



- Agenda item 6: RMS Output 1: A centre for advice, research, information sharing and analysis on relevant immigration issues**
- a) PIDC Legislation Review Programme**
  - b) Information Sharing Working Group Update**
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### **Proposed Recommendations**

The Board is invited to:

#### **(a) Legislation Review Programme Update**

- (i) **note** the update to the legislation review programme and the work undertaken to date; and
- (ii) **encourage** the Secretariat to continue working with members to progress the completion of their respective legislation modernisation programme.

#### **(b) Information Sharing Working Group Update**

- (i) **endorse** and **determine** a date most convenient for members to host the PIDC NCP and Profiling and Intelligence Support Group;
  - (ii) **encourage** the Secretariat to explore partnering opportunities with partner stakeholders in hosting a regional table top exercise; and
  - (iii) **encourage** the Secretariat to work with the ISWG to develop a workshop programme in consultation with partner agencies.
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### **Purpose**

This paper provides an update to the PIDC Legislation modernisation programme in addition to discussing upcoming activities for the Information Sharing Working Group to consider.

#### **a) Legislation Review Programme Update**

##### **Background**

2. A key responsibility of the Pacific Immigration Development Community (PIDC) is supporting PIDC Member Countries and Territories to modernise and align domestic immigration legislations and Standard Operating Procedures where appropriate to relevant international and regional standards and best practice.

##### **Update**

3. Table 1 below provides a summary of the legislation review programme and the stages where the respective countries assisted under PIDC's modernisation programme are at. Three member countries are scheduled for support in phase one of the legislation review programme in this 2022/23 financial period including Niue, the Solomon Islands and

Palau; with Tonga, Samoa and the Solomon Islands currently scheduled for phase 2 while ongoing work to finalise Samoa, Tonga and Tuvalu legislation review projects continues.

*Table 1: Summary of 2022-23 Legislative Review Modernisation project – Phase One: Policy and Legislation Support*

Country		Legislation Review Project Update
Niue (Phase One)	Immigration Act	<ul style="list-style-type: none"> <li>- Desktop analysis of Niue Immigration legislation and amendments to develop drafting instructions completed</li> <li>- National consultations completed in August 2022</li> <li>- Currently working to finalise Niue Drafting Instructions to be submitted to Niue for consideration before end of Quarter 2</li> </ul>
Solomon Islands (Phase One)	Immigration Act	<ul style="list-style-type: none"> <li>- First drafting instruction completed and provision of technical support provided to support Solomon Islands national consultations</li> <li>- Local Technical Assistant recruited and national consultation programme on Solomon Islands Immigration Bill initiated with Malaita and Guadalcanal Province national consultations completed in September 2022</li> <li>- National consultations for remaining provinces to be completed by February 2023</li> <li>- Development of additional drafting instructions to review Immigration Bill following completion of national consultations to be submitted by end of March 2023</li> </ul>
Palau (Phase One)	Immigration Act	<ul style="list-style-type: none"> <li>- Currently scheduled for Quarter 3. However, Secretariat currently monitoring funding support that Palau has secured through UNDP that could potentially be used to also support the review of Palau's Immigration legislation</li> </ul>

*Table 2: Summary of 2022-23 Legislative Review Modernisation project – Phase Two: Drafting of Legislation*

Tonga (Phase Two)	Immigration Act	<ul style="list-style-type: none"> <li>- Immigration Act Drafting Instructions completed</li> <li>- Tonga to advice of recruitment of locally based legal drafter to support drafting of draft immigration bill and drafting programme</li> </ul>
Samoa (Phase Two)	Regulations	<ul style="list-style-type: none"> <li>- Draft Immigration Regulations completed and currently undergoing final national approval process</li> </ul>
Solomon Islands (Phase Two)	Immigration Act and Regulations	<ul style="list-style-type: none"> <li>- Currently scheduled for Quarter 4 and will be determined by the completion of national consultations on immigration bill</li> </ul>

*Table 3: Summary of ongoing work to complete members modernisation programme*

Tuvalu (Ongoing)	Immigration Act	- Draft Immigration Bill and Draft Immigration Regulations completed
	Passport Act	- Development of desktop analysis of Tuvalu Passport Act completed - Development of Tuvalu Passport Act Information paper based on desktop analysis for Tuvalu to consider for Cabinet information completed - Tuvalu to determine decision to progress to next stage of Passport Act review
Tonga (Ongoing)	Passport Act	- Drafting Instruction completed - Tonga to determine scheduling of Drafting consultation programme
Samoa (Ongoing)	Immigration Act	- Immigration Act 2020 passed by Parliament
	Regulations	- Draft immigration regulations completed and currently undergoing final review for Parliament approval
FSM (Ongoing)	Immigration Act	- Drafting national consultations and Drafting Instruction completed - However, Project currently out on hold due to competing national priorities in FSM and any progress to next programme phase will be determined by the FSM government

### **Proposed Recommendations**

The Board is invited to:

- (i) **note** the update provided by the Secretariat and the work undertaken to date; and
- (ii) **encourage** the Secretariat to continue monitoring members modernisation programme and keep working with members to complete their respective legislation modernisation programme.

### **b) Information Sharing Working Group Update**

#### **Background**

4. PIDC in 2016 had endorsed the establishment of a Working Group to strengthen information sharing (ISWG) amongst members and to strengthen law enforcement and border management capacity in advancing national and regional strategic objectives for closer collaboration. The ISWG membership under its current structure is currently chaired by the Secretariat with its membership consisting of Australia (Donor), New Zealand (Donor), Fiji (Major Flight Hub), and regional representatives Palau (Micronesia), Vanuatu (Melanesia), Samoa (Polynesia), Tuvalu (Small Island States) and French Polynesia (Vessel hub). Since its establishment, the ISWG has worked towards enhancing Members' capacity to share information resulting in:

- a) Members endorsement and signing of the PIDC Memorandum of Arrangement on Information Sharing in 2018;
- b) Members endorsement of the ISWG and Profiling and Intelligence Support TOR;

- c) The development and establishment of PIDC’s accredited National Contact Point through a formalised registration structure;
- d) The establishment of the Profiling and Intelligence Support Group (PISG) to facilitate the sharing of time sensitive operational information;
- e) The prioritisation of work to support national data collection and analysis through the PIDC Enforcement Data Collection Tool (PEDCT) (introduced to Palau and Solomon Islands);
- f) Holding a regional National Contact Point Workshop to enhance PIDC Members capacity to readily access available platforms to collect, store, analyse and share immigration specific information;
- g) The development of standardised reporting templates to guide Members responsibility in requesting or sharing information; and
- h) Members endorsement and adoption of the All-Partners Access Network System (APAN) as a secure information sharing platform for members to share information.

### **ISWG Terms of Reference Review**

5. While the ISWG’s activities and meeting were impacted by COVID-19 forcing international travel to ground to a halt from 2020 with a reduced level of engagement and activity, Board members at its most recent August 2022 Board meeting identified the need to review the ISWG’s functionality in an evolving COVID-19 impacted operational environment, where the Board subsequently:

- a) **tasked** the Secretariat to revisit the TOR of the ISWG and review its functionality and how it can be strengthened to become more effective to sustain its effectiveness into the future; and
- b) **tasked** the Secretariat to provide a background paper on the ISWG to all members for information.

6. While the Board has tasked the Secretariat to review the ISWG TOR, the Secretariat however intends to present the findings of its review at the first ISWG meeting for ISWG Members to consider before a final recommendation is presented to the Board for final consideration and endorsement.

### **Proposed ISWG Calendar of Activities**

7. The Secretariat proposes that the activities listed in Table 1 should form the basis of the ISWG Work Plan to be undertaken and coordinated through the Secretariat. To support coordination and implementation, the Secretariat proposes that the ISWG meet twice in: (a) Quarter 2; and (b) Quarter 3 of this financial period. One of these meetings is proposed to coincide with the NCP, Profiling and Intelligence Support Network Workshop while the second can be undertaken virtually or coincide with the Second Board meeting schedule.

*Table 1: Proposed Calendar of Activity*

<b>Activity</b>	<b>Purpose</b>	<b>Date</b>
ISWG Meeting	<ul style="list-style-type: none"> <li>- To review ISWG Structure and TOR and identify new activities to strengthen PIDC Information Sharing Network; and</li> <li>- Discuss and recommend new activities to strengthen members information sharing capability</li> </ul>	TBC

National Contact Point, Profiling and Intelligence Support Group Workshop	Strengthening of Accredited National Contact Points and PIDC Profiling and Intelligence Support Network	TBC
ISWG Meeting	- To review information sharing activities and identify new opportunities to strengthening PIDC's information sharing network	TBC

### **Update of Accredited National Contact Points Registry**

8. The network of accredited National Contact Points is the main formal mechanism for sharing information under the MoA. The network structure was designed to promote trust between Members by providing an agreed process that is adhered to ensure that each NCP at a minimum is proficient in the treatment of shared information according to its security classification. By requiring the National Administrator to manage the accreditation process ensures that a senior officer for each Member is invested in the network and responsible for the activities of the NCP. Consequently, the Secretariat intends to reach out to all Directors to update their respective NCP contact registration details since PIDC's last registration drive in 2018.

### **National Contact Point, Profiling and Intelligence Support Workshop**

9. This regional workshop intends to host a National Contact Point (NCP), Profiling and Intelligence Support and NCP Workshop to strengthen information sharing between Pacific Immigration Development Community (PIDC) Members and partner organisations and implement the PIDC Memorandum of Arrangement signed in 2018. PIDC Members established the PIDC Regional Profiling and Intelligence Support Group (PIDC PISG) in 2019 to:

- a) support the secure and sustained real time sharing of immigration information between Members and partner organisations to support tactical and operational decision-making;
- b) ensure shared information where appropriate is communicated to frontline immigration officers in order to support tactical and operational decision-making;
- c) assist PIDC Members where appropriate by providing information to support profiling and intelligence activities at the national level; and
- d) coordinate regional targeting campaigns or operations.

10. This regional workshop has been budgeted in the approved 2022/23 Annual Workplan and was scheduled with the intention of hosting our National Contact Points and Profiling and Intelligence Support Group. In addition, the regional workshop provides an opportunity to invite partner organisations for the inclusion of Customs and Police counterparts working with their Transnational Crime Units (TCU's) or equivalent to hold a regional inter-agency table top exercise. This Table top exercise will be an extension to the inaugural virtual table top exercise that was coordinated through the Pacific Security

College in 2020. One of the recommendations emerging from that inaugural table top exercise was the need to hold a face-to-face exercise.

11. In this regard, PIDC has begun exploring funding options with the Australian Pacific Security College with the intention of inviting our Customs and Police representatives should the APC consider funding support to this activity.

12. Details to the proposed workshop are attached as Annex One.

#### **Proposed Recommendations**

The Board is invited to:

- (i) **endorse** and **determine a** date most convenient for members to host the PIDC NCP and Profiling and Intelligence Support Group;
- (ii) **encourage** the Secretariat to explore partnering opportunities with partner stakeholders in hosting a regional table top exercise; and
- (iii) **encourage** the Secretariat to work with the ISWG to develop a workshop programme in consultation with partner agencies.

## ***Annex One: Concept Note on Regional Workshop on NCPS & Profiling & Intelligence Support Workshop***

### **National Contact Point and Profiling and Intelligence Support Group Workshop - Identity Security and Border Management**

#### **Background**

Members had signed in 2018 the PIDC Memorandum of Arrangement to strengthen information sharing between Pacific Immigration Development Community (PIDC) Members and partner organisations. Consequently, PIDC formalised the establishment of an accredited National Contact Point Network (NCP) and the Profiling & Intelligence Support Group (PISG). The establishment of the NCP and the PIDC PISG in 2019 was to:

- a) support the secure and sustained real time sharing of immigration information between Members and partner organisations to support tactical and operational decision-making;
- b) ensure shared information where appropriate is communicated to frontline immigration officers in order to support tactical and operational decision-making;
- c) assist PIDC Members where appropriate by providing information to support profiling and intelligence activities at the national level; and
- d) coordinate regional targeting campaigns or operations.

#### **NCP and PISG Impact**

As a result of the establishment of the two-specialist information sharing groups PISG, information sharing between Members increased significantly prior to COVID-19 with information shared across the network relating to over 160 persons and entities of interest. A significant number of these cases relate to verification of identity and travel documentation. The flow on effect of the PISG activities has seen formal PIDC Alerts nearly triple the previously highest recorded levels over a 12-month period.

#### **Issue**

While the information sharing culture has now firmly embedded within the PIDC NCP and PISG, further training is required following the closure of international borders between 2020 – early 2022 and the need to maintain information exchange momentum amongst Members and ensure processes and activities are more streamlined, standardised, and subjected to appropriate governance measures. Focused training on identifying identity fraud at the border and accessing third country immigration support to verify identity and authenticity of travel documents will be a particular focus for the workshop.

#### **Proposed Activity**

PIDC proposes to host a 4-day regional training workshop for the NCP and PISG in Nadi, Fiji to strengthen governance and promote standardised information sharing processes, secure communication platforms (such as the JIATFW All Partners Access Network (APAN)) and interoperability with Police and Customs to ensure that the NCP & PISG Network is sustainable and fully meeting the needs of PIDC Members and partner organisations.

A key activity of the training workshop will be a joint inter-agency table top exercise to be held with representatives of Customs and Police agencies.

The national NCP and PISG representative from each country will be invited to attend the training which will also allow direct engagement with the Australian Liaison Officers based in Fiji. If funding permits, Customs representatives from the Pacific Islands Forum Member countries and Police Officers from the Pacific Transnational Crimes Network can be supported to attend the training activity and support the table top exercise.

The Workshop will advance PIDC's regionally mandated objective to strengthen border management and will also support:

- a) the implementation of the Boe Declaration on Regional Security as endorsed by Forum Leaders;
- b) the advancement of the Law Enforcement Declaration of Partnership between PIDC, OCO and PICP; and
- c) identifying how new regional structures such as the Pacific Fusion Centre and the Pacific Security College can best contribute to operational immigration issues such as identity security.

### **Projected Costings**

The Secretariat in its costing assessment had budgeted in its approved workplan for the activity to be held in Nadi, Fiji, in addition to projecting costs for 23 participants including Secretariat staff at SAT180,000/ FJD147,000/ AUD 101,000.

### **Workshop Objectives**

The Workshop has been developed to:

- a) build the capacity of the PIDC National Contact Points (NCP) and PISG to meet information needs of Member organisations and stakeholders;
- b) build the capacity of NCP's and PISG Representatives to effectively share Immigration information as required under the PIDC MoU using available PIDC communication platforms;
- c) ensure NCP and PISG representatives are fully aware and compliant with regional and national governance provisions;
- d) assist NCP and PISG representatives plan information collection operations as called for by Members at the 2019 PIDC Regular Annual Meeting; and
- e) hold an initial multi-agency table top exercise to build information sharing capacity across available platforms and law enforcement agencies.

### **Key Focus Areas:**

- a) information classification and security;
- b) processes for requesting and sharing information;
- c) processes for verifying identity of travellers and travel documents through information sharing;
- d) legal authority to share information;
- e) domestic training for PIDC agencies;
- f) use of information and intelligence resources and products provided by PIDC and partner organisations such as PTCCC and Pacific Fusion Centre;
- g) use of All Partners Access Network as an information sharing platform;
- h) analysis and use of information to support effective immigration decision making;
- i) developing and implementing regional information collection operations;

- j) possible areas and sources of training for PISG representatives (Pacific Fusion Centre, Pacific Security College, PTCCC); and
- k) sources of PIDC NCP & PISG Representative training on:
  - (i) roles and responsibilities
  - (ii) information to be collected
  - (iii) sharing information.