

Report of the Regional Thematic Meeting

The Regional Thematic Meeting titled Visas and Cooperation on Mobility in the Pacific was held in Port Vila, Vanuatu from 3 to 5 April 2019. The meeting was organized in the framework of the ACP-EU Migration Action (thereafter to be referred to as the 'Action')

was attended by:

- Officials of the Government of Vanuatu
- Government representatives from Pacific countries of the ACP Group of States ACP (Tonga, Samoa, Fiji and Tuvalu)
- Representatives from regional organizations – Pacific Immigration Development Community (PIDC) and Melanesian Spearhead Group (MSG)
- IOM representatives from the Country Office in Vanuatu, IOM Australia Country Office with Coordinating Functions for the Pacific, IOM Regional Office in Bangkok, and IOM Headquarters and ACP-EU Migration Action staff of the IOM Regional Office in Brussels
- Technical Experts who implemented the Action Technical Assistance Interventions in the Pacific
- Representatives of the High Commission in Vanuatu of Australia and of New Zealand

The **primary objectives** of the thematic meeting were to:

- Identify lessons learned and benefits gained from the Action's interventions to date (as requested by Vanuatu, Marshall Islands, Tonga, Tuvalu and the MSG Secretariat);
- Better understand how these interventions mesh with national and regional agendas and with programs of other capacity building entities;
- Generate ideas about how best to structure possible future activities; and
- Bring greater coherence to collective efforts to facilitate and improve mobility and visa systems and policies in the region.

Structure and Methodology:

The opening remarks involved addresses by:

- Director General of Ministry of Internal Affairs, Ms. Cherol Ala Alana
- Deputy Director General MSG Secretariat, Mr. Peter Eafeare
- PIDC, Mr. Akuila Ratu
- IOM Canberra, Mr. Emmanuel Murwisi

There were five basic modules type to the Agenda:

- Presentations to plenary sessions
- Panel discussions in plenary session
- Workshops on specific topics
- Workshop outcomes reported back to plenary for discussion
- Reporting groups on the final day which considered recommendations for future action.

This short summary of meeting outcomes will be organized around the 4 themes set out in the table below, which reflect the content and outcomes of both workshop and plenary sessions:

Themes

- 1. Building good visa systems – principles and characteristics**
- 2. Promoting enhanced mobility options in the Pacific**
- 3. Visa system technologies – current and future options and perspectives**
- 4. Future capacity building efforts in the area of visas**

- 1. Building good visa systems – principles and characteristics**

Discussions focused on both the methodology of the Action's interventions, the content of each intervention and the outcomes. In respect of methodology a clear

conclusion was the need for comprehensive consultative processes involving Government agencies, Non-State Actors (NSAs), and where appropriate Regional Organizations (ROs) and International Organizations (IOs). A comprehensive consultative process was critical for informing sound policy development. Discussions also emphasized the importance of looking at the fundamentals of Government policy in order to understand the needs, gaps and local nuances. Feedback from officials of countries who had requested interventions indicated a strong level of satisfaction with the methodology and outcomes of the Technical Assistance (TA) interventions. In addition to meeting local priorities, the involvement of TA Experts allowed for the injection of international best practice principles and supported alignment with the ACP-EU Dialogue's Recommendations and the migration and development agenda.

In terms of content, the Action's TA interventions in the area of visas in the Pacific resulted in **recommendations** which:

- Delivered logical visa architecture where the relationships between visa categories are mutually supportive and change of status pathways are available where appropriate;
- Achieved a good balance between primary and subsidiary legislation with most

of the detail of visa systems contained in Regulations;

- Set out visa criteria which are logical and can readily be assessed by decision makers;
- Provided pathways for future technological development;
- Provided for the development of immigration service websites which clearly set out requirements for various visa categories;
- Reinforced the positive benefits of well-functioning visa systems as a tool for development.

It was recognized that once visa options are developed by TA Experts based on the initial consultative process, it is desirable to have a second round of discussions/consultation to affirm support for the outcomes. This second consultative process usually results in further refinement of the final recommendations.

The meeting also discussed ways in which visa systems can be adapted to meet a range of specific needs, as well as to support states in addressing humanitarian situations including the presence of asylum seekers, smuggled migrants and victims of trafficking.

The meeting was briefed by Vanuatu Police on a trafficking case currently affecting Vanuatu. This alleged trafficking case illustrated the need for a national strategy to address

trafficking in line with Palermo Protocol principles and the need for visa options for victims of trafficking. Action interventions have recommended visa options which would allow Governments to invite non-citizens who are in various humanitarian circumstances (including being identified as victims of trafficking) to be granted temporary visa status.

The meeting also benefited from a presentation by Farbod Saatsaz of the IOM Headquarters, Department of Migration Management, which focused on IOM's global work in the field of immigration and visas and gave insights into EU visa policies and practices. The presentation highlighted the ways in which progressive policies and strategies can improve migration governance, address humanitarian problems, and leverage immigration and visa practices as key tools for development.

2. Promoting enhanced mobility options

Typically, interventions requested by ROs are different in character to those requested by States as they involved the promotion or implementation of **regional policy positions** which apply to multiple Member States. The TA intervention requested by the Melanesian Spearhead Group (MSG) was primarily focused on advancing the pre-conditions for

the implementation of the Skilled Migration Scheme (SMS) as agreed by MSG countries (Papua New Guinea, Solomon Islands, Vanuatu, and Fiji) and affirmed in the context of the Melanesian Free Trade Agreement (MFTA). The scheme is designed to provide facilitated pathways for skilled professionals who are nationals of MSG countries to work in other MSG states.

The intervention was initially tasked to support MSG Member States in amending their legislation to accommodate the SMS. To date Fiji has amended its legislation. Other MSG states have moved to improve access for short term entry for business purposes. A range of parallel discussions have occurred in relation to achieving consistency in the recognition of qualifications and this work is ongoing.

The meeting agreed that it was worthwhile to pursue the objective of enhancing skilled labour mobility while noting that the enabling decisions are the jurisdiction of MSG Member States. The meeting also noted that there are other forms of labour mobility operating in the Pacific context including:

- Temporary movement of labour for seasonal/agricultural work in Australia and New Zealand;
- Ongoing migration to New Zealand,

Australia, the United States of America and other countries;

- Limited temporary movement for employment between Pacific countries.

Border and Visa system technologies

A plenary panel discussion and a workshop focused on **Border Management Systems (BMS) and on technological advances** more broadly as mechanisms for improving border control, migration governance and client services. Some of the states represented at the meeting (notably Tonga and Fiji) already have BMS platforms although the Tongan BMS is dated and Tonga may be looking for a more advanced platform in the future. The Republic of the Marshall Islands (RMI - while not represented at the meeting) was the recipient of a TA intervention on enhancing border management and has recently acquired the IOM Migration Information Data Analysis System (MIDAS) . Vanuatu and Tuvalu do not have BMS platforms at present but inevitably will be moving in that direction at some future time. A number of Pacific states are exploring the MIDAS option and Member States including PIDC shared their experiences of a visit to the RMI in March 2019, organized by the Immigration Authorities of RMI and facilitated by PIDC supported in the experiences and best practices in implementing BMS. Technology

and tools for both primary and secondary inspection were discussed in the context of irregular migration, migrant smuggling, human trafficking and other transnational organized crimes. IOM Regional Office in Bangkok for Asia and the Pacific, shared the experience of the regional programme implemented in Asia to detect fraud through the DESC initiative, utilizing the tool known as Verifier TD&B and regional trends analysis.

The meeting took into account unique challenges of border control authorities in the Pacific, in facilitating mobility within the context of issue such as natural disasters, facilitating passenger arrivals (tourism), and varying human resource capacity of Member States.

Discussion at the meeting noted the importance of sustainability and flexibility as two key principles which should inform the selection of any BMS option. A BMS needs to be able to adapt to national requirements which can be broad ranging and inclusive of; changes in visa policies and other changes which impact on border control dynamics. A BMS is also a vital tool in enabling the effective collection of immigration and emigration data, including visas, as well as in facilitating the analysis of that data which in turn informs future policy development. The meeting also agreed that a BMS was a pre-condition

for the adoption of E-visa solutions. The advantages of E-visas include the capacity for advance screening of applicants and the scope for online fee payments. Currently most Pacific countries offer a mix of visa on arrival (VOA) and traditional (paper-based) advance application visas for short term entry. There is a global trend towards the use of E-visa technologies and Pacific states are likely to move towards E-visa options over time. E-visas are an element in the broader discussion on border control modernization in the Pacific.

Future capacity building efforts in the area of visas

On the final day of the meeting, the plenary divided into three reporting groups to develop recommendations to enhance the effectiveness of future capacity building activities in the Pacific region. These 18 recommendations (**Annex 1**) were later delivered to a plenary session for further discussion. The nineteen recommendations reflect the various considerations and conclusions deriving from the three-day meeting and will feed into the ACP-EU Migration Action Regional Thematic Report on Visas for the Pacific.

While there is no scope in this short summary for full elaboration of the factors

behind each recommendation, particular attention is drawn to recommendations 16 and 17 as over-arching recommendations which are central to future capacity building effectiveness. The two themes underpinning these **recommendations** are the desirability of:

- Better coordination of the capacity building efforts being carried out by multiple parties which can best be achieved by promoting this objective in existing regional fora; and
- A stronger focus by capacity building entities (in conjunction with requesting states) on a long-term approach to policy/ legislative change in the field of visas which supports states through the implementation and monitoring phases of change management.

Closing remarks

In concluding a successful three-day event, the meeting recorded its appreciation of:

- The hospitality shown by the Government of Vanuatu and the active high-level participation of its senior officials in the meeting;
- The hard work and support of the Action Team in Brussels and on the ground in Port Vila;
- The strong support of IOM including the Vanuatu Country Office and staff from IOM Australia Country Office with Coordinating Functions for the Pacific, IOM Regional Office in Bangkok, and IOM Headquarters all of whom made important contributions to the content of the meeting.

Annex 1: Summary of recommendations

1 Coordination for policy making. When drafting legislation relating to visas there is a need for continuous coordination and interaction between policy makers and those that draft legislation in order to ensure that the policy intent is accurately reflected in the legislation.

2 Operational feasibility. When formulating visa criteria policy makers should take into account the practical and operational feasibility of the requirements. The meeting noted instances in which regulations had been brought into force which could not be implemented because the necessary infrastructure and pre-conditions were not in place

3 Specific needs and vulnerabilities. Create visa policies and procedures to address specific needs and vulnerabilities, such as for humanitarian purposes. A topical example was the desirability of creating mechanisms whereby states could give temporary visa status to victims of trafficking pending resolution of their situation.

4 Skilled labour mobility. Continue to explore opportunities to enhance skilled labour mobility in the Pacific region including by means of the MSG initiatives and more broadly.

5 Short-stay entry. Continue to explore opportunities to remove barriers to mobility for short-stay entry within the region.

6 Linking visa, migration, development. Ensure that visa policy reform is linked to broader migration and development policies and mainstreams human rights principles and gender equity considerations.

7 Capacity building for policy making. Capacity building entities and states should support the enhancement of policy making and policy implementation skills in Pacific bureaucracies including through:

- targeted training in policy making skills;
- mentoring and on-the-job learning;
- wider staff participation in consultative and policy development processes to ensure ownership by those that will be ultimately responsible for delivering policies and services.

8 Training. The implementations of policy and legislative changes must include a strong training component, including best practice training design and delivery as well as continuity of training. Participants noted the importance of knowledge management to support institutional memory. Training strategies need to ensure that staff rotation and churn do not jeopardize effective administration. Proper documentation of policies and procedures is a key element in reinforcing institutional memory.

9 Involving senior officials. Senior management of relevant ministries/institutions should support appropriate resource allocation for implementation, including for capacity building purposes.

10 Role of senior officials. In driving programs of policy and legislative change, senior management of relevant ministries/institutions should:

- ensure the development of a detailed implementation plan; and
- monitor and measure progress against that plan as well as conduct post-implementation evaluation.

The discussions also included ensuring that border management legislation (either Statute or regulatory), ensured there was clear provisions that outlined:

- roles and responsibilities of each agency involved in border control and border management
- coordination and communication effectiveness between different departments or agencies.

11 Future-proofing of policies (technology).

Parties engaged in policy or legislative review (whether capacity building entities, states, international or regional organizations) should ensure that future-proofing is a core objective to enable technological development, and that considerations around capability and need are guiding principles in any TA recommendations.

12 Information sharing. Enhance the coordination and complementarity of technical assistance interventions, by promoting cooperation and information-sharing among donors and international organisations and leveraging the coordinating role of regional organisations like the PIDC.

Specifically, there should be ongoing communication and regional engagement, involving PIDC and IOM, around BMS feasibility, documenting business requirements, and support for market research/procurement arrangements.

13 Enhancing IT skills. There is a case for donor support in enhancing IT skills and ensuring the sustainability of IT development or enhancement projects. This would include broader IT skills training and office-automation skills as part of educational/capacity-building engagement enabling Member States to continue sustainability of technology implemented either for BMS or visas.

14 Explore e-Visa/technology potential. There should continue to be discussion around potential for e-visa including the options available, related technologies such as API, and

precursors. Engagement with PIDC around possible joint funding, hosting, and sharing of resources to continue.

15 Accessibility of visa information. Strategies for improving public accessibility to visa information should include support and guidance in developing agency website presence. The development of comprehensive and well-structured websites supports one of the key elements of the ACP EU Dialogue recommendations as well as GCM objectives 3 and 12 and contributes to the attainment of SDG target 10.7. Information concerning visas should be accessible in multiple languages.

16 Long-term capacity building strategy. In order to ensure that capacity building programs take effect and are sustainable, a long-term strategy should be developed which supports states through the implementation and evaluation of policy and legislative change projects and may involve multiple stakeholders.

17 Awareness on capacity building programme. Raise awareness of capacity building programmes among States at an early stage, making use of existing regional forums.

18 Regional learning. Foster regional cooperation and mutual learning through targeted secondments and twinning initiatives between Pacific States.

