discussions for comments from the floor.
 - vi. At the conclusion of the open discussions, where there are recommendations, the Chair will invite Members to consider/endorse the proposed recommendations.

Role of Facilitator

4. The main role of the Facilitator is to: (a) guide discussions in the session they are facilitating to ensure the session objectives are achieved; and (b) manage the time (very important) noting the Secretariat will support their role by providing a timekeeper.

5. The Secretariat will provide talking points to guide the Facilitator's interventions and prompt discussions from the panellists who are expected to have expert knowledge of the issues to be discussed.

Role of Presenters

6. Presentation Guidelines:
 - i. Presenters are limited to making presentations between 8 – 10 minutes (unless informed otherwise).
 - ii. Presenters are encouraged to use PowerPoint presentations which each should consist of not more than 8-10 slides (all inclusive) looking to speak for about one minute per slide on average.
 - iii. Unless the Presenters advise otherwise, all material received will be distributed in electronic form.
 - iv. Besides PowerPoint slides, Presenters are requested to submit one or two key message(s) or recommendations from their presentations to:
 - a) Assist the Facilitators for each respective session in guiding the discussions; and
 - b) Inform the drafting of the workshop outcomes document for the participants to consider. These key messages need to be brief, clear and to the point and should not be more than one or two sentences per key message. Presenters will be requested to submit these key messages by 5 June 2018 to the Secretariat on info@pidcsec.org.

Role of non-presenting panellists

7. These panellists are recognised as having an important point to contribute to discussions but due to time constraints are not provided with a presentation slot. In this instance, these panellists will be asked to make brief comments on their experiences relative to the objectives of the agenda item.