



**Australian Government**

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**Department of Immigration  
and Citizenship**

SUBMISSION

BY

THE DEPARTMENT OF IMMIGRATION AND CITIZENSHIP

TO THE

JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS,  
DEFENCE AND TRADE

IN RELATION TO THE INQUIRY INTO

**AUSTRALIA'S RELATIONSHIP WITH ASEAN**

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## **Terms of Reference**

The Foreign Affairs subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade shall examine and report on Australia's relationship with ASEAN with particular reference to:

1. opportunities to improve Australia's involvement in ASEAN;
2. opportunities to enhance regional security through Australian involvement;
3. free trade agreements with individual ASEAN countries;
4. opportunities to enhance the regional economy;
5. opportunities to improve cultural links; and
6. the impact of global warming on the region.

## **Importance of ASEAN to Australia's Migration Program**

The ASEAN region is an important transit point for travel to Australia and is the source of a significant number of people in Australia's migration program. During the 2006 census, there were 506 890 people in Australia from the ASEAN region. During 2006-07, there were 26 192 permanent resident additions, 77 260 students and 13 292 temporary business entrants from ASEAN countries. In the other direction, during 2006-07, 4721 Australians departed permanently for the ASEAN region.

Given ASEAN's significance for Australia's migration program, Australia has an interest in the development of effective regional policies and cooperation to manage migration and control borders. The primary ASEAN strategy for cooperation on migration issues is the *ASEAN Plan of Action for Cooperation on Immigration Matters* (ASEAN Plan – see Annex A). The objectives of the plan are to:

1. strengthen immigration cooperation with a view to establish an effective network to promote the modernization of immigration facilities, systems and operations;
2. upgrade human resources capabilities and capacities of immigration officials to support the economic aspirations of ASEAN;
3. provide support in combating transnational crime; and
4. to enhance and streamline region-wide immigration procedures to facilitate intra-ASEAN commerce, tourism and travel.

The ASEAN Plan provides a framework for developing ASEAN-Australia cooperation on migration issues.

## **Opportunities to improve Australia's involvement in ASEAN**

ASEAN has agreed that its highest policy- and decision-making institution for migration matters is the Directors-General of Immigration Departments and Heads of Consular Affairs Divisions of the Ministries of Foreign Affairs (DGICM). This brings together the heads of immigration agencies and representatives from consular affairs, including at annual summits.

The ASEAN DGICM provides the primary opportunity for Australia to pursue migration interests with the ASEAN organisation. From 2005 until 2007, Australia participated under an annual invitation to the ASEAN DGICM + Australia Consultation, which follow the DGICM itself. The ASEAN Secretariat has since agreed that the DGICM + Australia Consultation will be a standing agenda item.

Alongside this institutional improvement in Australia's involvement with ASEAN on migration matters, our practical cooperation has also been strengthening. Notably, the Department of Immigration and Citizenship (DIAC) has increasingly been involved in training programs conducted under ASEAN auspices. DIAC has co-chaired and hosted ASEAN + Australia initiatives to deliver courses in immigration investigations and immigration training management. DIAC have participated in the ASEAN Immigration Intelligence Forum. Most recently, DIAC has attended a course run by Singapore for ASEAN immigration officials.

We have noted ASEAN members' interest in many aspects of Australia's approach to migration management and border control. In turn, we have a strong interest in understanding the evolution of their programs. These interlocking interests have allowed us to build a constructive agenda for engagement and are an opportunity to strengthen our involvement with ASEAN. The DGICM + Australia Consultation will be particularly important forum to maintain our influence in the development of regional consensus on migration issues and the practical responses adopted to implement that consensus.

DIAC's engagement with ASEAN members bilaterally and through the DGICM + Australia Consultation has yielded results by strengthening international relationships with our counterparts. These relationships assist DIAC in managing both regular and irregular migration, thereby helping to maximise the benefits to Australia of the migration program. For example, the efficacy of our network of airline liaison officers depends on relationships with host countries and our program of international document examination capacity-building has generated excellent returns in terms of counterpart capabilities and their interest in cooperating with Australia.

Building on this, DIAC is considering options to further enhance our involvement with ASEAN. We are seeking opportunities to institutionalise our engagement more deeply and

more broadly. For example, at the strategic level this may entail an exploration with ASEAN of priority areas of the ASEAN Plan in which we could agree cooperation programs. At the practical level, any such agreement would facilitate a higher tempo of joint action by ASEAN and Australia to, for example, share expertise in border management capabilities.

In considering how to improve Australia's involvement with ASEAN on migration-related issues, it is important to take account of the synergies between ASEAN-Australia cooperation – such as the ASEAN DGICM + Australia Consultation – and other regional forums. Examples are the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (co-chaired by Australia and Indonesia) and the Asia-Pacific Consultation on Refugees, Displaced Persons and Migrants. Australia and ASEAN members play significant roles in such forums. They offer opportunities to work with ASEAN to pursue interests beyond the region and opportunities to align regional cooperation with extra-regional developments.

## **Opportunities to enhance regional security through Australian involvement**

ASEAN-Australia training initiatives demonstrate the potential to enhance regional security through cooperation in developing migration management capabilities. Agreements made through the DGICM + Australia Consultation have encouraged regional cooperation programs in areas such as document examination and immigration data and trend analysis. DIAC works to foster sustainable networks of immigration officials, both in technical and policy areas, to encourage the sharing of expertise and more effective international cooperation. DIAC has noted positive outcomes from these programs in terms of the detection of irregular movements in the ASEAN region, for example those related to transnational criminal activity. ASEAN members have also demonstrated growing interest in cooperating with Australia on immigration border security issues, including an increasing willingness to share information with Australia.

Encouraged by the success of this approach to enhancing regional security, DIAC is interested in developing cooperation programs in other areas. For example, through the DGICM + Australia Consultation we agreed to pilot exchanges of immigration investigators and will consider how this might evolve into a standing network of joint training and exercises. Similarly, we are considering how Australia and ASEAN could work together to enhance regional security through the cooperative, effective management of displaced populations.

One potentially large body of work between ASEAN and Australia is around the development of border management systems. The size of contemporary migratory flows in the ASEAN-Australia area creates a significant challenge to facilitate the entry of genuine travellers while efficiently preventing unauthorised migrants. This balance of interests places a premium on

the speed and accuracy of information systems. Across ASEAN, immigration agencies are considering options for bolstering their IT infrastructure. With experience in IT implementation in Australia and in countries such as Indonesia and the Philippines, DIAC is considering how best to engage with this process, including through ASEAN. An aim would be to minimise the costs of developing effective IT architecture and to enable interoperability between systems. With regard to the latter, DIAC is seeking opportunities to integrate system development in other forums, such as APEC, with initiatives in the ASEAN space.

Finally, it may be of interest to develop dialogue with ASEAN on the interaction between migration and social harmony. DIAC is unique among immigration agencies in the region in that we are responsible both for the migration program and for fostering effective settlement and social cohesion in Australia. Given that national cohesion underpins regional security, a discussion with ASEAN counterparts on migration management and social harmony may be a beneficial broadening of our cooperation agenda.

## **Free trade agreements with individual ASEAN countries**

DIAC is involved in Australia's negotiations for free trade agreements with ASEAN members. In general, we are led by other government agencies in assessing the potential benefits of freer trade. Our responsibility is to ensure that agreements including migration arrangements, such as measures to promote tourist or business travel, can be administered effectively and with minimum risk to other national interests in migration management.

## **Opportunities to enhance the regional economy**

The growth in migratory flows related to business, tourism and education across the ASEAN-Australia space has benefited the regional economy. ASEAN members have agreed to pursue numerous plans to develop their economies. It is important for Australia to engage actively with the migration implications of these plans, both to generate benefits for ourselves but also to maximise Australia's contribution to regional economic growth. Migration for education is an excellent example of how Australia's migration program decisions can contribute significantly to enhancing the regional economy by developing human capital in sending countries.

DIAC seeks opportunities to engage ASEAN on the potential to reap benefits by improving countries' migration management capabilities. Many of the activities discussed above in the context of cooperation to enhance regional security also help to minimise the risks created by larger migration flows. They also improve the quality of immigration agencies' data, thereby supporting social and economic policy development.

## **Opportunities to improve cultural links**

The size and diversity of migration between the ASEAN region and Australia has helped to create a dense web of cultural links with the region. For example, work and holiday visa arrangements encourage international travel and greater exposure to other cultures. Student migration can generate life-long affinity for other countries and longstanding international networks.

The effective and efficient management of our migration program facilitates cultural exchanges that benefit Australia and our regional partners. Furthermore, DIAC's policies on social cohesion contribute to Australia's positive approach to cultural interaction. Fostering this positive approach also encourages ASEAN populations to view Australia as an attractive source and destination for migrants and as a partner for cultural exchanges. Cooperation with ASEAN in this area would likely complement the work mentioned above on enhancing regional security through managing interactions between migration and social harmony.

## **The impact of global warming on the region**

The Intergovernmental Panel on Climate Change Fourth Assessment Report in 2007 set out several scenarios for global warming's impact on sea levels. The numbers affected will be largest in the mega-deltas of Asia and Africa, and vulnerable small islands. In Asia there may be increased flooding from the sea and from the rivers. Extreme weather events may become more frequent and/or severe. The geographical distribution of food production may be affected by shifting climactic conditions.

The effect that these two developments might have on migration patterns in the ASEAN region is difficult to predict with accuracy. However, experience indicates that extreme weather events can cause significant short-term migratory flows, such as occurred in and around Burma following the cyclone in 2008. It is therefore possible that any increasing extremity in weather may displace greater numbers of people in the ASEAN region. Most of these would likely be internally displaced persons, but a proportion will cross borders and some may seek permanent emigration.

The potential for global warming to shift migratory patterns is another reason for Australia to pursue regional cooperation in building effective managed migration programs. Many of the suggested areas of cooperation discussed elsewhere in this submission – border processing systems, managing displaced populations, constructive policies to link migration with social harmony – will help to adapt the region to migratory pressures arising from climate change.



# ANNEX A: ASEAN Plan of Action for Cooperation on Immigration Matters

## I. BACKGROUND

### a. Mandate for ASEAN Cooperation on Immigration Matters

In the era of globalization, ASEAN is moving towards closer economic integration where greater intra-ASEAN economic cooperation and a free flow of people, goods and services are anticipated. With the expansion of ASEAN there is also a greater need to ensure that there is balanced development between the old and new Member Countries. In order to achieve these goals, there is a necessity for all ASEAN bodies to work together in supporting and facilitating regional initiatives in the various sectors. In this regard, the 5<sup>th</sup> ASEAN Summit in 1995 in Bangkok identified immigration as an area where cooperation could be further strengthened to support ASEAN economic cooperation. The ASEAN Heads of Government and State initiated the convening of a consultative meeting of the ASEAN Heads of Immigration for the first time to focus on the simplification of immigration procedures to further strengthen economic cooperation.

The ASEAN Vision 2020 adopted by the ASEAN Heads of Government and States at their 2<sup>nd</sup> ASEAN Informal Summit in Malaysia in 1997 set out a broad vision for ASEAN to the year 2020 as a community of Southeast Asian Nations, outward looking, living in peace, stability and prosperity, bonded together in partnership in dynamic development and in a community of caring societies. In the economic arena, it called for a partnership in dynamic development aimed at forging closer economic integration with ASEAN for sustainable and equitable growth and the creation of a highly competitive ASEAN Economic Region where there would be a free flow of goods, services and investment and capital. In the social field, the development of a cohesive and caring ASEAN society based on agreed rules of behaviour and cooperative measures to tackle regional problems such as trafficking in women and children and other transnational crime was emphasized. A drug free Southeast Asia by 2020 was also mentioned.

With the financial crisis sweeping the region in July 1997, the attainment of the Vision seemed uncertain. ASEAN was not only confronted by the need to chart out the roadmap towards realizing the long term ASEAN Vision 2020, but to address the challenges posed by the crisis, which called for immediate measures to restore macro-economic stability, enhance economic recovery, promote growth and reform the international financial architecture. Against this backdrop, the ASEAN Heads of Government/State adopted a six-year plan of action known as the Ha Noi Plan of Action (HPA), and a shorter-term package of bold measures to address the financial crisis at the 6<sup>th</sup> ASEAN Summit in 1998 in Viet Nam. These plans of action set the foundation for ASEAN's long-term regional stability and prosperity as it entered the new millennium. Most importantly, it represented the resolve of the ASEAN Heads of Government/State to look beyond the immediate economic and financial challenges and to strive to regain the momentum of growth and prosperity in the region. This also set the stage for closer integration among the ASEAN Member Countries.

The HPA is the blue print of a series of plans of action towards the realization of the goals set out in the ASEAN Vision 2020 and serves as a strong impetus to ASEAN's collaboration in the political, economic and functional areas, which have been the three main pillars of the regional cooperation in ASEAN. The HPA contained a number of measures which relates to the area of immigration cooperation:

- i. Accelerate the freer flow of skilled labour and professionals in the region;
- ii. Encourage the establishment of ASEAN Lane for facilitating intra-ASEAN travel;
- iii. Develop the Trans-ASEAN Transportation Network by the year 2000 as the trunk-line or main corridor for the movement of goods and people in ASEAN consisting of major road (interstate highway) and railway networks, principal

ports and sea-lanes for maritime traffic, inland waterway transport and major civil aviation links;

- iv. Strengthen ASEAN collaboration in combating the trafficking in, and crimes of violence against, women and children;
- v. Strengthen regional capacity to address transnational crime.

The Ha Noi Declaration adopted at the 6<sup>th</sup> ASEAN Summit also reinforced ASEAN's aim to intensify individual and collective efforts to address transnational crimes such as drug trafficking, money laundering, terrorism, piracy, arms smuggling and trafficking in persons.

The Immigration authorities in the ASEAN Member Countries also acknowledged the need for closer cooperation to implement region-wide initiatives such as the ASEAN Lanes at the international airports of Member Countries; visa-free entry for all ASEAN nationals; use of smart cards as travel documents within the region; harmonization of ASEAN Immigration embarkation and disembarkation cards; and facilitation of movement of yachts, leisure boats and private aircraft within ASEAN.

In light of the need to support the goals of the Vision 2020 and the HPA initiatives and to forge greater cooperation and networking among the ASEAN immigration authorities to undertake the above tasks, the 3<sup>rd</sup> Meeting of the ASEAN Directors-General of Immigration Departments and Heads of Consular Affairs Divisions of the ASEAN Ministries of Foreign Affairs (DGICM), held on 13-14 December 1999 in Yangon, agreed to establish a High Level Ad-hoc Experts Group Meeting on Immigration Matters (EGIM) to carry out the following:

- i. Establish an institutional framework for ASEAN cooperation on immigration matters so that ASEAN immigration authorities could respond effectively to the needs and aspirations of ASEAN;
- ii. Develop a Plan of Action for Cooperation on Immigration Matters to maximize the benefits of regional cooperation on immigration matters and to assist in supporting ASEAN endeavours outlined in the ASEAN Vision 2020 and the Ha Noi Plan of Action; and
- iii. Establish an ASEAN Directory of Immigration Focal Points to facilitate networking among the immigration authorities in ASEAN, especially in the area of enforcement.

The 3<sup>rd</sup> DGICM has acknowledged the role of the ASEAN Secretariat in facilitating cooperation on immigration matters and in coordinating its initiatives and activities with ASEAN bodies as well as in mobilizing resources from ASEAN's external partners for its activities.

#### **b. Other Significant Developments**

The ASEAN Foreign Ministers have welcomed the decision of the ASEAN Heads of Government and State to accelerate the implementation of the ASEAN Free Trade Area and the ASEAN Investment Area and noted that it reflects the strong commitment of Member Countries to regional economic cooperation. They reiterated their support for ASEAN's fight against transnational crime and called for greater collaboration with the UN, regional and international organizations and other organizations to combat such crime. They also signed at the 32<sup>nd</sup> ASEAN Ministerial Meeting (AMM) in July 1999 in Singapore, the Joint Declaration for a Drug-Free ASEAN affirming ASEAN's commitment to eradicate the production, processing, traffic and use of illicit drugs in Southeast Asia by the year 2020.

The ASEAN Ministers of Interior and Home Affairs adopted the ASEAN Declaration on Transnational Crime in December 1997. The 2<sup>nd</sup> Meeting of the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) adopted the ASEAN Plan of Action to Combat Transnational Crime in June 1999 with the aim to implement the Declaration by strengthening regional commitment and capacity to fight transnational crime. An institutional framework was incorporated in the plan, including the establishment a senior officials meeting, to assist the AMMTC to better direct and coordinate regional efforts in dealing with transnational crime. The

framework included the following, which are pertinent to the ASEAN immigration authorities:

- i. Strengthen institutional linkages with the various ASEAN mechanisms involved in combating transnational crime, particularly the ASEAN Finance Ministers Meeting, ASEAN Finance Officials Meeting, ASEAN Senior Officials on Drug Matters (ASOD), Directors-General and Heads of Consular Divisions of the Ministries of Foreign Affairs (DGICM) and the ASEAN Chief of National Police (ASEANAPOL);
- ii. The AMMTC shall approve the reports of the Senior Officials Meeting on Transnational Crime (SOMTC) and reports of ASOD Meetings, ASEANAPOL Conferences, ASEAN Directors-General of Customs and ASEAN Directors-General of Immigration Departments and Heads of Consular Divisions of the Ministries of Foreign Affairs (DGICM) on matters pertaining to transnational crime; and
- iii. The SOMTC shall promote cooperation and coordination with other ASEAN bodies dealing with transnational crime such as ASOD, ASEANAPOL, ASEAN Directors-General of Customs and the ASEAN Directors-General of Immigration Departments and Heads of Consular Divisions of the Ministries of Foreign Affairs.

In light of the urgency to implement the Plan of Action, the Ministers directed the senior officials to develop a work programme to carry out the Plan of Action. The establishment of the ASEAN Centre for Combating Transnational Crime (ACTC) was also agreed in principle. A working group meeting was convened to finalize the full report for the operationalization of the ACTC. The working group also developed a draft agreement for the establishment of the ACTC, which is being considered by the Member Countries.

## **II. OBJECTIVES**

### **a) General Objectives**

The overall objective of the ASEAN Plan of Action on Immigration Matters is to forge and strengthen immigration cooperation with a view to establish an effective network to promote the modernization of immigration facilities, systems and operations; upgrade human resources capabilities and capacities of immigration officials to support the economic aspirations of ASEAN; and support in combating transnational crime.

The Plan of Action further aims to enhance and streamline region-wide immigration procedures to facilitate intra-ASEAN commerce, tourism and travel.

### **b) Specific Objectives**

The specific objectives of the Plan of Action are:

1. To develop a strong network among immigration authorities in ASEAN to promote and facilitate economic cooperation and combat transnational crime, especially trafficking in persons;
2. To foster regional cooperation aimed at modernizing immigration systems, operations, facilities and human resource development;
3. To strengthen regional capacities and capabilities through effective networking and cooperation to facilitate intra-ASEAN economic cooperation, especially in the areas of intra-ASEAN commerce, tourism and travel;
4. To cooperate amongst Member Countries in the movement of labour, both skilled and unskilled;
5. To upgrade human resource development capabilities through training for immigration officials towards the evolution of common ASEAN procedures and practices; and
6. To collaborate with other immigration authorities, ASEAN Dialogue Partners, the relevant UN agencies, regional and international organizations.

### **III. PROGRAMME OF ACTION**

In order to achieve the general and specific objectives, ASEAN Member Countries are encouraged to:

#### **Promote and Facilitate ASEAN Initiatives**

- a. Support the implementation of the ASEAN Investment Area (AIA) by facilitating the freer movement of skilled labour and professionals across borders;
- b. Promoting regional identity by establishing the ASEAN Lane in the region's international airports, which would support the Visit ASEAN Millennium Year 2000 campaign;
- c. Promote intra-ASEAN business and tourism amongst ASEAN nationals through the implementation of visa-exemption travel within the ASEAN Member Countries;
- d. Further develop, promote and establish the use of smart cards for convenient movement within ASEAN boundaries; and
- e. Facilitate the movements of yachts, leisure boats and private aircraft within the region leading towards greater intra-ASEAN tourism.

#### **Information Exchange**

- a. Promote and facilitate the exchange of information on immigration matters, such as systems, operations and on matters relating to irregular migration, trafficking in persons and other transnational crimes;
- b. Develop a Directory of Immigration Focal Points to establish a network among the immigration authorities in ASEAN, especially in the area of law enforcement; and
- c. Promote the regular visits of the Directors-General of Immigration and other senior immigration officials to ASEAN Countries to better understand the systems, operations and procedures.

#### **Legal and Law Enforcement Matters**

- a. Work towards the harmonization of relevant national policies on immigration matters among ASEAN Member Countries;
- b. Coordinate with the ASEAN Senior Law Officials Meeting on the implementation of the ASEAN Legal Information Network System; and
- c. Strengthen the mechanisms for effective protection of the integrity of travel documents, permits and government control of the ingress/egress of people.

#### **Training**

- a. Develop regional training programme and conduct regular seminars to enhance existing capabilities and capacities of immigration officials and authorities;
- b. Exchange "best practices" of relevant institutions in ASEAN Member Countries involved in immigration activities; and
- c. Seek assistance from developed countries and private companies providing immigration facilities in the use of advanced technology and practices on immigration matters.

#### **Institutional Capacity-Building**

- a. Rationalize the institutional framework of ASEAN cooperation on immigration matters by making the DGICM the highest policy-and decision-making body, with the

supervisory role and consultative relations with relevant ASEAN institutions; and

- b. Strengthen institutional linkages with the various ASEAN mechanisms involved in immigration activities, particularly the ASEA Senior Officials Meeting on Transnational Crime, ASEAN Senior Officials on Drug Matters, ASEAN Chiefs of National Police, ASEAN Finance Officials Meeting, ASEAN Directors-General of Customs, and ASEAN Ministerial Meeting on Tourism.

#### **Extra-Regional Cooperation**

- a. Seek technical assistance from ASEAN Dialogue Partners and relevant specialized agencies of the United Nations and other international organizations, particularly with regard to training;
- b. Enhance information exchange with ASEAN Dialogue Partners, regional organizations, relevant specialized agencies of the United Nations and other international organizations, particularly towards the sharing of critical information on the identities, movement and activities of criminal organizations involved in trafficking in persons;
- c. Gain the support of the international community for ASEAN initiative on immigration and relevant matters through the participation of ASEAN Member Countries and the ASEAN Secretariat in relevant international conferences; and
- d. Establish working relationship with immigration officials from other more developed countries using advanced immigration systems to ensure ASEAN immigration authorities to promote awareness of latest developments on immigration matters.

#### **IV. FUNDING ARRANGEMENTS**

To implement priority projects under the ASEAN Plan of Action for Cooperation on Immigration matters, the DGICM, through the ASEAN Secretariat, shall:

1. Secure funding support for ASEAN programmes and projects to be implemented on a cost-sharing basis; and
2. Develop resource mobilization plans in order to obtain funding from ASEAN Dialogue Partners, international funding agencies and other sources.