Strengthening Primary Line Operations for Small Pacific Island Countries and Territories

RESEARCH

Prepared by: Coordinated Border Solutions (Peter Speldewinde, Jim Williams, and Haddon Wright) for PIDC

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This Paper has been prepared by Coordinated Border Solutions on behalf of the Pacific Immigration Development Community Secretariat. It provides a comparative analysis of the current challenges confronted by Pacific Island Countries and Territories in managing their Primary Line operations against international standards and best practice, and the contemporary concept of Coordinated Border Management. The Paper is principles-based and draws on research, the personal experiences of the authors and comments and feedback from a range of stakeholders in developing a model of best practice for managing Primary Line operations. It includes an examination of the issues around 'ownership' and operation of the Primary Line and also proposes a range of additional policy options for consideration in the context of streamlining and modernising border management in the Pacific.

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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Acronyms and Expressions Used

ACP – African, Caribbean and Pacific Group of States

APEC – Asia Pacific Economic Cooperation

API – Advance Passenger Information

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

CBM – Coordinated Border Management - synonymous with "Integrated Border Management"

Chicago Convention – 1944 Convention on International Civil Aviation

Conops – Concept of Operations – document describing system operations from a user perspective

Entry Permit – see the definition for "Visa" below

EU – European Union

ICAO – International Civil Aviation Organisation

IOM - International Organization for Migration

MRTD – Machine-readable Travel Document

PDSW - Passenger Data Single Window

PICT – Pacific Island Country and Territory

PIDC - Pacific Immigration Development Community

PL – Primary Line

Refugees Convention – 1951 Convention relating to the Status of Refugees

SOP – Standard Operating Procedure – a document prescribing operational processes

SITA - Société Internationale de Télécommunications Aéronautiques

UNHCR - United Nations High Commissioner for Refugees

UNSC – United Nations Security Council. Following this, **UNSCR** means "UNSC Resolution".

Visa – authority to travel to, enter or remain in a country (contemporary term for 'entry permit')

VoA – Visa on Arrival – permission to enter a country given at the Primary Line

WCO – World Customs Organisation

WHO – World Health Organisation

Executive Summary

The Pacific Immigration Development Community (PIDC) has commissioned Coordinated Border Solutions (CBS) to consult with Pacific Island Countries and Territories (PICTs), undertake a program of research into international and regional best practice, and provide an assessment on how PICTs can strengthen their Primary Line (PL) operations focusing on:

a) identifying common strengths and challenges for managing PL operations in the Pacific;
b) developing a set of model best practices to guide PICTs' PL operations;
c) addressing the benefits and challenges of transferring PL operations to Customs; and
d) developing a set of recommendations to guide future actions of the PIDC and PICTs.

The management of people movements across borders is an important policy priority for an increasing number of countries due to an emerging range of concerns including: pandemics, the global spread of terrorism and trans-national crime, the (pre-COVID) growth in international tourism, ageing populations, and the occurrence of skills gaps in domestic labour forces. PICTs face the additional challenges of: managing vast maritime territories with limited resources; natural disasters; the increasing influence of external actors; and the impact of climate change. Because some countries are heavily reliant on foreign aid, their governments face major financial challenges and competing, donor-driven, development pressures and priorities, which can skew the timing and direction of domestic reforms.

Despite these challenges, the current Pacific environment presents clear opportunities for PICTs to achieve significant improvements in the scope and quality of their border management operations. In the context of this Report, these have the potential to generate significant efficiencies and economies of scale, particularly through the adoption of the concept of integrated or coordinated border management (CBM). In essence, CBM is about border management agencies, within the same country or internationally, establishing agreements, mechanisms and communication channels to improve the management of trade and travel flows, while maintaining a balance with national compliance requirements. As simple as this may sound, to achieve CBM requires know-how, financial resources, a very clear vision, and strong political will and commitment.

The PL is a cornerstone of CBM. Its main function is to establish the identity and intent of all travellers seeking to cross a country's border. This is Immigration's core business and the rest of the border control processes and checks governing the entry and exit of people and their goods and personal effects, performed by other agencies including: customs, agriculture, public health, bio-security; and other inspections authorized by law and (any) international convention or agreement to which a country is a party, are heavily dependent on these two objectives being met. In short, the PL is a major national asset, which plays a central part in the effective intervention and screening of travellers (and their effects) and which supports a range of policy

objectives on behalf of a wide variety of government agencies represented at the border and beyond.

The report identifies core elements of PL operations which could be standardised, shared or re-used by some or all PIDC member countries including through:

- modernised templates for legislation and procedures;
- clear "ownership" of information, functions and systems, with documented governance mechanisms controlling systems access, delegations and any sharing of responsibilities;
- harmonisation of visa architecture, and border management systems and processes;
- a common approach to negotiating access to third party information;
- a common approach to obtaining foreign government financial and technical assistance; and
- sharing support functions such as training, information collection and data management.

The issue of who should 'own' the PL was raised in a number of consultations with PICTs. From the research undertaken by CBS and direct feedback received from several PICTs, there is a clear suggestion that decisions taken by some countries to hand responsibility for the operation of the PL to Customs have not delivered the expected results in terms of savings from efficiency improvements in clearance processes, improved access to comprehensive and current alert information, and consequent improvements in the overall integrity of border management. There are three critical factors to be considered: the policy settings; the legislation which gives effect to those policies and under which the PL operates; and the information system which supports PL operations specifically, and border management in general. Responsibility for the first two factors clearly falls within the Immigration portfolio.

PL officers, perform the critical functions of establishing the identity and intent of travellers on the basis of powers delegated under the Immigration Act. This applies regardless of whether a PICT decides that the PL function be undertaken by Customs or by some other agency. From a risk management perspective, while the strategic risk in terms of a failure of border policy and/or legislation can have national consequences, the risk of operational failure is borne mainly by the Immigration agency. It is therefore a logical and legitimate argument that the agency which administers the policy and the legislation, issues the delegations to give effect to those policies under the legislation, and bears the operational risk, should also set the direction, enforce the standards, and be accountable, for the operation of the PL.

A similar consideration exists around any Border Management System (BMS) and the data held within it. The 2020 reality is that BMS functions need to be integrated and interoperable with the systems of other border control agencies. Whilst ownership of the BMS and the data contained within it should rest clearly with whichever agency owns the portfolio legislation and risk (generally the agency responsible for Immigration), it also means, that other agencies at the border should have appropriate, compartmentalised, access to the BMS according to whole-of-

government business needs. Police, Customs, Health, Quarantine, and Immigration all have a legitimate business case for access to some BMS data and functions such as alerts and movements. It is not tenable, and unnecessarily risky, for Immigration (or any other border control agency) to have to ask repeatedly for access to alert lists or data held in a BMS "owned" by Customs, and vice versa.

On the basis of direct feedback from government and non-government stakeholders and survey results, there is a need for closer coordination between border management agencies. CBM, if effectively deployed at the PL, can deliver benefits to both government and the private sector including:

- greater public awareness of the need for good governance in border management;
- a clear articulation of policy and procedural requirements and commitments directly related to regional and international agreements;
- prompt and predictable clearance processing for compliant traders and travellers;
- transparency about the costs of inefficient, outdated, and redundant border management policies, legislation and processes; and
- a more responsive border management operation which better protects society from threats.

A more detailed discussion on the full suite of suggested changes is contained in the body of this report. The authors hold the view that the recommendations as outlined in **Section 11** are achievable; represent a win-win and present opportunities for improvement which should not be missed.

1.   Introduction and Background

"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 culture."

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. Emigration and the resulting connections with diaspora communities in Pacific-rim countries and the arrivals of tourists, foreign business, and skilled workers bring significant benefits along with risks which Governments expect immigration and border control agencies to manage.

Well planned and carefully managed immigration is an important policy priority for an increasing number of countries due to concerns about the global spread of terrorism and trans-national crime, pandemics, ageing populations, declining birth rates, advances in technology, the occurrence of skills gaps in the available supply of domestic labour, and forced and voluntary people movement. Countries in the Pacific are facing the additional challenges of: managing often vast maritime territories with very limited resources and surveillance capability; the impact of natural disasters; occasional political instability; the increasing influence of external actors; and the impact of climate change. Furthermore, because many countries are heavily reliant on foreign aid, governments face many pressing financial challenges and competing, donor-driven, development pressures and priorities.

In the face of these challenges, the Pacific environment also presents a number of opportunities, including the opportunity to co-ordinate and harmonise immigration policies, legislation, systems, information flows, and entry and exit processes. In the context of this review, these have the potential to generate significant efficiencies and economies of scale, particularly through the development and adoption of the concept of integrated or coordinated border management (CBM)[1].   In essence, CBM is about border management agencies, within the same country or internationally, establishing official agreements, mechanisms and communication channels to make the management of trade and travel flows more efficient and effective, while maintaining a balance with national compliance requirements.

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[1] See 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 and 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

As simple as this may sound, to achieve CBM requires know-how, financial resources, a very clear vision, and strong political will and commitment. If any of these is lacking, the process of reform can stagnate, particularly in the face of the influence of domestic interests that derive benefits from existing business processes, interdependencies, and relationships. Unlike the business or military world, where parties strive to gain a competitive advantage over their rivals, CBM presents the possibility of a win-win, because strengthening a partner agency's capacity (whether domestically or internationally) can reduce pressure on one's own agency through the creation of economies of scale in terms of available resources, and the generation of a common purpose.

The Primary Line (PL) is a cornerstone of efficient and effective CBM. It operates to manage the entry and exit of all travellers seeking to cross a national border with a particular focus on establishing travellers' identity and intent as a precursor to the checks performed by other agencies. These checks include the customs, agriculture, public health, bio-security and other inspections authorized by law and (any) international convention or agreement, to which a country is a party. Ideally, the operation of the PL is enabled by comprehensive information on passengers, received in advance of their arrival, supported by a well-managed targeting and alerts system which is fed by, and contributes to, the interests of a range of agencies at the border and beyond.

In short, **the PL is a key national asset**, capable of playing a central part in the effective intervention and screening of passengers (and their effects) which operates in pursuit of a range of policy objectives and on behalf of a wide variety of government agencies.

1.1   Principles

This Paper is based around a set of Principles drawn from research, the personal experiences of the authors and comments and feedback from stakeholders.

Principle 1. *Immigration requires a whole-of-government focus.* It is one of the few areas of public policy which directly contributes to all three of the main objectives of good and effective national government – **social cohesion, economic prosperity and national security**.

Principle 2. *The manner in which a country manages its border is driven by its national interests.* These interests are evidenced in its over-arching immigration policies, supporting legislation and underpinning border management policies, systems and procedures. They reflect the balance each country strikes between the primary drivers of **control** and **facilitation** and its level of **tolerance to risk.**

Principle 3. *Border operations need to be flexible and responsive to changes in the volume and composition of travellers, national interests, technology, and the operating environment.* The deployment and manner in which a PL operates must

also be in accordance with a country's **international agreements and obligations** and customised for their own national interests and operating environment**.**

Principle 4. *While each country has different challenges and interests there are core elements of a well-supported primary line regime which could be standardised, shared or re-used by some or all member countries.* This includes templates for legislation and procedures, a common approach to negotiating access to third party information or foreign government assistance. It could also include the provision of common supporting functions such as training, information collection and data management.

Principle 5. *The risks posed by the movement of travellers are most effectively managed by 'pushing' the border decision back towards the beginning of the travel pathway.* This practice, which many major countries have adopted, requires an effective framework of international agreements with source and transit countries and legislation which requires carriers to perform basic pre-embarkation identity and eligibility checking.

Principle 6. *When operated as part of a clearance zone, the PL is a key government asset for establishing, on behalf of a range of agencies, the identity and intent of travellers*. This objective is achieved through identity management techniques, establishing the bona fides of travellers and the monitoring, recording and analysis of people movements.

Principle 7. *Information obtained at the PL is critical to good governance.* It must be controlled, tightly targeted, consolidated and made available promptly (in varying degrees of detail) to a wide range of Government agencies, **consistent with national privacy legislation.**

Principle 8. *Passenger Declarations (both incoming and outgoing) are key evidentiary documents and an important source of information.* To minimise the level of irritation caused to travellers, the information sought needs to be well targeted and avoid repetition – **'collect once, use widely'.**

Principle 9. *Clearance processes at the border should be fast, flexible and scalable.* This is an imperative, regardless of which agency maintains responsibility for the operation of the PL.

Principle 10. *The PL and supporting BMS should remain under the ultimate control and oversight of the agency which has responsibility for the policy and enabling legislation.* This, typically, derives from immigration legislation and policy.

1.3   Assumptions

For the purposes of this paper the authors have assumed:

1. Moderate increases in the number of traveller movements over time, albeit with some volatility.

2. Land border management is not a significant PL issue for most PICTs but our analysis is broadly applicable to these limited operations.

3. The most significant issues that need to be addressed relate to the two highest volume channels: airport passenger processing and cruise ship passenger processing.

4. Issues associated with the processing of the crew of air and sea craft are largely out of scope and have not been explored in detail.

5. The features of international travel in the Pacific, including the needs of Pacific Island Countries and States (PICTs) and the expectations of travellers, while increasingly complex, are not likely to be subject to major changes to the operating or policy environments.

1.4   Methodology

In preparing this report CBS:

* researched and analysed a wide range of available material on PL best practice (see Annex 3) as well as bringing to bear direct experience in border management in Europe, the Middle-East, Asia, North America, and the Pacific in the development of the set of Principles for the effective operation of the PL;

* conducted an environmental scan to identify common PL challenges by means of a targeted survey of the border management operations of PIDC member countries. A summary of responses received is at sub-section 1.2 of **Annex 1;**

* was able to draw upon feedback and opinions about the operation of the current immigration arrangements received from both government and non-government stakeholders during an extensive series of face-to-face consultations undertaken in several Pacific countries including Federated States of Micronesia, Tonga, Tuvalu, Samoa, Solomon Islands and the Republic of the Marshall Islands. A synthesis of the feedback, as it relates to border management, is at sub-section 1.3 of **Annex 1**.
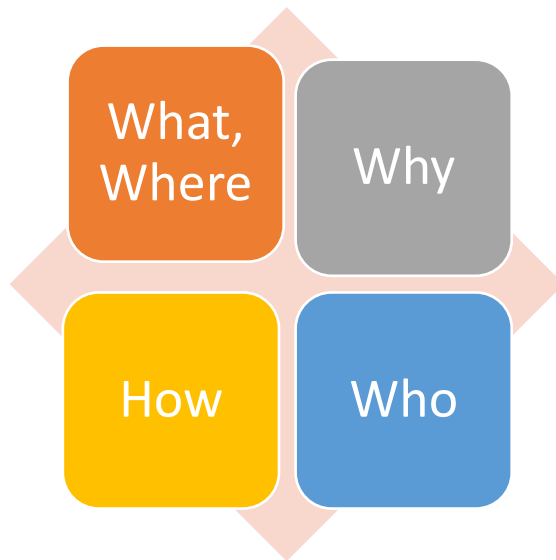
Figure 1: **Structure of this Paper moving clockwise from top left.**

2. What is the Primary Line?

In its simplest form, the PL is the first or last point of contact a traveller has with border management officials in a country they are arriving at, or departing from. It is a tool used by governments throughout the world to monitor and regulate the entry and exit of international travellers and is an important source of information for a wide range of government agencies.

Traditionally, in an airport setting and sometimes at seaports (for cruise ship processing, for instance), the PL generally takes the form of a booth, counter or some other form of barrier (whether manned or automated) which passengers must negotiate in order to enter or depart a country. The initial or final contact is with an officer of the country's Immigration agency - although this is changing in some parts of the world (see also Section 8 – 'Who Should Operate the PL' for a fuller discussion) because Immigration is primarily concerned with managing the lawful entry, stay and exit of non-citizens. In this regard, it works closely with other border agencies to facilitate efficient passenger processing to ensure that immigration integrity, national security and law enforcement requirements are satisfied.

A PL can operate as the sole point of examination but more commonly forms part of a 'clearance zone' which is an integrated series of checks conducted at the border. Checks of the identity and intent of travellers are conducted at the PL, to determine their immigration status, as well as some preliminary customs, quarantine and health process checks. Usually there are secondary examination processes which support it – including a process to refer more complex cases to supporting officers. In addition, there is normally a secondary process for examination of baggage for customs and quarantine purposes after passengers

have collected it from the carrier. At some ports of entry there is a coordination function which, in high volume ports, may be directed from a control room and which focuses all the various checks and activities on high-risk passengers and allocates resources as required.

Consistent with **Principle 3** above, PLs vary in the way they operate, usually depending upon:

- National policies and objectives;
- Scale – i.e.: the number of travellers;
- The mode of travel being regulated – i.e.: land, sea or air border operation;
- The nature of the traveller – i.e.: workers, tourists, migrants, expatriation etc.;
- Whether a visa or pre-travel registration system (or both) exists;
- Whether a BMS is operating at the PL, and its functionality;
- The level of inter-operability between government agencies concerned;
- International obligations and agreements; and
- Cost.

It should be kept in mind though, that a PL *process* can still apply in the absence of a hard barrier. Such a process can apply, for example, during the boarding of a vessel or at a land border. As noted at **Assumption 3** above, in this paper we focus on air and seaport PL operations although, in most cases, the principles we outline can apply to any PL process.

3. Where Does the Primary Line Operate?

A country's border is not always located at its geographical periphery and international gateways can be well inside national territory. In many countries, particularly in Europe, airports, railway stations, and river ports on international waterways are treated as border stations. In many instances, air travellers may have been over a country's territory for hundreds of kilometres before being subjected to Immigration clearance formalities. The nature and location of border delineation therefore has a direct impact on where PL activities occur. For the purposes of this report, the term "Primary Line", is used to describe the physical line of immigration processing desks or booths encountered at air and sea ports.

The traditional arrival PL is normally located within the secure or sterile area in the Arrivals hall of a port, and is generally positioned so that it forms a barrier which must be passed by arriving travellers before they move on to the baggage collection area, followed by customs and quarantine checking, which also occurs within the secure or sterile area. Similarly, airport departure arrangements involve a line of Immigration desks or booths located immediately after airline check-in and aviation security checking, within the sterile or secure area of the Departures hall.

The physical location of traditional PLs within the sterile or secure area of arrival and departure halls is intentional as it restricts the access of the general public, and often enlivens certain powers pertaining to these areas within Immigration, Customs, Quarantine, and Aviation Security legislation. As mentioned elsewhere in this paper, a number of PICTs are in the process of reviewing their immigration legislation and considering further crystallising this by formalising the concept of a "clearance zone", in which arriving travellers are not formally cleared to enter or depart the country until they have passed all clearance processes, including health, customs and quarantine checking.

The reason for the location of the PL at designated ports ahead of customs and quarantine checking is that establishing the **identity and intent** of arriving travellers is crucial to the effective conduct of all other border control functions. This neatly separates the assessment of the identity and intent of people from the physical inspection of goods, which are best performed by the relevant 'expert' agencies, and also provides the practical and efficient 'gap' in time to allow baggage to be unloaded and moved to the baggage collection point without unduly delaying travellers.

While this Report generally describes processes associated with the physical PL, it is important to note that PL processes can be applied even when a physical line does not exist, for example, on board a vessel or in a designated VIP area of a port. There are a number of possible options as to where PL operations can take place, apart from the traditional locations described immediately above. These include aboard ships whilst in transit at sea, or delegated or shared with the departure control agency in the port of embarkation, or at overseas ports of embarkation through co-located officials.

As an example, United States Customs and Border Protection operates at some Canadian airports to clear passengers for entry to the US. Once cleared, travellers are technically under US jurisdiction and can then disembark at domestic terminals in the US. However, should a criminal violation be detected, the US authorities cannot prosecute the traveller but must hand over the offender to their Canadian counterparts.[2]

4. The Purpose of the Primary Line

Traditionally a border has been defined as the limit of two countries' sovereignties—or the limit beyond which the sovereignty of one country no longer applies. However, the concept of a border has changed in recent years. As the World Bank highlights, borders no longer

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[2] World Bank – Border Management Modernisation, 2011, page 39. Available at
http://documents.worldbank.org/curated/en/986291468192549495/pdf/588450PUB0Bord101public10BOX353816B.pdf

need to be at a country's geographic periphery, are not holistic, and can even be located outside a country.[3]

Consistent with this view, the PL forms part of what is described in contemporary literature, as a 'border continuum', in which the actions of people preparing to travel, actually travelling, arriving, remaining within the destination country, and departing, are integral parts of the border management process. The PL should be enabled by comprehensive information on passengers, received in advance of their arrival, supported by a well-managed targeting and alerts system, and contribute to the interests of a range of agencies at the border and beyond.

By definition, border controls and immigration arrangements have never been unilateral, solely internal matters, as they always involve at least one other country (for example the border control arrangements between the US and Canada, those between Australia and New Zealand and to a lesser extent APEC) and, most often, a carrier. This requires an established set of standards and some level of coordination and communication of arrangements between the parties. In a perfect world a system such as that presented at Fig. 2 below, would provide opportunities for border agencies to intervene in respect of particular passengers at the time and place which offers the best chance to avoid any potential harm to the country of destination and at the lowest possible cost.

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 control

Pre-travel - Visa application & ticketing overseas

Figure 2: Layered approach to intervention along the border continuum
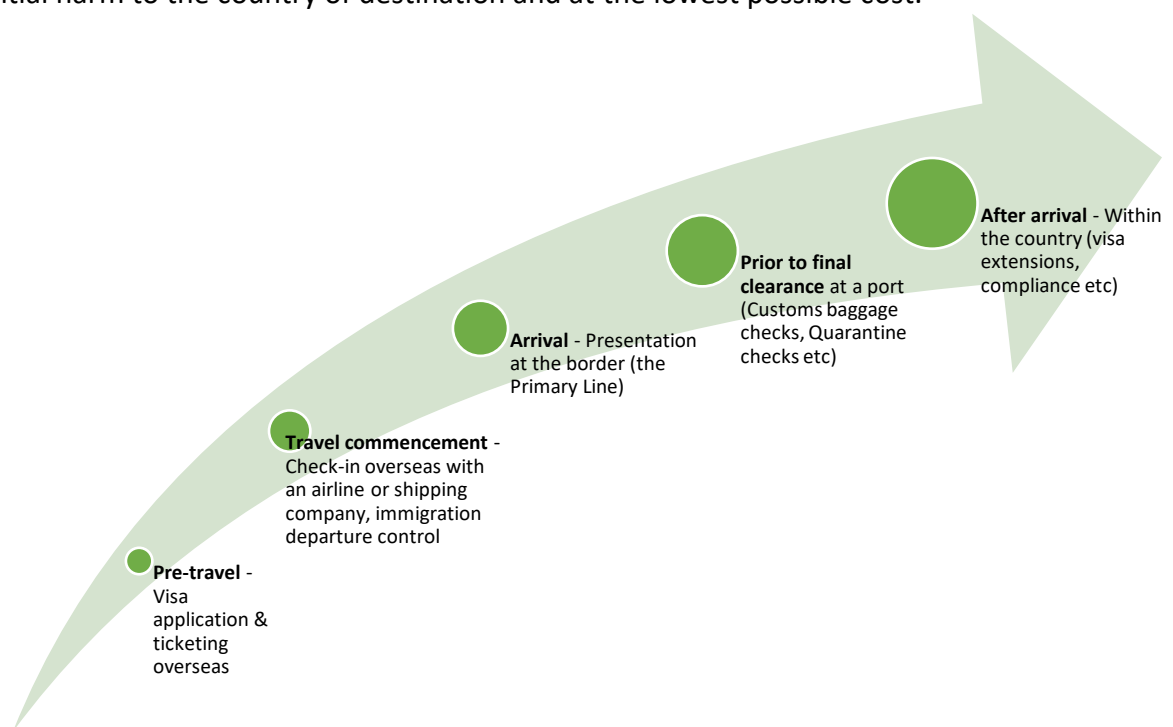
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[3] World Bank – Border Management Modernisation, 2011, page 37. Available at http://documents.worldbank.org/curated/en/986291468192549495/pdf/588450PUB0Bord101public10BOX353816B.pdf

It is also possible to conceive of the PL in the context of one country's departures representing another country's arrivals. This principle finds operational expression in Africa and Europe, where there are examples of co-located arrival and departure processing arrangements at some land borders[4].

The concept may also be valid in the context of air and sea travel in the Pacific. Consistent with the principles of CBM and associated information-sharing arrangements between States, it could assist smaller countries to better facilitate travel, whilst also improving data collection and risk mitigation by either co-locating staff to ports of embarkation (or aboard ships as is the case already with some Pacific States), or relying on pre-departure processing data in the sending country to provide arrival data and checking for the receiving country.

Another relevant model is the Schengen model – where entry to one country constitutes authority to enter those of all the other member countries. This works well in Europe where many countries are of varying sizes, there is a wide range of modes of travel, and transport links are developed to the extent that travellers quickly and frequently move between countries. In order to operate successfully, a system of this nature requires an architecture consisting of common examination standards; shared record keeping; shared alerts management; and agreements about handling of non-compliant individuals. In the Pacific context, a scaled down version of this model may not be achievable in the short-term but is not beyond the realms of possibility in the medium-long term.

> **Recommendation 1:** Consideration should be given to conducting a study into the feasibility, relevance, costs and benefits of developing common examination standards, shared record keeping, shared alerts management, and agreements about handling of non-compliant individuals.

Regardless of the nationality or status of travellers, consistent with **Principle 6**, the core objectives of Immigration and any delegated border agencies undertaking the PL function must be to:

- establish the traveller's identity; and
- determine the traveller's intent.

Establishing the identity of travellers enables other objectives to be met, including entitlement verification and risk assessments of individuals by all involved agencies, and contributes to the assessment of traveller intent (why they are seeking to cross a border). The deployment of a PL assists in meeting these objectives. It does not operate as an end to

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[4] See IOM's paper on Integrated Border Management at
https://www.iom.int/sites/default/files/our_work/DMM/IBM/updated/05_FACT_SHEET_Integrated_Border_Management_2015.pdf. This paper points to examples of "one stop border posts" and details many of the high-level considerations in establishing such.

itself but usually forms part of a multi-agency system for managing the flow of people and their accompanying baggage. This often requires striking a balance between (sometimes competing) national interests, those of passengers and those of other parties, such as air and sea carriers and air and seaport operators. Such a system should also offer opportunities to facilitate travel, either for travellers in general or for individuals who find themselves in need of assistance. Regardless of where a country sets this point of balance, **the rest of the border control processes governing people movement are dependent on these two objectives being met and, therefore, their importance cannot be overemphasised.** A more detailed discussion on Identity and Intent is at sub-section 6.1 below**.**

Due in no small part to its importance in respect of aviation and transport security, countering terrorism, transnational crime and more recently, public health, identity management has become an increasingly important area of focus for the international community. As a result, this area of immigration and border management policy has benefited more than most from the establishment of international governance and standards including:

- via a number of international Conventions, beginning with the Convention on International Civil Aviation (the **Chicago Convention**) and its Annex 9 (Facilitation)[5];
- via the **UN Security Council**, several counter-terrorism resolutions mandating traveller identification and information-sharing between Governments and the implementation of Advance Passenger Information (API) including UN Security Council Resolution (UNSCR) 2178 (2014) and UNSCR 2322 (2016) and UNSCR 2396 (2017)[6]; and
- via the **International Civil Aviation Organization** (ICAO), including
  a) the ICAO Traveller Identification Programme (TRIP) Strategy [7], which provides invaluable guidance to States and Border Management agencies on how to operationalise the standards and governance referred to above;
  b) Document 9303 – "Machine Readable Travel Documents"[8], which sets the international standards for travel documents and how they are read by passport readers and Border Management Systems;
  c) the ICAO Guide on Evidence of Identity.[9]

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[5] Available at https://www.icao.int/publications/pages/doc7300.aspx Annex 9 is available at https://www.icao.int/Security/FAL/ANNEX9/Pages/default.aspx

[6] For details of the impact of these see ICAO TRIP Guide on Border Control Management, Part 1, page 30, available at https://www.icao.int/Security/FAL/TRIP/Documents/ICAO%20TRIP%20Guide%20BCM%20Part%201.pdf

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

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

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

ICAO presides over the formulation and adoption of Standards and Recommended Practices (SARPs) for international civil aviation. These are incorporated into the 19 technical annexes to the *Chicago Convention*.

Annex 9 to the *Chicago Convention* embodies the SARPs and guidance material pertaining specifically to the facilitation of landside formalities for clearance of aircraft and passengers, goods and mail, with respect to the requirements of customs, immigration, public health and agriculture authorities. As such, it provides a frame of reference for planners and managers of international airport operations, describing the obligations of industry as well as the minimum facilities to be provided by governments. In addition, Annex 9 specifies methods and procedures for carrying out clearance operations in such a manner as to achieve compliance with States' laws while enabling maximum productivity for the air transport operators, airports and government inspection agencies involved.

4.1   Traveller Identity and Intent

Consistent with **Principle 2**, Governments around the world claim the sovereign right to determine which individuals are permitted to cross their national borders. Effectively, they seek to prevent those who are assessed as posing a risk from entering their country or, in certain circumstances, departing. These risks can be direct threats, such as people with contagious diseases, criminals or people of security concern; or risks posed by those who intend to behave in a manner contrary to the law or policy of the country concerned, such as people who are the subject of an arrest warrant, preach sedition and sow social discontent, intend to work without authority, or to overstay the time allowed for their visit.

Key to determining the risk posed by travellers is determining identity, which then enables assessment of the intent of the traveller (why they are seeking to cross the border), leading to an understanding of the risk posed by the traveller.

Figure 3: Identity, intent and risk assessment[10]

It is because of these risks, and the fact that there exist several opportunities to confirm the identity and intent of travellers, that many countries have moved towards a 'layered' checking approach (see Figure 2 above) to travellers seeking to cross their borders.

The power to approve or refuse the entry, stay or departure of a person can be exercised in four different contexts:

- offshore - where a person is required to apply for and be granted a visa prior to travel. The capacity of PIDC members to utilise this feature is limited due to the low level of off-shore representation and relatively poor BMS and IT infrastructure;
- offshore – where a person is screened as part of the check-in process before they board a flight or a ship to travel to their destination country;
- onshore – when a person arrives at an airport, seaport or border post. This is where the PL comes into prominence; and
- onshore – when a person has already entered the country and is applying for further stay, is subject to immigration law enforcement, or is the subject of a Court or other prohibition order.

In terms of the entry of people, contemporary border management thinking holds that the ideal time to exercise this power is offshore before the passenger departs their country of origin - either by not granting them a visa or by screening them and refusing permission to board. This mitigates most immigration and law enforcement risks and costs in the destination country. Early intervention also avoids cost and risk to other stakeholders, notably carriers, who are generally responsible for removal costs for those refused entry at their destination, and the travellers themselves.

However, early intervention is dependent on the level of visibility a border management agency has on the travel process of passengers. Current arrangements in the Pacific involve

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[10] Figure from the ICAO TRIP Guide - https://www.icao.int/Security/FAL/TRIP/Pages/Publications.aspx

airlines performing some pre-embarkation checking of traveller identity and authority to travel, partly due to their general aviation security obligations, partly also due to obligations imposed by the authorities in the port of embarkation, and partly due to obligations communicated to them by destination countries, often set out in the IATA TIMATIC system[11].

Whilst these checks may result in referrals to destination border control authorities and/or Immigration where doubt exists as to the authenticity of a travel document, or authority to travel such as possession of VoA-eligible nationality, these are fairly basic and do not involve data sharing with destination countries, or checking of alert lists prior to embarkation.

In VoA systems, such as those operated by most PICTs, information about passengers before they depart their country of origin is not commonly available. As a consequence, the PL plays an even more important role because it is usually the first encounter between the passenger and any border management agency of the destination country. Therefore, in most PICTs, it is at the PL that passengers must establish their identity and express their intentions for their entry.

4.2   Other Pacific-Rim Border Systems

The VoA feature that passengers must establish their identity and express their intentions at the PL renders comparison with neighbouring border systems in the Pacific, such as those in Australia, Canada, New Zealand or the USA, less useful. This is not necessarily because of the unification of immigration and customs functions in Australia, Canada and the US but rather because most PICTs do not have extensive, pre-travel visa systems or automated borders.

The key feature of PL operations in these other countries is that they have both a clearly-articulated and legislatively-based visa system (at varying levels of universality) and they collect advanced passenger information (through carriers when passengers commence their journeys or are in transit). This means that a large part of the work on establishing identity and intent has been done before the passenger sets foot in the country.

Another major point of difference is the high degree of automation at the PL in those countries where automated gates perform a number of PL functions, including identity checks using biometric recognition technology. While countries such as Australia, Canada, New Zealand and the USA still employ officers on the PL, their tasking generally replicates that conducted by the automated gates or is focused on the technical aspects of biometric collection and matching. In Australia's case, at least, this has led to the use of more junior staff on the PL and the narrowing of tasking.

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[11] See https://www.iata.org/en/publications/timatic/

The value of automated gates to these Pacific-rim countries is derived from having a fully integrated BMS which enables the diversion of scarce, expensive, human resources towards more valuable targeting and assessment activities. The issue requires careful consideration in the Pacific, where wage levels are different, and the costs of developing the fully integrated border management and biometric systems required to derive the benefits from such equipment may necessitate a different approach.

As reflected in **Principle 9**, the use of technology for the control of people movements (and vehicles, and goods) is evolving and has boosted the efficiency of border agencies, enabling fewer officials to be more effective and efficient in their work. However, technology cannot replace well trained officers. Efficiency also requires a motivated staff, suitable working principles, adjustments to the working environment, and revised control standards. As the World Bank notes, in many cases expensive equipment provided by donors has been shelved when results did not meet expectations. [12]

The very fact that border management arrangements in most PICTs do not include features such as automatic gates, heavily underscores the fact that PL officers in the Pacific need to be more highly trained and able to exercise higher levels of judgement in performing the fundamental PL function of establishing the identity and intent of travellers.

5.   Who Should Operate the Primary Line

As described in Section 7.1, the main function of the PL is to establish the identity and intent of people seeking to cross a country's border. **This is Immigration's core business.** In the Pacific context, due to the predominance of VoA arrangements, the PL is most often the first point of contact between a traveller and the destination country's border management officials, policies, legislation and processes. Traditionally, it is Immigration which operates the PL and Immigration officials who tend to make the final decision as to whether a traveller is to be admitted to a country or turned around and sent back to their point of embarkation.

The advent of the COVID-19 pandemic has highlighted that the traditional view of the PL may not always be relevant, as international practice holds that physical health checking arrangements take priority and that, when activated, should take place prior to any other checking.

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[12] World Bank – Border Management Modernisation, 2011, page 73. Available at
http://documents.worldbank.org/curated/en/986291468192549495/pdf/588450PUB0Bord101public10BOX353816B.pdf

CBS is aware from face-to-face consultations with several PICTs, that in at least one PICT, the advent of COVID-19 has meant that the operation of the Primary Line function which had been transferred to Customs some years ago, had to be transferred back to Immigration. This was done on the basis of a recognition by Government that the key issue in managing the pandemic was about establishing the identity and intent of people moving across the border (and recording those movements for the use of other government agencies), rather than focussing on managing the movement of goods and the collection of revenue. The downside for this PICT is that Immigration PL officers are still required to use the Customs system and protocols, which impose unhelpfully tight restrictions on access to information and the input and update of alerts.

The 2020 reality is that there are multiple agencies with a strong stake in, and legitimate reasons for, wanting to prevent or monitor the entry or departure of a person. These agencies include customs, health, quarantine, foreign affairs, law enforcement, the Courts and intelligence agencies. Their interests lend weight to the contemporary concept of CBM because it implies that the sequence of checks performed, after the identity and intent of a traveller has been established and recorded, needs to be flexible and adaptable, consistent with **Principle 9.**

To paraphrase the World Customs Organisation, CBM is about the border management agencies within a country, as well as like-minded agencies in relevant overseas countries, cooperating to put in place official measures, mechanisms and communication channels to ensure that border management processes operate in accordance with agreed standards and protocols to serve the national interests of all the parties concerned.[13]

As the World Bank has observed, this cooperation and consistency of information across border management agencies provides more accurate intelligence, allowing those agencies to focus their resources on risk-driven intervention.[14]

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[13] World Customs Organisation, Coordinated Border Management Compendium, 2015, page 6, Available at http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/cbm-compendium.pdf?la=en

[14] World Customs Organisation, Coordinated Border Management Compendium, 2015, pages 14-15.

A Pacific Model of Coordinated Border Management

Key

- IBMS Services, Internal linkages
- Possible IBMS Services, Internal linkages
- External Services, External linkages
- Other Government Agencies, linkages
- Other Government Agencies, possible linkages
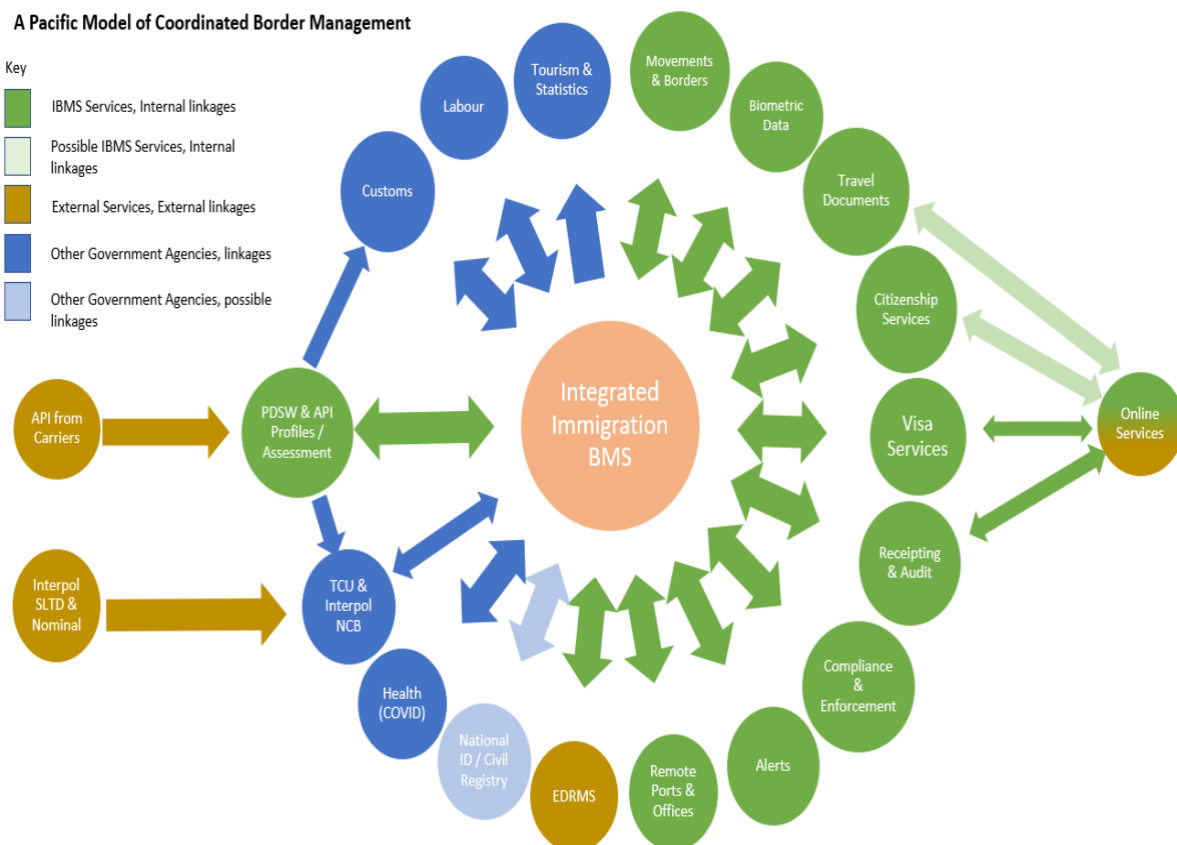
Figure 4: **A fully integrated process to support Primary Line operations**

The critical element here is that information should be collected once, stored centrally, and be accessible on a need-to-know basis in a form which accommodates the needs of individual agencies. The primary vehicle for achieving this is a country's BMS.

Results from the CBS Strengthening PL Operations Survey and feedback received in face-to-face consultations with government and non-government stakeholders in several PICTs, indicate that many PICTs have some form of computerised BMS to support various elements of border control. These arrangements may be based upon a BMS 'owned' by a single agency (usually Immigration) - which may serve several functions such as visas, passports and alerts - or upon several different systems performing separate functions and 'owned' by multiple agencies.

A fulsome discussion of issues around the deployment and operation of the BMS (including a discussion about ownership of the system and distribution of the data) can be found at Section 8 of this report. Regardless of what system a country may be operating, or which agency 'owns' it, **the BMS has to be interconnected and interoperable.**

> **Recommendation 2:** BMS data is a national resource and should be integrated with other systems and agencies in a tailored, consistent form and made available on a need to know basis.

As discussed at sub-section 7.1, the PL operates with the authority, and within the confines, of a country's Immigration Act (however styled).   The Immigration Act is universally acknowledged as being one of the few key pieces of government legislation which directly impacts and supports the 3 main pillars of good and effective government – national security, economic growth and prosperity, and social harmony and well-being. It supports and gives legislative effect to the country's national immigration policies. The Minister with portfolio responsibilities for managing the flow of people into and out of a country is accountable to the Parliament for setting and administering the country's national immigration policies and enabling legislation. In practice, national immigration policies, the underpinning legislation and operational delegations are administered by the government agency responsible for administering the Immigration Act.   PL officers perform their functions on the basis of specific powers delegated to them by the Minister and/or the Head of the Immigration agency under the Immigration Act, consistent with **Principle 10**.

If, for whatever reason - be it resources, administrative constraints, political expediency etc - it is necessary for the PL function of establishing the identity and intent of people seeking to cross the border to be performed by some other agency (such as Customs), the function is only performed on the basis of a delegated power which must be controlled by the 'owner' of the enabling legislation. The key issue to note is that Delegations issued under the Immigration Act must be regularly reviewed and may be **amended or withdrawn** at any time as necessary.

From a risk management perspective, while the strategic risk in terms of a failure of border policy and/or legislation can have national consequences, the risk of operational failure is borne mainly by the Immigration agency. It is therefore a logical and legitimate argument that the agency which administers the policy and the legislation, and issues the delegations to give effect to those policies under the legislation, should also set the direction, enforce the standards, and be accountable, for the operation of the PL.

If this line of reasoning is accepted then the inescapable conclusion is that, in accordance with the five factors listed below, **the Immigration portfolio should 'own' the responsibility for the operation of the PL** because:

1. It is responsible for setting and administering entry and exit policy (which includes eligibility requirements) in the national interest;

2. It is the custodian of the controlling legislation and PL officers perform their duties

on the basis of delegated powers under that legislation;

3. It is responsible for determining the identity and intent of all travellers crossing the national border;

4. It maintains and operates (in most cases) the BMS; and

5. It bears the operational risk.

Recommendation 3: Consistent with **Principle 10**, the Immigration portfolio must 'own' the responsibility for the operation of the PL and this responsibility cannot be abrogated unless there are fundamental changes to the five factors for ownership.

Recommendation 4: The requirements for information from the BMS should be specified and formalised through a series of inter-agency agreements signed by the Heads of Immigration and each of the other agencies concerned (see Annex 4 for a draft template agreement).

Recommendation 5: PICTs should urgently review the delegations issued under the

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While acknowledging that Immigration must control and be accountable for the operation of the PL, in accordance with the principles of CBM, if a country can develop and operate properly integrated PL procedures supported by an integrated and distributed BMS which serves the broad range of agencies who have a stake in border management, the practical question of which agency's officers actually operate the PL becomes less important.

5.1 Alternate Models

As an alternative, some countries have attempted to improve the security of their borders by integrating Immigration and Customs into new, more broadly focused, integrated border management agencies that are mandated to carry out all border related functions. The World Bank makes the point that, while grouping agencies into a single border agency may create the impetus for CBM, underlying coordination barriers still need to be addressed. For CBM to be effective, border management agencies should develop a common vision and an interagency approach. Success requires a clearly defined strategy across border functions, the policies to support the strategy, and a governance and leadership structure that provides continual, clear direction.[15]

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[15] World Bank – Border Management Modernisation, 2011, page 21. Available at
http://documents.worldbank.org/curated/en/986291468192549495/pdf/588450PUB0Bord101public10BOX353816B.pdf

In the case of Australia, the integration of the main border management agencies (Immigration and Customs) came at a considerable cost, required significant organisational change and did not immediately yield the expected savings, efficiencies and knowledge sharing, due to the fact that the various integrated agencies struggled to retain their identities and protect their mandates and resources.[16] In addition, the logical next step of repealing the Immigration, Customs and other pieces of border control legislation and replacing them with a single, over-arching Border Control Act (or similar) has not yet been taken.

A possibly more viable model of CBM in the Pacific context, where most countries' border management resources tend to be relatively scarce in relation to the vast amounts of territory they are expected to cover, would be to focus on the cross training of inspectors. Under this model, one inspector could carry out the PL functions of several agencies and only have to refer to the 'expert' agency in cases of doubt or where special or unusual circumstances are encountered.

For such an approach to work there needs to be a clear agreement between agencies as to their roles and responsibilities. A quick glance at the NSW (Australia) Special Commission of Inquiry into the Ruby Princess[17] illustrates the problems that arise when there is a lack of clarity on where responsibilities between agencies start and finish. If it is intended that a particular agency has primacy of decision making this should be clearly articulated.

One means of achieving this is the production of a Concept of Operations (Conops). Conops documents are used widely in military and law enforcement environments and also in project management. A Conops is a document that sets out how a system or process works from the point of view of a user. It may contain:

- a statement of objectives;
- policies and legislation on which the system is based;
- the organisation and units involved in the system;
- importantly, a statement of responsibilities and powers that may be deployed by the organisations involved. This could include the decision-making hierarchy where necessary, including the level at which certain decisions need to be taken; and
- any specific processes – which can link back to SOPs, mentioned earlier.

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[16] Australian National Audit Office Report 45 of 2017-2018 – available at https://www.anao.gov.au/work/performance-audit/the-integration-the-department-immigration-and-border-protection-and-the-australian-customs-and

[17] Available at https://www.rubyprincessinquiry.nsw.gov.au/

> **Recommendation 6:**   Border agencies should develop a Conops to outline responsibilities at the border from the point of view of the officer.   This document should feed into training and form the basis of engagement between agencies operating at the border.

6.   Operation of the Primary Line

Consistent with **Principle 2**, the manner in which a PL operates in a particular country is a reflection of the balance the country strikes between the primary drivers – **control** and **facilitation** and its level of **tolerance to risk.**

Control drivers include, but are not limited to:

- protecting the community from the entry or stay of non-citizens who are a threat to the social harmony and cohesion of the community, for national security reasons or because of involvement in criminal activity, including transnational criminal activity – **Principle 1**;
- minimising threats to public health;
- reducing the capacity for non-citizens to enter or leave the country in an unlawful or irregular way;
- measures to minimise the possibility of non-citizens obtaining immigration benefits through fraud and misrepresentation; and
- regulating the entry of foreign labour to the domestic labour market – Principle 1.

Facilitation drivers include, but are not limited to:

- promoting tourism;
- supporting the entry of interest groups (entertainers, sportspeople, journalists etc) in the national interest.
- promoting investment in accordance with national development plans and investment targeting initiatives;
- enabling genuine business visits;
- supporting national development by ensuring that there are sufficient people with the right skill sets to enable economic growth; and
- facilitating genuine family reunion.

Bearing in mind the varying degrees of emphasis placed on different elements of PL operations as a consequence of the issues outlined above, the range of services and functions that can be delivered at the PL might include some or all of the following:

- verifying the credentials provided by passengers;
- verifying the authenticity of the travel document being used;
- confirming passengers have permission to enter the country, usually in the form of a passport of the country concerned, or a foreign passport and a visa;
- where no such authority exists or is required, deciding on the entry of foreign passengers – particularly under VoA schemes;
- recording the arrival or departure of passengers on an agency system;
- placing a stamp in the passenger's passport, which may include information on the terms of entry (period of stay; work restrictions etc);
- making sure declarations and passenger cards are filled out correctly and in full;
- responding to alerts on passengers;
- conducting additional checks as part of a running operation, a profile, or in response to special tasking;
- screening for third parties, such as customs, health or biosecurity agencies;
- identifying concerns about passengers that should or could be actioned by other members of the agency, or by members of other agencies – including Police, Treasury, Customs, Health and Biosecurity agencies;
- collecting evidence for inquiry or prosecution;
- managing/monitoring the flow of passengers through automated systems, such as biometric clearance gates;
- collecting revenue or verifying that government taxes and charges have been paid; and
- contributing to airport security.

In most operating environments the time to complete each passenger transaction tends to be short, due to the pressures generated by passengers waiting for clearance. Border management agencies therefore need to implement measures to speed up transaction times as much as possible, including by:

- automating steps where possible or by using supporting technology ranging from automated gates using biometrics, to technological tools to verify passport authenticity such as passport readers;
- providing supporting staff for hand-off of more complex or time-consuming transactions;
- developing standard operating procedures (SOPs) to promote speedy processing through familiarity, as well as accuracy through well tested processes; and
- setting clearance standards for PL officers.

In practice, there is often a trade-off between quick, high volume processing on one hand and accuracy and attention to detail on the other. This trade-off may be based on a risk assessment and may result in some elements within the range of services and functions

outlined above not being pursued, either permanently, temporarily or, in some circumstances, from flight to flight.

6.1   Verifying Traveller Identity and Intent

As discussed at Section 7.1 above, the processes deployed by officers at the PL and beyond depend on this first, critical function. Processes associated with this step include:

- An examination of travel documents presented, in order to:
    i.   Ensure it is a genuinely issued and acceptable international travel document;
    ii. Check for unauthorised alterations, including by using tools or technical equipment;
    iii. Face to passport photograph checks – either manually or with support of an automated system such as passport readers;
    iv. Checking collateral documents – although there is rarely time for this on the PL itself;
- Asking some questions of the traveller including:
    i.   Purpose for seeking to cross the border;
    ii. Proposed length of stay;
    iii. Where they intend to stay; and
- Observing behaviour, general demeanour and interaction with any traveling companions.

6.2   Confirming Permission to Enter

Nationals of a country are usually permitted to enter and remain upon production of their national passport. In situations where a person is not able to produce their national passport, the person is usually referred to a more senior (Immigration) officer for further questioning about their identity and may be required to produce some other form of acceptable documentation to support their claim to nationality.

Non-nationals may be required to hold a visa prior to travel, receive a VoA or hold an exemption in certain limited cases. Traditionally this is evidenced by some form of wet stamp or a sticker placed into a traveller's passport. In some countries this practice has been abandoned, partly to save time at the border, but also because when automated gates are in use, they usually do not have such a capability and records are kept in agency systems anyway. In the majority of countries, PL officers need to be familiar with the Immigration legislation and visa framework in order to apply the correct process for each passenger.

Again, documents such as visas issued prior to travel should be inspected for authenticity and checked against agency systems, where supported.

Countries like Japan and the United States stamp passports upon entry only, while other countries, like Singapore and the United Arab Emirates, stamp passports upon both entry and exit. A third group of countries, including Australia, have moved to purely electronic visa "evidence" and verification, and for their own nationals, no longer stamp passports to record arrivals and departures. This is a time saving measure but is feasible only where systems support this and are sufficiently robust. All stakeholders must have the necessary access and capability to verify status, including travellers themselves, carriers, the PL, other border agencies, law enforcement, and other relevant domestic Government Agencies

> **Recommendation 7:** Eliminating the stamping of passports should only be considered in the presence of a fully functioning BMS which accurately records details of all a country's border crossings.

6.3   Visa on Arrival

As the term may suggest, a VoA is issued when a non-citizen 'arrives' in a country. The process of issuing the visa is initiated, and completed, at the port of entry, where government agencies generally examine the visitor's passport, collect any necessary visa payment, and ultimately issue the visa. Some countries, such as Australia and the United States, collect biometric information, including the visitor's photograph which is held and compared within facial recognition databases, and in the case of some countries such as Singapore, fingerprints.

The VoA process is intended to be simpler than that of obtaining a visa prior to travelling, as all steps are performed in one location – the port of entry – and the traveller is not required to partake in any formal procedure at the country's consulate or embassy. In practice, the traveller essentially needs to satisfy an officer on arrival that their reason for entry (i.e. their intent) falls within the criteria permitted under national visa policy. Usually the visa issued will circumscribe the length of time and range of activities permitted while in country limited.

This practice, commonplace throughout the Pacific, has developed as a pragmatic response to a desire by Governments to grow the low-risk tourism market, whilst also responding to the fact that there has been limited capability to issue pre-travel visas, with only a small number of missions abroad and until recently, few other practical and affordable alternatives presented by technology.

The obvious risk with 'on-arrival' arrangements is that, where no other pre-travel clearance process such as e-visa, ETA, or API is involved, officers at the PL have extremely limited

opportunity to assess the identity and intent of passengers when they are under pressure to clear a flight. This can be mitigated to some extent if there is a comprehensive and well-developed national alert list and immigration staff have the capacity to screen passengers against that list in advance of flight arrival.

The major downside for passengers under VoA schemes is the risk that, having possibly travelled considerable distances at high cost, they will be refused permission to enter their destination country for whatever reason, and be forced to return to their port of origin, most likely at their own expense. Where a VoA fee is required to be paid, this may be collected at the PL itself, at a separate window, or in some other manner prior to arrival. In any event, receipt of payment, or the sighting of evidence of payment may need to be done by the PL officer during entry processing. Any VOA evidence process (such as printing and affixing a visa label) and any revenue collection or reconciliation arrangements can serve to distract PL officers from key functions around verifying the identity and intent of travellers, particularly if the processes involved are complex.

> **Recommendation 8:** VoA is at best an interim measure given the risks. PICTs should consider moving to a system of pre-clearance.

6.4 Recording Movements

Movements into and out of the country are generally recorded in agency systems and are used for numerous purposes, including:

- to manage the immigration status of foreign nationals, particularly those whose stay is time limited;
- for criminal investigation;
- to manage entitlements to other government services that might be affected by a person's presence in the country; and
- for statistical purposes, for example tourism planning, management of the national economy, academic research and planning for the delivery of services.

An occasionally thorny issue arises in relation to the treatment and recording of border crossings of nationals who are also dual-citizens of another country, particularly when the national travels on the passport of that other country. This can result in misalignment of records of immigration status as well as incorrect statistics.

> **Recommendation 9:** All traveller movements across a country's borders should be recorded in a BMS.

6.5   Collecting Passenger Declarations

Traditionally, both a Customs declaration and an Immigration passenger card are required at most borders. Depending on the information needs, appetite for risk and legal framework at play, the requirement for these documents, and indeed the content, may vary widely.

As in the case of movement records, discussed above, there are a range of agencies and entities needing data from this entry documentation. The number of separate declarations and the degree of duplication of data between them is often a good indicator of the degree of integration (or otherwise) within a country's border management operation.

The second use for the Immigration and Customs forms, in some systems, is to carry coded directions or suggestions from the PL to other border management agencies (eg the baggage examination area), about the way particular passengers should be handled while they are in the border control environment (clearance zones).

The third use to which these documents are put, and probably the most important, is that they constitute a passenger's declaratory statements. They are usually regarded as key evidentiary statements of status and intent, to which passengers can be held accountable. A false declaration by a passenger about their travel, criminal history or on what is contained in their accompanying baggage, can be very significant in border decision making and form the basis for the use of more coercive powers such as fines, detention and removal. They are also important pieces of evidence in criminal trials.

The obvious down-side is that these documents can be irritating for passengers to have to complete, particularly when they: have to enter the same information multiple times; are under the stress and strains associated with travel; experiencing language issues; and entering a possibly unfamiliar environment. They are also frustrating for officers because they are often scrawled illegibly or contain key errors and omissions.

From the perspective of the traveller experience and as a facilitation measure there are excellent reasons to dispense with this entry documentation. In considering such a course of action a country should also consider the availability of alternate sources for the information and be mindful of the fact that, while some information may be available from other sources, this may not be the case for everything that is currently collected, and may result in potentially significant losses of data.

The information contained on these forms should be the product of an inter-agency process where stakeholders – such as the border agencies, tourism authorities, treasury departments, etc – advocate for the inclusion of data elements important to their interests. We suggest that the inter-agency forum meet on an ongoing basis to re-validate or update the information collected and to explore alternative data collection options.

We further suggest that any such process operate under some agreed principles, which may include:

- all entry documentation should be considered as a whole, so as to:
  i. minimise the burden for passengers; and
  ii. avoid duplication of data collection from one form to the next.
- establish a clear owner (or owners) for each data element. Elements without a clear owner should be removed;
- data owners should be able to justify their need for each data element;
- identify any possible alternative source of data; and
- identify changes to business practices which would obviate the need for collection of each data element.

Noting that there are probably better, more secure ways to carry information about individual passengers from the PL to the baggage line and other checks performed within the clearance zone, we suggest that the need for completion of the declaratory statement should be maintained.

Other options could include covert or semi-covert monitoring of passengers of concern, either by roaming officers or by central control rooms, where they are in operation.

Recommendation 10: PICTs should institute an interagency committee on passenger documentation which:

- identifies ownership (which may be shared) of each question on each entry card;
- works toward the consolidation of information on all cards; and
- seeks to eliminate as many of them as possible in the long term, without creating information gaps.

6.6 Responding to Alerts

Many countries operate alert systems, which can be as simple as a paper-based list of names of concern. The development and maintenance of a well-functioning alert system is a research topic in its own right so we have focussed on the actioning of alerts at the PL. The key features of alert management in PL operations are:

a) a routine process for checking passenger biodata (or increasingly, biometric data) against alerts:

b) criteria to support the exercise of judgement by officers to determine how precise a match needs to be in order to warrant action. This is a complex area which should be covered in some detail in policy manuals and SOPs. Suffice to say that:
   i. alert list data is sometimes inaccurate or incomplete;

      ii. names and dates can often be expressed in different ways in certain cultures; and

      iii. the subject of matches can be adept at plausible obfuscation of their biodata;

c) SOPs and training to manage alerts in either an overt or a covert manner – depending on the nature of the alert;

d) consistent with c), the means to attract the attention of supporting officers to the fact that a match has occurred – again in either a covert or an overt manner; and

e) the recording of action taken by the PL officer in agency record keeping systems.

Recommendation 11: Countries should review their alert systems to ensure alerts are current and that a clear owning agency or unit is identified for each alert.

6.7   Contributing to Operations, Profiles, and Special Tasking

Border control agencies may run targeted operations from time to time, which involve tasking the PL with identifying passengers who display particular features. An example might be a Customs or Health alert on passengers whose passport or responses to questions reveal that they have visited certain countries associated with an identified risk.

These alerts operate differently from specific person alerts described at sub-section 9.6 above because, while there can be some IT system support for them (where systems are able to suggest a profile match from data elements available), they often rely on the observational skills and attention to detail of the PL officer.

The handling of 'matches' relies on the same procedures outlined above, including:

a) the ability to handle them in a covert or overt manner;
b) hand-off procedures to support staff; and
c) record keeping.

The ability to collect passenger information in advance of their arrival at the border provides other operational advantages. The principle one is the ability to target passengers for intervention. Targeting is the synthesis of advanced passenger information together with agency data holdings and a range of whatever other open and closed sources of information are available to identify passengers most likely to pose a border related risk. Targeting often involves the development of a profile to support daily operations.

This practice is useful both in the customs and the immigration environment. Australian experience with targeting, for example, led to much higher immigration turnaround rates per transaction, when targeting was adopted over traditional methods of passenger referral.

The downside of increasing reliance on targeting and alerts is that it requires the building of a robust, well-managed alert and targeting system based around factors such as: clear data ownership by contributing agencies; identification of reliable sources; pruning of old and incorrect records; and timely and consistent distribution to ports of entry, amongst other things.

6.8   Third Party Screening

While partner agency tasking usually takes the same form or process as those for personal alerts and/or operations and profile tasking outlined in the two sub-sections above, the issue is worth drawing out for two reasons. The first is that human health risk screening is front-of-mind at the moment, in light of the COVID 19 pandemic. In the case of a major health response PL officers might need to:

a)   ask additional health screening question of passengers;
b)   process a further written declaration by passengers about their health status and contact details;
c)   observe the apparent health of passengers;
d)   conduct, monitor or see the results of a specific test, such as a temperature test; and
e)   counsel passengers about their health reporting obligations.

The second related reason to discuss third party screening is to reinforce the point that the PL should be seen as an important, whole-of-government asset which, consistent with the principles of CBM, is capable of performing tasking by a range of agencies.

6.9   Identifying Passengers of Concern

Depending on the environment PL officers might be required to contribute to the identification of passengers of concern for follow up by support officers of their own, or other agencies. Examples include the referral of a passenger for baggage examination where the manner of their presentation at the PL raises cause for concern (the passenger's response to questions, for example).

While these PL generated referrals, or "intuitive" referrals can be useful, their value is also very dependent on the level of expertise and experience of PL officers themselves. Conversely, they can also serve as a distraction from higher priority tasks and in some cases, unduly delay passengers. As occurs in many countries including Australia, Canada and the US, such referrals should be carefully managed by supervisors responsible for tasking and passenger flow.

6.10 Collection of Evidence

Where passengers are subject to prosecution, for example:

- For tendering a false statement or fraudulent travel document;
- For customs offences; or
- When subject to immigration enforcement action;

The matter may well escalate to the Court system. PL officers need to be capable of providing evidence under oath in support of such legal processes. Supporting documentation, such as the passengers' Immigration and Customs declarations and any records made in agency systems, will often need to be tendered as part of the officer's statement.

The outcome of such legal processes can often be highly dependent on factors such as:

1. The delegated legislative powers available to retain evidence, and the correct use of these powers;
2. The quality of SOPs and training material;
3. The ability of the officer to outline routine, sequenced behaviour and actions taken by them in the course of their duties (given the volume of passengers that officers must process each day, it would be unusual that they are able to recall the precise interaction they had with a particular passenger who later becomes the subject of a legal process). However, if they are able to outline their habitual processes, this can have evidentiary status. An example is where officers are able to say that they routinely ask certain questions with specific wording or in a particular order;
4. The level of attention to detail displayed by the officer; and
5. The quality of their record keeping.

> **Recommendation 12:** Primary Line officers should have a working knowledge of their country's legal processes as they relate to border management and be trained in the skill of providing succinct and accurate evidence under oath.

6.11 Monitoring of Automated Systems

With the introduction of technology such as facial recognition, the tasking of PL officers in some countries has changed. Rather than interacting with each passenger passing through their station and conducting manual face-to-passport checks, officers instead are monitoring screens as passengers flow through a choke-point. In such systems passengers' faces are matched with the image on the RFID chips on their passport or on an agency data

base, or both. Officers focus on mis-matches and exceptions for which risk thresholds need to be developed, along with sound SOPs to support decision making.

In the Pacific, the adoption of such technology in support of PL operations is likely to be beyond the reach of most PICTs except possibly PNG, Fiji, Samoa and Tonga (in the medium – long term

> **Recommendation 13:** Immigration agencies should note the possible change of focus for PL officers associated with the introduction of greater automation and adoption of new technology. This should be factored into future recruitment and training plans and form part of the ongoing development of SOPs.

6.12 Revenue Management

The World Bank's *Pacific Possible* 2017 report reinforces the (intuitive) point that the cost and convenience of the visa process are important factors for travellers in the selection of a destination country because they directly feed into the cost and convenience of travel. The trend is for countries to move to no-cost visa regimes in order to be more competitive and visitor friendly and thereby capture a greater share of emerging and existing tourism markets. Several PICTs have had this for many years, putting those countries which still have more challenging visa regimes at a competitive disadvantage. This point notwithstanding, CBS notes the reality that some PICTs are heavily reliant on visa revenue to fund their ongoing border management operations.

As a consequence, in many cases, including VoA arrangements for arrivals or Taxation management on departure, officers must either collect, or more commonly, sight evidence of payment of visa fees by passengers. In such circumstances, it is important to note that the need to undertake the additional step of sighting and verifying evidence of the payment of a fee also constitutes a cost to the speed and efficiency of traveller processing, and more importantly, distracts processing staff from the core responsibilities around establishing the identity and intent of travellers.

Whilst the mode of revenue collection generally is beyond the scope of this paper, it is recommended that where possible, revenue collection also be cashless to reduce risk, and that receipting and reconciliation, where revenue collection is direct such as a visa charge, is as simple and automated as possible to reduce the risk of loss and fraud.

> **Recommendation 14:** Notwithstanding the possible increase in the level of inconvenience (and therefore possibly complaints) to non-citizen travellers, revenue collection processes should be moved away from the PL.

6.13 Environmental Security

Annex 17 to the Convention on International Civil Aviation titled *'Security – Safeguarding International Civil Aviation Against Acts of Unlawful Interference'* provides guidance on preventative security measures. It provides that all States have an unequivocal responsibility to safeguard civil aviation against acts of unlawful interference and to ensure the implementation of security measures at airports pursuant to the Standards of ICAO.

CBS is aware that in some PICTs, the controls over situations such as direct access to arriving/departing carriers are loosely enforced or (in at least two PICTs) unenforceable, due to the physical layout of some authorised ports, a lack of regulatory procedures, the influence and actions of officials of other agencies and other 'important' persons.

Chapter 4, Section 4.2 of Annex 17 addresses access control and provides specific advice on the minimum standards for controls over access to restricted areas (including airside) of airports. This advice includes that States shall:

- establish a security environment which ensures that access to airside areas at airports is controlled;

- establish identification systems for persons and vehicles to prevent unauthorized access to airside areas and security restricted areas:
    - identity documents (IDs) should only be issued to those who genuinely need to enter the airside or restricted areas
    - IDs should have a specific period of validity, and the bearers should wear them visibly at all times in restricted areas;
- ensure that thorough background checks are conducted on persons requiring unescorted access to these areas prior to access being granted:
    - Persons issued with airport permits or identification cards should be subject to periodic background re-checks by the relevant government authorities;
- verify the identity of the bearer and the validity of the access permit (on each occasion) at designated checkpoints before access is allowed to airside and security restricted areas:
    - persons (such as visitors) who have not undergone background checks should be escorted at all times; and

- ensure that people who are not authorized or appear not to be authorized to be in the area are challenged and, if their presence cannot be satisfactorily explained, immediately reported to the appropriate law enforcement authority.

Although all of the above controls apply to, and must be observed by PL officers, this last point is arguably the most pertinent because, in most cases PL officers manage a narrow gate through which travellers pass. In the course of a normal day there may be just cause for people, other than travellers, to legitimately seek to pass through these gates to access security restricted and airside areas. This might include airline and airport staff, diplomats with airport passes etc. Regardless of the 'status' of these people, a PL officer remains responsible for their gate and should be empowered, indeed expected, to ensure that anyone seeking to pass through it provides evidence of their identity and authority to pass through the PL.

Recommendation 15: Training for PL officers should reinforce their broader security and situational awareness responsibilities and obligation to immediately report incidents of non-compliance.

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7.   Support for Primary Line Operations

7.1   Legislation

Procedural improvements are only as good as the legislation governing them. The well-articulated and unambiguous alignment of policy and legislation is essential to ensuring the effective operation of a PL. The PL should give effect to those policies under authority of the relevant piece (or pieces) of legislation. Consistent with the contemporary philosophy of CBM, the critical factors in the development of improved border management powers and processes for managing the entry and exit of people and their effects are that:

- Immigration policy and legislation should not be regarded in isolation within the spectrum of a Government's public policy remit;
- every agency at the border must be involved and must cooperate, with appropriate upstream and downstream processes in place; and
- immigration and other border management officers (as necessary) have comprehensive and codified powers to establish the identity and intent of a person, undertake investigations and to take action under the law when abuses are identified.

As described in **Principle 1**, these should be key elements in a coordinated strategy that works with all areas of Government, particularly those with responsibility for social cohesion, economic development, law and order, international relations and obligations, and national security. As such there should be no dislocation or inconsistency between Immigration legislation and other pieces of Government legislation or policies, particularly those instruments governing issues like crime, the labour market, tourism, health, trade and customs.

In parts of the Pacific, the policies and enabling legislation for the control of people movement and border protection date back to colonial times. The governing legislation is sometimes fragmented and administered by different portfolios, most likely reflecting the way that legislation and public administration have developed historically. In some instances, it includes cross-references to other legislation, and mandates authority and accountability for the exercise of certain powers on institutions and positions which no longer exist. In an increasingly joined-up and litigious world, these pose serious legal and border management risks for the governments concerned as well as creating rigidity and deterring innovation in border management practices.

Ideally, the Immigration legislation should provide sufficient flexibility to enable functions to be added/deleted/amended without requiring an Act change. This can be achieved by ensuring that:

- the Act contains all the enabling provisions and the heads of power relating to visas, entry controls, compliance, enforcement, and powers and responsibilities of the Minister and Immigration and other officers performing functions under the Act; and
- administrative detail and visa requirements, are specified in Regulations, supporting Schedules and Standard Operating Procedures (SOP).

For the purposes of establishing whether a person should be granted entry to, or permission to leave, a country a PL officer or other officers supporting the PL may need to:

- interview the person;
- inspect any documents held by the person;
- withhold and store documents suspected to be false or fraudulently obtained;
- require the person to provide prescribed biometric information;
- search or recommend the search of the person subject to prescribed protocols;
- search or recommend the search of the person's effects, including electronic devices;
- order the person to have a medical examination; and
- require payment of a bond or other security.

This list is by no means exhaustive but serves to illustrate the fact that it is crucial that a country's border management policies and underpinning legislation provide the legal

authority for PL officers to perform at least these basic functions.

To be fully effective in enabling the key PL of establishing a traveller's identity and intent, border management legislation and supporting public information should specify the policy and legal obligations required of persons seeking to enter or leave a country. These obligations may include:

- For a person intending to enter a country:

    i.   present a valid, acceptable travel document;
    ii. truthfully complete prescribed pre-arrival documentation (Passenger Card);
    iii. truthfully answer any questions put by an authorised officer at the PL;
    iv. present any other documentary evidence available as requested.

- For a person intending to depart a country:

    i.   truthfully present his/her travel document for inspection at Immigration;
    ii. truthfully answer any questions put to him/her by the Immigration officer;
    iii. complete all prescribed departure documentation.

Again, the above list of obligations is not exhaustive but is intended to highlight the importance of the linkages between policy, legislation and PL operations in ensuring that border management arrangements are lawful, transparent and coordinated to deliver consistent, effective outcomes.

Recommendation 16: The set of PL best practices contained in this report, means countries should:

- regularly review and update their national immigration policies;

- develop legislation which reflects 21st century priorities and environment, and which has the agility and flexibility to respond quickly to changing circumstances including in:
    o   patterns of visa usage; organisational infrastructure;
    o   IT capability; national security priorities;
    o   economic conditions, environment;
    o   regional arrangements; and
    o   current and future international commitments;
- develop visa criteria which are available to PL officers in a clear and consistent format; and
- adopt a nationally coordinated approach to border management, underpinned by a distributed BMS.

CBS is aware that over the past decade several Pacific countries have completed reviews of their immigration and visa policies and underpinning legislation, sponsored by PIDC and/or ACP-EU. CBS has considered the recommendations from these reviews in preparing this report

7.2 SOPs and Training

PL operations are high volume, repetitive tasks requiring attention to detail and deft handling of exceptions. Ideally, they require well-structured SOPs supported by linked training. The reality is that the production and regular review of SOPs can often be allowed to slide in the face of workload and resource pressures. Another reason is that there is often considerable variability in the operating environments of ports of entry within most countries (let alone within a network of countries such as those of the PIDC). This can include internal situations where, for example, one port of entry has IT support and automated equipment (e.g.: BMS and passport readers), while more remote locations are fully manual. Sometimes too, border agencies operate systems that are owned or operated by third parties – for example, Interpol alert systems, or syndicated BMS.

Although in these situations, particularly in the face of pressures created by COVID 19, it can be challenging to prioritise staff training and the maintenance of current and consistent SOPs, lower traveller volumes do present an ideal opportunity to undertake staff training (particularly online). In addition, the process of reviewing SOPs can actually serve to highlight deficiencies and serve as a means to address them.

> **Recommendation 17:** PIDC Secretariat should continue to explore and further develop the range of available online training packages for PL officers.
>
> **Recommendation 18:** PICTs should consider the provision of cross-training to all border management staff, particularly training in the establishment of traveller identity and intent.
>
> **Recommendation 19:** PICTs with multiple border control posts should review their facilities and operating environments with a view to standardising, to the fullest extent practicable, processing and information collection processes.
>
> **Recommendation 20:** PICTs should take the opportunity to review and update their SOPs to reflect 2020 border management realities.

7.3   Integrity and Anti-Corruption Measures

Corruption is regularly associated with border operations and no national immigration or customs service is immune to it. Examples of petty corruption include payments to a policeman to move up in a long queue, or to a border control officer to avoid physical examination or speed a process, or even the making of routine 'goodwill' payments to border officials. Periodically, other forms of corruption involving more serious criminal activities come to light.

In a physical sense, the design of border management facilities can discourage petty corruption. Shorter queues mean fewer reasons for bribing officials. Green lanes and fast tracks should allow some, ideally most, travellers to pass through without needing to speak to an official. Isolated control areas — where there are no witnesses to corruption — should be avoided in planning border stations.[18]

While making physical changes to the design and layout of border management posts can be both time-consuming and expensive, some of the most effective anti-corruption measures are the cheapest and most mundane to implement but are often allowed to languish. These include:

a) Wet stamp security
   i. Numbered stamps;
   ii. Issued each shift to a particular officer; and
   iii. Recorded in a stamp on/stamp off register; which
   iv. Are securely stored in down-time.
b) Rostering security – an officer with authority over rostering can place particular staff in a relatively small number of key roles on a particular shift, in order to achieve corrupt outcomes.
c) IT security – no sharing of logons.
d) Record keeping standards. Tasks may be performed perfectly but their effectiveness is reduced if accurate records are not kept.
e) Good supervision – close observation, spot checks

In many countries, border management agencies have a Code of Conduct or similar, which prescribes the acceptable standards and behaviour expected of border control officers. This often exists in addition to any broader Public Service Code of Conduct. This should be supported by comprehensive, realistic SOPs and good training as discussed at sub-section 10.2 above.

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[18] World Bank – Border Management Modernisation, 2011, page 74. Available at http://documents.worldbank.org/curated/en/986291468192549495/pdf/588450PUB0Bord101public10BOX353816B.pdf

7.4   Outwards Processing

Recommendation 21:   PICTs should consider changes (where necessary) to the layout of new and existing border control facilities as part of their planning to reduce the risk of corruption.

Recommendation 22:   PICTs should institute regular independent reviews of their anti-corruption processes and controls to ensure they remain current and are functioning effectively.

Recommendation 23:   Where a border management Code of Conduct does not exist, PICTs should consider using the PIDC Model Code of Conduct for Immigration as a guide.

Not all national border management systems include capacity for monitoring and recording the details of departing passengers. While this can be seen as a book-keeping exercise, some countries are finding that it is of increasing importance for reasons such as:

a)   the person is the subject of an arrest warrant issued locally or internationally;
b)   the person has been barred from international travel by a decision of a Court;
c)   counter terrorism – the need to prevent citizens or residents traveling overseas to join terrorist groups or foreign irregular armed forces;
d)   revenue protection and prevention of money laundering – the export of large amounts of currency;
e)   prevention of travel overseas by certain serious offenders, particularly sex offenders;
f)   child abduction;
g)   health screening under world health obligations – as a consequence of pandemics, for example; and
h)   tax free refund fraud.

While most functional requirements for entry processing are also reflected at departure processing, there is additional pressure at departures for speedy processing given that carriers are often under strict time pressures to depart on schedule. It is therefore critical that, when travellers present at an airport and seek to board a flight, a border control officer has the power to refuse outward clearance. Key to this is a mechanism which provides PL officers with access to the information upon which to base the departure refusal, for example some form of outward alert list.

Recommendation 24:   PICTs should ensure that the power to refuse departure permission is included in their Immigration legislation.

Recommendation 25:   An effective mechanism should be developed to provide PL officers with timely departure alert advice, preferably as a function of the BMS.

7.5   Passenger Special Handling

More flexible processes supported by some level of more mobile capability, are sometimes needed to manage passengers with special needs. Some may not be able to present physically at the PL, including passengers who are ill, passengers with serve disabilities, who are in custody as well as VIPs. An option, particularly for some of those in the last group, is to charge for bespoke clearance services. This is a worthwhile consideration for locations which have a high number of private flights.

Recommendation 26:   PICTs should consider charging a fee for certain categories of travellers who require 'bespoke' special handling.

7.6   Revenue for services and the funding of PL activities

CBS understands that in many instances, fees are collected for VoA and other visa services, and for some passengers who require special handling. In the majority of cases these fees must be remitted to the country's Consolidated Revenue Fund (however styled). In some PICTs arrangements exist for some or all revenue collected to be retained to cover border management agency costs. There are a range of options available for the funding of PL activities, including:

a) a flat fee for a fixed level of capacity for a border service;
b) activity or transaction-based funding, which can adjust to fluctuations in activity levels (both up and down), but which Finance agencies often need to have underpinned with a linked user-pays revenue source;
c) development of a charging model for services delivered on behalf of third-party agencies;
d) mandating in portfolio legislation the provision of adequate accommodation by the owners/operators of air and sea ports to enable border control activities; and

e) through passenger or carrier levies collected and remitted by carriers.

Notwithstanding the possible increase in the level of inconvenience (and therefore possibly complaints) to non-citizen travellers, revenue collection processes should be moved away from the PL.

> **Recommendation 27:** While needing to strike a balance between convenience and revenue, those PICTs that either partially or fully fund their operations from visa revenue should seek to streamline and simplify their revenue collection mechanisms to the fullest extent possible.

7.7   Staff Safety and the Physical Environment

In the Pacific, airport infrastructure is often old, unable to cope with the traveller numbers delivered by new, larger aircraft, and indifferently maintained. Airport owners, be they government agencies or private concerns, often have different priorities to control agencies. This divergence in priorities can pose safety and useability risks to staff. Leaving aside the

> **Recommendation 28:** PICTs should develop strategies to mitigate these risks and include procedures to address them in staff development programs.

pandemic, the risks from contact with high numbers of passengers from all over the world is a daily challenge. Further issues to be aware of include staff burn-out when performing repetitive tasks which can manifest itself as a lapse of concentration or increased susceptibility to corruption.

8.   Border Management Systems

All PLs operate some form of border management 'system'. In some instances, this may be a fully manual system, 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 airline manifest records and, to a degree, supported by airline check-in procedures and border controls in the port of embarkation.

Whilst manual arrangements remain the case in some PICTs, several now operate some form of computerised BMS to support various elements of border control.   These arrangements may be based upon one BMS serving several functions such as visas,

passports, alerts, and PL operations, or several different systems performing separate functions.

8.1 "Ownership" of Integrated Border Management Systems

Whilst "ownership" or control of BMS access and data can be a source of friction between agencies, ICAO provides useful guidance in how to overcome this by ensuring systems are "interoperable", thereby ensuring the principles of CBM can be realised, including at the PL.[19]

Consistent with **Principle 10**, this means that whilst ownership of the BMS and the data contained within it should rest clearly with whichever agency owns the portfolio legislation and risk (generally the agency responsible for Immigration), it also means, that other agencies at the border should have relevant, controlled, access to the BMS according to whole-of-government business needs.

Where Customs operate the PL, and the system which performs and records PL functions, Immigration should not be shut out from the data collected in that system, or to access and use of the alerts system operating at the PL. Access to this data and interoperability of system elements is an essential requirement for the proper discharge of other immigration responsibilities such as issuance of visas and travel documents, and verification that travel documents and visas are valid when inspected at the border. It is immaterial that Customs performs the functions at the PL, as the procedures for traveller clearance and the data collected will generally be following an immigration legislative mandate as discussed in Part 5.

Likewise, where Immigration performs PL functions, Customs, Police, Health and Quarantine will have legitimate reasons to have compartmentalised access to certain areas of the BMS. This may include read-only access to movement records, or read and write access to certain alert types, without having access to other functions such as visas and travel document issuance. These agencies also have a legitimate need to access and make use of API data.

These issues should be clearly defined and documented in interagency governance arrangements, such as an MoU, based upon the relevant legislation.

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[19] See ICAO TRIP Guide on Border Control Management, Part 1, available at
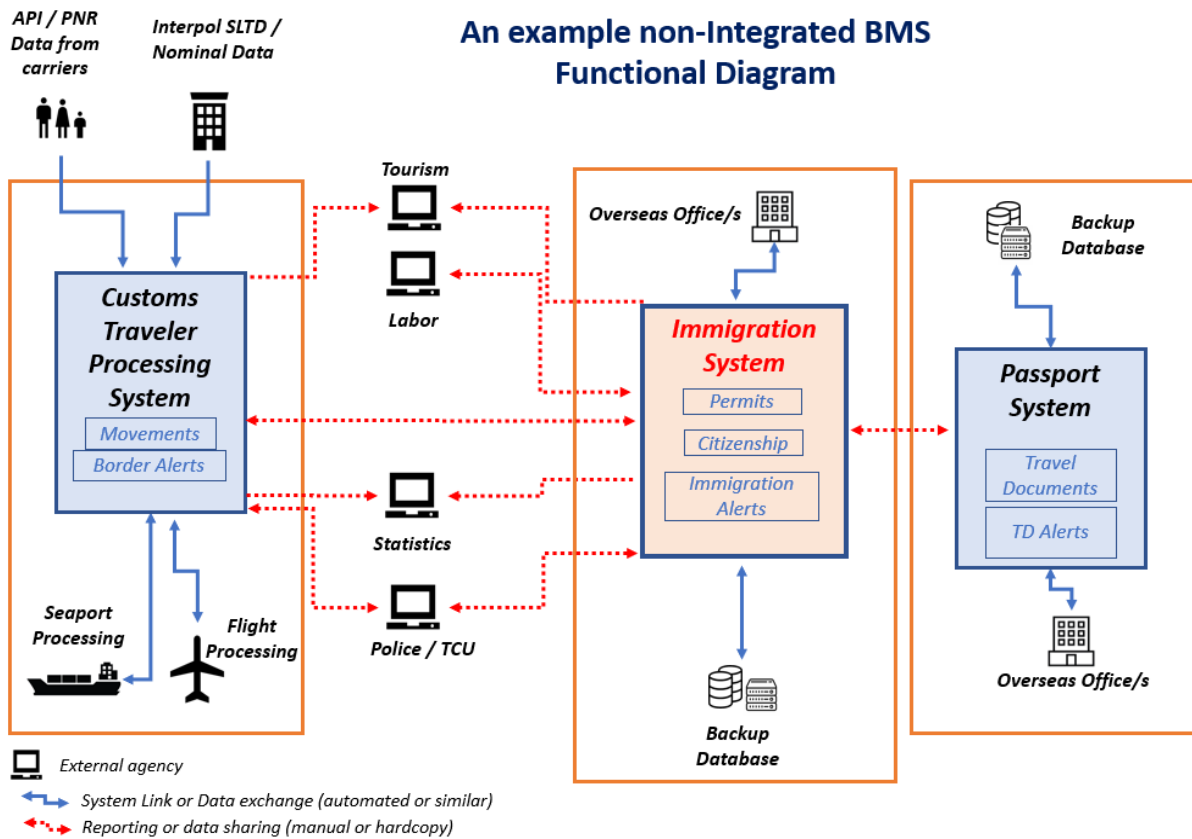https://www.icao.int/Security/FAL/TRIP/Documents/ICAO%20TRIP%20Guide%20BCM%20Part%201.pdf

ICAO TRIP Strategy

Civil Registries
Airlines
Airports
EVIDENCE OF IDENTITY
Travel Document Issuing Authorities
International Organizations
INTEROPERABLE APPLICATIONS
MRTDs
Travel Document Industry
TRAVELLER IDENTIFICATION MANAGEMENT
Border Control Authorities
Aviation Security Authorities
Law Enforcement Authorities
INSPECTION SYSTEM & TOOLS
DOCUMENT ISSUANCE & CONTROL
Regional Organizations

Figure 5: Trip strategy and stakeholders[20]

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.

Consistent with **Principle 7,** it is the authors' firm view, which is also supported by ICAO's work in this area that, when considering the deployment of a BMS at the PL, this should not be regarded as a standalone operation. Whilst the BMS in operation at the PL 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 accessible so that data within them can be cross-referenced and verified in real-time by PL officers, as well as those engaged in these other functions.

Examples now exist in the Pacific where BMS have emerged in isolation from each other. Some of these situations have historical origins or 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 multiple agencies with a stake in border security. Lack of reference to visa and passport systems by the PL immediately diminishes the ability of staff to detect fraud. Where accessible, API data collected from airlines and received and analysed by only one agency, or not imported into a BMS to establish expected movements and cross-check against alerts, does not do full justice to the value of the data, and makes risk assessment at the PL less effective.

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[20] Figure from the ICAO TRIP Guide - https://www.icao.int/Security/FAL/TRIP/Pages/Publications.aspx

An example non-Integrated BMS Functional Diagram

Figure 6: Non-integrated BMS

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 CBM services across Government. This should form a core part of thinking in any systems upgrade or procurement exercise.

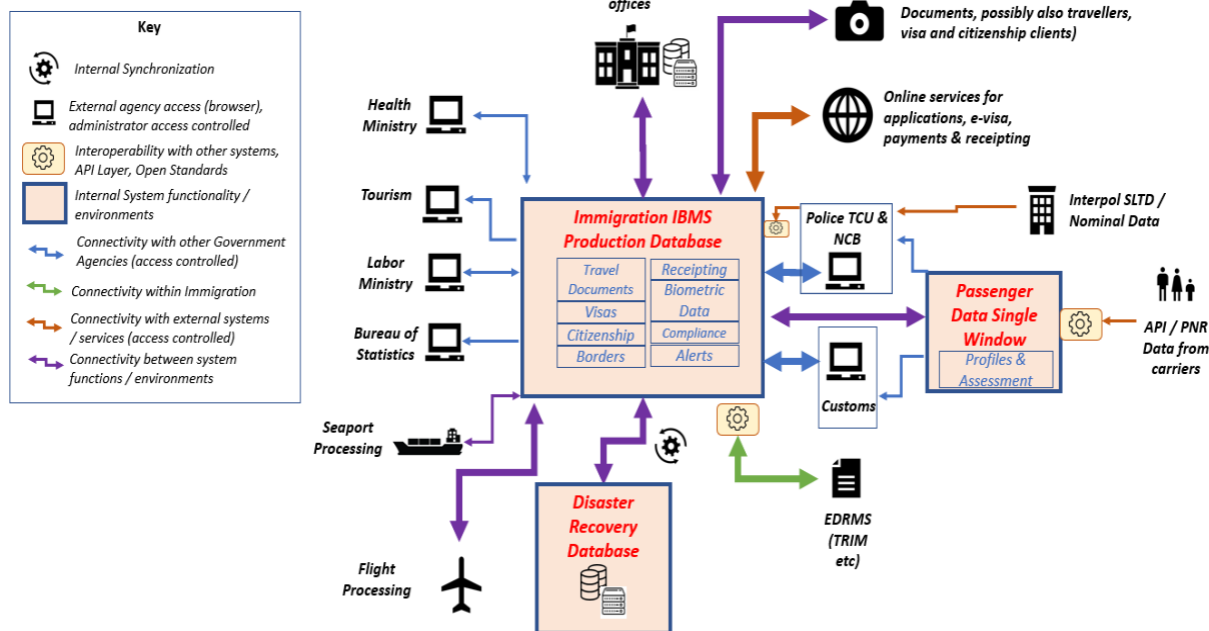**An ideal integrated BMS Functional Diagram**

Figure 7: Fully integrated BMS

8.2 BMS, API, and E-visa in the Pacific

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. At the PL, they need to be able to assist in the verification of identity and intent thereby enabling 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.

A BMS which is of appropriate scale and interoperable should also assist with the risk-management of passengers. By virtue of United Nations Security Council Resolutions (UNSCRs) 2178, 2309 and 2396, and ICAO Standard 9.5 of 2017, adoption of API is technically **mandatory** for all Chicago Convention signatories, which includes PICTS[21]. Similarly, PNR access, whilst not mandatory, is strongly recommended by ICAO and the UNSC. This is due to the capability to improve traveller risk assessment which both data types 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

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

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 development pathway as outlined at **Annex 2.**

As discussed elsewhere in this paper, most PICTs operate some form of VOA arrangement. There is a cost advantage to VoA systems because the cost associated with the collection of traveller data prior to their arrival can be high. However, there are some cost disadvantages, the main one being that a certain level of capacity is needed to manage arrivals without any ability to predict the actual level of need.

A further consideration is that while the cost of running a global visa system relying on officers overseas processing visa applications can be very high indeed, there are a range of more limited options that can be operated at significantly less cost, which can be built to operate with a relatively modest BMS. These include an online travel authority – similar to the New Zealand visa system, the American ESTA or the Australian ETA system. All these systems have different architecture.

  i. In the case of the Australian system, it is delivered by a commercial entity which raises revenue from ETA grants and uses this to pay for both the ETA system and the Advanced Passenger Information system.
  ii. The New Zealand visa process is a web-based form. Such a system could include an approval/rejection process or merely be a pre-travel registration process with no decision point (and the cost overheads associated with that).

A consideration in competitive tourist environments and where there can be the risk of reciprocity is the question of the charging of a fee.

One option for the Pacific might be for a pre-travel registration system to be established and operated by a central entity on behalf of several countries as is discussed further in **Annex 2.**

It should also be recognised that any implementation of API or E-visa, for example, will also necessarily mandate consideration being given to redeployment of agencies' human resources. To derive the maximum benefit from API, officers need to be on duty to analyse passenger data as flights close and depart from ports of origin. In the Pacific, this may mean officers working to pre-assess API data 6 or more hours prior to flight arrival. Another caution with BMS, particularly with passport readers at the PL, is the risk that officers can become disempowered or disengaged from the key functions around assessment of traveller identity and intent, particularly where SOPs, training, or simple habit have reinforced the notion that where the system "clears" a travel document, no further assessment is required. Automated inspection tools significantly assist in data collection and also verification checks, however they should not replace human oversight and decision-making entirely. This should be addressed in continuous training and in SOP reviews.

9.   Collection and Sharing of Information

Consistent with **Principle 7**, effective CBM requires the capture, storage, retrieval and sharing of various types of information. A country's Immigration Act should provide the legal authority for the collection of information (including biometric information) about people arriving and departing. It should also provide the authority for the retrieval and sharing of information between other domestic agencies and with specified overseas agencies and carriers, in accordance with national inter-agency and international bi-lateral and multi-lateral agreements.

Appropriate safeguards about what, how and to whom specific information can be shared should be prescribed in Schedules to Immigration Regulations or some other form of legislative instrument and be in accordance with relevant domestic laws and policies pertaining to informed consent and privacy.

10.   Conclusions

Governments, particularly those in Pacific Island countries, face many challenges including the competition for very limited resources, the impact of natural disasters, occasional political instability, the increasing influence of external actors, and the impact of climate change. Because many of them are heavily reliant on foreign aid, priorities are often skewed by pressing financial challenges and competing, donor-driven, development pressures. These necessitate the establishment of clear priorities and the making of sometimes difficult decisions, including around the time and resources committed to border management reform.

Factors such as the global spread of terrorism and trans-national crime and the 2020 COVID-19 pandemic have called into question the traditional view of the PL being operated by a single agency (historically Immigration) and highlighted the fact that, depending upon the circumstances, there are multiple agencies with a strong stake in the determination of whether a person should be allowed to enter or depart a country.

The need for closer coordination between border management agencies is a major concern for a wide range of government and non-government stakeholders in the Pacific, and therefore strengthens the case for the adoption of the contemporary philosophy of CBM. CBM, if properly designed, implemented and adequately resourced, can deliver benefits to both government and the private sector including:

- an increased public awareness of the need for integrity and good governance in border management;

- a clear articulation of policy and procedural requirements and commitments directly related to regional and international agreements;
- prompt and predictable clearance processing for compliant traders and travellers;
- transparency about the costs of inefficient, outdated, and redundant border management policies, legislation and processes; and
- a more responsive border management operation, playing a central role in protecting society from a range of threats.

The current environment presents clear opportunities for PICTs to achieve significant improvements in the scope and quality of their border management operations. There are core elements of PL operations which could be standardised, shared or re-used by some or all member countries including through:

- modernised templates for legislation and procedures;
- harmonisation of visa architecture, border management systems, and border clearance processes;
- a common approach to negotiating access to third party information;
- a common approach to obtaining foreign government assistance; and
- the shared provision of support functions such as training, information collection and data management.

Some of this work is already underway as part of the PIDC's legislative and procedural modernisation program and via a range of projects sponsored by ACP-EU. The expected outcome is that all PICTs will receive security and border management benefits from such arrangements — the more developed countries will be able to share facilities and knowledge with the less developed, thereby helping build their capacity, while themselves benefiting from the increased sophistication and performance of their previously less developed partners.

The Recommendations presented below represent, in the main, win-win opportunities for improvement which should not be missed.

11. Consolidated List of Recommendations

Recommendation 1: Consideration should be given to conducting a study into the feasibility, relevance, costs and benefits of developing common examination standards, shared record keeping, shared alerts management, and agreements about handling of non-compliant individuals.

Recommendation 2: BMS data is a national resource and should be integrated with other systems and agencies in a tailored, consistent form and made available on a need to know basis.

Recommendation 3: T**he** Immigration portfolio must 'own' the responsibility for the operation of the PL and this responsibility cannot be abrogated unless there are fundamental changes to the five factors for ownership.

Recommendation 4: The requirements for information from the BMS should be specified and formalised through a series of inter-agency agreements signed by the Heads of Immigration and each of the other agencies concerned.

Recommendation 5: PICTs should urgently review the delegations issued under the Immigration Act to reflect the current and foreseen future operating environment.

Recommendation 6: Border agencies should develop a Conops to outline responsibilities at the border from the point of view of the officer. This document should feed into training and form the basis of engagement between agencies operating at the border.

Recommendation 7: Eliminating the stamping of passports should only be considered in the presence of a fully functioning BMS which accurately records details of all a country's border crossings.

Recommendation 8: VoA is at best an interim measure given the risks. PICTs should consider moving to a system of pre-clearance.

Recommendation 9: All traveller movements across a country's borders should be recorded in a BMS.

Recommendation 10: PICTs should institute an interagency committee on passenger documentation which: identifies ownership (which may be shared) of each question on each entry card; works toward the consolidation of information on all cards; and seeks to eliminate as many of them as possible in the long term, without creating information gaps.

Recommendation 11: Countries should review their alert systems to ensure alerts are current and that a clear owning agency or unit is identified for each alert.

Recommendation 12: Primary Line officers should have a working knowledge of their country's legal processes as they relate to border management and be trained in the skill of providing succinct and accurate evidence under oath.

Recommendation 13: Immigration agencies should note the possible change of focus for PL officers associated with the introduction of greater automation and adoption of new technology. This should be factored into future recruitment and training plans and form part of the ongoing development of SOPs.

Recommendation 14: Notwithstanding the possible increase in the level of inconvenience (and therefore possibly complaints) to non-citizen travellers, revenue collection processes should be moved away from the PL.

Recommendation 15: Training for PL officers should reinforce their broader security and situational awareness responsibilities and obligation to immediately report incidents of non-compliance.

Recommendation 16: The set of PL best practices contained in this report, means countries should:

- regularly review and update their national immigration policies;

- develop legislation which reflects 21st century priorities and environment, and which has the agility and flexibility to respond quickly to changing circumstances including in:
    - patterns of visa usage; organisational infrastructure;
    - IT capability; national security priorities;
    - economic conditions, environment;
    - regional arrangements; and
    - current and future international commitments;
- develop visa criteria which are available to PL officers in a clear and consistent format; and
- adopt a nationally coordinated approach to border management, underpinned by a distributed BMS.

Recommendation 17: PIDC Secretariat should continue to explore and further develop the range of available online training packages for PL officers.

Recommendation 18: PICTs should consider the provision of cross-training to all border management staff, particularly training in the establishment of traveller identity and intent.

Recommendation 19: PICTs with multiple border control posts should review their facilities and operating environments with a view to standardising, to the fullest extent practicable, processing and information collection processes.

Recommendation 20: PICTs should take the opportunity to review and update their SOPs to reflect 2020 border management realities.

Recommendation 21: PICTs should consider changes (where necessary) to the layout of new and existing border control facilities as part of their planning to reduce the risk of corruption.

Recommendation 22: PICTs should institute regular independent reviews of their anti-corruption processes and controls to ensure they remain current and are functioning effectively.

Recommendation 23: Where a border management Code of Conduct does not exist, PICTs should consider using the PIDC Model Code of Conduct for Immigration as a guide.

Recommendation 24: PICTs should ensure that the power to refuse departure permission is included in their Immigration legislation.

Recommendation 25: An effective mechanism should be developed to provide PL officers with timely departure alert advice, preferably as a function of the BMS.

Recommendation 26: PICTs should consider charging a fee for certain categories of travellers who require 'bespoke' special handling.

Recommendation 27: While needing to strike a balance between convenience and revenue, those PICTs that either partially or fully fund their operations from visa revenue should seek to streamline and simplify their revenue collection mechanisms to the fullest extent possible.

Recommendation 28: PICTs should develop strategies to mitigate these risks and include procedures to address them in staff development programs.

Recommendation 29: Consistent with the principles of CBM, Border Management Systems should be:

- Overseen by the agency responsible for administering immigration legislation,
- Interoperable and/or integrated with other border-management systems, and
- Accessible by authorised officers of other authorised agencies, with relevant access controls, subject to written governance arrangements between agencies.

Recommendation 30: Consistent with the principles of CBM and UN Security Council Resolutions, consideration should be given to improving border management through:

- the acquisition of Advance Passenger Processing (APP)/Advance Passenger Information (API) systems capability;
- either acquiring or expanding the capacity of the BMS to support:
  - electronic lodgement of applications
  - the capture, storage and reporting of additional information; and
  - an increased level of access to facilitate the sharing of relevant information with partner agencies; or

- the central negotiation and procurement by an organisation, such as PIDC, of the capability outlined in the two previous dot points on behalf of all interested members.

Annex 1 – Environmental Scan

1.1   Analysis of Survey Responses from PIDC Countries

As part of the methodology for this review CBS 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.

By way of comment, an integrated or partly integrated BMS is even more rare. There is no need to labour the point here as members are aware of the vulnerabilities and inefficiencies that arise from this situation. The reliability and capability of systems and equipment, as well as data collection and storage were the most frequently reported areas of concern.

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

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

We cover opportunities for automation, including BMS, API and ETA in the main report.

From the point of view of respondents, it is clear that staffing issues are a major challenge and a commonly held concern. Issues traverse the field, including base levels of resourcing, training and associated issues of staff turnover, development and professionalism.

In terms of the operating environment, increasing border volumes are a common concern. Compliance of travellers, both at the border and post arrival is also a growing problem, along with fit-for-purpose legislation and organisational capability to deal with the consequences of this.

Most respondents reported at least one international agreement or arrangement incorporated in daily operations. The variety and diversity of these agreements was noteworthy – perhaps suggesting an area worthy of some consolidation and coordination on behalf of members.

1.2   Aggregated Survey Responses

Border Management System

BMS	3
BMS with external connectivity	1
BMS with no external connections	2
No BMS	5

No BMS but in process of acquisition	1

Information Sharing

Not possible or lawful	-
No agreements	2
One or more agreement/arrangements	5
One or more foreign agreements/arrangements	2
One or more agreements outside Government	1

Access to Advanced Passenger Information

No API access	4
API access	5
API linked to BMS	0

Which Agency Operates Primary Line

Immigration	4
Customs	1
Both Immigration & Customs	4

Legislative Basis for Primary Line Operations

Immigration Legislation	9
Customs Legislation	0

Countries Operating Visa Regimes

No VOA	2
VOA fee free	7
VOA with fee	0
Limited VOA	1
ETA or pre-arrival visa fee free	0
ETA or pre-arrival visa with fee	1
No ETA or pre-arrival visa	8

Fee Collection at Border

Fees collected at border (Primary Line)	
Fees collected at border (Secondary place)	3
No fees collected at border	5

Biggest Challenges & Concerns

Reliability/capability of systems and equipment, including data collection and storage	5

Training, development and Professionalism	4
Staff turnover and/or resourcing	4
Physical Infrastructure	3
Development of immigration rules and Legislation	3
Change management including implementation of new rules and achieving consistency	3
No automated BMS	3
Increasing Volume of travel	3
Information Sharing	3
Border law enforcement	3
Illegal Immigration and post-arrival compliance	3
Deportations, removals, repatriations	3
COVID-19	3
Coordination and consistency with other agencies	2
Agency Capacity	2
Technology acquisition or operationalization	2
Migration Trends and Issues, including labour migration, climate change	2
Access to API	1
Coordination of processes with neighbouring country/countries	1
Intelligence Capability	1
Growth in commercial activity	1
National Security	1
Passport integration/interoperability	1
Agency structure	1

International Collaboration

Capability including procurement	6
Technical Assistance	4
Training & Development	4
Cooperation on crime, smuggling and trafficking issues	4
Deportations, removals, repatriations	2
Capacity	2
Legislation change/review	2
New trends and developments	2
Cooperation on refugee issues	1
Information sharing on persons of interest	1

Cooperation on Migration issues	1
Covid 19	1
Legal Advice	1
Advanced Passenger screening	1

1.3 Synthesis of Stakeholder Feedback from Face-to-face Consultations

The PIDC and ACP-EU are active in promoting the reform of immigration legislation and operations in the Pacific. Under their auspices, there has been a considerable number of face-to-face consultations with both government and non-government stakeholders in several PICTs, including Federated States of Micronesia, Tonga, Tuvalu, Samoa, Solomon Islands and the Republic of the Marshall Islands, to solicit feedback and opinions about the operation of current immigration arrangements. The following is a synthesis of the views expressed in these consultations which relate to border management. Stakeholders want:

- The power to share information to be clearly prescribed in primary legislation (Act)
- Improved processes to capture data and to reduce duplication of information collected from passenger cards and declarations
- Border control information from participating agencies to be held in a central database which is accessible by relevant agencies and parties on a 'need to know' basis
- A comprehensive national alert list to which all border control agencies contribute and draw from
- Formalised data sharing standards and reporting protocols across government and between governments including inter-agency MoUs
- Stronger and more consistent whole-of-government border management regulation and enforcement arrangements – particularly the management of maritime borders
- Identified anomalies and gaps in entry and exit clearance processes to be addressed and streamlined to balance facilitation and control
- Establishment of air and seaport Clearance Zones to reflect the 21st century reality that there are a number of agencies with interests in determining who can enter a country and who should be excluded
- Better communication between primary line and other border control agencies at authorised ports
- Broader delegation of powers under the Immigration Act to other agencies to generate economies of scale
- Clarity around the methods, circumstances and responsibilities of Immigration, Customs, Police and other border control agencies operating at the border (Conops)
- An increased level of access to the BMS to facilitate the sharing of relevant information with partner agencies

- Improved border management through the acquisition of APP/API systems capability
- A streamlined online visa application process

- increased Immigration staffing levels to respond to growth in arrival numbers and improve enforcement capability

- Formal and transparent, risk-based guidelines for the treatment of unlawful non-citizens
- More cross-agency management level engagement
- Governments to consider leveraging other States' border management capabilities to improve entry and exit processes and mitigate risk.

Annex 2 – Pacific Regionally Coordinated Border Management

2.1   API, E-visa, and Regional Traveller Data Sharing

The World Bank's *Pacific Possible Report 2017* 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 PNA 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 is clear
- BMS deployments are API capable
- Solution architecture is sustainable and scalable
- 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 above, API implementation is technically a **mandatory** ICAO standard following relevant UNSCRs[22]. 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[23], and would, as

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[22] See also ICAO's API Implementation pathway at
https://www.icao.int/Security/FAL/TRIP/Documents/ICAO%20API%20Brochure_2018_web.pdf
[23] See the TRIP Strategy documentation at https://www.icao.int/Security/FAL/TRIP/Pages/Publications.aspx.
See also the text of Annex 9 at https://www.icao.int/WACAF/Documents/Meetings/2018/FAL-
IMPLEMENTATION/an09_cons.pdf , and API/PNR standards at
https://www.icao.int/Security/FAL/ANNEX9/Pages/Publications.aspx.

discussed above, bring significant benefits to PL operations and border security more broadly 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.".*[24]

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 CBM 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.

2.2 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 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.

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[24] 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

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[25], 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 at 2.3 below.

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

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

collaborative work can already be seen in the region with shared Statistical and Procurement and tendering websites.[26]

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

An example where shared API infrastructure and joint assessment has been achieved in a region facing similar infrastructure, budget and capability challenges can be seen in the Caribbean, where the Caribbean Community (CARICOM) has developed its Joint Regional Communications Centre (JRCC). This is a central clearing house for Advance Passenger

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

Information (API) and acts and on behalf of individual CARICOM Member States for the purpose of pre-screening passengers from air and sea carriers traversing the Region. [27]

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[27] See https://caricom.org/institutions/caricom-implementing-agency-for-crime-and-security-impacs/ and https://caricomimpacs.org/sub-agencies/jrcc/

Annex 3 – Best Practices for Primary Line Operations

In the body of this Report, we make a number of recommendations which reflect our view of best practices to be adopted at the PL. Further to those recommendations, in this Annex we explore how a well-functioning PL might operate as part of an integrated system of border clearance. For instance, at Section 6 – 'Operation of the Primary Line' above we outline the range of tasks possible at the primary line. For ease of reference these are reproduced here:

1. verifying the credentials provided by passengers;
2. verifying the authenticity of the travel document being used;
3. confirming passengers have permission to enter the country, usually in the form of a passport of the country concerned, or a foreign passport and a visa;
4. where no such authority exists or is required, deciding on the entry of foreign passengers – particularly under VoA schemes;
5. recording the arrival or departure of passengers on an agency system;
6. placing a stamp in the passenger's passport, which may include information on the terms of entry (period of stay; work restrictions etc);
7. making sure declarations and passenger cards are filled out correctly and in full;
8. responding to alerts on passengers;
9. conducting additional checks as part of a running operation, a profile, or in response to special tasking;
10. screening for third parties, such as customs, health or biosecurity agencies;
11. identifying concerns about passengers that should or could be actioned by other members of the agency, or by members of other agencies – including Police, Treasury, Customs, Health and Biosecurity agencies;
12. collecting evidence for inquiry or prosecution;
13. managing/monitoring the flow of passengers through automated systems, such as biometric clearance gates;
14. collecting revenue or verifying that government taxes and charges have been paid; and
15. contributing to airport security.

Not all these tasks are performed in all PL operations around the world. Indeed, PL tasking is often limited to the first seven or eight items. These items address the two main objectives at the primary line, which are to establish the identity and intent of passengers.

The other tasks listed tend to be either more complex or are dependent on other factors. In many cases the more complex tasks, are conducted by secondary teams. In sub-sections 6.1-6.13 above we discuss in more detail the nature of each of the tasks listed above with a focus on the variables which influence the way these tasks can be performed.

One factor that is apparent and crucial, but difficult to influence, is the space available for entry checking. Since border stations are perceived as a country's windows, their layout ideally should include zones which are secure and controlled, but which generally allow free flows of traveller traffic. They should act as control points only when there are reasons to stop someone or something.

Other key variables are discussed below.

3.1   The Design of the Clearance Zone

As discussed in the main report the "clearance zone" is the area at an air or sea port in which entry checks are conducted. In an airport the clearance zone usually starts from the aircraft door and ends when passengers pass into the public area of the airport. Elements within the clearance zone include the disembarkation area; the primary line, where identity and intent (i.e.: immigration) checks are conducted; immigration referral areas for referrals from the PL; the passenger baggage collection area; and secondary inspection areas for customs and quarantine checks. Depending on circumstances other checks, such as health checks, might be conducted and their placement will depend on their purpose, available space, technology deployed, etc.

It can be very helpful if such a zone is prescribed in legislation so that the powers and responsibilities of officers on the one hand and the rights and responsibilities of travellers on the other, are clear. Such legislation should also define the status of other entities operating in the zone such as airlines and ground handling agencies.

Immigration legislation best practice is that the legislation should clearly specify that entry into a country does not occur until travellers have passed through the entirety of the clearance zone. This is so that all agency checks have been conducted and taken into account for all checking purposes. It is not unusual, for example, that information relevant to identity and intent is located as part of a baggage search for customs purposes. It is important that the immigration authority is able to lawfully take this information into account before the passenger is finally 'cleared' for entry – even if the passenger has already passed through the PL.

3.2   Management of the Clearance Zone

The management of clearance zones can be carried out in a variety of ways depending upon space, resourcing, automation, staffing and availability of equipment. One common manifestation of this is supervisors in clearance zones being empowered to move staff into

different locations and roles in response to changes in the nature and number of passengers.

Another common practice is for supervisors in different zones to communicate with each other over radio systems. To be efficient and effective, it is useful to develop a call-sign and coding system so that messages and instructions are passed quickly and communication is masked from travellers.

A third very valuable feature is the use of a control room. The control room can perform a variety of functions, including for supervision and management of workflow, to relay communications, and to monitor staff activity. Depending on the level of capability and equipment available, the control room can also monitor passengers of concern as they move through the clearance zone. A number of countries are deploying biometric identification systems, such as facial recognition, to assist in this regard.

3.3   Visa Architecture and Issue Systems

The existence (or otherwise) and design of visa regimes heavily influences PL operations. As discussed at sub-section 6.3, the majority of PICTs utilise VoA arrangements. There are two broad types of VOA system operating globally:

- a universal VOA system; and
- a selective VOA system under which a country allows some nationalities to obtain a VOA while others are required to apply in advance of travel.

The alternative to a VOA system is one which requires people to apply for a visa before they are authorised to travel. Australia operates under such a system. Under traditional pre-travel visa systems, people must lodge a written application, either directly with the immigration service of the country concerned or through a diplomatic mission. The logistics of such an arrangement can be difficult, particularly where a country has a very limited network of overseas missions, and slow unless agreements are negotiated with a like-minded country (or countries) to receive applications, undertake necessary assessments and issue visas on behalf of the country.

Many countries are adopting a more efficient web-based mechanism for lodging visa applications and for visa processing. Under such systems, a person can apply for a visa on-line, pay any necessary fee online and receive communications from the issuing authority very quickly. The downside is that implementation of on-line visa systems can be expensive initially although, once in operation, they represent a fast and inexpensive processing vehicle.

Regardless of whether a country is operating a VoA or pre-arrival visa system, international best practice is that visa criteria should be defined as objectively as possible and provided to PL officers as an on-line reference guide, along with details of visas issued, via a BMS link.

3.4   Staffing

The issue of staffing encompasses both staffing numbers but, importantly, staff capabilities and training. In face-to face consultations and in their survey responses PICTs identified this as a key area of concern. Often staff need particular, formal capabilities in order to perform certain tasks. This might include certification to conduct searches of persons; training to take people into custody and to manage them thereafter; and access to and training on certain IT systems.

3.5   Automation

This is taken to encompass everything from access to API, to whether a computerised BMS is in use; whether the BMS links to alert systems and to API; whether automated gates are used; whether the gates conduct biometric identity checks; whether gates or BMS systems link to passport or visa systems; whether passport readers are deployed, etc.

3.6   Biometrics

Biometrics examination is a subset of automation but is worthy of special mention. It is a subject in its own right but here we would like to touch on the operational impact at the PL and in the clearance zone more generally.

Many modes of biometric comparison are used around the world, including face, finger and iris comparison. The choice of mode depends firstly on the objectives for their use. As a means of facilitating face-to-passport checks, the use of facial or perhaps iris recognition can be very useful. However, fingerprints might be collected if the desire is to allow secondary checking against other data bases – particularly criminal data. Other factors include legislative and privacy obligations and the state and availability of secondary data sources.

In the early days of usage, biometrics were simply grafted onto existing practices as a way of replacing face to passport checks. However, lessons have been learned over time and, using Australia as an example, the PL now operates in a very different way to how it was done in the past.

One major impact is on staff capability. Perhaps counter intuitively, training in facial recognition has become more important, rather than less. Staff must be able to quickly handle exceptions referred from the automated process. This represents a very demanding task when the PL is under time pressure.

3.7   Agency Structure

Entry authorities around the world have adopted many different ways of structuring their entry processing agencies. The most common structures are the multi-agency structure and the border agency structure.

Multi-agency structures divide arrival processing amongst different agencies performing task such as immigration, customs, quarantine, police, human health etc. This is often reflected in separate pieces of legislation for each function as well as differing Ministerial responsibilities, program financing etc.

The alternative is to combine some or all agencies in a single border agency, ideally with a single piece of enabling legislation.

However, in the real world such agencies usually must operate under multiple pieces of legislation and differing external tasking. This can be very challenging when, for example, there are different standards for things as fundamental as collection and storage of data.

The pros and cons of these structures are out of the scope of this report but we note them here because it makes a difference to how a primary line operates as part of a clearance zone. At an organisational level, it can affect a range of factors from the manner in which things like entry declarations are designed, to the choice of technology deployed.

 It also makes a difference to staff capability and their ability to be deployed. Depending on the rhythm of arrivals, agencies might take the opportunity to multi-task staff in the clearance zone, or even to perform roles elsewhere in the agency – such as vessel or cargo clearance, post-arrival immigration compliance, or visa processing.

3.8   Operational Posture

Agencies working at the border operate a "choke-point" and must be able to deal with high volumes in a timely manner. However, that does not mean that resources need to be deployed equally to all tasks. At the PL most passengers can be quickly and routinely processed with a minimal level of intervention. This can leave room for agencies to run tighter targeting operations to address particular concerns. An example might include the targeting of a cohort of passengers who potentially represent an increased risk of post-

arrival compliance problems. PL officers might also be tasked, for example, with seeking additional information from such travellers, or to try to identify passengers travelling together. Often such operations are supported by secondary referral staff.

3.9   Intelligence and Targeting Capability

To support tasking such as the conduct of operations and also to ensure border interventions have the highest chance of yielding a result, many agencies develop targets prior to arrival. The quality of targeting is very dependent on the range and timeliness of traveller and visa data available. API and PNR data are common data sources and can be very powerful when combined with other material, including intelligence holdings and visa data.

Annex 4 – Primary Line Delegation / BMS Access / Information Sharing Agreement Template

> **Note** – This template is offered as a guide only. PICTs should feel free to amend and adjust in accordance with the agencies involved, the supporting policy and legislative framework, and the level of formality required.
>
> Examples of where this template may be applied include definitions or governance around:
> - Defining roles and responsibilities at the PL
> - BMS access and/or use depending upon delegations and/or agency business requirements
> - Other information sharing between agencies

Memorandum of Agreement

Definitions

"API" means Advance Passenger Information

"BMS" means the Border Management System/s operated by Immigration.

"Customs" means the agency responsible for administering the *Customs Act* and Regulations in country X (specify full agency name and other portfolio legislation as well)

"Immigration" means the agency responsible for administering the *Immigration Act* and Regulations in country X (specify full agency name other portfolio legislation as well)

"immigration powers" means powers deriving from the Immigration Act.

"official information" means any information collected, stored, or generated by either of the Parties to this Agreement in the discharge of the lawfully mandated duties or functions of that Party.

"Head of Immigration" means the [PIO/CMO/ACEO/Director/Secretary/CEO etc] of the Immigration Agency

"PNR" means Passenger Name Record

"Police" means the Police Service of country X, as established by the *Police Act of XX*

"Primary Line" means the place where traveller arrival and departure formalities are conducted by [agency] pursuant to the *Immigration Act*.

Parties to this Agreement

This Agreement is executed between [Head of Immigration] and [Head of other agency], hereinafter referred to as "the Parties" for and on behalf of their respective agencies.

Purpose of this Agreement

The purpose of this Agreement is to:

1. Define the roles of the Parties in respect of assessment, processing and clearance of travellers at the national border
2. Confirm delegation of powers
3. Authorise and define access to the Border Management System by officers of [other agency]
4. Establish mechanisms for the sharing, retention, destruction, and use of official information between and by the Parties
5. Establish management controls, reporting and governance arrangements

Source of Immigration Powers and Delegation

The Parties agree that the source of powers governing the entry and departure of travellers across the international border, and their right to enter and remain or otherwise, derive from the Immigration Act and the Nationality Act, as amended.

The Parties agree that the powers provided in this legislation vest with the Minister responsible for Immigration, and through that office, to the Head of Immigration and the Immigration agency for the purposes of management oversight, and administration and policy direction to delegated officers of Immigration and other agencies.

The Minister may delegate his or her powers to officers of either Party as provided by the Immigration Act. Other immigration powers may be directly conferred upon officers of the Parties by the Immigration Act.

The Parties agree that exercise of immigration powers must be carried out lawfully, by properly delegated officers of the Parties, in accordance with directions and policies of Government, and of the Head of Immigration.

The Parties agree that an officer or employee of their agency who is not delegated to exercise immigration powers shall not be permitted to, and shall be prevented from exercising or purporting to exercise such powers by the management of the respective Party.

Passenger arrival and departure processing

By virtue of [Cabinet Decision XX / Ministerial Direction XX / Other], [Other Agency] has been directed to:

- Staff the Primary Line
- Exercise immigration powers at the Primary Line with respect to:
    - Establishing the identity and intent of travellers, including bonafides of travel documents and traveller statements
    - Recording movements and related decisions around identity and intent of travellers
    - Responding to BMS alerts
    - Granting authority to enter or depart
    - Accessing the BMS for the purpose of performing these functions
    - Checking and retaining official arrival and departure passenger cards

[Other Agency] agrees that its staff, when performing these duties will:

- Be made aware of the contents of this MoA
- Be permanent members of [Other Agency], not casual employees unless expressly agreed with the Head of Immigration in writing
- Attend to their duties in a timely, professional, courteous manner
- Be paid by [Other Agency], and subject to the normal management and HR practices and code of conduct of [Other Agency]
- Treat all official information obtained in the discharge of immigration functions as confidential, and not disclose that information except for proper business reasons as permitted by the Head of Immigration
- Not use official information obtained in the discharge of immigration functions for personal gain, benefit, or advantage of themselves, their family, business partners, or other persons
- Follow the policy directions of the Head of Immigration and/or the senior Immigration Officer when exercising immigration powers, and
- Cease exercising immigration powers where official delegation has ceased, expired or been revoked, or where directed to do so by the Head of Immigration.

[Other Agency] agrees that in the performance of these duties, [Other Agency] Officers will refer matters involving:

- questioned identity and intent,
- possible alert matches,
- possible refusal of entry or departure, or
- use of coercive powers

to Immigration for assessment and direction.

Immigration agrees to ensure that officers of [Other Agency] are:

- Trained by Immigration in the use of the BMS
- Trained in the exercise of relevant immigration powers
- Aware of how to refer matters to immigration for assessment and decision
- Provided with access to all official policy and legislative documents and SOPs in respect of immigration powers
- Briefed upon trends and threats at the border

BMS Access

By virtue of [Cabinet Decision XX / Ministerial Direction XX / Other], [Other Agency] has been declared a relevant agency for the purposes of accessing and making use of the BMS and its data in the national interest.

The Parties agree that all information contained within the BMS attracts a national security classification of [Confidential] unless otherwise agreed by the [Head] of Immigration.

Access by officers of [Other Agency] will be [strike out whichever does not apply]

- Restricted compartment/reporting, read only
- Alerts system read only / read and write
- Movements read only / read and write
- Visas read only / read and write
- Passports read only / read and write
- Nationality read only / read and write
- Compliance & Enforcement read only / read and write
- API data read only / read and write
- PNR data read only / read and write

Immigration will provide access to officers of [Other Agency] to the BMS. This access shall be on the following basis:

- Access will be granted to specific officers of [Other Agency] only
- Access will be facilitated via user login and password authentication
- User login and password details must be kept confidential by officers, and must not be disclosed to any other person for any reason
- BMS data remains the property of and under the control of Immigration
- Systems access and use of BMS data by authorised officers of [Other Agency] must be for an official purpose
- Where BMS access permits any form of data amendment or creation, this shall be done only for official business purposes
- All official information obtained in access or use of the BMS as confidential, and must be stored securely, and not be disclosed to any third party except for proper business reasons and where permitted by the Head of Immigration

- Officers of [Other Agency] will not use official information obtained from access to the BMS for personal gain, benefit, or advantage of themselves, their family, business partners, or other persons
- Officers of [Other Agency] will follow the policy directions of the Head of Immigration and/or the senior Immigration Officer when accessing or using the BMS or using, retaining, and destroying copies of its data
- Access may be revoked with no prior notice where breach of any of the above is reasonably suspected by the Head of Immigration

The [Head of Other Agency] undertakes to ensure that all relevant [Other agency] staff are made aware of these requirements, and to report any suspected breach to [Head of Immigration].

Immigration agrees to ensure that officers of [Other Agency] are:

- Trained by Immigration in the use of the BMS
- Provided with access to all official policy and legislative documents and SOPs in respect of the BMS

Information Sharing, Retention and Use

By virtue of [Cabinet Decision XX / Ministerial Direction XX / Other], Immigration and [Other agency] to share official information / law enforcement information / intelligence in the national interest.

or

The [Head of Immigration] and the [Head of other agency] have agreed to share [official information / law enforcement information / intelligence] in the national interest.

The Parties agree that this information sharing shall be on the following basis:

- Official information remains the property of the originating Party, and subject to its controls and restrictions
- All official information shared must be stored securely, and not be disclosed to any third party except for proper business reasons and where permitted by the [Head] of the originating Party
- Officers of the receiving Party will not use official information shared pursuant to this agreement for any personal gain, benefit, or advantage to themselves, their family, business partners, or other persons
- Officers of the receiving Party will follow the policy directions of the [Head] of the originating Party in respect of using, retaining, and destroying copies of its data.
- Classification and handling markings on official information shared in hardcopy or electronically shall be respected by the receiving Party, and not changed or removed unless permitted by the originating Party.

Annex 5 – References and Further Reading

5.1   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

- **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/organized-crime/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

5.2   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

5.3   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

- Aldana, Raquel; Kidane, Won; Lyon, Beth; and McKanders, Karla M., "Global Issues in Immigration Law" (2013). McGeorge School of Law Teaching Materials. 26. https://scholarlycommons.pacific.edu/facultyteaching/26

5.4 Integrated or Coordinated 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

- 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

- New South Wales Government Special Commission of Inquiry into the Ruby Princess, available at https://www.rubyprincessinquiry.nsw.gov.au/

5.5 Traveller Identification

- ICAO TRIP Strategy and related supporting documentation, available at https://www.icao.int/Security/FAL/TRIP/Pages/Publications.aspx and specifically
  - o 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
  - o 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

5.6   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

5.7   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

5.8   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

5.9   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

5.10   General Reading

- *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/
  - *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
  - *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*
  - *World Migration Report 2020 -* https://www.un.org/sites/un2.un.org/files/wmr_2020.pdf
  - *Global Migration Indicators 2018 -* *https://publications.iom.int/books/global-migration-indicators-2018*
  - *Glossary on Migration -* *https://www.iom.int/key-migration-terms*
  - *Migration Data Portal -* https://migrationdataportal.org/
  - *Migration and the 2030 Agenda: A Guide for Practitioners -* *https://migrationdataportal.org/tool/migration-and-2030-agenda-guide-practitioners*
  - *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/
  - *Immigration Data Matters (March 2018) -* https://www.migrationpolicy.org/research/immigration-data-matters

- *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

- *UNHCR – www.unhcr.org*
  - *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/