



Essentials of Migration Management for Policy Makers and Practitioners

Immigration Systems and Border Management

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Section 3.2 Immigration Systems

Learning Objectives

- identify the main elements and objectives of an effective immigration system
- understand the uses of categorization in migrant selection and the relationship between entry classes
- understand the role of visas in relation to the immigration system
- understand the threat presented by irregular migration to security



Section 3.2 Immigration Systems

Topic Titles

Topic One: Structure, Objectives and Legal Structure of an effective immigration system

Topic Two: Migration Categories

Topic Three: Economic and Labour Immigration

Topic Four: Border Management



Immigration Systems

Topic One

Objectives and Legal Structure



Topic One

Objectives and Legal Structure

Key Components of an effective migration management and entry system

Component 1	Component 2	Component 3	Component 4
ADMINISTRATION	REGULATORY FRAMEWORK	OPERATIONS	INFORMATION MANAGEMENT



Topic One

Objectives and Legal Structure

ADMINISTRATION

- Structure and numbers
- Resources and Budget
- Recruitment/Training
- Performance Standards
- Values and Conduct

REGULATORY FRAMEWORK

- Policy
- Legislation
- Regulations
- Procedures
- International Obligations



Topic One

Objectives and Legal Structure

OPERATIONS

- Passenger processing – air, land and seaports
- Health and character
- Trafficking and asylum seekers
- Investigations
- Detention/Removal

INFORMATION MANAGEMENT

- Information management systems
- Alert lists
- Passport system
- Visa system
- Movements
- Integrity of procedures
- Monitoring and Reporting



Topic One Objectives and Legal Structure

The migration system needs to regulate four phases:

1. Pre-arrival
2. Entry
3. Stay
4. Departure



Topic One Objectives and Legal Structure

Key Objectives of an Immigration and Border System

- Facilitating the legitimate movement of people between economies;
- Promoting economic development, including through facilitating the movement of business and labour migration, trade and tourism;
- Controlling the movement of non-citizens across borders and promoting border security including in a manner consistent with international law and obligations;
- Preventing or deterring illegal or irregular migration;
- Protecting the economic well-being of the economy, including labour conditions



Topic One

Objectives and Legal Structure

Legal Framework

The migration system should be supported through binding rules, whether in legislation, regulation, administrative order or other legal instrument, that sets out the requirements and procedures for non-citizens to obtain permission to enter a country.

This framework should:

- define requirements and procedures for each entry category;
- define consideration to be applied in granting or refusing permission;
- describe the conditions of the permission: how long valid, when to be used, what activities are permitted
- provide authority and procedures to change conditions or revoke permission
- be accessible and transparent
- be consistent with any relevant international instruments, whether bilateral or multilateral, by which a State is bound.



Topic One Objectives and Legal Structure

Effective national migration systems also require regional cooperation

- ASEAN Plan of Action for Cooperation on Immigration Matters
 - Facilitate intra-ASEAN economic cooperation, especially in the areas of commerce, tourism and travel;
 - Cooperate amongst member countries in the movement of labour both skilled and unskilled;
 - Upgrade human resource development capabilities through training for immigration officials, strive for common ASEAN-wide procedures and practices; and
 - Collaborate with ASEAN dialogue partners, relevant UN agencies and international organizations



Immigration Systems

Topic Two Migration Categories



Topic Two Migration Categories

Migration System Components

A State's national migration policy is directly influenced by its migration objectives. The components of the policy, reflected in the programme covering migration issues, are intended to meet these objectives.

Although the components of policy objectives vary substantially from one country to another, successful immigration systems generally include provisions for family, refugee, migration for work and business, and migration for study and temporary visits.

*Nationally, these various components are all connected and **an inability to regulate any one area of a migration program may put pressure on the other areas.***



Topic Two Migration Categories

Temporary Migration and Permanent Migration

- Migration Systems usually distinguish between short-term visitor entry and longer term entry.
- Usually visas are the mechanism used to facilitate initial entry for both temporary and permanent migration. However longer periods of residence maybe supported through a residence permit or a permanent visa.
- Some immigration systems allow non-citizens to change from temporary visa to a permanent visa without leaving the country while other immigration systems prevent 'change of status' within the country.
- In some countries, permanent residence may lead to citizenship
- Inability to manage one or more categories may impact on the capacity of States to operate other categories.



Topic Two Migration Categories

Visitors

1. Most States welcome temporary visitors and tourists to their countries.
2. Temporary visitors, whether for tourism, study, short term employment, family visits, or other, must generally **meet certain criteria** prior to being authorized to enter a country. Common requirements for authorizing entry of temporary visitors include:
 - evidence of good health (individuals entering for medical treatment may be required to show additional information related to health)
 - evidence of sufficient funds for the duration of the visit
 - evidence of the temporary nature of the visit
 - valid passport or proof of identity.

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Topic Two Migration Categories

4. Many States will have additional requirements for business visitors.
5. Temporary residence permits are often tied to a specific purpose, which is by its nature time limited.
6. How do ASEAN member countries address the introduction of visa free travel? What impact could this have on irregular migration and labour migration?



Immigration Systems

Topic Four Border Management



Topic Four Border Management

- Legal (Official)
 - Airports
 - Ports
 - Secured land check points
- Illegal (Unofficial)
 - Unsecured land borders and shoreline



Topic Four Border Management

Basic Modus Operandi for irregular migration

- Altered, counterfeit documents
- Immigration & Identity fraud/theft
- Specific travel methods & routes
- Official & Unofficial Points of Entry
- Corruption of Officials



Topic Four Border Management

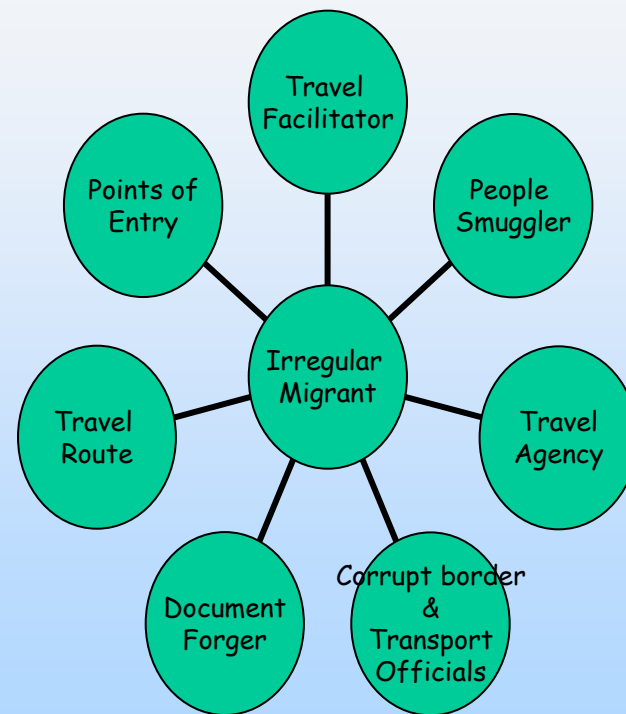
Terrorist Travel Tactics – 9/11 Report

- Travel on fake passports/multiple passports
- Photo substitution in passports
- Forgery, including erasing & adding visas
- Forgers altered stolen or borrowed passports
- Use of stolen blank visas
- Travel under alias
- Corrupt govt officials facilitate travel at border checkpoints
- Serial immigration fraud
- Travel facilitators - fraudulent passports
- Purchase of genuine blank passports and visa
- Attempts to keep evidence of Pakistan travel out of passports
- Use of human smugglers into Afghanistan
- Report loss/theft of passport to obtain “clean” passport
- Forgers create fraudulent passport and travel cachets



Topic Four Border Management

Combating Irregular Migration





Topic Four Border Management

Travel Analysis (know your caseload)

- Increasing importance of analysis of irregular migration types of travel document fraud and travel patterns to counter organised people smuggling and trafficking.
 - How – Methods for circumventing border controls (MO & signature)
 - Where - routes
 - Points of entry – Legal/Illegal & geographic variations
 - Links to facilitators



Topic Four Border Management

The Importance of Information & Intelligence Systems

- Information and Intelligence sharing between Border Security, Law Enforcement and Intelligence Services requires enhancement and coordination at both domestic and international level.
 - Close intelligence gaps that allows ongoing organised migration fraud
- Importance of international partnerships
 - response must be global/regional
 - diplomacy
 - International laws and processes



Topic Four Border Management

Strengthening Border controls

People

- Watch lists
- Biometric indicators
 - Fingerprints
 - Facial recognition, iris recognition etc
 - Biometric passports

Integrated information systems and databases – domestic and international



Topic Four Border Management

Strengthening Border controls

Points of Entry

- Pre - screening of passengers/profiling
- Deployment of profiling specialists
- Deployment of document examination specialists
- Baggage x-ray/Screening of checked luggage
- CCTV, image capturing



Topic Four Border Management

Strengthening Border controls

- Land Borders
 - Investment in border security forces
 - Patrol of unofficial crossing points



Topic Four Border Management

Measures that enhance security tend to simultaneously render migration regimes more efficient and cost effective



Last Slide

Section 3.2 Immigration and Border Systems



Topic Two Migration Categories

Residence Permits

- The residence permit is a mechanism that is commonly used by States and works alongside the visa.
- A residence permit may cover many purposes of stay, including employment, study, and family reunification.
- Some countries grant permanent residence permits after a certain period of legal residence has passed (often between two and eight years).
- Permanent residence promotes administrative efficiency, freeing up administrative resources in the area of permit renewal, and reduces the need to monitor and enforce the renewal process.



Topic Two Migration Categories

Immigration and Family Reunion Important Points

1. **Definitions** of “family” vary from a narrow definition of “immediate” family, which normally includes spouse and dependent children, to an extended definition that may also include aunts and uncles; nephews and nieces; cousins; siblings; and others.
2. Family reunification has been the chief form of legal immigration of third-country citizens to EU countries, accounting for almost three-fifths of immigration to those countries.
3. In the US, family immigration accounts for approximately 70 per cent of the annual immigration intake, and in Canada, 27 per cent of immigrants landed in 2001 were accepted through Canada’s family reunification programme.
4. IN Australia some 32% of the permanent migration program in 2006/07 (144,000) comes from family migration.



Topic Two Migration Categories

Sponsorship requirements

- Many family reunification programmes include a detailed requirement for sponsorship.
- Criteria that must be satisfied by immediate family members, once the sponsorship itself has been authorized, often includes no more than acceptable proof of relationship to the sponsor along with criminality and/or security checks and a medical examination.
- There may be a restriction on the number of family members one sponsoring relative is allowed to sponsor.
- The length of sponsorship may vary according to the level of dependency (i.e., a dependent child may require a longer period of sponsorship than a sibling who may soon become self-supporting).

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Topic Two Migration Categories

- The sponsorship undertaking may be enforceable so that legal action is taken to recover costs from sponsors who fail to honour their obligation.
- Some governments include safeguards, for example, restricting sponsors to sponsoring no more than two spouses in their lifetime with a specified number of years between sponsorships.



Immigration Systems

Topic Three

Economic and Labour Immigration



Topic Three

Economic and Labour Immigration

Important Points

1. Criteria for selecting migrants in a **supply-driven system** are normally aimed primarily at testing the migrants' potential for economic success.
2. Points awarded for skills or work experience in a **demand-driven system** may be tied to labour market *demand and be subject to change as the labour market changes*.
3. A **points system** offers a number of administrative **advantages**:
 - Transparency
 - Consistency
 - Efficiency in the selection of immigrants

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Topic Three

Economic and Labour Immigration

4. A points system has several **disadvantages**:
 - A points test cannot detect gradations of skill within a profession, only different work experience.
 - A points system does not recognize the fact that potential for economic contribution is affected by imagination, creativity, and adaptability.
 - A points test does not, and cannot, objectively assess imagination, creativity, and adaptability.
5. Governments will often apply **annual ceilings, planning levels, or quotas** to permanent admissions of economic migrants.
6. Opportunities for lower-skilled migrants can be as important as opportunities for skilled professionals.

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Topic Three

Economic and Labour Immigration

7. In **demand-driven systems**, employers choose migrants for economic reasons, and a job offer is essential.
8. 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.