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Module 9

Immigration, Passport and Visa Systems

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IMMIGRATION, PASSPORT AND VISA SYSTEMS

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INTRODUCTION

The management of migration and border security in the Southeast Asia is becoming increasingly complex as countries respond to ever-increasing migration flows.

These migration flows include orderly migration and irregular migration in the forms of forced migration, people smuggling and trafficking in persons.

Increasing mobility has also highlighted the link between migration and transnational crime, including people smuggling and trafficking in persons. Additionally, in the aftermath of the Bali bombings, the September 11 attacks on the United States, and the London bombings last year, increasing attention is being directed to the correlation between migration and security and the need for practical measures to address identified threats through more effective border security measures.

Governments are now adopting more strategic approaches to border management and control and the concept of 'layered' entry systems are becoming more common.

Such entry systems put in place a number of filters that enable detailed passenger checks to be undertaken at points of embarkation, prior to arrival in the country of final destination. Reforms in travel document security, including through the use of biometrics, and physical security measures at air and

seaports are also being implemented to combat the threat of terrorism and transnational criminal activity.

Increasingly, countries in this region are participating in such strategic reforms to facilitate and regulate arrivals and departures including;

- safeguarding national interests through the control of who may enter or exit the country;
- facilitating the movement of permanent and temporary entrants;
- promoting business and tourism;
- contributing to national and regional security;
- providing certainty about the immigration status of persons; and
- facilitating the detection of persons who may pose some threat or harm to the community.

Key ingredients to support an effective national migration system are the **immigration system** or the framework of laws, policies and procedures that regulate the entry of non-citizens, the related **visa system** and the **passport system**.

IMMIGRATION SYSTEMS

Each State can set migration rules reflecting the policy settings chosen with regard to entry and stay. Immigration systems are usually supported by national legislation.

The key elements in successful immigration programmes include:

- well-defined categories of migrants to be granted entry
- transparent selection criteria for each category
- clear and simple procedures
- provisions for information regarding rights and obligations
- provisions for secure and clearly defined migrant status
- processes for making in-country applications for a change in migration status and to the regularization of status of illegal entrants who do not engage the asylum determination system
- ability to permit entry for humanitarian, compassionate, or other reasons even if other conditions are not met

Migration programs typically feature a number of distinct programs that include:

- temporary visits or temporary migration
- longer term or permanent migration.

Often countries will also provide a facility for persons who reside as a permanent migrant to eventually acquire citizenship.

Within the sub-sets of temporary and permanent migration there are usually subclasses that reflect the status or intention of the migrant. These may

include holiday visitor, business visitor, student, permanent migrant for family reunion, and permanent labor migrant.

TEMPORARY VISITS

Migrants may be admitted on a temporary basis and be granted temporary authorizations (for work or study or other) for specified periods, or they may be granted permanent residence and allowed to remain indefinitely. Some countries allow the change of status from temporary to permanent, without requiring the applicant to leave the country.

Temporary visitors may include students, family visitors, business travellers, or other travellers where there is no intention to establish residence. Often, a visitor visa or other type of authorization, for example, a student visa, is required for temporary visits. As a general rule, this category of traveler is not considered to be a “migrant”, but entry and stay is still regulated through migration legislation and policy.

PERMANENT RESIDENCE

Often, the only difference in rights between a permanent resident and a citizen is the right to vote and security from expulsion for contravening the laws of the host country. Permanent residents are normally provided with rights and benefits equivalent to those of citizens, including access to education, public health services, social welfare, family reunion, and other benefits geared to facilitating their integration and maximum contribution to the host society, contributing to its economic, social, cultural, and political life. Permanent residence provides certainty for immigrants and facilitates their successful integration as well as community stability. A permanent residence category provides a number of benefits both to the individual and the administration.

Permanent residence gives individuals certainty about their duration of stay and allows them to arrange their affairs accordingly. This is one of the major selling points in an institutionalized regime for permanent residence and is an effective drawing card in attracting skilled labor to a country.

LABOR MIGRATION

National systems for admitting economic migrants vary significantly. Several distinct categories of workers migrate, differentiated by their skills, the permanence of their residence in the host country, and their legal status. Although migration of the highly skilled is currently an important policy issue in many countries, there is also considerable demand by employers for less skilled foreign workers.

Labor migration systems, including migration for business, fall broadly into two major categories:

- supply-driven and demand-driven. In supply-driven systems, the migrants themselves launch the admission process and apply against specific selection criteria, often in the form of a points system, set by

the country of immigration. An applicant who meets the criteria is admitted and granted authorization for employment.

- In demand-driven systems, employers request permission to hire foreign workers, thereby triggering a decision to admit the migrant. Governments may require that the employers demonstrate that the migrant worker will not displace native workers from jobs or adversely affect wages and working conditions.

Governments will often apply annual ceilings, planning levels, or quotas to permanent admissions of economic migrants. Such ceilings, sometimes referred to as “indicative planning levels”, can serve a government’s management needs and can be used to ensure a balanced utilization of resources between economic migration, family reunification, and humanitarian programmes.

However, these planning tools can also become cumbersome and expensive, and create a political liability when there is no will or mechanism to stop accepting applications at the end of each year, or once the ceiling is met. In the absence of a cut-off point, applications will accumulate and be carried forward year after year, thereby extending the length of the entire process.

Opportunities for lower-skilled migrants can be as important as opportunities for skilled professionals. These may include seasonal employment programmes, or specific bilateral annual quota-based opportunities that could result in long-term or permanent status. Agreements or understandings with agencies involved in migrant recruitment can lead to more control over the employment situation facing migrants—particularly with regard to migrant protection and migrant rights.

In demand-driven systems, employers choose migrants for economic reasons, and a job offer is essential. The advantages to such a system include the high rate of employment of these migrants since they have a job prior to application.

Administratively, the employer or demand-driven system may be more cumbersome, requiring the involvement of more agencies and an additional level of checks and balances in case of potential abuse.

VISA SYSTEMS

A visa is permission or authority granted to travel to a country of which the traveller is not a national. A valid visa is often not a guarantee of entry into that country. Normally, an officer at the port of entry will make the final decision whether the traveller still meets admission requirements upon arrival.

The cornerstone of a sound visa system is the State’s visa policy. Policy development surrounding visa requirements often rests with the agency responsible for border control, and this may be a police function under the Interior or Home Ministry.

For most States, visa issuance falls logically to the Ministry of Foreign Affairs with their widespread geographic distribution and their overall responsibility

for international relations. Within Foreign Ministries, visa functions are usually assigned to the staff responsible for consular affairs. Consular staff may be delegated broad authority to issue tourist visas but often need authorization from another agency to issue other temporary visas (e.g., for employment) and for all long-term visas.

Some States have dedicated departments or agencies for migration management functions. Australia and Canada largely assign visa issuance to immigration specialists posted abroad. On the other hand, the US assigns visa issuance to the State Department, while visa policy and border control come under the Department of Homeland Security. Regardless of the scenario, visa requirements and visa issuance involve inter-agency coordination and cooperation.

Within this region we are moving to enhanced visa free travel for nationals of ASEAN countries. There are also plans to move to an ASEAN-wide visa for traveling within the ASEAN region by non-ASEAN nationals. This initiatives will facilitate movement within the region but may also bring with some unwanted consequences that will need to be carefully managed.

PASSPORTS

The security of international travel depends on trustworthy documents and systems of international cooperation and information exchange. International standards are necessary for an effective global passport and visa system.

Passports and visas are official documents that enable people to travel legally across national borders. The role of a passport is to identify citizens of a State for the benefit of foreign countries, and to guarantee their right of return. National passports for citizens and visa systems for non-residents manage the orderly movement of people between States on a temporary or permanent basis.

The movement to standardize passports that began decades ago as an efficiency measure has now evolved into a crucial security tool as well. Greater security measures are being introduced by many States in response to the threat of global terrorism. Many countries are assessing the need to upgrade the quality and security of their passport and visa systems in response to global security threats.

Increased security is one of the highest priorities for governments and transportation carriers. The foundation for international travel security is proof of identity and citizenship. The passport is also important for the protection and support of a State's citizens abroad.