



**International Organization for Migration (IOM)**



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# **International Terrorism and Migration**

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**June 2003**



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## **INTERNATIONAL TERRORISM AND MIGRATION**

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### RELATIONSHIP OF INTERNATIONAL MIGRATION AND TERRORISM

International terrorism is, because of its cross-border dimensions, a migration issue. It touches on a range of matters directly affecting migration policy, including: border integrity (entry and/or residence with illicit intent), national security, integration, ethnic/ multicultural affairs and citizenship.

International terrorism is a test, *in extremis*, of the degree to which national immigration policies continue to be relevant in an increasingly border-less world. Just as goods, capital and services are moving quickly and with fewer restrictions around the world, in complex globalized networks, so terrorist activities have a supra-national dynamic beyond the reach of many national law enforcement agencies.

While the investigation and prosecution of those associated with any act of terrorism **are principally law enforcement matters**, the events themselves reinforce the need for governments to constantly re-examine their laws and policies on immigration.

But migration policy, particularly in regard to managing who comes in and out of a country and resides there, is just one area where national and international law enforcement can act against international terrorism.

Actions taken by governments in the wake of 11 September 2001 have focused largely on improved intelligence gathering and sharing within and among affected states and on tightening immigration controls. Since the initial shock of 11 September, some states have introduced further legislative, policy or administrative changes: e.g. to extradite persons found to be associated with terrorism for prosecution in their home countries; in certain situations to rescind their residence status, including citizenship; and detain a broad range of violators of immigration rules based on the possibility that some might be security risks.

However, where punitive measures are involved, there is often only a thin line separating these from the denial/curtailment of individual rights and freedoms enshrined in, for example, the International Covenant on Civil and Political Rights. Whatever sensitivities there are in this respect, it is certain that international terrorism inevitably exploits any perceived weakness that could further its objectives. The principles of proportionality and necessity inherent in



International Law<sup>1</sup> are, to varying degrees, under consideration by governments seeking to take appropriate measures to counter international terrorism. Some of the measures can, in normal circumstances, be regarded by some as extreme.

One of the difficulties associated with measures to combat terrorism on a global scale is the formulation of an appropriate universally accepted definition of “terrorism”. In Africa, for example, political leaders have had to grapple with what occurred during various wars of liberation against colonial imperialism in their countries; and as a consequence, have often taken a restrictive approach to the issue, frequently leading to definitional compromise. Some countries singled out for acts of extreme violence directed at infrastructure or innocent populations may see the need to take a more resolute, assertive approach. Since 11 September 2001, more attempts have been made at both national and regional levels to strengthen or introduce policy and legal provisions against international terrorism<sup>2</sup>.

IOM agrees with some observers<sup>3</sup> that, while immigration policy may not be central to counter terrorism, it can be an important vehicle for addressing it, particularly to ensure better application of law enforcement and intelligence. Immigration authorities can contribute to national/international intelligence through direct encounters with migrants, both legal and illegal migrants, and through partner networks with other law enforcement and immigration agencies. Broader migration policy can also help address aspects of social stability in diverse societies to reduce the potential for ethnic or other conflicts.

Appropriate systems and mechanisms for information sharing among authorities and states need to be in place. But there also needs to be great care in policy, legislation and practice to protect the right of persons to be internationally mobile, and to protect the integrity of regular migration regimes.

There are five broad areas in which states around the globe have instituted or increased measures in a bid to close loopholes that can be exploited by terrorist networks. These are described in some length below:

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<sup>1</sup> Any action taken by a Government impacting on human rights must be proportional to the threat to which it is seeking to respond. It must stand in reasonable relation to what is necessary to, for example, address security concerns. The principle of proportionality also requires that where measures are taken, which could violate certain human rights (as permitted in certain circumstances under international human rights law, for example in times of national emergency), then these measures must be reviewed at regular intervals by independent national bodies. Exceptional measures must remain exceptional, be of limited duration and be enforced only when strictly necessary.

<sup>2</sup> See Annex 1 on actions taken by various Governments to address counter terrorism.

<sup>3</sup> Immigration and National Security, Migration Policy Institute, Washington DC, September 28, 2001



## 1. Increased Border and Entry Control

The USA and various other governments have taken steps to strengthen border control in an attempt to diminish the potential for a terrorist attack on their territories, following the events of 11 September, 2001. Most of these actions have been largely concentrated in traditional immigration countries, as reflected in Annex 1.

These measures have included: legislative and administrative reform, increased staffing levels at Ports of Entry (POE), (joint) border exercises and trainings (with neighbouring countries), increased funding for border control and management, and, within states, increased interaction with other relevant arms of government.

In some instances, legislation has been revised, while in others entirely new legislation has been enacted to address aspects of border management that existing legislation was not considered to have been sufficiently adequate to tackle. In the case of the USA, as reflected in more detail in Annex 1, the legislation enacted has been far reaching, aimed at overhauling the existing systems to ensure early detection and notification of imminent threats, greater coordination between agencies at national and local levels, and ever more strict entry conditions.

In Europe, the long-term objective of the European Commission is to integrate all the elements of border management to be managed by a Europe-wide integrated service. As part of this strategy, it is intended to develop joint training and reciprocal personnel exchanges within the Schengen area. Europol will have an increasingly important role in addressing criminal activities in the Schengen area, and moves to secure common standards in the use of technology and document security can be expected.

In the EU, important criminal law instruments to combat terrorism, including the framework decisions on Combating Terrorism, and the European Arrest Warrant<sup>4</sup>, have been enacted. A framework decision on the freezing of assets has been pursued, and an EU-wide cooperation mechanism consisting of seconded national experts, Eurojust, has been established.

In order to strengthen the operational co-operation between Member States, and between the EU and the USA, a number of steps have been taken, in particular regarding investigation and prosecution of terrorists. One of these measures has been the establishment of a counter

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<sup>4</sup> Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States [Official Journal L 190, 18.07.2002].



terrorism task force within EUROPOL. New instruments in the fight against terrorism have been developed, including terrorist profiles, which take into account the need for co-operation with third countries.

With limited resources, countries have recognized the value of flexible resource deployment towards problem areas. In busy airports, it is important to have the mechanisms to recognize emerging trends of bogus identities or false papers from particular points of departure. A number of countries in Western Europe and North America are thus investing considerably in intelligence and data analysis.

A great deal of entry control efficiency is dependent on advance information and trend analysis, often only possible where immigrant processing abroad is closely linked with border and in-country processing facilities. One such recent move took place on February 12 2002, when the US State Department introduced 18 new questions for visa applicants. Most questions are directed at males aged between 16-45 and include questions about military experience and knowledge of firearms, explosives and nuclear/biological materials.

More recently, new regulations requiring all European Union airlines to provide US officials with detailed passenger information, including credit card data and eating habits in advance, have come into force.

EU countries with eastern borders to Central Europe are also increasing their guard patrols along the green borders. The move by the EC to establish a common border guard force, while not driven by the events of September 11, will clearly be influenced by them in terms of a suggested operational mandate. The objective in 2002 was to have joint operations by Member States at external borders. By mid-2003 the aim was to have established a core curriculum for border guard training and consolidate all European provisions concerning border control; and to have examined the question of burden sharing between Member States and the EU for the comprehensive management of external borders.

A number of traditional immigration countries recognize that 'intelligence' is the key to addressing the challenges of ever-increasing passenger numbers, while maintaining the integrity of border control. The acknowledged way forward is to shift focus from the traditional 'universal challenge' approach, where every passenger is examined, no matter how briefly, by an immigration officer on arrival, and progress towards a targeted intelligence-led approach.

Such an approach requires that the right balance be struck between expediting clearance of genuine passengers and targeting those passengers who present an immigration or security threat. One of the key strategies underpinning this approach is the collection of passenger information in advance of travel.

The **Shifting of Borders** is an important trend increasingly noticeable after September 11. Traditional border control regimes are increasingly shifting the locality of that control abroad or further away from their immediate physical borders. Moreover, the measures contained in the US Maritime Transportation Antiterrorism Act (described in Annex 1) concerning the enhancement of improved security measures for handling cargo and containers are also designed to provide offshore protection of USA borders.

There are practical security, financial, political advantages to minimizing the arrival of irregular migrants at a country's immediate borders, thereby avoiding possibly vexatious claims for entry and the invocation of often lengthy and expensive legal proceedings. While the concept of e-Borders<sup>5</sup> is now considered a legitimate strategy to avoid potential processing problems with passengers at the border, possible infringement of civil liberties may be seen as limiting what could be achieved. A number of countries have been criticized for interfering with the individual right to freedom of movement under international law. Nevertheless, it must be recognized that a state has the right to determine who may enter and exit its territory. What is important to emphasize is the need for a reasonable balance between legitimate security concerns and individual rights and freedoms.

In this shift of borders, there are five typical "offshore" control strategies employed by Governments, among them:

- a. Passenger Pre-inspection – where immigration and customs officers who do full clearance for entry to the country of destination are stationed abroad at airports, inspecting passengers departing for the officers' country. Their authority is implied since in essence the inspector is letting the carrier know that the individual would not be admitted at a destination port of entry. The carrier chooses not to board the passenger, thus mitigating the fine. The law enforcement benefit is derived from not boarding a suspected or known illegal migrant, wanted criminal or worse. Local carriers, immigration and law enforcement also benefit from training, and the sharing of tactical information and intelligence. Pre-clearance processes are already employed in Australia, New Zealand and the USA.

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<sup>5</sup> The UK's 'e-Borders' vision is of a modernised integrated immigration control system, which uses passenger information and new technology for more effective control appropriate to the perceived risk, faster arrivals processing, greater flexibility in control operations, and a framework for sharing relevant information amongst border agencies. 'e-Borders' embraces a number of complementary concepts designed to support an overall strategy for border control in the 21st century, delivering timely key biodata to border agencies on all passengers seeking to enter or leave the UK, which will then be utilised to export the border elsewhere and deny boarding to those unlikely to qualify.

Under the *Enhanced Border Security and Visa Entry Reform Act*, the USA is to consider the feasibility of establishing a program enabling foreign national travellers to the USA to submit voluntarily to a pre-clearance procedure that determines whether they are admissible to the country under the Immigration and Nationality Act. In addition, the feasibility of expanding pre-inspection facilities at foreign airports, and to foreign nationals on flights destined for Canada and Mexico, is being examined.

The UK Immigration Service is currently considering the introduction of an Authority to Carry (ATC) scheme, whereby the personal details of passengers checking in for journeys to the UK would be checked against Home Office records. Carriers would be denied authority to carry any individual presenting a known immigration or security threat. This ability to screen passengers in advance of arrival would allow the Immigration Service to make more effective and efficient use of resources and may facilitate expedited clearance of low risk passengers.

- b. **Immigration Liaison Officers (ILOs)** – are liaison officers posted close to the centres of criminal activity, or in source countries of irregular migrants, to work with local law enforcement agencies and international agencies such as Europol to prevent irregular migration and help close down related illegal and criminal operations.
- c. **Airline Liaison Officers (ALOs)** - are immigration inspection officers posted abroad to work with, and train, airline staff in the prevention of travel of persons with fraudulent documents or IDs. They often work in tandem with ILOs from other countries. The UK, for example, has steadily expanded its network of ALOs to over 20 around the world, and is now complementing this network with the posting of ILOs. The USA and Canada have agreed to expand the number of immigration intelligence officers working overseas to prevent and interdict, and to share immigration intelligence as part of their combined response to terrorism. As a consequence, the two countries have begun deploying new immigration intelligence officers overseas to deal with document fraud, liaison with airlines and local authorities and to work with other countries to ensure immigration intelligence liaison and interrupt the flow of illegal migrants to North America. During 2002, Canada deployed additional officers for this purpose. The USA also deployed additional personnel during 2002 and will deploy further staff during 2003.
- d. **Advanced Passenger Information (API)** –involves agreement between countries, and between airlines and Governments, permitting passenger manifests to be sent by the airlines ahead of flights to the Immigration authorities of the country of destination, for pre-checking before arrival.

In the UK, the Immigration (Passenger Information) Order 2000 extended immigration officers' powers to require carriers to provide data on passengers arriving in and departing from the UK. The Order is divided into two parts, with Part I detailing information contained in the passenger's passport or travel document, and Part II specifying certain information relating to a passenger, which a carrier may hold in its Passenger Name Record (PNR).

In the development of any system based on API, the UK Immigration Service aims to work in partnership with carriers towards a process which is automated and keeps to a minimum any addition to passenger check-in times, complies with data protection and other relevant legislation, increases security and takes into account the needs of stakeholders, including other relevant control authorities.

Certain other developed countries also have advanced passenger processes in place to facilitate the clearance of passenger traffic:

Australia's **Advanced passenger processing (APP)** enables passengers listed on passenger manifests to go through a pre-clearance process in which personal data is cross-matched with visa data. Information encoded in the passports' machine-readable zone is again checked at point of entry to Australia, and cross checked against Australia's alert lists.

In the United States, an **Advanced Passenger Information System (APIS)** allows a process similar to that used in Australia to check previous criminal record, security and immigration factors relating to passengers listed on passenger manifests.

Canada and the USA have agreed to share **Advanced Passenger Information and Passenger Name Records (API/PNR)** on high-risk travellers destined to either country. Canada implemented its **Passenger Information System (PAXIS)** at Canadian airports on October 8, 2002 to collect Advance Passenger Information. The automated Canada-U.S. API/PNR data-sharing program was to be in place by Spring 2003.

Encoding of biometric features in travel documentation would enhance the efficiency of advanced passenger processing.

#### e. **Carrier Sanctions**

Carrier liability legislation aims at making carriers accountable for embarking and delivering undocumented or improperly documented migrants. The sanctions are an integral part of the pre-embarkation activities abroad. Increasingly, governments are

offsetting the sanctions with incentives for airlines to prevent embarkation of illegal or irregular migrants. This carrot-and-stick regime, underpinned by training of airline staff by ALOs, provides an extra security cordon against terrorism.

That cordon is further strengthened where pre-clearance and pre-embarkation processing is supported by solid and integrated migrant information systems of the kind used by Australia and New Zealand, which link visa issuance abroad with entry clearance at the port of entry and departure monitoring at the port of exit. These enable the authorities to match incoming with outgoing movements; eventually also to share this with other states' information systems – such as between Australia and New Zealand. Similarly, programs which provide electronically 'go/no go' information prior to boarding, will further carrier and government cooperation in deterring illegal entry.

The need for, and value of, external border control varies from state to state. Countries like Australia, with their blue borders and distance from others, are able to capitalize more on offshore clearance processes than many landlocked European countries with their porous green borders.

Countries with a high reliance on external, as opposed to internal, control measures will wish to retain sole responsibility for ALO functions where the workload justifies it. They will not wish to delegate these functions, although sharing costs might be a possibility by undertaking work for others where volume of work is not an issue but strategic presence is.

For other countries, including those with limited resources overseas, inter-state cooperation is the only way to continue/expand this activity – for example by doing each other's work, sharing resources/premises or sharing information. In the development of such processes, it is essential to ensure that they are managed in a way that ensures continuous cooperation between countries of migrant origin, transit and destination. It clearly becomes untenable for the host country if each country of migrant destination seeks to post its own ALO at the same airports. The EU has brokered such cooperative arrangements through CIREFI, and some joint ALO initiatives have been launched. Similar forms of cooperation exist in other regions, e.g. under the Puebla Process, to override individual, national, political, ideological interests and set inter-governmental guidelines.

In the longer term, international organizations could play a role in setting such guidelines and standards.

The traditional understanding that borders begin at the imaginary line drawn by treaty clearly has changed, and governments see their borders more as transactional in nature, that is beginning when the intended migrant/traveller is first encountered. Pushing border processing



outward by any and all of the methods previously discussed can only enhance a government's ability to protect its citizens. Information sharing is key to this endeavour.

## **2. Improved Information and Identification Systems**

Measures are being adopted widely to enhance the integrity of security features in ID and travel documents, and develop new ways of recording and verifying traveller and migrant identities. States which have large-volume passenger movements through their airports, and which offer temporary residence programs to accommodate tourism, international education or business, must balance the need for such programs against security and the minimization of entry process to *bona fide* persons.

In an effort to achieve this balance, a number of countries are planning to introduce, or have already introduced, replacement residence cards and other means of identification, that incorporate special electronically-readable codes and are more resistant to forgery. This can provide greater certainty in the identification of the individual and that he/she is the genuine holder of the card. Part of this process involves the use of technology allowing identification through biometrics.

### **a. Increased use of Biometrics**

Biometrics, or the use of unique personal data such as facial structure, hand geometry, fingerprints or the patterns of the human eye to authenticate individuals for security purposes, have been used for border control purposes for over ten years. While no single system has been deployed broadly, trials have established that biometrics can be relied on to perform automated clearance for registered travellers, and can assist border officials in the identification of document irregularities.

Public acceptance of such programs historically has been strong, and support for them has measurably increased as a result of the attacks of 11 September 2001. Unlike images and text information, biometrics are stored as secure templates that can only be "opened" by those who are specifically authorized to have access. While some critics have attempted to label biometrics as a risk to personal privacy, their inherent ability to safeguard data through the use of highly encrypted algorithms has led them to be recognized as "privacy enhancing technologies" by the European Union.

Independent reviews by various national security organizations have confirmed that biometrics are a mature technology for these purposes, setting the stage for broad use in border control applications if three major issues can be resolved:

**Enrolment:** Small programs will not have a meaningful impact on border enforcement and facilitation. Stakeholders need to register a large enough number of travellers worldwide to make a difference.

**Standardization:** Biometrics, like any technology, will continue to evolve and improve over time. Standards must be developed to ensure interoperability in a heterogeneous system of controls and biometric types.

**Infrastructure:** If biometrics are introduced in passports and registered traveller programs, systems must be developed to distribute the information and facilitate its use at border checkpoints, airline check-in facilities, and other sites where biometric identification can improve enforcement and streamline processes.

The enrolment barrier is being addressed under a number of legitimate auspices. The International Civil Aviation Organization (ICAO) is examining how biometric information may be securely stored on the passport. Driven by US legislation that calls for all US passports – and passports of countries eligible for visa-free travel to the US – to have biometric data added to documents produced after October 2004, ICAO is focusing on ways in which border officials can use biometrics to link the bearer to his or her passport. This capability will also help issuance authorities who can use the same biometric processes to screen applicants to prevent identity theft and block the establishment of dual identities.

The International Air Transport Association (IATA) established the Simplifying Passenger Travel Interest Group (SPTIG) three years ago to determine how the full community of airlines, airports, governments and technology providers could cooperate to implement biometric-based controls on a multilateral basis. This initiative has led to a number of promising trials intended to lead to international consensus on how the enrolment, standards and infrastructure issues can be dealt with effectively.

The programs that have been developed and tracked within the SPTIG framework have operated under the principle that different solutions are welcome, as long as the ultimate goal is to maintain interoperability with other systems, to avoid the risk of over-reliance on one single methodology, and to accommodate various national interests within a set of clearly defined guidelines and standards. Experiments that have been developed and monitored by SPTIG include:

- Smart cards for check-in and border clearance using finger imaging technology (Scandinavian Airlines System, Stockholm)



- Border entry clearance using iris recognition database searches (United Kingdom Immigration Service)
- Border exit and entry using iris recognition comparison against templates on smart cards (Amsterdam Airport Schiphol)
- Border clearance of airline staff using face recognition comparisons against enrolled templates (QANTAS and the Australian Customs Service)

Standardization activities are also under way at the national level in several countries, and within the International Standards Organization (ISO). The latter effort is targeted at establishing common criteria for storing and recognizing biometric data within any information technology architecture. While other key standards are in place to accelerate the deployment of biometrics (notably BioAPI, which governs the use of biometrics in Windows-based systems, and Common Biometric Exchange File Format, which identifies the type of biometric information being used in a network), ISO efforts can provide added assurances to authorities considering the adoption of expanded programs to solve pressing problems at the border.

Establishing an infrastructure to support the ubiquitous use of biometrics faces its own set of challenges. Already officials are faced with the dilemma of how to:

- (a) Install hardware that can read biometric information added to passports;
- (b) Develop a layer that allows disparate solutions to operate together (e.g., the SPTIG programs);
- (c) Adapt a distribution model that allows use of multiple types of documentation; and
- (d) Make that information available anywhere in the global travel and transportation network.

While the first of these tasks is relatively simple if expensive, the last two would require affected parties to either agree on a complex series of bilateral agreements, or to embrace a “trusted third party” architecture that provides real-time checks against national systems and houses a range of biometric information on registered travellers. SPTIG and other groups are examining this model, which is not dissimilar to point-of-sale networks used by credit card companies to validate authenticity of a transaction, as a feasible and secure means of providing access to reliable, secure data worldwide. This should provide strong clues about how information can be “shared” without violating data privacy laws or placing sensitive systems in jeopardy. If successful, such an approach could also obviate the need for a common card or document, as long as the passport, visa, card or other “token” complies with an existing ICAO or ISO commercial standard.

A number of countries are testing or considering new strategies for using biometrics. Ultimately, the challenge will be to adopt solutions that have an acceptably low false acceptance rate (FAR) that ensures unauthorized parties do not evade controls, and a user-friendly false reject rate



(FRR) that provides an adequate level of service to international travellers. Each biometric option listed below offers advantages and disadvantages, but all contribute to improving border security.

### **Facial Recognition**

Face recognition technologies are used in two very different ways. One is to employ “face in a crowd” searches to determine if someone may match a database of criminals and terrorists. Usually used inconspicuously if not surreptitiously in public places to provide an extra layer of security, the same search capabilities can be used to see if one individual may have applied for a travel document under a different name. This latter application is expected to be in common use by passport issuance authorities in several countries by 2004.

A second use of face recognition is to automate the identity of travellers at the border. In January 2003 the Australian Customs Service (ACS) inaugurated such a trial at Sydney Kingsford Smith Airport, enrolling QANTAS staff members in a computerised system that matches video images against respective templates in the project database. ACS states that the trial has been satisfactory and may be expanded to other groups of travellers in the near future. There is some concern among border control authorities, however, that face recognition alone has a FAR problem if used in a stand-alone mode.

### **Iris scans**

Iris scans offer quick, non-intrusive, accurate identification matches against enrolled templates. Studies by the Government of the United Kingdom have shown iris technology to be exceptionally effective in preventing false acceptances in an automated environment. Like finger image technology, iris recognition can be used to scan an existing database of iris templates in a “one to many” comparison mode to prevent multiple enrolments.

In both the UK (Heathrow) and the Netherlands (Schiphol), small tests of iris scanners as a means to rapidly confirm the identity of passengers have been judged successes by control authorities administering the projects. The UK Immigration Service trial of iris recognition technology allowed a limited number of approved frequent flyers to test quicker immigration control through a dedicated automated iris recognition channel, once their iris had been registered and personal identity verified by an immigration officer. This trial ended in 2002; the second trial in the Netherlands is an ongoing project called Privium, which is planned for expansion to other European airports as demand grows.

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## **Finger Imaging**

Once viewed as an unlikely technology to receive broad public acceptance, finger-imaging technology is expanding beyond the traditional applications that check for criminal identity (“one to many” or 1:n checks) in the wake of the renewed security concerns post-11 September. Fingerprint images will remain at the core of many criminal justice systems and terrorism prevention schemes because of this crosschecking capability.

Recent initiatives to expand the use of 1:n systems include the EURODAC project. EURODAC, established in 2000 and linked to the Dublin Convention, is intended to create a centralized European Union database on asylum seekers and other non-EU nationals apprehended while illegally crossing borders in the EU territory. It will include the creation of finger image records that are to be erased if refugee status or citizenship is granted.

The UK already uses a fingerprint system for its asylum claimants, which in turn has provided general improvements in immigration controls. The system incorporates a portable fingerprint reader that indicates whether the person has registered as an asylum seeker or not, either by checking his/her card (in a few seconds) or by searching against the central database (in a few minutes). In Italy, the recently promulgated Aliens Law has introduced fingerprinting of persons applying for and renewing residence permits.

Trials in Sweden and elsewhere are testing another application of finger image technology: using it as a border clearance tool that verifies identity against a known record (known as 1:1 checks). The marriage of finger image technology with smart cards in particular has produced a number of robust applications that can be adapted for broad use. Along these lines, the Swiss will be introducing a new residence card which incorporates fingerprint details, and the Netherlands is proposing to introduce passports with encoded fingerprint information.

## **Hand Geometry**

Hand geometry is the oldest of the effective 1:1 verification technologies, having been introduced as a high-security physical access control device in the mid-1980s. Hand geometry has performed reliably in the USA INSPASS biometric border clearance system, which has been operating at ten major airports since 1993. Hand geometry also served as the primary biometric technology for Canada’s Vancouver-based CANPASS trial, and is used extensively at Tel Aviv Ben Gurion Airport to provide automated border clearance for a large number of Israeli travellers. The technology has also been identified in German legislation as one of those to be investigated for broad use in passport control.

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## Other Biometric Technologies

Biometrics – perhaps more than most technologies – draw a level of attention that is based on what they measure rather than how they perform. For example, finger imaging performs a readily recognizable function in the area of criminal identification, and face searches provide a strong analogue to terrorism interdiction programs. This awareness of biometric types often leads to selection of technologies rather than articulation of specifications. With the involvement of ISO and the maturation of trials at the border, authorities are beginning to see the merits of setting performance bars rather than picking particular technologies.

This trend is in turn encouraging the development of new biometric capabilities that can either enhance existing technologies (e.g., testing for “live-ness” of the user), be layered or fused with other biometrics (thus requiring confirmation that two or more biometrics are used to complete the identification process), or be replaced by better alternatives. By the end of this decade, several advanced technologies are likely to be added to the above list by virtue of the performance improvements they can offer.

### b. Increased Data Collection and Data Exchange

Countries engaged in the fight against international terrorism require effective international data exchange mechanisms. Terrorists can and do use international borders to their advantage, sometimes relying on the possible inability to exchange data internationally - a weak link in the general fight against international crime. With regard to the sharing of information databases, while recognizing civil liberties concerns, more governments feel that the current level of threat from international terrorism legitimately permits a proportionate response that can intrude on individual civil rights, including the right of privacy.

The impact of such possible intrusions can be lessened where governments' use of information is restricted, within a legal framework, to specific purposes, e.g. for law enforcement or immigration purposes, and the framework permits use only for such purposes.

In any event, all of the major immigrant-receiving states seek to increase data exchange among relevant authorities, with carriers and with other states to ensure efficacious border and immigration controls.

The ethics and principles of information and intelligence exchange at any given level are limited by the degree of control deemed acceptable by national legislators. It would be equally prudent for such legislators to keep those control mechanisms under review and consider appropriate

changes in the light of evolving circumstances, involving national defence and/or security proportionate to the perceived threat.

But cooperation on data exchange is only as good as the information available and shared by the participating countries. Privacy requirements will naturally constrain information sharing, at times limiting the usefulness of shared resources to that of the most protective participant. In the EU context, data protection also limits the EU's capacity to share information with non-EU states.

### 3. Regional/inter-country Cooperation

There are many examples of regional groupings and processes addressing the terrorism/migration issue. For example, within the European context the Schengen countries exercise a common visa policy under which a visa is valid for any Schengen country, and may be issued by one country for travel to another. There are obvious implications for integrity of standards, and these are aired at regular meetings.

As there is no internal border control, there is more reliance on the external border controls of the country of entry. As a logical extension to these arrangements the EC is advocating the idea of a common European border guard force. The French Government has also called for joint control of Europe's external borders and Airline Liaison Officer (ALO) networks in countries of migrant origin.

- **Schengen Information System (SIS)** – provides vital support for the operation of the border-free system among the Schengen states. It acts as an “alert list” of those who have committed offences. If a visa applicant's name appears in SIS, the visa is denied. Member states feed the system with information through national networks (N-SIS) which are connected to a central system and supplemented by the SIRENE network made up of representatives from the national and local police, customs and the judiciary<sup>6</sup>.
- **EURODAC** is an example of “regional” cooperation compliance underpinned by legislation. The collection of fingerprints of asylum seekers to prevent repeat applications in each of the member states of the EU has the potential to reduce uncertainty about who has been where, and to reduce duplicate applications (“asylum shopping”).

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<sup>6</sup> Migration Policy Institute, Background Paper, Immigration and National Security, September 28, 2001.

- **EUROPOL** – established under the Maastricht Treaty of 1992 - is a region-wide law enforcement support mechanism relying on intelligence from Member States on drugs, organized crime, terrorism and human trafficking. It provides support to the Member States in the prevention, investigation and analysis of crime and allows for appropriate threat and risk assessment. EUROPOL provides operational support with intelligence bulletins and analytical work files and supports joint investigations and operations. In the medium term there is an intention to apply Article 30 of the Treaty on European Union in its entirety to give EUROPOL wider scope for supporting investigations of networks of illegal immigration in Member States, including trafficking in human beings. More importantly perhaps, it is also intended to provide support for Member States and, to participate in the collection and exchange of information among bodies responsible for implementing the laws applying in such cases. In addition, in October 2001, Hungary and EUROPOL established a cooperation agreement.
- **US/Canadian Agreement** on border cooperation (November 2001) – As mentioned above, this agreement includes a mutual strengthening of border operations, among others to help end 'asylum shopping', (40% of Canadian asylum claimants arrive from the USA).

Several regions are engaged in migration-related dialogues, which, *inter alia*, grapple with issues generated by concern over the movement of terrorists. A conference held in Bali on irregular migration in February 2002, to which Asian countries, IOM and UNHCR were invited, is one such example.

In the Asia-Pacific context, at the October 2002 meeting of the **Asia Pacific Economic Cooperation Forum (APEC)** in Los Cabos, Mexico, 21 Heads of State endorsed tough new measures to stamp out international terrorism. These included tightening up transport and cargo safety across Asian trouble spots, such as Indonesia, the Philippines and Malaysia. In the aftermath of the Bali bombing and, with the later Moscow opera house crisis forcing Russian President, Vladimir Putin, to pull out of the APEC summit, the summit was dominated by international security issues.

APEC leaders endorsed the **Secure Trade in the APEC Region (STAR)** initiative, committing Member States to accelerate measures for anti-terrorist protection and safety on passenger planes and at airports. It was agreed, also, that container security would be strengthened in an effort to restrict the transportation of explosives and other illegal goods. APEC leaders also decided to deny terrorists access to the world's financial system, and where possible, to use the money trail to locate and apprehend suspects.



The Commission of the European Communities produced a working document in December 2001<sup>7</sup> that recognizes the equal importance of safeguarding States' internal security and protecting individual rights under international law. The document recognized the need for legislative amendment by Member States in the field of immigration. The Commission Working Document was sufficiently broad to give Member States the necessary flexibility to refuse admission or put an end to the stay of a third-country national if objectively needed.

In May 2003, a Protocol amending the Council of Europe's 1977 European Convention on the Suppression of Terrorism was adopted. The Protocol is guided by the need to be realistic and pragmatic, avoid overlap with work under way in other fora, and subjects on which it would not be possible to reach consensus. It also seeks to reflect the specificity of the Council of Europe in the fight against terrorism, and to retain the Convention's role as an instrument aimed at facilitating the extradition of terrorists through the 'depolitisation' of terrorist offences.

In 1998, the Organization of American States established an "Inter-American Committee Against Terrorism" (CICTE) to further hemispheric cooperation to combat terrorism. CICTE's objectives are to: enhance the exchange of information; formulate proposals to assist member states drafting counter-terrorism legislation; promote universal adherence to international counter-terrorism conventions; enhance border cooperation and travel documentation security measures; and develop training and crisis management programs. IOM is working with CICTE's Executive Secretary to assist interested member states gauge the strengths and identify gaps in selected features of the migration management structures and procedures. Once a Government has identified specific needs through an initial examination, IOM can offer on-site technical missions, to develop a technical cooperation plan to enhance necessary capacities.

#### **4. Tighter Internal Migration Controls**

The various actions taken in this area by governments post-September 11 can be categorized as follows:

##### **a. Language analysis**

As an aid to determining nationality, more Western European countries have been looking into the concept of language analysis, based on Swiss and Swedish experiences in this area. For example, Germany is planning to enact legislation that provides for language

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<sup>7</sup> Commission of the European Communities, Brussels, 05.12.2001 "The relationship between safeguarding internal security and complying with international protection obligations and instruments".

analysis to be a nationality determinant. This will be particularly helpful in the area of undocumented and uncooperative cases.

In another context, in the USA for example, affidavits are no longer acceptable in one state as evidence of the ability to read English – which is a key requirement for a driver's licence; and in another state, non USA citizens must go to regional drivers' licence processing centres, while nationals can use local centres.

The UK is interested in the potential benefits of language analysis and is currently undertaking a pilot involving 150 asylum claims, 50 each from Afghanistan, Somalia and Sri Lanka. An evaluation of the pilot, to identify the effectiveness or otherwise of language analysis, including at the appeal stage, is due to be carried out in the first half of 2003. Decisions on the possible future of this tool will be taken in light of that evaluation.

#### **b. Tighter measures against suspects**

The UK's new Anti-Terrorism, Crime and Security Act, which received Royal Assent on 14 December 2001, enables authorities to jail suspected foreign nationals considered a threat to national security, who would normally not be subject to prosecution because of insufficient evidence, and who cannot be deported because they could be killed or tortured at home.

#### **c. Designation of terrorist organisations/Managing religious associations**

The US State Department maintains a list of groups considered to be Foreign Terrorist Organisations (FTOs). Federal law requires that FTOs be re-designated every two years or otherwise automatically expire, although the secretary of state has the latitude to add or remove organisations at any time.

The US legal criteria for designation are that the organisation be foreign, engage in terrorist activity as defined in the Immigration and Nationality Act, and threaten the security of its nationals or the national security of the United States. Effects of designation include the prohibition of transfer of funds or other material support, denial of visas and exclusion from the United States. Post-September 11, six new groups have been designated or redesignated FTOs, bringing the total current number of to 33.

A new security law passed in Canada after the September 11 terrorist attacks in the U.S.A. paved the way for the designation of seven banned terrorist organisations, making it illegal to have any contact with them. A separate United Nations list of terrorist groups adopted by Canada allows the Government to freeze and even seize the assets of designated

organisations. Anyone found to have financial dealings with a listed terrorist group can be found guilty of a crime punishable by up to 10 years in prison.

In Germany, the Government has approved the lifting of “religious privilege” which gave religious groups protected status under the law of association. That privilege guaranteed that membership of a religious group could not be seen as a criminal offence.

In the UK, the Government has imposed restrictions on the dissemination of information, and has forbidden the wearing of badges and uniforms of terrorist groups. The government has also prohibited membership of any designated terrorist organization.

#### **d. Holding of persons**

Canadian law theoretically still permits police to arrest and hold suspected terrorists without bail for up to 90 days (although the constitutionality of this law has not been tested under Canada’s new Bill of Rights).

France’s special anti-terrorism unit can hold suspects for questioning for 96 consecutive hours, of which the first 24 hours may include not having any contact with a lawyer.

UK’s anti-terrorist legislation allows individuals to be detained for up to seven days without a court appearance.

#### **e. In-country identification**

As already mentioned, a number of states are planning to improve their means of identifying asylum seekers and foreign residents through new, electronically secure cards.

In the UK, for example, asylum seekers are required to register in order to access social benefits. They are photographed and fingerprinted, and this data with other case-related information, is encoded in a chip located in a plastic-encased card. The chip is machine-readable both at the source of benefit payment and by mobile fingerprint readers carried by immigration officers. Verification of identity is also supplemented by enforcement/control information so that, for example, a missed interview will be flagged in the system – and as a result, no benefit will be paid out.

In the USA, the new National Security Entry-Exit Registration System allows for persons falling within certain age and gender groups from certain countries<sup>6</sup> to be regarded as potential risk and those persons who fall within those groups are required to register themselves with the INS.

By the end of 2003, all new immigrants to Canada will be required to possess a Permanent Residence Card for travel, replacing the IMM 1000. The PRC's biometric features said to make it one of the most fraud-resistant identification documents in the world.

#### f. Internal administrative structures

The degree of administrative centralisation or decentralisation required to address the broad spectrum of immigration issues tends to vary from country to country, depending on a government's needs and its assessment of the best structure required to deliver the desired results. Given the breadth of issues involved, an approach involving all relevant arms of government, whether in a centralised or a de-centralised fashion, is advisable. This is particularly relevant in times of high security alerts, such as after the September 11 attacks. Some re-structuring of internal administrative structures after September 11 attacks in the US have been noted, mainly in the US, but also beyond.

In 2002, the **USA** passed the Homeland Security Act, which establishes the Department of Homeland Security as an executive department of the USA. The Department has as its primary mission the prevention of terrorist attacks within the USA, the reduction of the vulnerability of the USA to terrorism and the minimization of damage and attendant costs from terrorist attacks that may occur in the USA. One of the Department's primary responsibilities is *"border and transportation security"*. In providing for this, the Act also transfers to the Secretary of Homeland Security, *"the functions, personnel, assets, and liabilities of the Immigration and Naturalization Service of the Department of Justice including the functions of the Attorney General relating thereto"*. In carrying out this responsibility, the Act requires that the Under Secretary for Border and Transportation Security shall also assist the Secretary of Homeland Security by, *inter alia*:

*"administering the immigration and naturalization laws of the United States, including the establishment of rules, in accordance with [the Act] governing the granting of visas or other forms of permission, including parole, to enter the United States to individuals who are not citizens or lawful permanent residents thereof;"*

Under the Act, the Secretary of State may refuse a visa to a non-citizen if the Secretary deems such refusal necessary or advisable in the interests of the USA.

Necessity brought about by the events of 11 September 2001 has therefore resulted in a centralization of functions in the USA, and it remains to be seen how the structure so administered will serve its intended purposes.

Many other countries have adopted a centralized approach to deal with immigration matters, including the effective handling of border control. Prior to September 11 2001, **Hungary** had started to bring all immigration issues including refugees and aliens administration under the administration of an Office of Immigration and Naturalization (OIN). Since then, this process has developed further and by the beginning of 2002, regional bodies were established under the OIN. At this time, legislation governing entry and stay of foreigners came into effect. The legislation also introduced restrictive measures for financial dealings and financial and trade to inhibit the growth of international terrorism.

**Russia** has also centralized the administration of immigration functions since 23 February 2002 under a migration service incorporated as an arm of the Ministry of Interior. This exercises control over foreign visitors (including the registration of incoming and outgoing visitors) through a network of regional departments.

The argument for or against the degree of centralization required to address the broad spectrum of immigration issues depends on what a government might consider necessary or appropriate for the effective delivery of its overall immigration objectives.

The holistic approach used by **Australia** appears to serve it well. It has determined that it is in its best interests to closely monitor movements in and out of the country; and, barring the comparatively small numbers involved in irregular migration, Australia, through its universal visa arrangements has maintained a fair control over the annual influx of immigrants. Other countries such as the USA, EU Member States, Canada, and to a lesser extent the UK, have to contend with land borders, which clearly change the dynamics of immigration in ways that demand somewhat different administrative arrangements from Australia.

Whatever the administrative structure, there is no doubt that appropriate and speedy information and data collection and sharing are vital for an optimal response to international terrorism. The ability to cross-check passenger bio-data with a range of lookout data not only assists the integrity of immigration programs and other policy areas of impact such as education, tourism, housing and labour, but is vital for general security. Lookout data is in use in many countries and is used as an alert to problems or potential problems in granting visas, such as the existence of an undisclosed criminal record or possible association with criminal or other undesirable individuals or organizations.

A “whole of government” approach is needed to ensure an efficient and efficacious response to the challenges posed by international terrorism. This has clearly been the intention behind the US legislation passed to combat terrorism. However the efficiencies are achieved, whether by some centrally administered process or by effective coordination of various arms

of government administration, the product should have as its objective, not only the greater good of the nation itself, but combating of terrorism globally.

The best approaches to immigration control appear to be those that combine intelligence-driven, flexible controls and fast response real time IT management systems (from passenger manifest analysis to biometric data comparisons). More robust identification and subsequent verification processes are available, and are beginning to be used in refugee resettlement programs run by the USA. It seems likely that more advanced and faster processes will be deployed at overseas locations to provide more certainty and security, through ID verification before arrival.

## **COHESION IN DIVERSITY**

Another area where resolute Government action has become critical in a post-September 11 world is the post-arrival integration of migrants. Creating the right climate domestically, e.g. through policies of multiculturalism, can help achieve cohesion in societies that are increasingly diverse socially, ethnically, economically and by religion.

Increased attention to the integration of new arrivals may be an important way of addressing international terrorism. There are two key reasons why governments urgently need to ensure effective integration strategies:

- protection of migrants against a growing community backlash following September 11;
- protection of migrants (and the general community) from being susceptible to recruitment to terrorism, e.g. through disaffection or alienation within their host community.

Integration policies have existed in states with long experience of immigration, and in the main have proven to be successful in ensuring a degree of social stability. Many immigrant-receiving states have legislation on equal opportunities designed to promote cultural and racial harmony; and positive discrimination is used to secure equal representation in certain professions. A range of other measures is in place to improve access to mainstream services and community activities. The most significant players in these initiatives are the Non Governmental Organizations and community and ethnic support groups.

Integration policies in the traditional countries of immigration tend to focus on permanent migrants. Given, however, the long term presence of temporary migrants in parts of Europe, similar programs should be explored for this sector in order to develop a more comprehensive approach to integration policy and involving more pro-active integration strategies, beginning

with wider consultation with social partners. A number of countries have various strategies in place to assist with the socio-economic integration of migrants, regardless of whether they are permanent. These include language training, translation services, information referral, migrant resource centres, access to health care, employment possibilities for spouses and the right of family members to accompany the migrant.

In **Canada**, new arrivals may benefit from various government settlement services abroad, upon arrival at ports of entry and at their final destination in Canada. These services include counselling and cultural orientation, loans to help with transportation to Canada, reception, information and orientation, referral to community resources, language training, translation and interpretation, and employment-related services. Under Canada's Immigration Loans Program, loans are made to applicants for permanent residence -- mostly refugees and members of humanitarian-designated classes -- to cover the costs of medical examinations abroad, transportation to Canada and the Right of Permanent Residence Fee (RPRF). Assistance loans are also available to disadvantaged newcomers to cover expenses such as housing rental, telephone deposits or work tools.

**Europe's** economic prospects and demographic trends make immigration a necessity and a contributor to its development. Policy developments in recent years at the EU level reflect the need for clear and effective policies for the social integration of migrants. These may differ from one Member State to another due to prevailing cultural diversities. The principle of equality of rights and duties, however, should be a common denominator upon which integration practices, including the concept of citizenship, would be further built.

The **EU** is working towards a common European approach to social integration of third-country nationals, based on equal rights, free movement and some measures to enhance immigrants' economic and socio-cultural position against xenophobia and racial discrimination. A number of EC initiatives and programmes are already in place to support actions in this field.

In the **UK**, the Home office is committed to integration as a vital part of the whole system process. It is considered necessary for all refugees who are invited to remain in the UK to be assisted to rebuild their lives, achieve their full potential and make a contribution to the social, cultural and economic life of the country. The successful settlement of refugees in the UK is considered a strategic factor in building stronger more cohesive communities. The Home Office launched a Refugee Integration Strategy in November 2000 -- "Full and Equal Citizens -- A strategy for the Integration of Refugees into the United Kingdom".

All these initiatives are critical to a balanced approach to migration and to ensuring that the minority phenomena of criminality or terrorism in the migration context do not compromise the

integrity of regular migration or the right of persons to be mobile. They may need to be updated in the wake of 11 September 2001.

Successful integration can be an important way of gauging the success of an immigration policy; and can actively contribute to the integrity of regular immigration programs. Integration policies help promote a cohesive, inclusive and tolerant society, where the immigrant population lives in harmony with the local population. Failure to promote tolerance in a society is often a precursor to discrimination, social exclusion and the rise of racism and xenophobia.<sup>8</sup> Socio-economic and political disaffection among migrant communities can in turn breed social violence, even terrorism – or at least provide conditions conducive to recruitment to such asocial actions.

The dilemma which integration poses for Governments is clear from the mixed approaches being tried in Europe, particularly in the wake of the 11 September events. On one hand, there is a growing concern about xenophobic and anti-migrant backlash and politicians in North America and Europe have intensified their dialogue with ethnic and religious leaders. On that same track, some Governments are actively pursuing anti-xenophobia/anti-discrimination programs and easing the integration process for newcomers. On the other hand, some Governments are also tightening the conditions under which immigrants may become part of the new community (e.g. longer waiting period for residence; or for citizenship).

It should be noted, as indicated earlier, that no amount of positive reinforcement by host governments implementing integration policies can entirely eliminate the possible development of terrorist, clandestine or subversive activity by extremists or disaffected individuals or groups within diasporas who may have succumbed to recruitment for terrorist activity because of their experiences of alienation and exclusion in host societies.

## **UNINTENDED CONSEQUENCES OF INCREASED CONTROL MEASURES**

Many believe that the events of 11 September have shifted the focus of migrant, refugee and asylum policies to such an extent that antiterrorist efforts take priority. Few doubt that conservative voices have been given more strength in arguing against liberal immigration and refugee policies. Anti-immigrant feelings in some European countries have encouraged right-wing parties to push door-closing agendas.

There is also a danger that too heavy an emphasis on entry control can skew or militate against a balanced migration policy. The stricter the regime and the more difficult it is to secure visas,

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<sup>8</sup> Communication from the Commission to the Council and the European Parliament on an Open Method of Co-ordination for the Community Immigration Policy, 11.7.2001 at p.11



the greater the potential for deterring *bona fide* visitors and businessmen. This can impact both on a nation's wealth, particularly where it is a trading nation, and on how it is perceived from the outside as a welcoming nation. The financial and political costs of too strict an immigration control regime can be high.

Domestically, the ever present tension between the rights of the individual and the security of the state can be thrown into sharp relief by such strict immigration regimes. Civil liberty groups will continue to closely monitor new requirements brought in on the back of anti-terrorism legislation, and legal challenges on constitutional and proportionality grounds can be expected. There may be fundamental differences of approach between the judiciary and the legislature, with the result that much time is spent in the courts.

The issue of identity cards, either for everyone or specific groups, will continue to be politically sensitive, particularly for countries which have no tradition of carrying identity cards such as the USA, UK, Australia and Canada.

## **SOME CONCLUDING OBSERVATIONS**

In the exercise of their sovereignty, each State will necessarily consider its own circumstances and adopt policies, administrative structures and legislative measures considered best to protect sovereignty and guarantee security from global terrorism. Countries that have large land borders may well approach their immigration controls differently from ones that do not.

Part of the purpose of this paper has been not only to provide the experience of a range of countries and an indication of what can be achieved in the wake of 11 September 2001 and other international terrorist incidents, but also to consider the range of steps that can be taken to improve border/immigration security. Countries that have not progressed greatly on this front, and are still considering what steps to take, might find some precedent value in the actions by countries who may have been more affected by incidents of international terrorism.

While each theme addressed in this paper may have some application on an individual basis, a holistic approach to addressing international terrorism seems to offer solutions that might better address the problem. It is one thing to have good border control, but without appropriate entry and exit systems, improved data collection and sharing, secure travel documents and their issuance, and the collection of appropriate statistics, the overall value of the process is lessened.

The collection of data about terrorism, terrorist organizations or terrorist activity is useful, but the value of its collection is enhanced, if there is a capacity to pass that information onto other countries for their own use, and to take information from those countries in return and enrich one's own sources of information. Partnerships with other states and organisations should generally enhance border practice and procedure. Government partnerships with airlines, for example, have enabled more efficient forward planning in the processing of passengers for entry; and the early prevention of irregular entry, the selecting out of those not permitted to enter a country. The Schengen border arrangements also present an ideal opportunity for concerted border control by a number of like-minded countries.

The collection and exchange of data can be in breach of rights of the individual, including the right to privacy but this should not present insurmountable problems where a government is seeking to protect itself from the potential ravages of international terrorism. Indeed, the principles of proportional response demand that measures be taken that balance the interests of a state with the rights of the individual.

Whatever arrangements are made, it will be imperative that the measures have a sound legislative basis. In this way, the measures which are finally legislated will hopefully have been subject to greater openness and debate and this will enhance public confidence in those measures.

A greater use of technology, particularly in the area of biometrics, for identification purposes will assist border controls and efficiency. An issue yet to be resolved is how to store such data. Emerging technologies, including real-time biometric checking, that allow the secure storage and transmission of large amounts of data in a transportable device, will ultimately mitigate this problem. Sharing stored data for use other than the purposes for which it has been collected may also be an issue requiring resolution, particularly across agencies within and between governments.

It is important for personnel engaged at all levels of border security to have appropriate and relevant training. Here again, partnerships between experienced countries and those that are less experienced can be of great assistance.

Finally, it may matter less that a country has sophisticated measures in place to counter global terrorism from without than to fail to address the grievances of diasporas within the community. While it may not be possible to eliminate extremism within these communities, better understanding and accommodation of the needs of immigrants is likely to lead to greater reciprocal cooperation. Dialogue is an essential part of this process.



**IOM Technical Cooperation Service/Migration Management Services, Geneva, June 2003.**

## Summary of Actions taken by Governments Post-September 11

Issue → ↓ Region/ ↓ Country/Body	Border / Entry Control	Info & ID Systems (Biometrics)	Regional / Inter-Country Cooperation	Internal Migration Control	Anti-Terrorism Legislation
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<b>(I) Africa</b>					
	No information on specific measures for individual countries obtained				
African Union	21 August 2002 OAU Convention on the prevention and combating of terrorism defined "Terrorist Act" [see also ANNEX IV] and provided for <b>areas of cooperation among African States to inhibit the proliferation of terrorism</b> including, preventing their territories being used as bases for the planning or execution of terrorist acts, developing and <b>strengthening methods of controlling and monitoring and detecting cross-border transportation, importation, exportation</b> etc of arms, ammunition explosives and other materials capable of being used to commit acts of terrorism, <b>promoting the exchange of information and expertise on terrorist activity, movements and organizations.</b>				
<b>(II) Asia</b>					
	Certain governments of East Asia region looking to <b>introduce or strengthen the Advance Passenger Information (API) system</b> in cooperation with major airlines, recognising this as an <b>important adjunct to tightening immigration control</b>				
China		1) Discussion on introducing biometrics in travel documents			
Hong Kong		1) Approved <b>introduction of a biometric travel &amp; ID document – a Smart Card.</b> Work on this is ongoing, and holders will go through Hong Kong immigration using self-service kiosks that match digital biometric data on the card against the cardholder's fingerprint image read by a scanner.			

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Issue → ↓ Region/ ↓ Country/Body	Border / Entry Control	Info & ID Systems (Biometrics)	Regional / Inter-Country Cooperation	Internal Migration Control	Anti-Terrorism Legislation
Republic of Korea		<ol style="list-style-type: none"> <li>1) General <b>entry control has been strengthened</b>, with particular attention being paid to nationals from six undisclosed countries known by Government of Korea to support terrorists.</li> <li>2) Also <b>surveillance activities</b> organized on the nationals of these six countries who had already entered Korea. Afghanistan nationals are now required to have visa to enter Korea.</li> </ol>			
Japan		<ol style="list-style-type: none"> <li>1) Working on <b>introduction of a smart ID</b> containing cardholder's signature, photo &amp; address.</li> </ol>			
Malaysia		<ol style="list-style-type: none"> <li>1) <b>New biometric passport</b> (with thumb prints) to be introduced from January 2003</li> <li>2) Introduced a <b>Multi Purpose Card – MyKad</b> -- that functions as a driver's license &amp; contains passport information. MyKad may someday contain banking data and biometric data, and will replace the regular mandatory IDs for Malaysians age +12.</li> </ol>	increased <b>sharing of information</b> with other countries of the region	<b>crackdown on undocumented migrant workers</b>	
Singapore		<ol style="list-style-type: none"> <li>1) Discussion on introducing <b>biometrics in travel documents</b></li> </ol>			
Thailand		<ol style="list-style-type: none"> <li>1) Recently approved a proposal for <b>mandatory cards</b> containing social security &amp; health records</li> </ol>			

## Summary of Actions taken by Governments Post-September 11

Issue → ↓ Region/ ↓ Country/Body	Border / Entry Control	Info & ID Systems (Biometrics)	Regional / Inter-Country Cooperation	Internal Migration Control	Anti-Terrorism Legislation
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### (III) Western Europe

European Commission	<p>1) New EU Council objectives on management of external borders:</p> <p><b>In 2002:</b> <b>Joint operations at external borders;</b> initiation of pilot projects in the area of such joint operations; creation of <b>pilot projects for Member States' liaison officers;</b></p> <p><b>By June 2003:</b></p> <p>a) A <b>common risk analysis model</b> to achieve common integrated risk assessment;</p> <p>b) Establishment of a core curriculum for border guard training;</p> <p>c) Consolidation of European <b>provisions on borders and an EC study on burden-sharing</b> between Member States &amp; EU for the management of external borders. Also <b>to be reviewed is the list of third countries whose nationals are required to have visas/are exempt from that requirement.</b></p>	<p>1) As part of the EU Comprehensive Plan to combat illegal migration, the European Council (EC) has demanded that member states concentrate on <b>establishment of a common identification system for visas;</b></p> <p>2) Proposed inclusion of biometrics in new EU-wide visa registration system;</p> <p>3) To give further consideration to more fully using potential of the Schengen Information System in countering terrorism. Regular exchanges of information on implementation by Member States (MS) of obligations in UN Security Resolution 1373 on freezing of funds &amp; other financial assets or economic resources of persons &amp; entities. <b>Discussion on common European visa format &amp; shared database,</b> including digital photographs ongoing. A <b>centre for information exchange, CIREFI,</b> has been set up where MS experts share information on current trends in irregular migratory flows.</p>	<p>1) Harmonising <b>judicial cooperation, border control &amp; expanding the field of exchange of information</b> (a new working group is being set up to focus on exchanges relating to combating terrorism.);</p> <p>2) Agreement to accelerate the establishment of a <b>Common European asylum and migration policy</b> as well as border management</p>	<p>1) Formal <b>adoption of the Framework Decision on combating trafficking in human beings,</b> the Framework Decision on the strengthening of the penal framework to prevent the facilitation of unauthorized entry, transit and residence and the Directive defining the facilitation of unauthorized entry, transit and residence;</p> <p>2) EC has also called on members to <b>speed up conclusion of readmission agreements</b> currently being negotiated and approval of new briefs for negotiation of readmission agreements with countries already identified by the JHA Council; and, the development of a repatriation programme.</p>	
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## Summary of Actions taken by Governments Post-September 11

Issue → ↓ Region/ ↓ Country/Body	Border / Entry Control	Info & ID Systems (Biometrics)	Regional / Inter-Country Cooperation	Internal Migration Control	Anti-Terrorism Legislation
Austria	<p>1) Schengen border &amp; visa controls strengthened. The existing list of 21 visa-requiring countries increased to 26;</p> <p>2) Number of countries for whom automatic referral back to Austria is required before issuance of a visa has increased. Discussions on visa issuing standards under Schengen are underway.</p>		<p>1. <b>Security and intelligence sharing</b> partnerships with Candidate countries are being sought.</p>		
Belgium	<p>1) Measures to increase amount of information collected on refugees to enable better questioning being put in place and a more robust use of the exclusion clause of the Convention is expected;</p> <p>2) Acceleration of the asylum process</p>		<p>1) Agreement to <b>enhance trans-national police cooperation</b> with France and England, and signing of an agreement with the French Government to <b>increase police cooperation</b> and for establishing a joint French/Belgian investigation unit for detecting illegal migration networks</p>	<p>1) <b>Increasing numbers of forced repatriations &amp; reinforcement of activities</b> against human traffickers and illegal immigrants</p>	
Denmark	<p>1) <b>Tougher regime for asylum seekers</b> to decrease the number of persons seeking asylum in Denmark</p>	Biometrics under consideration			
Finland	<p>1) Increasing number of countries where <b>referral to police takes place before issuance (JP?)</b> with <b>greater attention given to possible links with terrorism.</b></p>			<p>2) <b>Proposal for an Aliens' Act</b> not expected before parliamentary elections in March 2003</p>	

## Summary of Actions taken by Governments Post-September 11

Issue → ↓ Region/ ↓ Country/Body	Border / Entry Control	Info & ID Systems (Biometrics)	Regional / Inter-Country Cooperation	Internal Migration Control	Anti-Terrorism Legislation
Germany	<p>1) <b>Three billion DM budget</b> against terrorism has been announced <b>and the Border Guard will receive a share.</b> The focus of measures will be on <b>prevention of entry</b>, and the <b>passport format is being reviewed</b> with a view to enhance security features.</p>	<p>1) <b>Biometric data will be collected from visa applicants</b> falling into certain categories. Those who are suspected of terrorist activities will be refused;</p> <p>2) Provision is being made for the <b>selective fingerprinting of visitors</b> on their arrival;</p> <p>3) Central <b>database of passport photos</b> for foreign nationals, e.g. visa applicants, to be established to combat identity fraud;</p> <p>4) Anti-terrorism <b>legislation enabling the use of biometric features</b> to be incorporated into passports, visas and other ID.</p>	<p>1) Measures are being taken to <b>reduce restrictions on exchanging data</b>, particularly in exchange between carriers and authorities on passenger bookings and disclosure of information rules.</p>	<p>1) Greater <b>application of the Refugee Convention exclusion clause</b> will be made;</p> <p>2) The current exemption for religious groups from the <b>restrictions imposed by the law of association to be lifted.</b></p>	<p>Changes in the banking laws to permit greater disclosure of information in cases involving suspected terrorists.</p>
Lithuania	<p>1) <b>Stricter access to controlled areas of airports;</b></p> <p>2) <b>Oral questioning of passengers at airports;</b></p> <p>3) Performance of <b>aircraft checks before passenger boarding</b> and ensuring <b>improved luggage handling</b> procedures.</p>		<p>1) Preparedness to <b>share intelligence with allies &amp; partner countries</b> with the establishment of working contacts between the State Security Departments of Belarus, Estonia Latvia, Poland, Russia and Ukraine;</p> <p>2) Agreement on 10 October 2002 with USA concerning <b>cooperation between the two countries in prevention of proliferation of weapons of mass destruction &amp; promotion of defence &amp; military relations.</b></p>	<p>1) Enhanced <b>control over persons with suspected terrorist</b> connections to ensure they do not arrive in the country or use the country for movement of goods associated with terrorist activities and the <b>freezing of relevant bank accounts</b> where required.</p>	

## Summary of Actions taken by Governments Post-September 11

Issue → ↓ Region/ ↓ Country/Body	Border / Entry Control	Info & ID Systems (Biometrics)	Regional / Inter-Country Cooperation	Internal Migration Control	Anti-Terrorism Legislation
The Netherlands	1) Anti people-trafficking units being established; 2) <b>Airline gate checks</b> will be intensified and <b>visa controls enhanced</b> by means of fingerprinting.	1) Increased <b>funding for biometry</b> ; 2) Examining <b>role of other biometrics</b> for IDs, visas and passports.		1) The circumstances under which the police may <b>demand identification from people within the territory</b> will be increased.	

## Summary of Actions taken by Governments Post-September 11

Issue → ↓ Region/ ↓ Country/Body	Border / Entry Control	Info & ID Systems (Biometrics)	Regional / Inter-Country Cooperation	Internal Migration Control	Anti-Terrorism Legislation
Spain	1) New <b>legislation has been drafted to tackle smuggling and trafficking</b> with \$10K fine plus 10 years imprisonment for traffickers			1) <b>Tougher laws on illegal employment</b> with increased penalties for employers	
Sweden				1) Migration Board & appellate authorities will more regularly <b>look into &amp; test possibility of asylum seekers being terrorists</b> ;  2) Migration Board will <b>work more closely with the police &amp; intelligence</b> services on cases to make better-informed decisions.	
Switzerland	1) A revision of the <b>asylum law</b> has been submitted to parliament; the bill includes <b>stricter carriers sanctions</b> ;  2) Increased <b>smuggling penalties</b> ;  3) <b>API agreements</b> with carriers	1) Pilot tests of a <b>Face Recognition biometric system</b> at selected Swiss airports;  2) Continued Implementation of USIS Revision System of Switzerland's Internal Security;  3) The introduction of Electronic Issuing of Visas in selected Embassies abroad and in CH;  4) <b>New residence permit</b> under consideration	1) <b>Agreements reached</b> with Germany, Italy, France and Liechtenstein on cooperation to combat international crime, including terrorism;  2) Start of negotiations to <b>join the EU agreements</b> such as Schengen and 'Dublin', including EURODAC;  3) Political expressions of support for extended <b>co-operation with the UN &amp; agencies on security issues</b> .	1) Provision to <b>tackle bogus marriages</b> ;  2) <b>New permanent residence card</b> ;  3) <b>Data exchange provision</b> between agencies;  4) Total revision of the <b>Foreigners Law</b> submitted to Parliament	1) Bill concerning the introduction of a more efficient Information System on Foreign Residents and Asylum-Seekers -- <b>Foreigners 2000</b> -- submitted to Parliament.

## Summary of Actions taken by Governments Post-September 11

Issue → ↓ Region/ ↓ Country/Body	Border / Entry Control	Info & ID Systems (Biometrics)	Regional / Inter-Country Cooperation	Internal Migration Control	Anti-Terrorism Legislation
United Kingdom	<p>1) One of the provisions in the Nationality, Immigration and Asylum Act 2002 is aimed at ensuring the <b>integrity of the UK's borders</b> and <b>tackling people trafficking</b></p>	<p>1) Implemented first stages of its planned introduction of <b>biometric cards for asylum seekers</b></p>	<p>1) The provisions in the Act are being taken forward in parallel with other Government immigration reform, including:</p> <ul style="list-style-type: none"> <li>a) <b>Wide-ranging agreement with the French Government to tackle illegal working</b> from France; and,</li> <li>b) <b>Accepting refugees through the UNHCR.</b></li> </ul>	<p>1) The Nationality, Immigration and Asylum Act 2002 provides for a wide-ranging &amp; ambitious <b>reform of UK immigration policy</b>. It forms part of the most ambitious overhaul of asylum, immigration and nationality policy for a generation.</p> <p>The Act is central to the Government's overhaul of the UK's asylum, immigration and nationality system.</p> <p>Provisions in the Act will:</p> <ul style="list-style-type: none"> <li>a) <b>Speed up the asylum process</b> and tackle widespread abuse;</li> <li>b) Tackle fraud, illegal working;</li> <li>c) Update nationality law and</li> <li>d) <b>Modernise the acquisition of citizenship, expand economic migration routes.</b></li> </ul>	<p>1) <b>The Anti-terrorism, Crime and Security Act 2001</b> was put in place on 21 December 2001.</p> <p>The Anti-Terrorism Crime and Security Act 2001 came into force on 14 December 2001. This includes new <b>provision for exchange of information between government departments</b>, and between government and the private sector, including bulk data exchanges, to enable <b>easier screening for risk-profiled passengers</b>.</p> <p>2) A new law recently passed which extends liability to <b>loss of citizenship</b> by deprivation order to <b>all</b> categories of British national (by birth or otherwise). It replaces existing grounds for deprivation with just two: that the person <b>obtained UK citizenship by fraud, false representation or concealment</b> (provided he or she would not be left stateless if British nationality were taken away) that the person has engaged in conduct seriously prejudicial to vital UK interests or of its overseas territories. New appeal rights against proposed deprivation of citizenship introduced.</p>

## Summary of Actions taken by Governments Post-September 11

Issue → ↓ Region/ ↓ Country/Body	Border / Entry Control	Info & ID Systems (Biometrics)	Regional / Inter-Country Cooperation	Internal Migration Control	Anti-Terrorism Legislation
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(IV) Eastern & Central Europe					
Hungary	<p>1) Consequential <b>amendments to the 1997 Act on Protection of the Borders and the Border Guards</b>;</p> <p>2) New on-line FT link between the Ministry of Foreign Affairs, the OIN and main consulates abroad to improve control of visa issuance.</p>		<p>1) In October 2001, <b>cooperation agreement between Hungary &amp; EUROPOL</b> was signed.</p>	<p>1) <b>Legislation on Entry &amp; Stay of foreigners</b> in Hungary came into effect in January 2002 (replacing 1993 Aliens Act) &amp; substantial changes to 1997 Act on Asylum;</p> <p>2) <b>Amendments to 1993 Act on Citizenship</b>;</p> <p>3) <b>Increased fines of up to HUF 500,000 for employing foreigner without visa or valid temporary residence permit</b>;</p> <p>4) Prior to 11 September 2001, Hungary commenced process of <b>bringing all immigration issues under one structure by creation of the Office for Immigration &amp; Nationality (OIN)</b>. By January 2002, regional bodies of OIN established (performs tasks relating to refugees, aliens, immigration &amp; nationality);</p> <p>5) New legislation provides for new visa stickers in conformity with the EU Acquis Communautaire;</p> <p>6) <b>Inhabitants of refugee camps moved to reception centers</b>. Separate centre for Afghan nationals;</p>	<p>1) New legislation on combating terrorism introduced <b>restrictive measures</b> on nationals, legal personae &amp; organizations of certain countries <b>with regard to international trade contracts, financial obligations</b>, non-resident investments, funds &amp; securities deposits, execution of financial transfers &amp; entry of foreigners. New restrictions on air, water, road &amp; railway transport</p> <p>2) 1994 Act on Prevention &amp; Impeding of Money Laundering amended in 2001 introducing measures for <b>stricter ID process regarding financial transfers, deposits, currency exchanges</b> &amp; other major financial transactions &amp; establishing a system for reporting suspicious or irregular financial transactions</p>

## Summary of Actions taken by Governments Post-September 11

Issue → ↓ Region/ ↓ Country/Body	Border / Entry Control	Info & ID Systems (Biometrics)	Regional / Inter-Country Cooperation	Internal Migration Control	Anti-Terrorism Legislation
				7) Carriers accountable for carriage of undocumented migrants/persons. Refused entry to persons without valid passport/visa, HUF 1m fine	
Moldova	<p>1) In October 2002, by a decree of the Parliament of the Republic of Moldova approved the migration policy concept for that country which include, among other things, appropriate <b>regulation of migration processes, ensuring national security and suppression of illegal migration &amp; trafficking</b> in human beings. It suggests new migration legislation be enacted, improvement of structures administering migration, the introduction of <b>computerised registration of persons entering &amp; leaving the country</b> at state border checkpoints in order to strengthen its borders.</p>				

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Issue → ↓ Region/ ↓ Country/Body	Border / Entry Control	Info & ID Systems (Biometrics)	Regional / Inter-Country Cooperation	Internal Migration Control	Anti-Terrorism Legislation
Russia	<p>1) On 23 February 2002, a <b>migration service was created by presidential decree</b> as an arm of Ministry of Interior (Mol). Strategic objectives: Mol will focus on a <b>uniform system of immigration control, creation of a database on labour migration flows &amp; a database on foreigners</b> staying in the Russian Federation, issues of citizenship, residence permits, employment permits. <b>The Mol is also nominated to absorb visa &amp; passport control;</b></p> <p>2) A law on <b>combating human trafficking</b> &amp; protecting victims of trafficking under development;</p> <p>3) Measures taken to <b>strengthen control functions at border check points with measures for 100% registration of incoming and outgoing foreign visitors</b> including those in transit;</p> <p>4) Measures being taken to <b>strengthen Russia's vast borders.</b></p>		<p>1) Other measures taken to fight international terrorism include proposals for <b>cooperation between Russia and Central Asian countries of CIS</b>, quick exchange of information and monitoring of situations in the CIS field.</p>	<p>1) On 1 November 2002, a law was passed on the <b>status of foreigners in the Russian Federation;</b></p> <p>2) Work in progress in developing <b>national framework measures in migration policy, legislation and procedures</b> as well as administrative and control measures including for smuggling and trafficking of human beings;</p> <p>3) Network of regional departments established to <b>track &amp; exercise control over foreign visitors;</b></p> <p>4) System of migration cards recorded on a database is being established to <b>track visitors from abroad</b>. The cards have to be produced to the authorities on demand (with a passport) when a foreigner applies for registration, and to be surrendered when leaving the country.</p>	<p>1) On 6 June 2002, a <b>bill "combating extremism" was adopted</b> by the Russian Parliament. "Extremism" defined as including illegal activities aimed at the violent takeover of power, terrorism and incitement of ethnic and religious hatred;</p> <p>2) Contributing to international effort to <b>freeze bank accounts of terrorist organizations</b> (affecting support of international terrorists in Chechnya). The Russian Parliament has ratified the International Convention on counteracting the financing of terrorists;</p> <p>3) <b>\$97m to be allocated by the government during 2003 to fight terrorism.</b></p>

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Issue → ↓ Region/ ↓ Country/Body	Border / Entry Control	Info & ID Systems (Biometrics)	Regional / Inter-Country Cooperation	Internal Migration Control	Anti-Terrorism Legislation
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(V) North America					
Canada	<p>1) June 28, 2002: <b>PRCs for all new immigrants to Canada</b>, replacing the IMM 1000. PRC to be used for travel by immigrants with permanent residence in Canada. Effective December 31, 2003, IMM 1000 will no longer be recognized as valid travel document. <b>PRC features make it one of most fraud-resistant documents in the world;</b></p> <p>2) Increased use of <b>detention for new arrivals where compliance with entry conditions in doubt;</b></p> <p>3) Renewed emphasis on <b>pre-entry screening procedures with in-depth interviews &amp; risk profiling;</b></p> <p>4) Vancouver in-transit preclearance suspended following September 11; re-instated February 2002. In support of preclearance program, Canada &amp; USA signed "The Agreement on Air Transport Preclearance . ." in January 2001 to allow <b>expansion of in-transit preclearance to other Canadian airports</b>, provides for modernization of regime</p>	<p>1) Canada and the USA agreed to develop <b>common standards for biometrics that each use and to adopt "interoperable &amp; compatible technology"</b> to read these biometrics. In order that ID cards can be used across different modes of travel it has been agreed that <b>cards for use have the capability of storing multiple biometrics;</b></p> <p>2) Canada &amp; the USA have begun to <b>integrate biometric capabilities into new programs being deployed.</b> For example, the NEXUS-Air pilot program will evaluate iris scanning technology and the <b>new Canadian Permanent Resident Card has been made "biometric-ready";</b></p> <p>3) Passport photographs are required to meet certain minimum "full-face" standards;</p> <p>4) Canada will introduce in 2002 (?) a <b>new residence card of the 'smart card' type;</b></p> <p>5) Canada &amp; the USA begun to <b>integrate biometric capabilities into new programs being deployed.</b></p>	<p>1) Canada &amp; the USA have agreed to <b>share Advance Passenger Information and Passenger Name Records (API/PNR) on high-risk travellers</b> destined to either country;</p> <p>2) Increased <b>collaboration with US on border issues</b> to maintain status quo, including joint border intelligence &amp; joint training;</p> <p>3) Canada &amp; the USA agreed to co-locate customs &amp; immigration officers in Joint Passenger Analysis Units to more intensively <b>cooperate in identifying potentially high-risk travellers.</b> Pilot <b>joint passenger analysis units became operational</b> at Vancouver and Miami International Airports in September 2002, staffed by Canadian &amp; US officials. Pilot sites will be evaluated after six months to determine feasibility of expanding units to other locations;</p> <p>4) Marine benchmark <b>study to enhance Canadian &amp; US border security at seaports aimed at improving security</b></p>	<p>1) Approximately CN\$49m dollars earmarked to <b>strengthen certain areas of immigration and citizenship;</b></p> <p>2) <b>New Immigration and Refugee Protection Act 2002;</b></p> <p>3) Since 28 June 2002, <b>Permanent Resident Cards (PRC) issued to all new migrants arriving in Canada</b> which replaces the IMM 1000;</p> <p>4) On 15 October 2002, Canada began processing applications for PRC for the purposes of travel, from immigrants with permanent residence already in Canada. The PRC features make it one of the most fraud-resistant documents in the world. From 31 December 2003, the <b>old paper document which the new card system replaces will no longer be valid for travel.</b></p>	<p>1) <b>New Anti-Terrorism Act 2002</b> came into force on December 24, 2001 following signing into law of the USA antiterrorist measures in October 2002;</p> <p>2) The Government of Canada has established <b>Integrated National Security Enforcement Teams (INSETs)</b>, which will include representatives from federal enforcement and intelligence agencies, as well as international law enforcement partners such as the U.S., on a case-by-case basis.</p>

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	<p>governing preclearance;</p> <p>5) Passenger Information system (PAXIS) introduced in October, 2002 to <b>collect Advance Passenger Information</b>. Automated <b>Canada-U.S. API/PNR data-sharing program in place by Spring 2003</b>;</p> <p>6) Canada &amp; US identified 14 geographical areas for <b>deployment or enhancement of Integrated Border Enforcement Teams (IBETS)</b>, &amp; currently operational in 10 of 14 geographic areas. To be operational in all 14 by December 2003. IBETs will <b>focus on criminals &amp; terrorists attempting to cross Canada-United States border</b>;</p> <p>7) <b>Tripling of current staffing of northern border. Inadmissibility provisions on grounds of suspected terrorist activity</b> to be introduced.</p>	<p>For example, the NEXUS-Air pilot program will evaluate iris scanning technology &amp; new PRC can be programmed for use of biometrics.</p>	<p>&amp; contraband interception complete. Improvements based on this study underway;</p> <p>5) Canada &amp; the USA in discussions to <b>develop parallel immigration databases to facilitate regular information exchange</b>. The USA considering feasibility of <b>duplicating Canadian intelligence gathering software at six pilot sites</b>. Other examples of information exchange include lookouts from their respective databases &amp; automating existing exchanges;</p> <p>6) Canada &amp; the USA deploying <b>new immigration officers overseas to deal with document fraud, liaison with airlines &amp; local authorities</b>, and work with other countries to ensure intelligence liaison &amp; to interrupt flow of illegal migrants to North America;</p> <p>7) Canada &amp; the USA collaborated to provide <b>technical assistance to developing countries to deal with threats to their shared security. Joint interdiction exercises &amp; joint training programs</b> will</p>		

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			<p>assist other countries to <b>combat document fraud &amp; irregular migration</b>. Such assistance includes improving document integrity, providing expertise on border controls, &amp; joint training. In addition, <b>Canada &amp; the USA conducted joint presentation to European Community, Immigration Center of the Council</b> of the European Union meeting in June, regarding immigration items <b>in Smart Border Action Plan</b>;</p> <p>8) Canada participating since April 9, 2002, in the USA Foreign Terrorist Tracking Task Force (FTTTF) in Washington, to detect, interdict, and remove foreign terrorist threats;</p> <p>9) Canada &amp; the USA have a working process in place to <b>share advance information on individuals &amp; organizations designated as terrorist</b> in order to coordinate freezing of their assets. To date, Canada &amp; the U.S. designated or listed over 360 individuals &amp; organizations</p>		

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<b>USA</b>	<p>1) The Maritime Transportation Antiterrorism Act amends provisions in US Code relating to port security. The legislation provides for improvement &amp; refinement of coast guard personnel &amp; services, including those relating to interdiction; Secretary of Transport to assess vulnerability of facilities at each port in the USA to high risk of being subject to terrorist activity that causes or may cause substantial loss of human life or major economic disruption. Assessment process provides for a National Maritime Transportation Antiterrorism Plan for deterring such terrorist activity and for assignment of duties &amp; responsibilities among Federal departments &amp; agencies in coordination with State &amp; local governmental agencies; identification of security resources; establishment procedures for coordination of activities of coast guard antiterrorism teams and Federal Maritime Antiterrorism Coordinators; introduction of surveillance &amp; notice system to ensure earliest notice of terrorist activity or imminent</p>	<p>1) Greater use of technology &amp; improvements, e.g. machine readable passports will be re-examined;</p> <p>2) From 1 October 2002, section 104 of the USA Illegal Immigration Reform &amp; Immigrant Responsibility Act of 1996 (IIRIRA), as amended, required establishment of regulations governing issuance and use of border crossing identification cards (BCCs) containing biometric information. To satisfy documentary requirements for admission to the USA, Mexican nationals who are not permanent residents must possess a BCC or a valid passport, and a non-immigrant visa issued at a consulate abroad;</p> <p>3) Canadians &amp; certain Canadian residents not required to possess visa, now must present documentation of any waivers of inadmissibility. This amends INS regulations by requiring aliens seeking admission to the USA with a BCC must present a BCC containing machine-readable biometric information. The</p>		<p>1) The US Patriot Act amends the Immigration and Naturalization Act by expanding provisions making certain aliens ineligible for visas or admission to the USA, broadly, by including in list foreign terrorist organizations or any person or group that endorses acts of terrorist activity;</p> <p>2) National Security Entry-Exit Registration System (NSEERS) requiring registration of certain non-immigrants who enter and leave the US. NSEERS has been introduced to allow government to keep track of non-immigrants (35m who enter the USA each year and those already in the USA). Certain persons of particular age groups &amp; gender in four primary groups (<sup>1</sup>) required to register with the INS at a port of entry or designated INS office. Special procedures also require additional in-person interviews at an INS office &amp; notifications to INS of changes of address, employment, or school. The non-immigrants who must follow these special</p>	

<sup>1</sup> Group 1: Citizens or nationals of Iran, Iraq, Libya, Sudan & Syria; Group 2: Citizens or nationals of Afghanistan, Algeria, Bahrain, Eritrea, Lebanon, Morocco, North Korea, Oman, Qatar, Somalia, Tunisia, United Arab Emirates and Yemen; Group 3: Citizens or nationals of Pakistan & Saudi Arabia; Group 4: Citizens or nationals of Bangladesh, Egypt, Indonesia, Jordan & Kuwait.

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	<p>threat of it to relevant State and Federal agencies; establishment of criteria &amp; procedures to ensure effective Federal identification of terrorist activity; and, designation of areas for which Area Transportation Antiterrorism Plans are required and the designation of a Coast Guard official to be the Federal Maritime Antiterrorism Coordinator for each of those areas. Secretary of Transport to ensure appropriate security measures in place at foreign ports where foreign ships are destined for the USA. This includes screening of containerized &amp; other cargo, measures to restrict access to cargo, vessels &amp; dockside property to suitably authorized personnel &amp; various other security standards for vessels &amp; their management &amp; security standards. The measures include sanctions against foreign vessels in respect of which there has been a failure to observe the new standards. Under the scheme of the new legislation, personnel in secure areas in an antiterrorism plan for vessels &amp; facilities are required to hold appropriate security cards. Rules relate to issue of such security cards to reduce risk of their holders</p>	<p>biometric information on the card will be verified by machines at POE where feasible, or by other reliable means. This rule eliminates certain former versions of BCCs, clarifies validity period of waivers of inadmissibility, and promotes uniformity &amp; clarity in adjudication &amp; production processes;</p> <p>4) The Homeland Security Act of 2002 rationalizes the issue of information/intelligence gathering, analysis and distribution. It confers on the Under Secretary for Information Analysis and Infrastructure Protection the responsibility for reviewing, analysing, and making recommendations for "improvements and procedures governing the sharing of law enforcement, intelligence, and other information relating to homeland security within the Federal government and between such government and State and local government personnel, agencies, and authorities";</p> <p>5) The <i>Data Management Improvement Act of 2000</i> (DMIA) Task Force allows for recommendations related to design and development of an</p>		<p>procedures also have to use specially designated ports when they leave the country &amp; report in person to an INS officer at port on their departure date;</p> <p>3) In addition, Special <b>Registration is required of certain non-immigrants who enter the U.S.</b> This system will let the government keep track of non-immigrants that come to the U.S. every year. These special procedures also require additional in-person interviews at an INS office and notifications to INS of changes of address, employment, or school. Non-immigrants who must follow these special procedures will also have to use specially designated ports when they leave the country and report in person to an INS officer at the port on their departure date;</p> <p>4) US to pay closer attention to possible abuses in student visa arrangements;</p> <p>5) Temporary extension of waiting period for up to an additional 20 days on non-immigrant visa applications for all men aged 16 – 45 from</p>	

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	<p>themselves being a terrorism security risk or person who might otherwise be removed from or denied admission to the US;</p> <p>2) <b>Revised procedures for better screening of entry of immigrants &amp; other individuals applying for visas</b> for entry to the US, particularly students &amp; entrants under US Refugee Programme;</p> <p>3) New regulation requiring <b>all European Union airlines to provide US officials with detailed passenger information</b>, including credit card data, religious affiliation and eating habits;</p> <p>4) Increased funding for <b>more INS personnel at borders and overseas</b>;</p> <p>5) An individual who wishes to continue using a BCC (rather than obtaining a B-1/B-2 visa at a consulate) has to replace older BCC with new biometric BCC in order to be admitted to the USA on or after 1 October 2002.</p>	<p>integrated, automated entry and exit system. Little information is available on this issue, but the Task Force is considering issues related to US national security, border security (existing &amp; proposed) information technology systems;</p> <p>6) Under the <i>Enhanced Border Security &amp; Visa Entry Reform Act</i>, the INS is required to fully integrate all of its databases &amp; data systems (INS subsumed into Department of Homeland Security) that process or contain information about aliens. The <b>development of an interoperable system would then be accessible to visa issuing consular officers</b>, &amp; Federal officials determining aliens' admissibility or deportability Federal law enforcement or intelligence officers investigating or identifying aliens;</p> <p>7) USA to work with Canada, Mexico &amp; other 'visa waiver' countries to develop an intergovernmental network of interoperable electronic data system.</p>		<p>Arabic or Muslim countries to enable their details to be security cross-checked;</p> <p>6) <b>Mandatory detention</b> for those certified to be a threat to national security.</p>	

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(VI)	<b>Central America</b>				
	<p>1) Adoption of urgent measures to <b>efficiently control travel documentation in the respective countries</b>;</p> <p>2) <b>Increased security in the borders to prevent and counteract illegal trafficking</b> of persons, arms, munitions and explosive materials as well as other illegal activities</p>	<p>1) <b>Cooperation on sharing of experts</b> in identification of falsified identity documentation</p>	<p>1) Central American governments are <b>reacting at the regional level</b>. Issues are being discussed in such fora as the Legal, Defence and Security Sub-Committee of the Central American Commission of Security and the Pueblo Process;</p> <p>2) Central American Commission for Security held in October 2001 in Honduras resulted in the design and approval of the “<b>Central American Plan of Integral Cooperation to Prevent and Counteract Terrorism and Related Activities</b>” which sets out various guidelines and strategic actions (as listed under the different subject headings of this Annex), including: the implementation of a permanent migration plan for the control and security of migration flows;</p> <p>3) Establish <b>cooperation programmes for training, technical assistance and improvement of counter-terrorist techniques</b></p>		

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<b>(VII) South America</b>					
no information on specific measures for individual countries obtained					
<b>(VIII) The Caribbean</b>					
no information on specific measures for individual countries obtained					
<b>(IX) Oceania</b>					
Australia	<ol style="list-style-type: none"> <li>1) AUS\$ 15m over 4 years to Australian Customs Service to assist in the detection of fraudulent travel documents;</li> <li>2) AUS\$ 31.7m over 5 years to the Department of Foreign Affairs and Trade to increase physical security at Australia's overseas posts;</li> <li>3) AUS\$ 12.3m to expand the Airline Liaison Officer (ALO) network</li> <li>4) New laws aimed at <b>strengthening integrity of Australia's borders</b>, mainly to deter unauthorized arrivals and strengthen the means to deal with people smugglers.</li> </ol>	<ol style="list-style-type: none"> <li>1) End of January 2003, successful conclusion to two-month trial with national airline (QANTAS) staff of computerized facial recognition <b>biometrics</b> identification system;</li> <li>2) Integrated data system allows for cross-checking among a number of discrete databases, such as Immigration, Passports, Taxation, Social Services. This has reduced fraud or abuse of services across these different areas. Also, reduced ability of illegal aliens to avoid detection. There are also discreet data exchange provisions written into Australia's migration legislation, which permit sharing of immigration information with certain agencies for, among other things, immigration purposes &amp; law enforcement purposes.</li> </ol>			<ol style="list-style-type: none"> <li>1) AUS\$ 1.3 bn allocated over 5 years to enhance Australia's security;</li> <li>2) Further <b>enhancements to the Australian Security and Intelligence Organisation (ASIO)</b> and the Australian Secret Intelligence Service (ASIS)</li> </ol>

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<b>IATA</b>	1) Special conference in Arizona to discuss legal and some security issues took place in February 2002. Working groups and airlines will focus on airline and airport security and the use of booking and ticketing information in the context of risk profiling.				
<b>IGC</b>		1) Special workshop held in November 2002 focusing on technologies used in migration management including <b>biometric methods of identification</b> and issues surrounding the use of such measures.	1) A workshop held in October 2001 focused on immigration control measures designed to reduce terrorist risks. It provided information on who is doing what, and will no doubt lead to further discussion at the full round at end June 2002 in UK.		