DEPARTMENT OF IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS

Mr Cliff Lawson
Secretary
Foreign Affairs Sub-Committee
Joint Standing Committee on Foreign Affairs,
    Defence and Trade
Parliament House
CANBERRA   ACT 2600

Dear Mr Lawson

I refer to the letter of 29 August 2002 from Mr David Jull MP, Chairman of the Foreign Affairs Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade, to the Minister for Immigration and Multicultural and Indigenous Affairs, the Hon Philip Ruddock MP, inviting the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) to provide a submission to the Joint Standing Committee's Inquiry into Australia's Relations with Indonesia.

Attached is DIMIA's submission to the Inquiry, which has been endorsed by Mr Ruddock.

A copy of the submission will also be e-mailed to you. We are happy for the submission to be placed on the Committee's website.

Yours sincerely

John Okely
Acting First Assistant Secretary
Refugee and Humanitarian Division

09 December 2002

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Joint Standing Committee
on Foreign Affairs, Defence
and Trade

DIMIA

DEPARTMENT OF IMMIGRATION AND MULTICULTURAL AND INDIGENOUS AFFAIRS

SUBMISSION TO

JOINT STANDING COMMITTEE ON FOREIGN AFFAIRS, DEFENCE AND TRADE

INQUIRY INTO

AUSTRALIA'S RELATIONS WITH INDONESIA

GLOSSARY OF TERMS

ABTC	APEC Business Travel Card Scheme
AEEZ	Australia's Exclusive Economic Zone
AFMA	Australian Fisheries Management Authority
AFZ	Australian Fishing Zone
APC	Asia-Pacific Consultations on Refugees, Displaced Persons and Migrants
APEC	Asia-Pacific Economic Cooperation
API	Advance Passenger Information
APP	Advance Passenger Processing
ASEAN	Association of South-East Asian Nations
BMG	Business Mobility Group
BSC	Business Skills Category
ELICOS	English Language Intensive Course for Overseas Students
DFAT	Department of Foreign Affairs and Trade
DIMIA	Department of Immigration and Multicultural and Indigenous Affairs
FVN	Family Visitor Network
IELTS	International English Language Testing System
IMPLC	International Migration Policy and Law Course
IGC	Intergovernmental Consultations on Asylum and Migration in Europe, North America and Australia
IOM	International Organisation for Migration
MOU	Memorandum of Understanding
NGO	Non-Government Organisation
NRR	Non-Return Rate
PII	Prospective Illegal Immigrant
PBSPC	Perth Business Skills Processing Centre
POPC	Perth Offshore Parents Centre
PV	Protection Visa
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commission for Refugees
UNITAR	United Nations Institute for Training and Research
UNTAET	United Nations Transitional Administration in East Timor
WHO	World Health Organisation

TERMS OF REFERENCE

BUILDING AUSTRALIA'S RELATIONSHIP WITH INDONESIA

The Joint Standing Committee on Foreign Affairs, Defence and Trade shall inquire into and report on Australia's relationship with the Republic of Indonesia, focussing in particular on building a relationship that is positive and mutually beneficial.

The Committee shall review the political, strategic, economic (including trade and investment), social and cultural aspects of the bilateral relationship, considering both the current nature of our relationship and opportunities for it to develop.

INTRODUCTION

Australia and Indonesia have a longstanding immigration relationship built on mutual support in maintaining border integrity, the orderly flow of people between the two countries and the advancement of regional security.

The Department of Immigration and Multicultural and Indigenous Affairs (DIMIA), is responsible for administering the laws and procedures governing the entry and stay of overseas-born persons. A range of important dimensions has developed in the relationship between DIMIA and the Indonesian bureaucracy - principally the Directorate-General of Immigration - in the course of carrying out those functions and will form the substantive part of this submission.

Moreover, as a key agency in Australia's whole-of-Government approach to combating people smuggling and irregular immigration, DIMIA has put in place an engagement strategy of eliciting the cooperation of Indonesia and other key countries in the region. DIMIA's relationship with the Indonesian bureaucracy in the past few years has centred predominantly on efforts to combat people smuggling and advance regional security.

It is a multi-faceted relationship that is currently in robust shape, but needs constant attention and is continually subject to pressures of broader political and economic issues, such as East Timor and the continuing depressed Asian economic scene. The recent Bali terrorist attack may affect the relationship, but it is as yet too early to say in what ways.

Outline

This submission outlines the key aspects of DIMIA's relationship with Indonesia from an immigration perspective:

- Part One sets the context of our engagement with Indonesia and defines our broad migration relationship with Indonesia.

- Part Two discusses Indonesia as the main transit point for people smuggling operations for people en route to Australia and Indonesia's approach to people

smuggling and irregular immigration. This part sets the context within which some of our most significant cooperation has taken place.

- Part Three outlines the multi-faceted nature of the bilateral partnership between DIMIA and the Indonesia Government in combating people smuggling and irregular immigration.

- Part Four explores the relationship between Australia and Indonesia in a regional context which supports the bilateral relationship.

- Part Five sets out opportunities for further development of a positive and mutually beneficial immigration relationship with Indonesia.

PART ONE – AUSTRALIA'S MIGRATION RELATIONSHIP WITH INDONESIA

Introduction

1.1 As the Australian Government agency responsible for administering the laws and procedures governing the entry and stay of overseas-born persons through a range of specific visa categories, DIMIA has a regular immigration relationship with Indonesia - principally with the Directorate-General of Immigration. This relationship has a number of dimensions.

Demography

1.2 To set the context of the flow of people between Indonesia and Australia, the 2001 Census recorded 47,166 Indonesia-born persons in Australia. The distribution was:

- NSW 21,048;
- VIC 10,998;
- WA 7,669;
- QLD 4,638;
- SA 1,272;
- NT 732;
- ACT 618; and
- TAS 180.

1.3 The major entry category was marriage/fiancé sponsorships. Over 14,400 Indonesian students were recorded as studying in Australia in 1999 which was 9.5% of the total number of visitors to Australia for education purposes. The number of Indonesian speakers recorded in the 2001 Census was 38,710, about half of whom were in NSW. There were 14,986 Indonesia-born persons who reported that they were Australian citizens in the 2001 Census.

Arrivals of Indonesian Citizens

- #### Data on Settler Arrivals

1.4 In 2001-02, there were 88,900 settler arrivals, of whom 4,221 were born in Indonesia. Table 1 on Settler Arrivals for Indonesian Born and Eligibility Category, Table 2 on Migration Program Visa Grants and Table 3 on Visa Grants to Indonesian Citizens provide further information.

- #### Data on Temporary Entrants

1.5 At 30 June 2002, there were 560,178 temporary entrants in Australia. Of these, 29,336 were citizens of Indonesia. Table 3 on Visa Grants to Indonesian Citizens provides further information.

Family Migration

- *Partner Visa Processing*

1.6   Migration legislation provides for the migration to Australia of fiancé(e)s, spouses (including de facto spouses) and interdependent partners of Australian citizens, permanent residents and eligible New Zealand citizens.

   -    *Spouse*: the husband, wife or de facto partner of the Australian sponsor;

   -    *Prospective Marriage*: a fiancé(e) overseas who plans to marry their Australian sponsor; and

   -    *Interdependent Partner*: a person in an interdependent relationship with an Australian sponsor involving a mutual commitment to a shared life together.

1.7   Partner visa applications can be lodged either inside or outside Australia. The exception is Prospective Marriage visas for fiancé(e)s, which can only be lodged outside Australia.

1.8   Under current arrangements, spouses/interdependent partners of an Australian sponsor apply for a Spouse/Interdependency visa and go through a two-stage process. They apply on the one application for a temporary Spouse/Interdependency visa and a permanent Spouse/Interdependency visa. The permanent visa application is usually decided two years after the date of application.

1.9   Fiancé(e)s must go through a three-stage process. They must apply for a Prospective Marriage visa, which enables them to come to Australia to marry their sponsor. This temporary visa is valid for nine months from the date of grant. They must travel to Australia, marry their sponsor, and apply to remain permanently in Australia within that period.

1.10 The Australian Embassy in Jakarta processes Partner visa applications (Spouse, Interdependency and Prospective Marriage) from persons living in Indonesia. Applications can also be lodged at the Australian Consulate General in Bali which then transfers them to the Australian Embassy in Jakarta for processing. Table 4 on Partner Visas for 2001-2002 and Table 5 on Partner Visas for 2000-2001 provide further information.

- *Best Practice Partner Visa Processing Model*

1.11 In an effort to reduce processing times for Partner visa applications lodged outside Australia, a best practice partner visa processing model was introduced in all overseas offices in November 2001. The model shifts processing effort to the pre-lodgement and lodgement stages of the visa application, to provide better information to clients, and make an assessment of the key criteria at the earliest opportunity.

1.12 Since November 2001, the usual processing times for Partner visa applications processed at the Embassy in Jakarta under the model has decreased from an estimated 45 weeks to an estimated 24 weeks.

1.13 While applications lodged prior to the model are still taking longer to process, by the end of August 2002 the Partner visa pipeline had decreased by 20%.

- *Parent Visa Processing*

1.14 Parent applications from Indonesia are in the process of being transferred to DIMIA's Perth office for processing. From 1 November 2002, all offshore parent applications must be lodged direct with the Perth Offshore Parents Centre (POPC). A key initiative that has resulted from the establishment of the POPC has been that the Australian sponsor, rather than the applicant, acts as the Department's main client. This achieves significant improvements in client service.

1.15 There is a 'cap' in place for Parent visa grants under which only 500 places (400 for offshore parents and 100 for onshore parents) are available during the 2002-03 Program year.

1.16 Parents are allocated a queue date when they satisfy the main requirements for visa grant and placed in a queue until a place becomes available during the Program year.

1.17 For the 2002-03 Program year, applicants with queue dates up until 28/01/99 are being processed for visa grant. Tables 6 and 7 on Parent Visas for 2001-2002 and 2000-2001 provide further information.

1.18 The Minister announced a contingency reserve of an additional 4,000 places for parents in the 2002-03 Migration Program. The allocation of these additional places is contingent upon agreement by Opposition parties to new parent provisions which will ensure a fairer sharing of the costs between applicants and their sponsors and the Australian taxpayer.

1.19 There are no specific issues of concern in relation to Parent visa applicants from Indonesia.

- *Child Visa Processing*

1.20 Migration legislation provides for the migration to Australia of children under the following visa subclasses; 101 Child visa, 102 Adoption visa, 117 Orphan Relative visa and 445 Dependent Child visa.

1.21 An applicant for a subclass 101 (Child) visa must be the dependent child of an Australian citizen, permanent resident or an eligible New Zealand citizen.

1.22 An applicant for a subclass 102 (Adoption) visa must have been adopted or be in the process of being adopted by an Australian citizen, permanent resident or

an eligible New Zealand citizen and must be sponsored by that person. The applicant must be under 18.

1.23 An applicant for a subclass 117 (Orphan Relative) visa must be under 18 and have no parent to care for them. The applicant must be sponsored by an Australian relative. The relative must be the child's brother or sister, grandparent, aunt or uncle or niece or nephew or step equivalent.

1.24 An applicant for a subclass 445 (Extended Eligibility) visa must be under 18 and the dependent child of a parent who holds a provisional partner visa – ie the first step in the two-step partner process.

1.25 The Australian Embassy in Jakarta processes Child visa applications from persons living in Indonesia. Applications can also be lodged at the Australian Consulate General in Bali which transfers them to the Australian Embassy in Jakarta for processing.

1.26 Table 8 on Child Visas for 2001-2002 and Table 9 on Child Visas for 2000-2001 provide further information.

Business Skills

- ### Business Skills Application Rates

1.27 Application rates in the Business Skills category have been falling from the peak in 1998. In the 2001-2002 program year, only 82 cases (370 persons) were lodged, compared to 338 (1,549 persons) in the full 1999-2000 program year.

1.28 The decline in application rates is largely because of the difficulty applicants now have in meeting the Australian dollar values in this category of migration (ie net assets in business and total assets available for transfer) due to the declining value of the rupiah. Applicants are assessed on the basis of their business performance in two of the last four years.

- ### Perth Business Skills Processing Centre

1.29 As a strategy to address the large Business Skills backlog in Jakarta which had developed since 1998 and to improve client service and processing times, nearly all Business Skills cases have been processed by the Perth Business Skills Processing Centre (PBSPC) since September 2000. The PBSPC has been successful in clearing the majority of the backlog and in improving processing times. Perth works very closely with migration agents representing Indonesian clients. Staff from PBSPC make regular visits to Indonesia to interview applicants and to conduct site visits.

1.30 Jakarta has a very small residual backlog of older Business Skills category (BSC) cases which it is processing expeditiously. It is expected that these will all be decided this program year. Once these last cases are cleared, all offshore Indonesian BSC cases will be processed in Perth.

- *Indonesian Business Migrants in Australia – Business Engagement Rate*

1.31 For the cohort of Indonesian Business Skills migrants who arrived in Australia in 1997-98 and who have completed a 24 months monitoring survey, 70% were engaged in business at the two year mark (compared with 74% for business migrants from Hong Kong and 87.5% for business migrants from Taiwan).

Business Visas (Long Stay)

1.32 Statistics on Business Visas for Indonesian citizens:

- 457 visa grants 2000/01 - 761 representing 1.9% of total grants (40,164);

- 457 visa grants 2001/02 - 447 representing 1.2% of total grants (37,401);

1.33 On the subject of servicing Indonesian clients at our Jakarta Embassy, in 2001-02, 84% of subclass 457 applications were finalised within the service standard and the overall median processing time was 14 days when the service standard was 63 days.

Business Visas (Short Stay)

1.34 The subclass 456 Business (Short Stay) Visitor visa is available to persons intending to visit Australia on business for 3 months or less. This is a streamlined and inexpensive visa option for people such as business executives, IT consultants, media representatives, sports people and academics, etc. It also allows holders to take a holiday in conjunction with their business trip to Australia.

1.35 This visa is for business people who wish to:

- explore business opportunities in Australia;

- conduct business negotiations, site visits, equipment inspections;

- sign business contracts; or

- attend conferences or meetings in relation to their field of employment.

1.36 The Short Stay Business visa is available for either single or multiple entry and allows for a stay in Australia of up to three months (from date of arrival). Applications can only be made at an Australian visa office overseas. The Short Stay Business visa can not be extended in Australia.

1.37 A total of 133,726 Short Stay Business visas were granted globally in the 2001-02 program year. Indonesian citizens lodged 11,055 applications, making them the third largest source of Short Stay Business visa applications. In the same program year, Indonesian citizens were also the ranked third in the world with 10,262 Short Stay Business visa grants.

1.38 With a total of 9,333 grants from 10,096 Short Stay Business visa applications lodged in Indonesia in the 2001-02 program year, Indonesia had the third highest grant rate (94.75%) of the top five Australian missions with the highest application numbers. Table 10 on Short Stay Business Visa Grants provides further information.

APEC Cooperation and Capacity Building

1.39 Australia convenes the APEC Business Mobility Group (BMG), which was established in 1997, in recognition of the importance of streamlining the movement of business people to facilitate trade and investment activity in the region. All APEC economies, including Indonesia, are members of the BMG. Indonesia (Immigration) is an active participant and is very supportive of the BMG's goals and activities.

1.40 The BMG has adopted a cooperative capacity building strategy which recognises that the development of common standards across the four key areas of immigration - pre-arrival, entry, stay and departure – is essential to enable economies to achieve a level of capacity to facilitate business mobility. The approach provides for economies to self-assess their capacity against agreed standards and to develop and implement an individually tailored strategic plan, with technical assistance and training as required.

1.41 As a first priority, the BMG has recognised that it needs to focus its efforts to improve economies' border management capacity, to ensure greater integrity and security. The events of September 11 and regional concerns about the levels of illegal migration and related activities have underscored the need for greater cooperative efforts by BMG members in addressing these issues through increased capacity building measures. The BMG's capacity building program is focussed on developing and implementing standards in areas which have a direct and significant impact on border management, including in:

- travel document examination and fraud detection;

- travel document security and issuance systems;

- professional immigration service;

- immigration legislation; and

- Advance Passenger Information systems.

- ### *Travel Document Examination and Fraud Detection*

1.42 Over three years, the BMG has provided extensive technical and training assistance in document examination and fraud detection to developing member economies. A series of training workshops have been conducted to enable economies to develop self-sustaining national training programs. Indonesia attended all regional workshops and gave very positive feedback on the

training. Indonesia and other participating economies will report on the integration of the training into their national training programs to the BMG in 2003.

1.43 In addition, standards to establish an effective document examination regime, were agreed by all economies in 2001. Further assistance to meet the standards will be provided collectively and bilaterally to developing economies, including between Indonesia and Australia. (See section on AusAID APEC Support Program.)

- *Travel Document Security*

1.44 The BMG's aim is to cooperatively develop best practice standards, based on standards as set by the International Civil Aviation Organisation, to improve the security of travel documentation and related issuance systems in the region. This project is viewed as a first priority by all members of the BMG, particularly in the wake of September 11 and recent US legislative requirements for all countries with US visa waiver arrangements, to meet certain biometric standards by December 2004. The first phase of the project will involve a workshop of regional experts, to be held in 2003, to develop standards. The workshop is to be facilitated by the Australian Passports Office. Once standards are agreed, a second workshop, to be attended by Indonesia and other interested economies, will be held to assist economies self-assess their requirements and to examine the latest technologies and developments. Any further assistance required by economies beyond that phase to meet agreed standards will be determined by the BMG at that time.

- *Professional Service*

1.45 The project's aims are to develop standards for systems and a framework to combat corruption in their immigration services and to provide a friendly streamlined processing service for genuine travellers. Officials from the Immigration agencies of Indonesia, Singapore, Mexico, the US and Australia drafted standards for professional service at a workshop in May 2002, which have been agreed by the BMG. A workshop, which Indonesia and Australia will attend, is to be held in 2003 to assist economies undertake a self-assessment of their existing professional service regime against the agreed standards.

- *Immigration Legislation*

1.46 The BMG's aim is to develop a best practice Immigration legislative framework to assist economies' needs for legal infrastructure in border management. The project will assist cooperation on regional issues such as data sharing, travel document fraud, illegal workers, people smuggling and other related illegal migration activities. A workshop attended by immigration legal experts, including Australian and Indonesian experts, will be held in 2003, to identify what essential features should be included in immigration legislation. The project represents APEC support for developing standards in this area, allowing all economies the opportunity to evaluate the effectiveness of others'

legislation. The project will complement the Bali Summit work on legislation addressing people smuggling.

- *Advance Passenger Information (API) Systems*

1.47 One of the most significant measures being undertaken by the BMG to increase border security and integrity is to provide three economies with the opportunity to undertake a feasibility study to assess their capacity, and the costs involved, to join the API system environment. API systems, such as Australia's Advance Passenger Processing (APP) System, enable passenger information to be sent electronically to the destination border agency for pre-departure and pre-arrival screening. Benefits include reduced border clearance times and a reduction in the number of non-bona fide travellers, and will assist to prevent or detect people smuggling activities and as a counter-terrorism measure. APEC leaders endorsed unilateral API systems as an APEC pathfinder initiative and counter-terrorism measure at their meeting in Mexico in late October 2002.

1.48 DIMIA, as the APP expert, is conducting the feasibility studies and recently completed a study for Thailand. Expressions of interest were also received from Indonesia and the Philippines and both countries have confirmed their interest in participating in an APP feasibility study. The US, Canada and New Zealand already have or are implementing API systems. This project will provide developing economies such as Indonesia with the opportunity to join the API environment. The expansion of API in the region will lead to greater overall integrity and security of passenger movements in the region.

- *AusAID APEC Support Program*

1.49 DIMIA and Indonesian Immigration are continuing to cooperatively implement APEC document examination standards. Under AusAID's APEC Support program, DIMIA recently provided two travel document database systems (EDISON) and training to Indonesian officials to assist in the detection of fraudulent travel documentation.

- *APEC Business Travel Card (ABTC)*

1.50 Indonesia announced in May 2002 that it is joining the ABTC scheme. The ABTC scheme provides genuine business travellers with pre-cleared, multiple short-term entry to participating economies for a three year period. There are now 13 economies in the scheme.

1.51 DIMIA has AusAID funding to assist Indonesia to set up its APEC Business Travel Card operation. Indonesia's participation will facilitate trading activities by Australia's and Indonesia's business communities and will serve to further strengthen the cooperative relationship between DIMIA and Indonesian Immigration.

Visitor Visas

- *Visitor Visa Grants*

1.52 Residents of Indonesia are able to lodge applications for Visitor visas at the Australian Embassy in Jakarta.

1.53 Visitor visa grants to nationals of Indonesia have increased in each of the last three program years, from 45,675 grants in 1999-00 to 56,996 grants in 2000-01 and 58,049 grants in 2001-02. An overall increase of 27.09 per cent. This coincided with a 25.78 per cent increase in the number of Visitor visa applications (ie. from 52,562 applications in 1999-00 to 66,113 applications in 2001-02). While over the same period the approval rate fluctuated, there was a 0.44 percent overall increase (ie from 88.73 per cent in 1999-00 to 91.28 per cent in 2000-01 to 89.17 per cent in 2001-02). Table 11 on Visitor Visa Approval Rate provides further information.

- *Family Visitor Network (FVN)*

1.54 DIMIA has established a Family Visitor Network . The objective of the Network is to:

-   play a pivotal role in improving the overall community awareness of the Government's Visitor visa policy, procedures and decision-making processes at overseas posts;

-   ensure that community and religious leaders and members of Parliament are able to endorse offers of support provided by family members in Australia for their relatives applying for Visitor visas overseas; and

-   provide overseas posts with objective information about clients in Australia and the type of support the client is prepared to offer the applicant during their stay in Australia.

- *Visitor Visa Non-Return Rate*

1.55 The Visitor visa non-return rate (NRR) for nationals of Indonesia has declined over the past four years, from 8.71 per cent in 1998-99 to 4.96 per cent in 1999-2000 to 3.34 per cent in 2000-01 and 2.50 per cent in 2001-02. In 1998-99 their rate was more than three and a half times the global average NRR of 2.37 and in 1999-00 their rate was more than twice the global average of 2.41 percent. In the past two program years they have remained above the global average but to a lesser extent. Table 12 on Visitor Visa Non-Return Rate provides further information.

- **Protection Visa Lodgements**

1.56 The absolute numbers of Protection visa (PV) applications lodged by all nationals arriving on Visitor visas has fluctuated over the last three program years. The rate of PV applications lodged by all nationals entering Australia on Visitor visas as a percentage of total visitor arrivals has also fluctuated from 0.164 per cent in 1999-2000 to 0.179 per cent in 2000-01 and 0.146 percent in 2001-02. The PV application rate for nationals of Indonesia has fluctuated during this period and has remained well above the global rate. In line with the global rate which decreased in the last program year, the PV application rate for Indonesian nationals has also decreased from 1.251 per cent in 2000-01 to 1.171 per cent in 2001-02. This is more than eight times the global rate of 0.146 per cent. Table 13 on Protection Visa Lodgements by Visitor Visa Arrivals provides further information.

- *Sponsored Visitor Visa*

1.57 The Sponsored Visitor visa came into effect on 1 July 2000 and features a mandatory sponsorship requirement by an Australian party (ie Australian citizens or permanent residents), a mandatory 8503 'No Further Stay' condition and a discretionary security bond. It has two subclasses, the Sponsored Family and the Sponsored Business Visitor.

1.58 Sponsorship by an "Australian party" is limited to "relatives", Federal, State & Territory government agencies, Federal, State & Territory elected representatives and local government mayors.

1.59 Some 14,273 applications were lodged in the first twelve months of the Sponsored Visitor visa program. Jakarta had the fourteenth most applications with 290. In the 2001-02 program year Jakarta recorded 301 applications which is the thirteenth highest amount at any Australian Mission out of a total 12,571 applications received globally.

1.60 Some 7,345 Sponsored Visitor visas were granted globally in the first twelve months of the Sponsored Visitor visa program (2000-01). Jakarta granted 179 applications, which is the eighth highest grant rate (66%) compared with the top twenty Australian Missions with the highest application numbers.

1.61 In the 2001-02 program year, Jakarta has the fifth highest grant rate (74%) of the top twelve Australian Missions with the highest application numbers, with a total of 211 grants compared to the global total of 7,407. Table 14 on Sponsored Visitor Visa Grants provides further information.

Australia's Student Visa Program

- *Background*

1.62 The Student Visa Program of DIMIA enables overseas students to come to Australia to undertake full-time study in registered courses in Australia. Latest Australian Bureau of Statistics figures estimate the export education industry to be worth over $4 billion to Australia. This requires DIMIA to strike a balance between assisting growth in this important industry and maintaining immigration integrity.

1.63 Student visa requirements are provided for in the *Migration Regulations 1994* and are the main point of reference for Student visa decision-makers in determining an applicant's eligibility.

- *Student Visa Reforms*

1.64 On 1 July 2001 a number of reforms to the Student Visa Program were introduced, replacing the former gazetted/non-gazetted country system. The reforms were implemented to build on Australia's competitive advantage in the international education industry, designed to streamline the processing of applicants and to ensure:

- greater transparency in the requirements to be met for visa grant;

- consistency in visa grant decisions; and

- the integrity of the Student Visa Program through the entry of genuine students.

1.65 The transparency, objectivity and consistency offered by the changes allow providers, their agents and key stakeholders to be confident of visa outcomes. This confers a significant benefit on those involved in developing marketing strategies, particularly in higher risk markets. It enables them to target specific markets with a high degree of certainty as to outcome.

1.66 The Student visa restructure was one of a package of measures undertaken by the Government to reform Australia's education export industry. Extensive consultations were undertaken with representatives of the international education industry in Australia prior to the changes being introduced. The Government continues to actively engage the international education sector in the implementation and the fine-tuning of the Student Visa Program.

1.67 The reforms to the Student Visa Program were devised with the long-term benefit to Australia's very valuable overseas education industry in mind. Protecting the reputation of the industry, expanding access to high risk markets in a sustainable manner, while preserving the integrity of the Program have been paramount objectives.

1.68 The main change to the Student Visa Program on 1 July 2001 was the introduction of seven visa subclasses. Students must apply for a visa in the visa

subclass that relates to the principal course of study they wish to undertake:

- Independent ELICOS Sector

- Schools Sector

- Vocational Education and Training Sector

- Higher Education Sector

- Masters and Doctorate Sector

- Non-award Foundation /Other Sector

- AusAID or Defence Sector.

1.69 Another significant change to the Student Visa Program was the introduction of different Assessment Levels for different education sectors in different countries. Assessment Levels within each of the Student visa subclasses determine eligibility for a Student visa by establishing the threshold requirements that an applicant must meet in order to be granted a Student visa. The Assessment Levels allocated to education sectors in different countries were based on objective indicators of risk.

1.70 The higher the Assessment Level, the greater the minimum evidentiary standards a Student visa applicant has to satisfy in respect of criteria relating to:

- financial capacity, ie the capacity to meet expenses such as living costs in Australia, tuition fees and air fares;

- English proficiency; and

- other relevant matters which indicate the likelihood of compliance with Student visa conditions.

- *Application of Assessment Levels to Indonesia*

1.71 Student Visa Assessment Levels for Indonesia are at Table 15. A review has been undertaken of the Student Visa Assessment Levels for the first 12 months of the new Student visa regime. The Assessment Levels for Indonesia remain unchanged.

- *Review of the Student Visa Reforms*

1.72 An assessment of the impact of the Student visa changes is currently being undertaken. This includes considering submissions lodged by industry and government agency stakeholders in the education industry. Key issues, which will be addressed more fully in the context of this assessment, are:

- financial capacity requirements;

- English proficiency requirements; and

- IELTS testing facilities

IELTS testing facilities in Indonesia are currently available in Jakarta (3), Denpasar (1), Medan (1) and Surabaya (1).

- *Impact of Student Visa Reforms on Student Recruitment*

1.73 Indonesia is Australia's sixth largest source of overseas students as measured by offshore Student visa grants. Student visa applications from Indonesian nationals have fluctuated markedly in recent years, reflecting regional political, economic and social circumstances. Table 16 on Offshore Student Visas provides more detail.

1.74 The current Student visa application refusal rate in Jakarta of 4.8% is considerably lower than the global refusal rate for Student visa applications of 14.7%. In Jakarta the main reasons for Student visa refusal is failure to satisfy financial requirements, failure to meet English language requirement levels and inappropriate/unacceptable sponsorship arrangements.

1.75 Education providers and agents have reported concern over the perceived negative impact of the new arrangements for the ELICOS and Vocational Education and Training sectors. Data indicates that there were fewer ELICOS visas issued to Indonesian nationals in 2001-02, compared to 2000-01. However, this decline can partially be attributed to packaging arrangements and the method by which the statistics have been collected. (Package course arrangements comprise a student who has an intention, for example, to study English language, then do a diploma and then undertake a degree course. They are given a visa to coincide with the sector of their principal course, which in this case is the degree course.) The Embassy in Jakarta reports that at least 26.5% of all Higher Education sector visas granted between July 2001 and January 2002 included package applications, notably for the Vocational Education and Training and ELICOS sectors.

- *Incentives to Study in Australia*

1.76 Australia has many attractions for overseas students which account for the extraordinary growth in student numbers. Besides the relatively competitive dollar, favourable climate, friendly and safe society and the quality of education, Australia also offers overseas students generous work rights of up to 20 hours a week and longer during the holiday times.

1.77 The General Skilled Migration categories provide migration opportunities for young, highly skilled people who will quickly contribute to the Australian economy. The Government has implemented a number of measures to allow overseas students who have obtained their qualifications to remain permanently in Australia. The *Skilled Independent Overseas Student visa* subclass was

introduced in June 2001, allowing students to apply onshore for permanent residence within six months of completing their studies.

1.78 The Government has also introduced a range of initiatives which offer incentives to students wishing to remain permanently in regional Australia. The *Skilled - Designated Area-sponsored Overseas Student* subclass does not require applicants to pass the points test as long as they meet threshold requirements for age, language and skill and are sponsored by a relative living in a "designated area". It offers an additional incentive in that applicants whose sponsor lives in a Gazetted state or territory qualify for the visa with a lower standard of English language proficiency.

1.79 Overseas students who achieved high level qualifications in this country now comprise almost 50% of the general points-tested categories. Introduction of a recognised pathway to skilled migration for overseas students in Australia is proving to be a key factor enhancing the competitiveness of Australian education overseas and an effective marketing tool.

Medical Treatment Visas

1.80 Every year, approximately 500 Indonesian nationals visit Australia for medical treatment, meeting the special requirements for a medical treatment visitor visa. This is a very beneficial facility for both countries not only for the patients, but also from the social and cultural links that are strengthened and enhanced in appreciation this way. All visa applicants intending to enter a health care facility for any reason are required to undergo a chest x-ray examination for the purposes of detecting tuberculosis. This can apply to applicants for any other visa, and to applicants from all over the world. Also, in view of the World Health Organisation's declaration of tuberculosis as a growing epidemic and emergency, since July 2001, all temporary entrants to Australia planning to stay more than three months are required to undergo a chest x-ray. This routine has been established in accordance with WHO data on tuberculosis rates, applying to all environments where tuberculosis rates are higher than 50 per 100,000. Due to the advance of the disease, this now encompasses most of the countries of the world.

Illegal Fishermen

1.81 Fishing inside Australia's exclusive economic zone (AEEZ) is managed under the provisions of the Fisheries Management Act 1991 and the Torres Strait Fisheries Act 1984. Australian Fisheries Management Authority (AFMA) administers these acts. Both acts require boats of any nationality (including Australian boats) to have a licence or permit in force to undertake fishing inside the AEEZ. The Torres Strait Fisheries Act 1984 applies only to the area of the Torres Strait Protected Zone and reflects the purpose and obligations of the Torres Strait Treaty (as it applies to fisheries) between Australia and Papua New Guinea. The Fisheries Management Act covers the remainder of the AEEZ except for the AEEZ adjacent to Antarctica. The Fisheries Management Act refers to this area as the Australian fishing zone or AFZ.

1.82 There is one exception to Australia's licensing rules. Australia does allow unlicensed fishing in a small area of the AFZ off Australia's north west coast. This is agreed under the terms of a Memorandum of Understanding between the governments of Australia and Indonesia that allows Indonesian nationals using traditional sail powered boats and fishing by hand (ie no engines) in a defined area surrounding Ashmore, Cartier and Browse Islands and Scott and Seringapatam reefs. The Fisheries Management Act still applies and fishers who breach the provisions of the MOU are apprehended and brought to Australian ports.

1.83 Each year, a number of foreign fishers (the majority Indonesian) suspected of breaching Australia's fisheries legislation are detained by fisheries officers. Masters of fishing boats who are found to have committed offences under fisheries law in the Courts are fined, and their boats, catch and gear forfeited. Around 70 foreign fishers are charged and sentenced each year, although this number has fluctuated between 20 and 133 per year between 1988 and 2001. Repeat offenders are usually imprisoned by the Courts for breaches of bonds. Usually only the master of the boat is charged, however, other crew on board may be charged where appropriate, such as when the crew operate as a collective, or when repeat offenders are amongst the crew. Jail terms have ranged between 30 days and 2 years.

1.84 In 2001-02, 758 suspected illegal foreign fishers were brought to Australia, 517 were Indonesian. In the same year, 403 Indonesian fishermen were removed.

PART TWO – PEOPLE SMUGGLING AND IRREGULAR IMMIGRATION ISSUES

Introduction

2.1   DIMIA's relationship with the Indonesian bureaucracy has in the past few years centred predominantly on efforts to enhance mutual cooperation, increase technical capacities, combat people smuggling and advance regional security. DIMIA is a key agency in Australia's whole-of-Government efforts to combat people smuggling and to stop unauthorised arrivals by boat or air in Australia. Part of the Government's strategy has been to engage the cooperation of countries in the region, a process that has closely involved DIMIA officers in Australia and abroad. Indonesia has been an important focus of DIMIA's efforts.

Principal Country of Transit

2.2   The first significant influx of unauthorised boat arrivals in Australia was between 1975 and 1980 when more than 2000 Indochinese people arrived from Vietnam and Cambodia. Throughout the 1990s there was a regular flow of unauthorised boat arrivals from China. Most of the boats sailed directly from China and were not organised from Indonesia.

2.3   In 1999, however, a notable change in the pattern of irregular immigration to Australia emerged. There was a dramatic increase in the number of unauthorised boat arrivals. Between July 2000 and June 2001, there were 8,316 unauthorised boat arrivals compared with 4,114 in the period from 1989-90 to 1998-99. There has been a distinct shift in the nationality profile of unauthorised boat arrivals from mostly Asian to mostly Middle Eastern in origin and people from South-West Asia. There has also been an increase in the percentage of these arrivals presenting protection claims - from 46 per cent for 1998-99 to 80 percent for 2000-2001. Finally, people smugglers were increasingly responsible for unauthorised maritime arrivals of people from the Middle East, Pakistan, Iran and Afghanistan to Australia.

2.4   The general route used by people smugglers to smuggle people to Australia was by air to Malaysia, normally entering legally under visa-free arrangements, then travel by air or boat to Indonesia. The final stage was passage by boat from Indonesia to Australia.

2.5   The number of third country nationals entering Indonesia illegally through Malaysia has tapered off somewhat since the removal of the Taliban regime in Afghanistan and the imposition of more rigorous border control measures in the region since the terrorist attacks of 11 September 2001. There is evidence, however, that some people smuggling activities are still occurring and there remains a group of prospective illegal immigrants in Indonesia. The current lull cannot be assumed to be a definitive end to the problem.

2.6 Australia has worked closely with Indonesia to develop cooperative immigration, including anti-people smuggling initiatives.

2.7 People smuggling is not yet a crime under Indonesian law. The Indonesian Government is revising its Immigration Act to criminalise people smuggling, increase existing penalties for visa and immigration fraud and malpractice and clarify definitions of illegal immigrants and refugees. Indonesia also has plans to amend its visa regime, specifically to abolish its visa-on-entry policy given to citizens of 48 countries.

PART THREE – BILATERAL COOPERATION WITH INDONESIA ON COMBATING PEOPLE SMUGGLING AND IRREGULAR IMMIGRATION

Introduction

3.1   DIMIA, as a key agency in Australia's whole-of-government efforts to combat people smuggling and irregular immigration, plays a major role in developing a cooperative and productive relationship with Indonesia in its anti-people smuggling efforts.

3.2   In late 1999, in response to the growing number of unauthorised boat arrivals in Australia, the Department established the International Cooperation Branch tasked with developing a network of cooperative relationships and agreements with key regional countries to combat people smuggling and irregular immigration.

3.3   A key strategy has included the building of a cooperative, robust and multifaceted relationship with Indonesia. This valued relationship is one that cannot be taken for granted and requires active input from both sides to ensure that there is a mutuality of interests that is being addressed and that issues of priority setting and resource allocations are openly discussed.

3.4   The Government's strategy for dealing with the influx of unauthorised arrivals and in which DIMIA's efforts are set, was developed around a framework of strengthened cooperation at both the domestic and international levels. The strategy focuses on four key areas:

-     taking bilateral and international action to minimise primary outflows from countries of origin and secondary outflows from countries of first asylum; a strategy of prevention. This is achieved by providing aid, development assistance and direct support to programs for displaced persons in countries of origin and refugees in countries of first asylum;

-     working with other countries to disrupt people smuggling routes by apprehending and prosecuting smugglers, the sharing of information on routes and methods used by people smugglers and by detecting and intercepting unauthorised arrivals;

-     developing appropriate reception arrangements for unauthorised arrivals who reach Australia, focusing on the early assessment of any claims for refugee status; and

-     the prompt removal of unauthorised arrivals, including failed asylum seekers and those who can be provided with effective protection elsewhere.

3.5   DIMIA's approach to building cooperation with Indonesia has several elements including working closely and openly with officials at a number of levels within the Indonesian bureaucracy both in Jakarta and in the provinces, as well as:

- developing and implementing cooperative arrangements with Indonesia and key international organisations, the UNHCR and IOM;

- developing and putting in place ongoing cooperative capacity building initiatives which are overseen by a Working Group of senior officials on immigration;

- regular cooperation and engagement between DIMIA officers at the Embassy in Jakarta and the Indonesian bureaucracy on matters relating to the activities of people smugglers and their clients; and

- joint efforts with Indonesian Government officials in an anti-people smuggling information campaign.

Informal Cooperative Arrangements

3.6   In relation to the first of the above dot points, Australia, as part of its strategy of engaging Indonesia's cooperation, began negotiations with Indonesia in late 1997 to establish a cooperative framework for combating smuggling people operations in Indonesia where the intended destination was Australia.

3.7   In early 2000, Australia and Indonesia, in partnership with UNHCR and IOM, put in place informal cooperative arrangements to provide a legal mechanism for those intercepted who intended to apply for asylum, to do so in a way that was consistent with international conventions and norms.

3.8   These arrangements have three components:

- ### Cooperation with Indonesian Authorities:

3.9   Once intercepted, prospective illegal immigrants to Australia (PIIs) fall within the authority of the Directorate-General of Immigration, as they have probably breached Indonesia immigration law. They are then referred to IOM, UNHCR or the Australian Embassy in Jakarta.

3.10 Detainees are accommodated in a number of transmigration centres or hotels across the Indonesian archipelago where they are free to interact with local communities.

- ### Cooperation with the International Organisation for Migration (IOM):

3.11 IOM takes responsibility for the movement (where required) of PIIs, their accommodation and sustenance and meeting their health and welfare needs. Australia funds IOM for these activities. Where a PII raises protection concerns, IOM refers the case to the UNHCR for assessment. Almost all PIIs apply to UNHCR in Indonesia for refugee status in the hope that they will be resettled in a western country. If no protection claims are raised or UNHCR assesses any such claims and finds the person not to be a refugee, IOM assists those who volunteer to return to their country of origin or country of prior

residence. In some cases, voluntary return is difficult to organise because some countries will not accept non-nationals for the purposes of transit. In other cases, travel documents are difficult to obtain.

- *Cooperation with United Nations High Commissioner for Refugees (UNHCR):*

3.12 Australia funds UNHCR to undertake the refugee determination process in Indonesia. Once notified by IOM, UNHCR staff in Jakarta travel to the asylum seekers' locations throughout Indonesia and conduct refugee status determinations. After UNHCR makes a decision on the claims, those granted refugee status are relocated to Jakarta and remain under UNHCR care. UNHCR seeks a durable solution for them which often involves referral to a third country for resettlement as local integration in Indonesia is not an option.

3.13 Australia has also offered to support UNHCR in meeting reasonable costs of readmission to countries of prior protection or first asylum of those assessed as needing protection.

Information on the Informal Arrangements in Indonesia

- *Irregular Migrants under the Informal Arrangements in Indonesia*

3.14 Since the start of IOM's involvement in the arrangements in Indonesia in December 1999, to 30 June 2002, 3,779 irregular migrants had come under its care. Some 851 irregular immigrants were in IOM care at that time and advice from Immigration officials in the Australian Embassy in Jakarta suggested that there were a further 500 to 600 irregular migrants in Indonesia who were not under IOM or UNHCR care.

- *UNHCR Recognised Cases in Indonesia*

3.15 UNHCR advised that to 30 June 2002, 773 asylum seekers had been recognised as refugees, of whom there were 105 Afghans, 626 Iraqis and 7 Iranians.

3.16 The refusal rate of asylum claims in Indonesia for the Afghan caseload is currently just under 80%, for the Iraqi caseload 45% and 96% for the Iranian caseload. Following resettlement of some of the caseload and the absconding of some others, as at 30 June 2002, there were 462 refugees recognised by UNHCR in Indonesia.

- *Resettlement from Indonesia*

3.17 The arrangements with Indonesia rely in part on UNHCR finding durable solutions for those found to be refugees.

3.18 According to UNHCR figures, at 30 June 2002, the intercepted caseload awaiting resettlement stood at 462 refugees (249 cases), of whom 160 (88 cases) had been provisionally approved for resettlement by various countries. Another 219 people (121 cases) were waiting to be referred to a country for

resettlement. In addition, there were 774 asylum seekers in Indonesia at that time.

3.19 The group deemed to be refugees and awaiting resettlement by the UNHCR was made up of the following nationalities (at 30 June 2002):

- 343 Iraqis
- 85 Afghans
- 11 Somalis
- 5 Iranians
- 4 Sri Lankans
- 3 Algerians
- 3 Palestinians
- 2 Vietnamese
- 6 others (Bahraini, Chadian, Chinese, Liberian, Sierra Leonean, Sudanese)

3.20 UNHCR also reported that at 30 June 2002, a total of 406 people (204 cases) had been accepted for resettlement, with 246 (116 cases) of those actually resettled. The greatest number of those resettled had gone to Sweden which had resettled 110 people. Australia and New Zealand had resettled 33 people; the US had resettled 22 people, Norway 18, the United Kingdom 11, Finland 10, Denmark 8 and Germany 1.

3.21 In mid-June, Canadian officials in the region advised they had selected 96 people for resettlement, 60 of whom were expected to arrive in Canada before the end of 2002. Canada also reconfirmed a commitment to resettle a total of 150 people from the caseload.

3.22 Of the other countries participating in the arrangement, New Zealand accepted 30 people in May and is considering another 28 cases. According to UNHCR, Norway was to conduct interviews in October and may accept up to 100 people.

3.23 Australia has agreed to consider for resettlement refugees from the caseload that have Australian links. These links for those additional cases referred to it by the UNHCR are currently being verified.

- *Voluntary Returns from Indonesia*

3.24 To 30 June 2002, IOM had facilitated 444 voluntary returns from Indonesia, of whom there were:

- 260 Afghans;
- 71 Pakistanis;
- 82 Iranians;
- 8 Iraqis;
- the remainder included Sri Lankans, Syrians, Vietnamese, Jordanians, and Palestinians.

- *Reintegration Package*

3.25 A Memorandum of Understanding on voluntary returns, signed by Australia with Afghanistan on 16 May 2002, called for the progressive return in safety and with dignity of Afghan asylum seekers. On 23 May 2002, Australia announced the details of a comprehensive reintegration package for Afghan asylum seekers who volunteer to return to Afghanistan. The package includes payment of travel costs, assistance with arranging travel documents and a cash payment of $2,000 per individual and up to $10,000 per family. Advice on vocational training and onward transport from Kabul to regional areas is also available on return to Afghanistan.

3.26 Within the scope of the informal cooperative arrangements with Indonesia and to assist it in handling its Afghan asylum seeker caseload, the reintegration package has been made available to Afghans in Indonesia who had registered with the UNHCR prior to 16 May and who wish to return to Afghanistan. The package is being delivered by the IOM as part of its operations under the informal cooperative arrangements.

Working Group on Immigration

3.27 The Working Group on Immigration is the principal mechanism for formal engagement between DIMIA and the Directorate-General of Indonesian Immigration.

3.28 The Working Group provides an ideal environment for discussing cooperative strategies, identifying priority areas for capacity building and the development of relationships. The Working Group comprises senior officials from DIMIA and the Indonesian Directorate-General of Immigration with some support from foreign ministries of Indonesia and Australia.

3.29 The inaugural meeting was held in Jakarta on 24 September 2001 and established the basis for cooperative initiatives including improved capacity to manage border control issues. The second meeting was held on 18 October 2001 and continued along the same positive line as the first meeting. The third Working Group meeting was held in Canberra on 5-6 February 2002. Indonesia's delegation was led by Dr M. Iman Santoso, Director-General of Immigration, Indonesia. The discussions highlighted willingness on both sides to engage in mutually beneficial immigration related activities. A fourth Working Group meeting is scheduled to be held in November in Indonesia.

Liaison Meetings Between Australian Immigration Officials in Jakarta and Indonesian Immigration Officials

3.30 DIMIA officers in the Jakarta Embassy have a longstanding constructive relationship with the Indonesian Government, principally the Directorate-General of Immigration, on matters relating to the detection and prevention of irregular movement in all its forms and in the general area of immigration capacity building. Informal meetings are held on a regular basis at the senior officer level.

Cooperation and Engagement by Australian Immigration Compliance Staff

3.31 The Australian Immigration overseas compliance staff are the principal working level contacts in Indonesia between DIMIA, Jakarta and Indonesian Immigration officials.

3.32 Australia has three Immigration compliance staff stationed at the Australian Embassy in Jakarta and an Airline Liaison Officer located at the international airport in Denpasar. The Compliance Officers cooperate with Indonesian authorities to counter the efforts of people smugglers. The cooperation includes information exchange on people smuggling activities and training. The Airline Liaison Officer works closely with airlines operating from Denpasar to Australia.

3.33 DIMIA Jakarta has developed solid and productive relationships with airline staff in Indonesia, from Qantas, Garuda, Merpati and Air Paradise, and with ground handling staff employed by PT JAS and Gapura Angkasa. The Airline Liaison Officer in Denpasar has a well-developed working relationship with Indonesian Immigration officials, airline and airport staff in Bali.

3.34 A second training course for Indonesian airline staff from Jakarta and Denpasar was organised and conducted in Australia in early May 2002. DIMIA Jakarta provides regular document training to officials across Indonesia.

Capacity Building Initiatives – Technical/Operational

3.35 Indonesia is developing its capacity to comprehensively record all legal arrivals.

3.36 DIMIA is cooperating closely with Indonesia as it works to improve its capacity:

● *Document Fraud Training*

3.37 As a response to an expressed interest in improving its capacity to detect identity and document fraud, DIMIA developed a training program for Indonesian Immigration officials. This is being implemented progressively in Indonesia. The program teaches officials how to detect fraudulent documents at barrier locations, such as airports. The training is provided on a regular basis in both Australia and Indonesia at the basic and advanced levels.

● *Document Fraud Unit*

3.38 DIMIA is assisting Indonesia develop a specialist forensic document fraud unit. AusAID's Government Sector Linkages Program is designed to promote sustainable development and economic growth in Indonesia through joint activities by Government sector agencies in Australia and Indonesia. Under the

program, $250,000 has been allocated to DIMIA to provide equipment for the forensic document fraud unit and follow up training to enable Indonesia to establish a sustainable forensic document capability.

- *Border Control Management*

3.39 Indonesian Immigration officials have recently expressed an interest in sending a small number of its officials to Australia to look at border control systems and discuss in detail Australian control mechanisms with DIMIA systems experts. DIMIA is working to have this visit take place before the end of 2002.

3.40 In response to another request, DIMIA will assist Indonesian Immigration conduct a needs analysis of its border management arrangements. IOM, which has experience conducting needs analysis, will assist in the project.

Capacity Building Initiatives – Human Resources Development

- *Immigration Intelligence Information and Training*

3.41 DIMIA and Indonesia exchange information on organised immigration fraud, including the identities and activities of people smugglers in Indonesia.

3.42 Indonesian Immigration officers recently attended immigration intelligence training in Australia and Indonesia will be invited to send officers to future immigration intelligence courses.

- *English Language Training*

3.43 Indonesia's Director General of Immigration has recently emphasised the importance for Immigration officials to learn more about Australian approaches and its language as a way of promoting better cooperation. DIMIA has offered to host key officials to spend several months in Australia learning English and familiarising themselves with the Australian way of conducting migration business. DIMIA has undertaken to have an onshore English training plan by the next Working Group on Immigration planned for November 2002.

PART FOUR – MULTILATERAL COOPERATION ON ANTI-PEOPLE SMUGGLING AND IRREGULAR IMMIGRATION

4.1   DIMIA's bilateral relationship with Indonesia is both supported and reinforced by efforts at the multilateral level of engagement in advancing regional security. Australia and Indonesia work cooperatively in multilateral fora to discuss strategies and exchange views on managing the movement of migrants, asylum seekers and combating people smuggling and trafficking within the Asia-Pacific Region.

4.2   In particular, both countries use the Inter-governmental Asia-Pacific Consultations (APC) on Refugees, Displaced Persons and Migrants and the Bali process to seek progress in policies and activities designed to disrupt the flow of irregular migration into and from Indonesia to Australia.

APC

4.3   Australia and Indonesia are both active participants in the Inter-governmental Asia-Pacific Consultations (APC) on Refugees, Displaced Persons and Migrants.

4.4   The APC promotes dialogue and explores opportunities for greater cooperation on matters relating to population movements, including refugees, displaced persons and migrants. This multilateral forum is an informal, consultative arrangement between countries in the Asia Pacific Region and has established itself as a useful, broadly based discussion forum. Its membership is voluntary.

4.5   Indonesia has been an active participant since the APC was established in 1996, and has participated in the following meetings:

-     The Plenary Meetings in Canberra 1996, Bangkok 1997 and 1998, Kathmandu 1999, Hong Kong 2000, Manila 2001;

-     The Pacific Sub-Regional meeting in New Zealand 2000, and the Pacific Sub-Regional meeting in Samoa 2001; and

-     The joint APC/IGC meeting in Thailand 2001.

4.6   These meetings provided opportunities for DIMIA to engage with Indonesia and other countries on key issues of mutual concern, including:

-     the joint roles and responsibilities of countries of transit and destination;

-     the complex issues involved in dealing with mixed migration flows;

-     stemming irregular migrant flows;

-     people smuggling and the trafficking of women and children; and

- the need for strong cooperation with international organisations.

Bali Process

4.7 The Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime was held in Bali in February 2002, and was a joint Australia-Indonesia initiative. It represented a clear statement by both countries that the issues of irregular migration and the associated phenomenon of people smuggling had to be tackled cooperatively. The Conference was seen as a regional contribution to the need for global solutions to a growing global problem.

4.8 The Conference was co-chaired by Indonesia (Dr Hassan Wirajuda) and Australia (Mr Alexander Downer). Thirty-eight Ministers or Ministerial level representatives representing 36 countries from the Asia-Pacific region attended the Conference and reaffirmed the region's shared interest in addressing people smuggling and irregular migration. In addition to Ministers, the Director-Generals of IOM and Interpol, and the UN Assistant High Commissioner for Refugees also attended. A further 30 states and international organisations, including the European Commission, attended as observers.

4.9 The Conference was formally opened by Indonesia's President Megawati Sukarnoputri, reflecting the importance the Indonesian Government places on combating people smuggling and trafficking, and the priority the Indonesian Government gave to the Conference.

4.10 The Conference outcomes included a Co-Chairs' Statement (copy at Attachment A) and reflected many of the issues considered by both countries on a bilateral level prior to the Bali Conference. The key elements of the Co-Chairs' Statement included:

- agreement that the region could not stand by while people smugglers decided who would illegally enter our countries;

- recognition of the importance of adopting and strengthening legislation to criminalise people smuggling and trafficking;

- agreement on cooperative action in practical fields such as information and intelligence sharing, law enforcement, border management and return arrangements; and

- agreement to a follow-up process that involves the establishment of two ad-hoc experts' groups to take concrete steps to implement the cooperative responses.

4.11 States within the region endorsed the Co-Chairs Statement and agreed to work towards the objectives through closer cooperation and by participating in the two ad hoc Experts' Groups to implement the recommendations. The first group, chaired by New Zealand, focuses on international and regional

cooperation. The second group, chaired by Thailand, concentrates on legislation and law enforcement.

4.12 Specific projects to be undertaken by the Experts' Groups on a regional level include:

- developing a public information campaign that raises the awareness of the facts of people smuggling, people trafficking and other related transnational crime;

- review and development of legislation and legal structures to criminalise people smuggling and other related transnational crime; and

- developing standards for border management processes.

4.13 These projects were proposed as key activities within the Bali process as a result of the success of similar projects developed between DIMIA and Indonesia prior to the Bali Conference.

4.14 Australia and Indonesia, as co-chairs, regularly convene steering group meetings with the coordinators of the Expert Groups, UNHCR, IOM and the APC, to review the work of the two groups and plan for the next Ministerial Conference. Encouraged by the success of first Ministerial Conference, Indonesia has agreed to host the second Regional Ministerial Conference in the first half of 2003, and again will Co-Chair the conference with Australia.

4.15 The 2002 Bali Conference also reinforced the relevance of the Bangkok Declaration on Irregular Migration (copy at Attachment B) signed in April 1999. Indonesia and Australia, along with 18 other countries are signatories to the Bangkok Declaration. The Declaration supports the elimination of trafficking through better migration management in the region and the protection of migrant rights.

PART FIVE – FUTURE ENGAGEMENT WITH INDONESIA

Regular Migration Issues

- *Student Visas*

5.1 The student visa reforms introduced in July 2001 have supported enhanced growth in numbers of Higher Education students from Indonesia. The current student visa review is likely to result in some restructuring of requirements which will assist future growth in the number of students from Indonesia in the Vocational Education and Training and ELICOS sectors.

- *Visitor Visas*

5.2 DIMIA is committed to enhancing visa services in Indonesia and is considering how visa processing can be positioned to manage future growth and maintain immigration integrity.

5.3 DIMIA is currently working with the tourism industry both in Indonesia and in Australia to develop a model for accelerated visa processing for tourists. Under the proposed model, major travel agents who work with DIMIA to ensure immigration integrity would be given access to accelerated visa processing for their clients.

5.4 DIMIA is committed to the application of new technologies to improve its client service, and is developing electronic lodgement of a range of visa types. In August 2001, Australia's eVisa system became available. This eVisa system makes it possible for clients to apply for certain types of visas over the internet. In the future, DIMIA will seek to expand the range of visas available to be lodged over the internet.

- *Future APEC Cooperative Capacity Building*

5.5 Australia and Indonesia will continue to actively participate in the APEC Business Mobility Group's capacity building program. The BMG's current capacity building program is focussed on developing and implementing standards in border management areas, including:

- travel document examination and fraud detection;
- travel document security and issuance systems;
- professional Immigration service;
- immigration legislation; and
- Advance Passenger Information (API) systems.

5.6 Indonesia has formally expressed its support for and willingness to participate in all of the BMG's projects in these areas. Indonesia is expected to participate, along with Australia, in all phases of the respective projects including in the development of standards, individual capacity assessment and in subsequent technical and training assistance activities. Further details of Indonesia's

anticipated involvement in each project area are given on pps 12- 14 of this submission.

5.7 The projects provide significant opportunities for Australia and Indonesia to participate in multilateral capacity building and will complement and support bilateral cooperative activities in immigration and border management.

API Systems

5.8 One of the most significant measures being undertaken by the BMG to increase border security and integrity is to provide three economies with the opportunity to undertake a feasibility study to assess their capacity, and the costs involved, to join the API system environment. DIMIA, as the APP expert, is conducting the feasibility studies and recently completed a study for Thailand. Indonesia also expressed an interest in a feasibility study and has confirmed its participation. DIMIA is negotiating arrangements for a study to be conducted.

APEC Business Travel Card (ABTC)

5.9 Indonesia announced in May 2002 that it is joining the ABTC scheme. DIMIA has AusAID funding to assist Indonesia to set up its APEC Business Travel Card operation. The funding will cover system installation and training and the production costs of Indonesia's first 2000 cards. As system administrator, DIMIA will provide ongoing technical assistance and advice to Indonesia in respect of its ABTC operation.

5.10 Indonesia's participation in the scheme will facilitate trading activities by Australia's and Indonesia's business communities and will serve to further strengthen the cooperative relationship between DIMIA and Indonesian Immigration.

Cooperation in Combating People Smuggling and Irregular Immigration

5.11 The relationship between DIMIA and the Indonesian bureaucracy - in particular the Directorate-General of Immigration - is robust, open and constructive. Cooperation to date has yielded real results.

5.12 DIMIA will continue to work closely with Indonesia to develop our respective capacities to tackle irregular migration and people smuggling. This cooperation will include efforts at the multi-lateral level, particularly the staging of a second Ministerial Conference in Bali in April 2003.

- *Future Cooperative Capacity Building/Human Resources Initiatives*

5.13 DIMIA will continue to demonstrate its commitment to cooperate with Indonesia in helping it further develop its capacity to manage its complex borders with a range of current and new initiatives.

5.14 Initiatives will include support for the Directorate-General of Immigration to invest in his human capital and technical and operational capabilities. In addition to initiatives already under way, the following are proposed:

- assistance with reviewing immigration policies, systems and procedures;

- establishing further document fraud units at a number of key entry points;

- increased training in immigration information analysis;

- further human resources development training; and

- further initiatives to promote the exchange of information such as analysts' visits and joint training projects.

- *Working Group on Immigration*

5.15 The Working Group on Immigration has proven to be a valuable forum in which to interact constructively with Indonesian Immigration officials at a senior level. Both Indonesian and Australian Immigration officials see value in continuing the Working Group at least until the second Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime in April 2003.

- *Informal Cooperative Arrangements*

5.16 Australia will continue to work with Indonesia in the framework of informal arrangements to deal with people intercepted in Indonesia en route to Australia. This will include working with IOM and UNHCR.

ATTACHMENTS

Attachment A - Ministerial Regional Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime Co-Chairs' Statement

1. We, the Foreign Ministers of Indonesia and Australia, had the honour to co-chair the Ministerial Regional Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime in Bali, Indonesia, 26-28 February [2002], attended by Afghanistan, Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Democratic Republic of Korea, Fiji, France, India, Iran, Japan, Jordan, Kiribati, Laos, Malaysia, Mongolia, Myanmar, Nauru, Nepal, New Zealand, Pakistan, Palau, Papua New Guinea, Philippines, Republic of Korea, Samoa, Singapore, Solomon Islands, Sri Lanka, Syria, Thailand, Turkey, UNTAET/East Timor, Vanuatu and Vietnam, as well as the Director-General of the International Organisation for Migration and the Assistant United Nations High Commissioner for Refugees.

2. Austria, Belgium, Canada, Denmark, Finland, Germany, Italy, Netherlands, Norway, Russian Federation, Spain, Sweden, Switzerland, United Kingdom of Great Britain and the United States of America, the Association of South-East Asian Nations Secretariat, the Pacific Islands Forum Secretariat, European Union, UNDP, World Bank, Asian Development Bank, IGC, INTERPOL, International Committee of Red Cross, International Federation of Red Cross, International Labour Organization, United Nations Office of Drug Control and Crime Prevention attended as observers.

3. Ministers acknowledged the human rights dimensions of the problems of people smuggling and trafficking in persons, particularly women and children, and underlined that illegal movements were growing in scale and complexity worldwide, including in the Asia Pacific Region.

4. Ministers shared the view that these flows were creating significant political, economic, social and security challenges, and that journeys were undertaken without respect for either national sovereignty or borders.

5. Ministers noted with concern that many of the smuggling and trafficking activities were being orchestrated by criminal networks that were also involved in the trafficking of narcotics, document fraud, money laundering, arms smuggling and other transnational crimes. They expressed deep concern about possible links between terrorist elements and people smuggling and trafficking operations and that these activities were now rivalling narcotics in profitability.

6. Ministers were concerned that people smugglers and traffickers in persons could undermine the rule of law in States in which they were active and undermine the integrity of institutional frameworks that were an essential basis for sustainable development.

7. Ministers underlined that people smuggling and trafficking in persons were reprehensible criminal activities that fed on the hopes and aspirations of people and frequently infringed basic human rights and freedoms. They were lucrative activities,

involved little risk for the smugglers or traffickers, but which endangered peoples' lives.

8. Ministers recognized that the increase in all forms of illegal migration, including overstayers and those who sought to bypass regular migration channels without resorting to smuggling networks, posed a threat to the management of countries' regular migration programs and eroded States' capacity to protect their borders, regulate migration and safeguard their citizens.

9. Ministers expressed the view that States should, within the framework of their international obligations and domestic laws, provide appropriate protection and assistance to the victims of traffickers of people, particularly women and children.

10. Ministers affirmed that the root causes of people smuggling and trafficking in persons were numerous and multi-dimensional, involving economic, social and political aspects. They reaffirmed that poverty, economic disparities, labour market opportunities and conflict were major causes contributing to the global increase in people smuggling and trafficking in persons. Ministers recognised that these problems should be addressed cooperatively and comprehensively.

11. Ministers emphasised that it was very difficult for any individual State to counter people smuggling and trafficking in persons effectively without the support of other States. Ministers underscored that there was a strong shared regional interest and common purpose in cooperating to combat these criminal activities. They expressed their firm political commitment to build on existing agreements and efforts and strengthen States' capacity to respond, collectively and individually, to the threats posed by people smuggling, trafficking in persons, other forms of illegal migration and related transnational crime.

12. Ministers stressed that while people smuggling, trafficking in persons and other forms of illegal migration were global problems involving source, transit and destination countries, which required comprehensive international action, the Asia-Pacific region could make an effective and important contribution to combating these criminal activities. Ministers urged all regional countries to cooperate in combating people smuggling and trafficking in persons.

13. Ministers acknowledged the regional efforts undertaken so far to combat the activities of networks engaged in people smuggling and trafficking in persons.

14. They noted the relevance of the Bangkok Declaration on Irregular Migration and other similar policy statements, as well as the variety of regional institutions and processes that exist in the parts of the world represented by participating governments. They welcomed the ongoing work of the Asia Pacific Consultations on Refugees, Displaced Persons and Migrants, and the existing ASEAN mechanisms in combating people smuggling, trafficking in persons and related transnational crime.

15. Ministers noted that the United Nations Convention Against Transnational Organised Crimes and the Protocols thereto were international instruments for preventing, criminalising and combating people smuggling and trafficking in persons.

Ministers agreed that individual countries should consider the benefits of signing and ratifying the Convention and its Protocols.

16. Ministers underlined their strong commitment to developing practical cooperative measures to prevent, intercept and disrupt people smuggling, trafficking in persons and other forms of illegal migration.

17. Ministers agreed that, subject to domestic laws and according to their respective national circumstances, they would work towards:
- developing more effective information and intelligence sharing arrangements within the region to obtain a more complete picture of smuggling and trafficking activities and other forms of illegal migration.
- improving the cooperation of law-enforcement agencies to enhance deterrence and to fight against illegal immigration networks.
- enhancing cooperation on border and visa systems to improve the detection and prevention of illegal movement.
- increasing public awareness of the facts of smuggling and trafficking operations to discourage those considering illegal movement and to warn those susceptible to trafficking, including women and children.
- enhancing the effectiveness of return as a strategy to deter illegal migration through the conclusion of appropriate arrangements.
- cooperating in verifying the identity and nationality of illegal migrants, in a timely manner.

18. Ministers agreed that an important strategy to deter and prevent these activities would be to adopt and strengthen legislation, as appropriate, that specifically criminalises people smuggling and trafficking in persons.

19. Ministers agreed that cooperation should be based on an acknowledgment that each State had a sovereign right and legitimate interest to develop and implement its own laws to address people smuggling and trafficking in persons, reflecting the non-binding nature of the Co-Chairs' Statement.

20. Ministers acknowledged that illegal migrants potentially were both offenders of laws and victims. Ministers deplored the inhumane practices of smugglers and traffickers and their lack of regard for human suffering.

21. Ministers urged the international community to assist source countries to address the root causes of the illegal movement of people by providing emergency aid, development assistance, direct support programs for displaced persons and to address the plight of refugees. They agreed on the need for international support for capacity building programs to achieve sustained economic growth and sustainable development and for assistance to countries with large refugee populations. Ministers emphasised that consideration should also be given to encouraging more opportunities for legal channels of migration including access to the international labour market.

22. Ministers agreed that the region should improve its technical capacity to respond to the challenges posed by people smuggling, trafficking in persons, including women and children, and other forms of illegal migration. Ministers reaffirmed commitment to exploring cooperative measures to strengthen technical capacity among countries in

the region to enable them to develop more effective legal structures and policy measures to combat this problem

23. Ministers agreed to establish a follow-up mechanism involving ad hoc meetings of experts, with the voluntary participation of officials from respective countries, to take concrete steps to implement the recommendations of the Regional Conference, and coordinate action that the region could undertake to combat people smuggling, trafficking in persons, other forms of illegal migration and related transnational crime. Ministers appreciated the offer of lOM and UNHCR to assist in the follow-up mechanism, according to their respective fields of competence.

24. The results from the meetings of experts will be submitted for consideration by Ministers at a subsequent meeting to be convened within one year.

25. Ministers agreed that any further follow-up required after this 12 month period would be passed on to existing regional and international mechanisms. Existing bilateral, regional and international mechanisms would, where appropriate, be utilised in following up on the recommendations adopted.

26. Ministers, while acknowledging that the Conference had not been convened to deal directly with the issue of refugees, affirmed that nothing in this statement was intended to prejudice the legitimate rights of genuine refugees to seek and enjoy asylum in accordance with relevant UN Conventions and Protocols. They called for effective measures to be put in place to ensure that protection is provided, consistent with the international obligations of individual States, while preventing abuse by people smugglers of the relevant UN Conventions on refugee protection. Ministers noted that all countries, - including origin, transit and potential destination, should play a part in finding solutions for refugees, while providing for return in a humane manner for those found not to be refugees. In certain circumstances, for return to be sustainable, the issue of return would require international support and cooperation.

27. Ministers reaffirmed the high value they placed on the work of UNHCR and IOM and other relevant international organisations.

28. Ministerial participants acknowledged with gratitude the host Government of Indonesia for the excellent arrangements that were made for the meeting.

Attachment B - Bangkok Declaration on Irregular Migration

We, the Ministers and representatives of the Governments of Australia, Bangladesh, Brunei Darussalam, Cambodia, China, Indonesia, Japan, Republic of Korea, Lao PDR, Malaysia, Myanmar, New Zealand, Papua New Guinea, the Philippines, Singapore, Sri Lanka, Thailand, and Vietnam, as well as the Hong Kong Special Administrative Region (hereinafter referred to as "the participating countries and Region"), meeting at the invitation of the Royal Thai Government in Bangkok on 23 April 1999, on the occasion of the International Symposium on Migration, held on 21-23 April 1999, under the chairmanship of H.E. Bhichai Rattakul, Deputy Prime Minister of Thailand, to address the question of international migration, with particular attention to regional cooperation on irregular/undocumented migration:

1. Realizing that international migration is a complex phenomenon which is rooted in human history and is closely associated with social and economic aspirations of each country and region;

2. Recognizing that the process of globalization and liberalization, including the increasing interdependence of economies, has contributed to large flows of people in the Asia-Pacific region, thus providing both opportunity and challenge for governments in the region;

3. Noting that both the supply (push) factor and demand (pull) factor from concerned countries have led to the outflow of migrants from the countries of the region;

4. Being aware that international migration, particularly irregular migration, has increasingly become a major economic, social, humanitarian, political and security concern for a number of countries in the Asia-Pacific region;

5. Noting with concern that the ongoing financial and economic crisis in many Asian countries has led to rising unemployment and other social problems, and has had differing impacts on irregular migrants and on the countries of origin, transit and destination;

6. Noting further that the periodic natural disasters in some Asian countries badly affect their economies and lead to rising unemployment and irregular migration;

7. Gravely concerned by the increasing activities of transnational organized criminal groups and others that profit from smuggling of and trafficking in human beings, especially women and children, without regard to dangerous and inhumane conditions and in flagrant violation of domestic laws and international standards;

8. Underlining that comprehensive, coherent and effective policies on irregular/undocumented migration have to be formulated within the context of a broader regional framework based on a spirit of partnership and common understanding;

9. Noting that over 65 percent of the world's poorest people live in the Asia- Pacific region, hence poverty and differences in level of development among countries in the region remain important causes of irregular migration;

10. Recognizing a need for international cooperation to promote sustained economic growth and sustainable development in the countries of origin as a long-term strategy to address irregular migration;

11. Noting that there is a number of international conventions and instruments dealing with humanitarian issues relating to migration;

12. Respecting the sovereign rights and legitimate interests of each country to safeguard its borders and to develop and implement its own migration/immigration laws, and also recognizing the obligations of the country of origin to accept its

nationals back, and the obligation of the countries of transit and destination to provide protection and assistance where appropriate, in accordance with their national laws;

13. <u>Recognizing</u> the important role and contribution of regional consultative mechanisms, such as the Asia Pacific Consultations on Refugees, Displaced Persons, and Migrants, and the Manila Process, on issues relating to irregular migration;

14. <u>Noting</u> with appreciation the participation of countries from various regions, United Nations bodies and specialized agencies, intergovernmental organizations, as well as non-governmental organizations, in sharing their views and experiences in dealing with migration issues;

15. <u>Noting</u> also with appreciation the discussion papers prepared by the Institute for Population and Social Research, Mahidol University, and the International Organization for Migration (IOM), which provided useful points of discussion and recommendations for the management of irregular migration;

16. <u>Acknowledging</u> with gratitude the timely initiative of H.E. Dr. Surin Pitsuwan, Minister of Foreign Affairs of Thailand, the dynamic chairmanship of H.E. Bhichai Rattakul, Deputy Prime Minister of Thailand, as well as the excellent arrangements provided by the Royal Thai Government, with the valuable support of the IOM;

<u>Declare as follows:</u>

1. Migration, particularly irregular migration, should be addressed in a comprehensive and balanced manner, considering its causes, manifestations and effects, both positive and negative, in the countries of origin, transit and destination;

2. The orderly management of migration and addressing of irregular migration and trafficking will require the concerted efforts of countries concerned, whether bilaterally, regionally or otherwise, based on sound principles of equality, mutual understanding and respect;

3. Regular migration and irregular migration should not be considered in isolation from each other. In order to achieve the benefits of regular migration and reduce the costs of irregular migration, the capacity of countries to manage movement of people should be enhanced through information sharing and technical and financial assistance. In this context, UNITAR, UNFPA, and IOM, joint sponsors of the International Migration Policy and Law Course (IMPLC), are invited to hold, in the near future, a course for middle to senior government officials from the region;

4. A comprehensive analysis of the social, economic, political and security causes and consequences of irregular migration in the countries of origin, transit and destination should be further developed in order better to understand and manage migration;

5. As the causes of irregular migration are closely related to the issue of development, efforts should be made by the countries concerned to address all relevant factors, with a view to achieving sustained economic growth and sustainable development;

6. Countries of origin, as well as countries of transit and destination, are encouraged to reinforce their efforts to prevent and combat irregular migration by improving their domestic laws and measures, and by promoting educational and information activities for those purposes;

7. Donor countries, international organizations and NGOs are encouraged to continue assistance to developing countries, particularly the least-developed countries, in the region aimed at poverty reduction and social development as one means of reducing irregular migration;

8. The participating countries and region should be encouraged to pass legislation to criminalize smuggling of and trafficking in human beings, especially women and children, in all its forms and purposes, including as sources of cheap labor, and to

cooperate as necessary in the prosecution and penalization of all offenders, especially international organized criminal groups;

9. The participating countries and Region should exchange information on migration legislation and procedures for analysis and review, with a view to increasing coordination to effectively combat migrant traffickers;

10. The countries of origin, transit and destination are encouraged to strengthen their channels of dialogue at appropriate levels, with a view to exchanging information and promoting cooperation for resolving the problem of illegal migration and trafficking in human beings;

11. Greater efforts should be made to raise awareness at all levels, including through public information campaigns and advocacy, of the adverse effects of migrant trafficking and related abuse, and of available assistance to victims;

12. Concerned countries, in accordance with their national laws and procedures, should enhance cooperation in ascertaining the identity of undocumented/illegal migrants who seemingly are their citizens, with a view to accelerating their readmission;

13. Timely return of those without right to enter and remain is an important strategy to reduce the attractiveness of trafficking. This can be achieved only through goodwill and full cooperation of countries concerned. Return should be performed in a humane and safe way;

14. Irregular migrants should be granted humanitarian treatment, including appropriate health and other services, while the cases of irregular migration are being handled, according to law. Any unfair treatment towards them should be avoided;

15. The participating countries and Region should each designate and strengthen a national focal point to serve as a mechanism for bilateral, regional and/or multilateral consultations and cooperation on questions of international migration;

16. A feasibility study should be conducted on the need to establish a regional migration arrangement, linked to existing international bodies, to provide technical assistance, capacity building and policy support as well as to serve as an information bank on migration issues for the countries in the Asia-Pacific region. The countries in the region are meanwhile encouraged to utilize and strengthen the already existing bilateral and multilateral arrangements;

17. The participating countries and Region will follow-up on the above mentioned issues of irregular migration at the political and senior official levels in ways which may be deemed appropriate;

18. This document shall be given the widest publicity and dissemination possible to encourage governments, non-governmental organisations, the private sector and civil society to join in a collective regional effort to alleviate the adverse effects of irregular migration and to prevent and combat trafficking of human beings, especially women and children.

Bangkok, THAILAND
23 April 1999

TABLES

Table 1 – Settler Arrivals by Eligibility Category

Settler arrivals for Indonesian born and Eligibility Category

Settler Arrivals 1999-2000	
ELIGIBILITY CATEGORY	**Total**
SPOUSE AND FIANCEES	398
PARENTS	24
OTHER	33
AUSTRALIAN LINKED	58
ENS	13
BUSINESS	2,220
SPECIAL TALENTS	7
INDEPENDENT	138
GLOBAL SHP	2
NON-PROGRAM MIGRATION	50
Grand Total	**2,943**

Settler Arrivals 2001-02	
ELIGIBILITY CATEGORY	**Total**
SPOUSES AND FIANCEES	591
PARENTS	9
OTHER	54
AUSTRALIAN LINKED	127
ENS	18
BUSINESS	2,431
INDEPENDENT	963
NON-PROGRAM MIGRATION	28
Grand Total	**4,221**

Table 2 – Migration Program Visa Grants Information for Indonesian Citizens

For 2001/02

	Family Stream		Skill Stream		Special Eligibility		Total	
Onshore	515	3.3%	1,035	6.7%	5	0.5%	1,555	4.9%
Offshore	713	2.9%	3,467	9.0%	0	0.0%	4,180	6.6%
Total	1,228	3.0%	4,502	8.3%	5	0.4%	5,735	6.0%

For 2000/01

	Family Stream		Skill Stream		Special Eligibility		Total	
Onshore	480	3.5%	110	1.4%	6	0.3%	596	2.6%
Offshore	640	3.0%	3,707	10.0%	0	0.0%	4,347	7.4%
Total	1,120	3.2%	3,817	8.5%	6	0.3%	4,943	6.0%

The big increase in the onshore skill stream between 2000/01 and 2001/02 would be due to the new onshore student residence subclasses introduced on 1 July 2001.

Table 3 – Visa Grants

**VISA GRANTS TO INDONESIAN
CITIZENS IN 2001-02**

Permanent Visa Grants

Category Name	Offshore		Onshore	
	Number	% Total Grants in Category (a)	Number	% Total Grants in Category (a)
Business Skills	2,304	35.1	27	1.7
Family Migration	712	2.9	1,286	3.1
Skilled	1,176	3.7	1,008	7.3
Protection Visa	-	-	23	0.6
Total	4,192	6.6	2,344	3.8

Temporary Visa Grants

Category Name	Offshore		Onshore	
	Number	% Total Grants in Category (a)	Number	% Total Grants in Category (a)
Visitor and Working Holiday Maker (b)	58,050	1.7	841	2.4
Student	5,809	6.4	5,101	8.2
Temporary Residence	1,044	2.2	1,181	3.4
Transit	1,419	4.1	-	-
Total	66,322	1.8	7,123	5.4

(a) This is the proportion of Indonesia relative to all visa grants in this category.
(b) There are no Indonesian Working Holiday Makers as there is no agreement with Indonesia.

Table 4 - Partner Visas at the Australian Embassy, Jakarta 2001-2002

Visa subclass	Applications 2001-02 (by persons)	Grants 2001-02 (by persons)	Refusals 2001-02 (by persons)
300 (Prospective Marriage)	101	98	11
Worldwide Totals	*5 459*	*3 944*	*1 512*
309 (Spouse)	362	388	29
Worldwide Totals	*15 484*	*13 087*	*3 776*
310 (Interdependency)	8	8	0
Worldwide Totals	*187*	*141*	*25*

Table 5 - Partner Visas at the Australian Embassy, Jakarta 2000-2001

Visa subclass	Applications 2000-01 (by persons)	Grants 2000-01 (by persons)	Refusals 2000-01 (by persons)
300 (Prospective Marriage)	93	83	23
Worldwide Totals	*4 937*	*3 649*	*833*
309 (Spouse)	352	372	71
Worldwide Totals	*14 737*	*10 888*	*2 036*
310 (Interdependency)	9	7	1
Worldwide Totals	*135*	*101*	*23*

Table 6 - Parent Visas at the Australian Embassy, Jakarta 2001-2002

Visa Subclass	Applications 2001-02	Grants 2001-2002 (by persons)	Refusals 2001-02 (by persons)
103 (Parent)	22	7	12
Total Offshore	_1 887_	_359_	_691_

Table 7 - Parent Visas at the Australian Embassy, Jakarta 2000-2001

Visa Subclass	Applications 2000-01	Grants 2000-2001 (by persons)	Refusals 2000-01 (by persons)
103 (Parent)	26	2	5
Total Offshore	_2 480_	_367_	_752_

*Jakarta has 139 persons on hand of which 52 are queued. Total offshore persons queued as of 24/09/02 is 10 086.

Table 8 - Child Visas at the Australian Embassy, Jakarta 2001-2002

Visa Subclass	Applications 2001-02 (by persons)	Grants 2001-02 (by persons)	Refusals 2001-02 (by persons)
101 (Child)	54	35	1
Worldwide Total	*1 446*	*1 172*	*179*
102 (Adoption)	2	0	0
Worldwide Total	*363*	*325*	*34*
117 (Orphan Relative)	2	0	0
Worldwide Total	*126*	*29*	*34*
445 (Dependent Child)	12	8	0
Worldwide Total	*576*	*424*	*75*

Table 9 - Child Visas at the Australian Embassy, Jakarta 2000-2001

Visa Subclass	Applications 2000-01 (by persons)	Grants 2000-01 (by persons)	Refusals 2000-01 (by persons)
101 (Child)	40	35	7
Worldwide Total	*1 360*	*1 224*	*206*
102 (Adoption)	0	3	4
Worldwide Total	*334*	*312*	*26*
117 (Orphan Relative)	0	0	0
Worldwide Total	*117*	*23*	*26*
445 (Dependent Child)	5	10	1
Worldwide Total	*455*	*352*	*42*

Table 10 - Short Stay Business Visa Grants

Year	Post	Applications	Grants	Refusals	Decided	Grant Rate	Non Return Rate
2000-01	Jakarta	9,747	9,143	467	9,610	95.14%	1.92%
	Global	136,232	123,295	11,353	134,648	91.57%	2.00%
2001-02	Jakarta	10,096	9,333	517	9,850	94.75%	1.62%
	Global	148,144	133,726	11,649	145,375	91.99%	1.51%

Note: Not all applications are decided in the program year they were received.

Table 11 - Visitor Visa Approval Rate

Visitor Visa Approval rate						
Citizenship	Year	Applications	Grants	Refusals	Approval rate %	Approval rate variation
Indonesia	1999 - 2000	52,562	45,675	5,801	88.73	
	2000 - 2001	63,133	56,996	5,444	91.28	2.55
	2001 - 2002	66,113	58,049	7,052	89.17	-2.11
Global	1999 - 2000	3,318,118	3,227,068	75,290	97.72	
	2000 - 2001	3,624,834	3,538,470	77,604	97.85	-0.13
	2001 - 2002	3,415,673	3,332,590	69,989	97.94	-0.09

Note: Not all Applications are decided in the program year that they are received.

Table 12 - Visitor Visa Non-Return Rate

Visitor Visa Non-Return Rate (NRR)				
Country	Financial Year	No. of Visitor Arrivals	NRR Percentage	Global NRR Percentage
Indonesia	1998 - 99	70,254	8.71	2.37
	1999 - 00	51,029	4.96	2.41
	2000 - 01	64,821	3.34	2.15
	2001 - 02	63,331	2.50	1.82

Table 13 - Protection Visa Lodgements by Visitor Visa Arrivals

Protection Visa Lodgements by Visitor Visa Arrivals					
Citizenship	Year	Visitor Arrivals	PVs Lodged	PV rate %	PV rate variation
Indonesia	1999 - 2000	51,029	546	1.070	
	2000 - 2001	64,821	811	1.251	0.181
	2001 - 2002	63,331	742	1.171	-0.080
Global	1999 - 2000	3,338,004	5,464	0.164	
	2000 - 2001	3,647,983	6,532	0.179	0.015
	2001 - 2002	3,566,594	5,192	0.146	-0.033

Table 14 - Sponsored Visitor Visa Grants

Sponsored Visitor Visa Grants by Grant Country							
Year	Post	Applications	Grants	Refusals	Decided	Grant Rate	NRR %
2000 - 01	Jakarta	290	179	92	271	66%	4.55
	Global	14,273	7,345	5,056	12,401	59%	8.24
2001 - 02	Jakarta	301	211	76	287	74%	2.28
	Global	12,571	7,407	4,921	12,328	60%	4.64

Note: Not all Applications are decided in the program year that they are received.

Table 15 – Student Visa Assessment Levels

Indonesian Assessment Levels from 1 July 2001 are:

570 ELICOS	571 Schools	572 Vocational Education & Training	573 Higher Education	574 Masters/ Doctorate	575 Non-Award Foundation/ Other	576 AusAid/ Defence
3	2	3	2	2	3	2

A full list of the Assessment Levels assigned to all countries can be found at DIMIA's website (http://www.immi.gov.au/students/assess_levels.pdf).

Table 16 - Offshore Student Visas

Citizenship	Year	Applications (Jakarta)	Grants	Refusals	Refusal rate %
Indonesia	1999 – 2000	5,598	5,439	526	9.2
	2000 – 2001	6,170	5,956	292	4.9
	2001 - 2002	5,709	5,836	275	4.8
Global	1999 – 2000	90,352	74,428	12,787	14.6
	2000 – 2001	111,473	86,299	13,653	13.7
	2001 - 2002	98,824	97,650	15,504	14.7
Note: Not all Applications are decided in the program year that they are received.					