

**JOINT COMMITTEE OF PUBLIC ACCOUNTS AND AUDIT
REVIEW OF AVIATION SECURITY IN AUSTRALIA:**

**SUBMISSION FROM THE DEPARTMENT OF IMMIGRATION AND
MULTICULTURAL AND INDIGENOUS AFFAIRS**

Introduction

1. The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) welcomes the opportunity to provide this submission to the Joint Committee of Public Accounts and Audit's Review of Aviation Security in Australia.
2. The Department provided a submission to the previous review undertaken by the JCPAA. Officers of the Department also gave evidence at public hearings that were held. This submission seeks to focus on advances made since the previous report was tabled.

Background

3. DIMIA has responsibility for administering the *Migration Act 1958*, and as such regulates the travel to, and the entry and stay in Australia of non-citizens. DIMIA administers the process of granting visas permitting non-citizens to enter or remain in Australia and requires all persons, including Australian citizens, entering Australia to identify themselves.

A Layered Approach

4. The strength of Australia's border management lies in its layered approach:
 - offshore, non-citizens are required to obtain a visa;
 - airport liaison officers are located at key hub airports overseas to assist airlines with the checking of documents of people before they board for Australia;
 - passenger details are checked against our databases before flying; and
 - they are checked again onshore at the border.

Offshore Processing

Australia's Visa System

5. Australia's visa system is universal and requires all non-citizen travellers to Australia to have the authority to enter Australia. To be granted a visa to enter Australia, a visa applicant must meet the specific criteria attached to the visa being applied for.
6. All non-Australian citizens, except for New Zealanders, must be granted a visa prior to arrival to Australia. All travellers including Australian citizens must upon arrival in Australia present a recognised travel document, usually a passport, to confirm their identity.

7. New Zealand Citizens are granted Special Category Visas (SCVs) on arrival, and are not required to apply for a visa before travelling to Australia. This arrangement is a product of the 1973 Trans Tasman Travel Arrangement. The granting of an SCV to a New Zealand citizen is still dependent on the applicant meeting the health and character requirements defined in the Act.
8. All visas granted are recorded electronically in DIMIA's systems enabling the verification of a person's right to enter Australia before the person boards a flight.
9. DIMIA refuses visa applications where the applicant does not meet the legislative requirements for the type of visa they are seeking. DIMIA also has the capacity to cancel visa already granted on a range of grounds. Visas can be cancelled if it is found that false or misleading information was provided during the application process. Visas can also be cancelled where the circumstances that were applicable to visa grant no longer apply.
10. In the context of security issues, DIMIA has the legislative authority to refuse a visa application, and to cancel a visa already held, if the person does not pass the character test as defined in s501 of the Act. Examples of when a person will fail the character test include:
 - when a person has a substantial criminal record;
 - when a person either has, or has had, an association with an individual, group or organisation suspected of having been, or being, involved in criminal conduct;
 - when there is a significant risk that the person will engage in criminal conduct in Australia, harass, molest, intimidate or stalk another person in Australia, vilify a segment of the Australian community, or incite discord in the Australian community or in a segment of that community;
 - when, having regard to the person's past and present criminal conduct, the person is found not to be of good character;
 - when having regard to the person's past and present general conduct, the person is found to be not of good character;
 - when in the assessment of the Director-General of the Australian Security Intelligence Organisation (ASIO), a visit by the applicant would place the national security of Australia at risk; and
 - when the Minister for Foreign Affairs and Trade certifies that a visit by the applicant would prejudice relations between Australia and a foreign country.

En-route to Australia

Advance Passenger Processing System

11. All international aircraft flying into Australia are obliged to provide advance passenger and crew reports to DIMIA using the Advance Passenger Processing system (APP). DIMIA currently receives information on 98% of all passengers and crew.
12. APP is one of the most advanced border control and security systems in the world. It performs two primary functions with benefits for border security:
 - it allows an airline to electronically verify a passenger's authority to travel to and enter Australia prior to the passenger boarding a flight; and
 - if a passenger is cleared for travel by the APP system, it will signal the pending arrival of that person on a particular international flight.
13. Importantly, APP allows DIMIA to issue passenger-boarding directives to airlines (eg. "NOT OK TO BOARD") that may prevent the boarding of passengers who do not have permission to travel to Australia.
14. The APP system has now been expanded to cover airline crew, Special Purpose Visa holders (including transit without visa passengers) and passengers and crew on international cruise ships.
15. Since our last submission 46 airlines are undertaking APP on all passengers, crew and Special Purpose Visa holders.

Airline Liaison Officers

16. DIMIA has increased its Airline Liaison Officer network to seventeen, located at twelve (12) key hub international airports with direct flights to Australia and/or last ports of embarkation for inadmissible passengers to Australia: Bangkok, Denpasar, Hong Kong, Jakarta, Kuala Lumpur, Manila, Port Moresby, Mumbai, Nadi, Seoul, Singapore, and Taipei.
17. During 2005-06, ALOs will be placed at both Johannesburg and Colombo.
18. In the lead-up to the Commonwealth Games in Melbourne, DIMIA will deploy additional ALOs to ensure that persons coming to Australia for the Games will be able to travel trouble free, while ensuring that persons who are not visaed to travel do not do so.
19. The presence of ALOs at last ports of embarkation for travel to Australia deters the activities of people smugglers and persons of concern.

20. ALOs also cover certain flights that are not directly Australia bound. This strategy was implemented to allow the interception by ALOs, of passengers with unacceptable travel documents, who may seek to travel to Australia by more circuitous travel routes.

On Arrival in Australia - Airports

Staff at airports

21. Following budget announcements for 2004-5, DIMIA has increased its presence at all Australian International airports, to deal with the increasing number of passengers, and to assist with referrals from the I-authenticate system.
22. DIMIA staff at airports are trained in document examination and have access to sophisticated document examination equipment, both at the inwards and outwards control points at all international airports.

Border Intelligence Officers

23. Funding has been provided in 2005-06, for the establishment of ten (10) Border Liaison Officers (BIOs) at airports and seaports in Australia. They will have as their prime responsibilities:
 - The collection of information relevant to establishing trends, links and risks concerning people smuggling, illegal immigration and immigration fraud;
 - Undertaking systematic and structured analysis of passenger caseloads;
 - Conducting immigration intelligence interviews; and
 - Reporting on trends, links and risks, including strategies and operational threat assessments.

Initiatives in Technology

DIMIA has developed, or is involved in, a number of initiatives that have either a direct or indirect benefit to Aviation security. These are discussed below.

DIMIA's Travel Authorisation System

24. MAL is a computer database that stores details about people and travel documents of immigration concern to Australia. MAL is a key tool used by DIMIA to apply the legislation governing the entry to and presence in Australia of non-citizens, particularly those who may be of character concern. All persons seeking visas, passage and entry to Australia are checked against MAL.

25. There are more than 360,000 people entries on MAL. People may be listed on MAL in the following circumstances:
- when they have serious criminal records;
 - those whose presence in Australia may constitute a risk to the Australian community;
 - people who have been barred by migration legislation from entering Australia for a number of reasons, including health concerns, debts owed to the Commonwealth or other adverse immigration records; and
 - in consultation with and at the request of other law enforcement and security agencies.
26. Additionally, more than 2.2 million known documents of concern - for example lost, stolen or fraudulently altered passports - are recorded on the Document Alert List (DAL) which functions in conjunction with MAL.
27. MAL is automatically checked:
- by DIMIA officers who process visa applications at overseas posts and regional offices throughout Australia. If a "match" is recorded, it must then be determined if the person should be granted a visa;
 - as the visa grants are loaded into departmental databases. This re-checking ensures no matches were missed by the person granting the visa; and
 - when applications for visas are made on behalf of travellers by travel agents/airlines using ETAS or by persons applying for visas through DIMIA's E-visa system.
28. To further enhance the effectiveness of MAL, DIMIA is creating a centralised MAL centre that will be staffed by specially trained officers. The centre will manage all MAL matched notification processing. This will add to the overall security and integrity of Australia's visa and entry processes.
29. Currently MAL checks are conducted:
- during the visa application process whether that be at an Australian post overseas or through one of DIMIA's electronic visa application systems;
 - when checking-in for a flight to Australia at an airport overseas when travel documents are checked against the DAL;
 - potentially by an Australian Airline Liaison Officer (ALO) while boarding an aircraft overseas to travel to Australia;
 - while in flight to Australia through the detailed scrutinising of passenger information transmitted in advance on the flights arrival in Australia through the Advance Passenger Processing (APP) system; and
 - upon arrival in and departure from Australia.

I-authenticate

30. I-authenticate is a software package developed by the Australian Customs Service for use at the border. The software has the ability to identify where security features on a passport have been tampered with, or are missing. The software is particularly useful in identifying totally fraudulent or photo-substituted passports.
31. All passengers arriving at International Airports in Australia have their passports scanned using I-authenticate.

Strategic and International initiatives

32. DIMIA works closely with other Australian government agencies, overseas governments, international organisations, airlines and other agencies to prevent and deter persons who seek to enter Australia in an unauthorised manner or who may be intent on harming members of the Australian community. Through continual improvements in the application of technology and information collected by DIMIA or provided by other agencies, DIMIA works with other agencies to protect Australia's borders by maintaining effective screening of travellers. This occurs at all stages from visa process from application to arrival in Australia and by maintaining records of people's movements. This has become increasingly important in an environment witnessing increased passenger flows with the advent of larger aircraft.

Person and Document Alert Lists

33. DIMIA is involved in a number of international border management initiatives. Some of these include:
 - Engaging in a number of international data sharing activities which contribute to aviation security outcomes, such as:
 - the Regional Movement Alert List (RMAL) system which is being led by Australia,
 - the United States Enhanced International Travel Security (EITS) project, and
 - pursuing reciprocal data access arrangements of passport details with a range of selected countries.
 - Playing a part in the whole of government strategy to assist Pacific Island countries to improve their understanding of border management, Advanced Passenger Information (API) and general business and governance processes, and
 - Assisting eligible APEC economies by undertaking studies that assess the capacity of their existing border management systems to integrate with the API environment.

34. Australia received funding from APEC for the development and implementation of a project to conduct feasibility/design studies of the capacity of existing border systems in a number of APEC economies for integration within the APP environment. The first study was completed in Thailand in September 2002.
35. Study visits have been completed in respect of Indonesia, the Philippines, Korea, Chile, Chinese Taipei and the People's Republic of China. Feasibility reports have been presented to some of these countries, others are nearing completion.
36. DIMIA has approached Vietnam, Brunei Darussalam and Peru for suitable dates for the information gathering phase of the project. The development of regional alert lists will greatly enhance Australia's border protection capabilities.

Biometrics

37. DIMIA has a key role in establishing the identity of people who enter Australia and is working with the Australian Customs Service in their ongoing trial of the "Smart Gate" face recognition system.
38. All persons who present to enter or depart Australia must be confirmed visually as the same person whose photograph appears in the presented travel document. The "Smart gate" technology has the capacity to significantly improve the integrity of this process.
39. DIMIA has also supported the research being conducted by Department of Foreign Affairs and Trade into the biometric identifier that will be placed into the new series of Australian passports from 1 October this year.
40. DIMIA has commenced trials of incorporating a biometric identifier into current immigration processes. The use of biometric technology has the potential to enhance the department's capacity to prevent identity fraud in its programs and strengthen border security.

Compliance with Commonwealth Security Requirements by Airlines

Airline Responsibilities and Liabilities

41. Airlines have specific legal responsibilities when bringing passengers or crew into Australia, and are only permitted to land at proclaimed airports where suitable immigration, customs and quarantine controls are present.
42. Airlines are responsible to ensure that a passenger is properly authorised to travel to and correctly documented before they board a plane for Australia.

43. Any airline or aircraft operator that carries a passenger who does not have authority to enter or transit Australia, or who is not properly documented may have committed an offence under the Act. However in the great majority of circumstances an airline will be served with an infringement notice or fine in lieu of prosecution to the amount of \$5,000AUD for a company or \$3,000AUD for an individual in the case of private aircraft.
44. Airlines are also liable for the detention and transportation costs of any person who fails to comply with immigration clearance requirements or who, on complying, is detained as an unlawful non-citizen.
45. As an indication of the success of the improvements that have been made, overall infringements costs to airlines have reduced from \$23.2 Million in 2001-02, to an expected \$4 Million in 2004-05.

DIMIA's contribution to International Agreements Negotiated by DOTARS

46. Many of the international standards and practices that govern, amongst many other things, immigration control and passports are agreed to within the International Civil Aviation Organisation (ICAO).
47. Australia is a party to ICAO which has adopted, under its Convention on International Civil Aviation (the Chicago Convention), a set of 'Standards and Recommended Practices on Facilitation', designated as Annex 9 to the Convention. In Annex 9 the Convention defines internationally accepted standards and practices for the entry and departure of persons.
48. When an amendment is adopted by the ICAO Council, Contracting States have a limited period to notify ICAO of any differences that will exist between their national regulations and the provision of the Standard as amended. The reported differences are then published in supplements to Annexes. Australia has previously notified a number of differences to Annex 9, Facilitation. States who have not notified a difference are required to implement the amendments.