DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

SUBMISSION TO THE
PARLIAMENTARY JOINT COMMITTEE ON THE AUSTRALIAN CRIME COMMISSION:

INQUIRY INTO THE ADEQUACY OF AVIATION AND MARITIME SECURITY MEASURES TO COMBAT SERIOUS AND ORGANISED CRIME

The Department of Immigration and Citizenship (DIAC) is one of several border management agencies and is primarily concerned with the management of lawful entry and stay of non citizens. DIAC works closely with other border agencies to facilitate efficient passenger processing to ensure that immigration integrity, national security and law enforcement requirements are satisfied.

Layered Border

DIAC supports the layered and offshore border concept. Under Australia's universal visa policy, non-citizens seeking to travel to and enter Australia must hold a valid visa. All applicants for visas are screened against the Movement Alert List (MAL) to identify persons of concern. MAL is the department's primary tool for protecting the country from those people who may pose a serious threat to the Australian community. MAL is a computer database of details on people and travel documents of immigration concern to Australia which is used to screen visas. As at end of May 2009 there were approximately 700 000 identities listed on MAL. DIAC also applies a range of fraud and integrity measures before visas are granted.

Every visa applicant must meet basic health, national security, and character requirements before being granted a visa. Past and present criminal conduct, where detected, may result in the refusal or cancellation of a visa under section 501 of the *Migration Act 1958.*

DIAC overseas staff work with host governments, the travel industry (particularly airline staff, travel agents and supporting health providers) to support the integrity of the visa system and to ensure that such immigration malpractice is detected and managed offshore where possible. To support this process DIAC employs specialised Airline Liaison Officers (ALOs) at key hub overseas airports to prevent the travel of improperly documented passengers and to facilitate the travel of genuine passengers to Australia.

The ALOs provide support to airline check-in staff who are required to undertake Advance Passenger Processing (APP) checks as part of the check-in process. The APP system is integrated with airline check-in systems. Airlines must provide DIAC with information on all passengers and crew, including all transit passengers, travelling to Australia. This information is transmitted to Australia for use by border agencies prior to the arrival of the aircraft. Airlines that do not comply face substantial financial penalties and a liability to return passengers who are refused entry to Australia to their port of last boarding.

Automated checks occur against DIAC databases at check-in to prevent boarding by non-citizens who do not hold a valid visa or valid travel documents. The DIAC Border Operations Centre provides DIAC with an around-the-clock capability to resolve intending passenger status and supports airlines, shipping companies, ALOs, overseas posts and DIAC border staff. It is also a point of contact for national security, law enforcement and emergency response agencies. APP is also used to support immigration clearance for cruise ship arrivals.

Working with the Australian Customs and Border Protection Service (Customs and Border Protection) Passenger Assessment Unit (PAU), the DIAC Targeting Support Unit (TSU) monitors incoming passengers and identifies high-risk passengers for further examination. Persons of interest are referred for further processing on arrival.

Seafarers are required to hold a Maritime Crew Visa (introduced in 2007) on arrival. Those who fail to comply will be restricted on board their vessel while it remains in an Australian port.

DIAC's visa processes and supporting integrity measures mitigate against criminals entering Australia and ensure that problem cases are managed off-shore where the costs and risks to Australia are minimised.

People Smuggling

Customs and Border Protection is responsible for leading the whole-of-government response to maritime people smuggling. DIAC is responsible for managing processes designed to combat other types of people smuggling activities through the visa assessment, immigration clearance processes, and ALO and compliance functions.

International Airports

Customs and Border Protection officers undertake primary line immigration clearance on behalf of DIAC. If any irregularities are detected specialist immigration officers undertake the processing of those persons referred from the primary line. DIAC staff work with other agencies to manage the entry process.

DIAC has a formal arrangement with the Australian Federal Police (AFP) to enable effective referral of persons suspected of criminal activity to the AFP for further examination. Border Intelligence Officers have been deployed to key international ports in Australia. These officers are members of the *Joint Airport Intelligence Groups* to facilitate the effective sharing of aviation security-related intelligence.

Seaports

The department's Regional Seaports Officers support Customs and Border Protection through training and advice on immigration requirements and by undertaking the more complex immigration clearance functions and the provision of document examination services.

Law enforcement liaison

The department has continued to maintain strong support for law enforcement agencies, in particular Australian police services, by providing timely immigration information to assist investigations and proceedings leading to criminal convictions.

Future Developments

Identity Management. As part of a broader identity management strategy to strengthen identification processes for non-citizens entering Australia, DIAC is introducing biometric technology into some of its programs and processes. This includes facial recognition and fingerprint matching technology.

As biometric technology is fast becoming more sophisticated, solutions developed for the departmental systems will take account of international issues, system suitability, appropriateness and capability for technological expansion.

The department is working with the Department of Foreign Affairs and Trade (DFAT) and Customs and Border Protection to design an integrated approach to the use of biometric technology for border control. One initiative is SmartGate, an automated border processing system that gives eligible travellers arriving into Australia's international airports the option to self-process through the primary line. It uses the data in ePassports and facial recognition technology to perform the customs and immigration checks that are usually conducted by a Customs and Border Protection officer. SmartGate can collect information electronically in relation to health and character, although a traveller must still complete the Incoming Passenger Card. Currently, SmartGate systems are operating at major Australian international airports and in New Zealand.

Intent Management. Most of Australia's border control systems were developed and deployed during the latter years of the last century, and at the time, they were considered to be state-of-the art. Changing risk environments and increasing passenger loads are major drivers behind DIAC initiatives to enhance existing systems and adopt new technologies as they become available. In 2007-08 over 25 million passengers crossed Australia's border. This number is expected to rise steadily to 30 million by 2014.

DIAC is developing new systems to better support the management of intent. The new systems will support immigration, national security and law enforcement processes involved in managing the risk associated with visa applicants and travellers to Australia.

Conclusion

DIAC operations and systems are supporting a range of initiatives at the border designed to enhance process integrity, national security and law enforcement objectives.

Existing systems and processes allow for the identification of known criminals and the targeting of high-risk travellers. Where appropriate, visas will be refused or cancelled and, through APP, airlines will be advised not to board a traveller without a valid visa.

Active participation in airport joint intelligence structures and activities and formal cooperation between DIAC and Customs and Border Protection as well as DIAC and the AFP facilitate information and intelligence sharing and the effective management of persons of concern.

New initiatives that recognise the need to deal effectively with changing risk environments are under development to enhance identity, intent and risk management challenges into the foreseeable future.