

# Fiji Immigration Border Management and COVID-19 Responses

Assessment and Recommendations



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# Fiji Immigration Border Management and COVID-19 Responses

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Assessment and Recommendations

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FIJIAN IMMIGRATION DEPARTMENT





## Foreword

Immigration management sits at a key juncture of government policymaking. It involves broad objectives of economic development, social cohesion, and national security guided by domestic and international law and policies. The implementation of administrative and operational arrangements is equally significant as the work involves the movement of people across borders or their stay within a State or territory.

The World Health Organisation declared a COVID-19 pandemic on March 11, 2020. More than 18 months later, the world is slowly accepting that the COVID-19 virus will be permanently circulating. Governments are adjusting their public health measures to reflect this new reality in comparison to earlier efforts at prevention or elimination.

The Fijian Bureau of Statistics and World Tourism Organization (UNWTO) data confirm Fiji has been significantly affected by the international downturn in tourism caused by the pandemic. It recorded 83.6 % reduction in tourist arrivals in 2020 in comparison to 2019. Direct tourism represented a pre-COVID total share of 13 per cent of gross domestic product (GDP). Economic migration and ongoing contact between expatriate Fijians and family remaining in Fiji has also been significantly affected. The Fiji Bureau of Statistics data showed arrivals and departures of residents declined in 2020 to 25 % or less compared to 2019. These trends have continued into 2021.

The Fijian Immigration Department, like its counterpart agencies throughout the Pacific, has been profoundly affected by the pandemic. The Department has been closely involved in implementing measures to limit the entry of the virus into the country and in managing the public health risks associated with international air and sea travel. During this critical time, the Department plays a key role in the government's response to border management issues, including that for border reopening.

In addressing these significant policy and administrative challenges, the Department has also embarked upon a broader process of reform. It recognizes the need to improve the legislative and policy arrangements underpinning the functions of the agency, and the governance arrangements and management controls within, to ensure greater accountability and performance.

The Fijian Immigration Department recognizes that information technology systems are crucial. Improving these systems is key to achieving broader digital service objectives of the Fijian Government as it will assist in improving border security and elevates the image of the Fiji in the eyes of travellers.

The Fijian Immigration Department also recognizes that training and development support is needed in areas of human resource, improved revenue collection modalities, in addition to a transition to e-government services. Recognizing these issues, the Fijian Department of Immigration requested the expertise of IOM to assess the effectiveness of current arrangements. The exercise would also identify opportunities for reform and pathways for change, as well as areas for further cooperation between the Fijian Immigration Department and IOM, as well as other government agencies and regional partners.

This report was developed in close consultation with the management team of the Fijian Immigration Department and other key stakeholders. It documents the migration and border management reforms

available to the Fijian Government. It will assist the Department to deliver upon its mandate and pursue necessary reforms, including areas that remain to be addressed, at the border, as passenger movements and tourism resume in the “new normal” COVID-19 world.



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The following were consulted in the preparation of this report:

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- Director, Ms Amelia Kotobalavu Komaisavai;
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- Mr. Isei Tudreu, Acting Chief Executive Officer – Airports Fiji Ltd.;
- Ms. Bernadette Taylor, Ms. Sainiana Waqairagata and Mr. Joseph Delai – Fiji Airways Ltd.

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## List of acronyms and expressions used

**ABF** – the Australian Border Force

**APEC** – the Asia-Pacific Economic Cooperation

**API** – Advance passenger information

**ARINC** - Aeronautical Radio, Incorporated, now a Collins Aerospace subsidiary/brand

**ASEAN** – the Association of Southeast Asian Nations

**Batch API** – this is a mode of one-way API data transmission from carriers to recipient government agency/ies in a single batch of data, typically as embarkation or boarding closes and prior to departure from the port of embarkation

**BMS** – Border management system - the IT system/s which support immigration and border control functions

**Chicago Convention** – 1944 Convention on International Civil Aviation

**DoI** – see Fiji Immigration below

**EDRMS** – Electronic data and records management system

**ETA** – Electronic travel authority

**e-visa** – Electronic visa

**Fiji Customs** – the Fiji Customs and Revenue Service, Government of Fiji

**Fiji Immigration** – the Fijian Immigration Department, Office of the Prime Minister, Government of Fiji

**Fiji Police** – the Fiji Police Force

**FMIS** – Financial management information system

**iAPI** – Interactive advance passenger information. This is a mode of two-way API data exchange between a carrier and recipient government agency/ies, whereby individual API data is transmitted by carriers as each traveller checks in, and a response is sent within a few seconds from the recipient government agency with an assessment result, typically “board” or “do not board”.

**IATA** – the International Air Transport Association

**IBM** – Integrated border management

**IBMS** – Integrated border management system

**ICAO** – the International Civil Aviation Organization

**INTERPOL** – the International Criminal Police Organization

**MoE** – Ministry of Economy, Government of Fiji

**MoHMS** – Ministry of Health and Medical Services, Government of Fiji

**MOU** – Memorandum of understanding

**MRTD** – Machine-readable travel document

**MRZ** – Machine-readable zone which is the line or lines of coding at the bottom of the identity page of a travel document

**OAG** – Office of the Auditor-General, Government of Fiji

**OCO** – the Oceania Customs Organization

**permit** – has the same meaning as visa in this report

**PIDC** – the Pacific Immigration Development Community

**PIF** – the Pacific Islands Forum

**PNR** – Passenger name record

**PDSW** – Passenger data single window, referred to in Standard 9.1, Annex 9, Chicago Convention

**RFMF** – The Republic of Fiji Military Forces

**SITA** - Société Internationale de Télécommunications Aéronautiques

**SLTD** – the Interpol Stolen and Lost Travel Document database

**SOP** – Standard operating procedure

**the Act** – means the Immigration Act 2003 (as amended)

**the Regulations** – means the Immigration Regulations 2007, as amended

**UNCLOS** – United Nations Convention on the Law of the Sea

**UNSC** – United Nations Security Council

**UNSCR** – UNSC Resolution

**visa** – the legal authority issued by Fiji Immigration to permit the travel to, entry into, and/or or stay within Fiji of a non-citizen

**VOA** – the visa-on-arrival programme operated for non-citizen visitor entry for citizens of designated countries.

**WCO** – World Customs Organization

# **1. Introduction and Background**

## **1.1 Terms of Reference**

The “Strengthening Fiji’s Border Management Capacity” project was established at the request of the Government of Fiji to improve its approach to migration management, thereby improving Fiji’s national security while contributing to the achievement of Sustainable Development Goal Target 10.7.

The following assessments and analysis were sought as outputs of the project:

- 1) Gender-sensitive rapid assessment of Fiji’s current immigration and border management policies and processes to understand impacts of current processes and policies on migration and border management;
- 2) Analysis on the impact and risks of the COVID-19 pandemic on Fiji’s immigration and border management and health security response.

This report documents these outputs.

## **1.2 Methodology**

The constraints imposed by the COVID-19 pandemic meant that research and data collection for the purposes of this project could not be carried out in person, and instead relied on direct interviews via remote video conferencing and further data collection via email. This process was augmented with desktop research including documentation available on relevant Fiji and International agency websites.

Research and engagement around both outputs occurred concurrently to maximize efficiency and minimize impact upon Fiji Immigration and partner agencies.

This report addressing project outputs was subject to internal Fiji Immigration and inter-ministerial review via validation workshops prior to finalization and submission.

## 2. Global development and policy background

### 2.1 Linkages to the Sustainable Development Goals and the Fiji Development Strategy

The United Nations Sustainable Development Goals (SDGs), target 10.7 aims to reduce inequality in and among countries by “facilitate[ing] orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”. Target 17.18 also explicitly sets accurate migration data as a goal, given its role in effective migration management and related development.

The Global Compact for Migration further sets out important global objectives for safe, orderly and regular migration, including those around migration data, access to legal proof of identity, and the management of borders in an integrated, secure and coordinated manner (Objectives 1, 3, 4 and 11).<sup>1</sup>

Fiji’s 5-Year and 20-Year National Development Plan (from 2017) includes the following thematic areas relevant to Fiji Immigration:

- 20-year plan
  - National Security
  - Nurturing New and Emerging Growth Sectors
  - Improving Transport and Digital Connectivity
  - Embracing Appropriate and New Technology for Productivity Improvement
- 5-year plan
  - National Security and the Rule of Law
  - International Connectivity
  - Tourism
  - Enhancing international trade and foreign relations
  - Information and Communication Technology (including Digital Government)

At USD 1.34 billion and 50.88 per cent of export revenue in 2019, ensuring the success of the tourism industry and its economic benefits once the world recovers from the COVID-19 pandemic remains a high priority for Fiji.<sup>2</sup>

Identification of low-risk travellers allows for the greater facilitation of genuine tourists with a light-touch at the border. Online services, traveller data exchange, and automation increase efficiency, global reach of immigration services, and expanded digital engagement. Labour mobility across borders relies upon robust and trusted border controls and standards-based travel documents and passenger data exchange.

Timely, accurate data, and tools which assist in the management of the identity and intent of travellers, are fundamental supports to migration management. Without them, evidence-based immigration policymaking, program management and reporting, and effective traveller risk management become very difficult.

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<sup>1</sup> IOM - [www.iom.int/global-compact-migration](http://www.iom.int/global-compact-migration). Refer also to the IOM Global Compact for Migration Thematic Papers - [www.iom.int/iom-thematic-papers](http://www.iom.int/iom-thematic-papers).

<sup>2</sup> World Tourism Organization - [www.unwto.org/country-profile-inbound-tourism](http://www.unwto.org/country-profile-inbound-tourism) and World Bank Development Indicators - <https://datatopics.worldbank.org/world-development-indicators/>

All of this depends upon an enabling policy and legislative environment developed in coordination with other partner agencies and stakeholders, a clear and long-view of agency priorities, a sustainable funding environment, and developed human capabilities.

## 2.2 Introduction to the role of immigration management

Managing the **identity and intent** of travellers who wish to enter and remain in the country is at the core of immigration functions in any State or territory. It is the approach by which immigration agencies respond to the expectation of their governments that they ensure the lawful and orderly entry and stay of people, consistent with whole-of-government objectives around national prosperity, security and social cohesion.

Migration and border management programmes that flow from these principles must be supported by well-founded legislation, policy, and organizational arrangements.

IOM provides the following useful definitions that assist in further considering the role of immigration and its underlying approach:

**Migration management** – “The management and implementation of the whole set of activities primarily by States within national systems or through bilateral and multilateral cooperation, concerning all aspects of migration and the mainstreaming of migration considerations into public policies. The term refers to planned approaches to the implementation and operationalization of policy, legislative and administrative frameworks, developed by the institutions in charge of migration.”

and

**Border management** – “The administration of measures related to authorized movement of persons (regular migration) and goods, whilst preventing unauthorized movement of persons (irregular migration) and goods, detecting those responsible for smuggling, trafficking and related crimes and identifying the victims of such crimes or any other person in need of immediate or longer-term assistance and/or (international) protection”.<sup>3</sup>

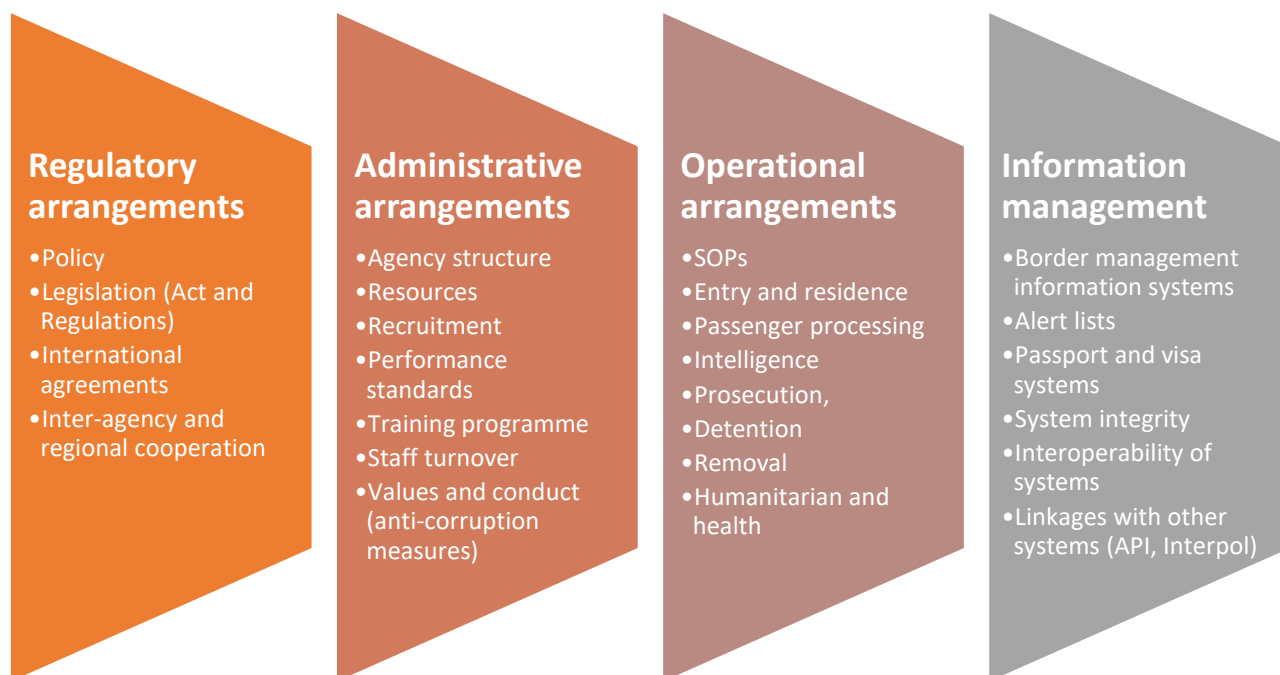
IOM also states that “Efficient border and migration management policies and structures, supported by professional, well-trained personnel, facilitates and fosters enhanced movement management at borders, prevents irregular migration, helps dismantle organized criminal networks, and protects the rights of migrants”.<sup>4</sup>

Governments universally expect that these elements are understood and delivered by the responsible agencies and that the movement of people across borders is lawful and orderly. The diagram below illustrates four key sets of arrangements by which effective migration and border management can be achieved:

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<sup>3</sup> The author notes at this point that the main focus of this report is around strengthening migration management in Fiji. Whilst the management of movement of goods is also included in the term “border management”, this will not be a focal point of the report except where specifically mentioned.

<sup>4</sup> IOM – Glossary on Migration - [www.iom.int/key-migration-terms](http://www.iom.int/key-migration-terms) and IOM – Immigration and Border Management - [www.iom.int/immigration-and-border-management-2](http://www.iom.int/immigration-and-border-management-2)



IOM specifically examines these four areas when conducting border management assessments at the request of recipient countries.<sup>5</sup> Together they describe the functional design elements which, when properly designed and implemented, enable immigration and other border agencies to deliver immigration management objectives.

## 2.3 Developments in immigration management

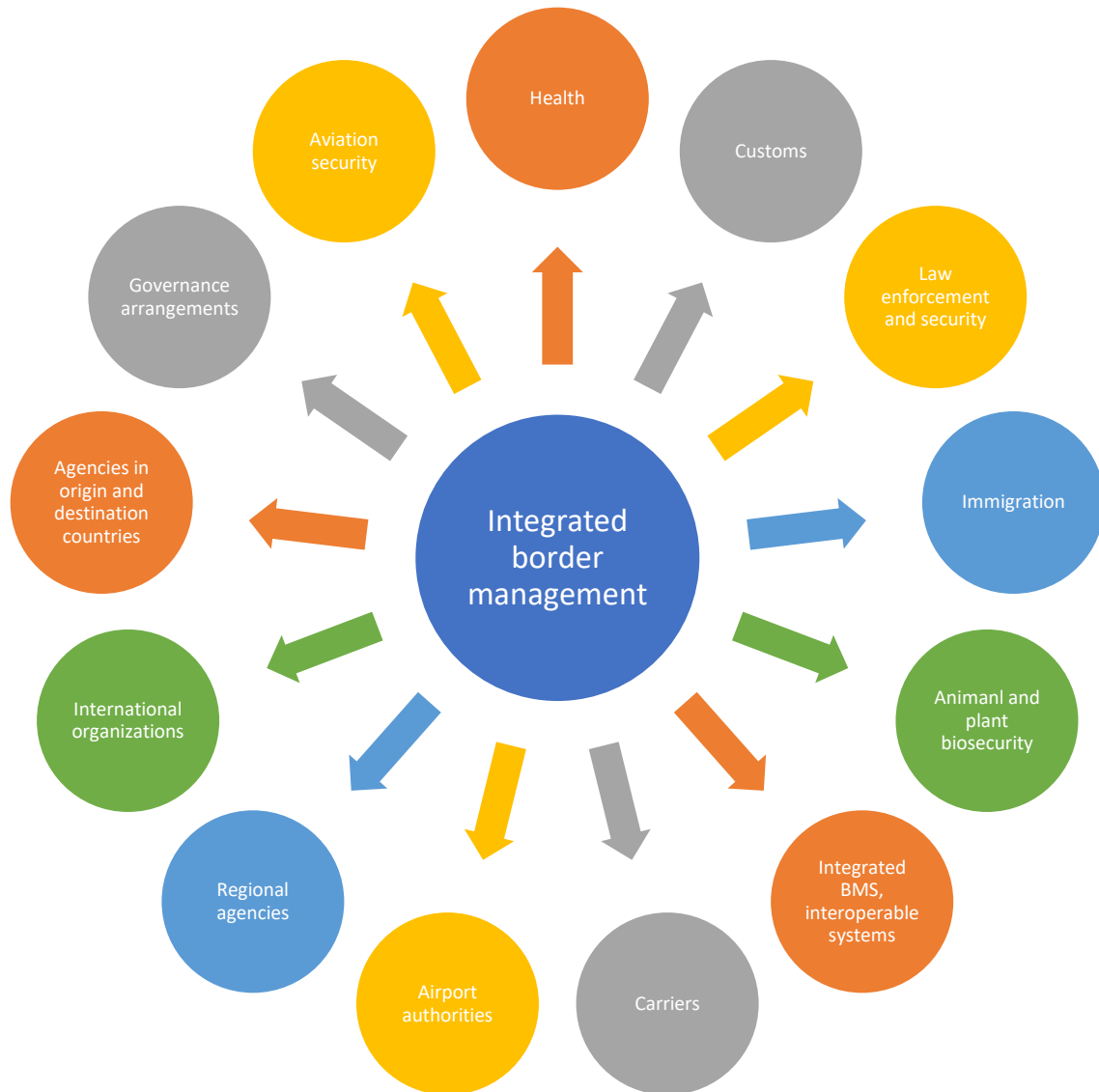
### 2.3.1 Integrated border management

Integrated border management has been described by the European Commission as the “National and international coordination and cooperation among all relevant authorities and agencies involved in border security and trade facilitation to establish effective, efficient and coordinated border management at the external ... borders, in order to reach the objective of open, but well controlled and secure borders”.<sup>6</sup>

<sup>5</sup> Adapted from IOM’s Fact Sheet on Border and Migration Management Assessments [www.iom.int/sites/default/files/our\\_work/DMM/IBM/updated/02\\_FACT\\_SHEET\\_Border\\_and\\_migration\\_management\\_assessments\\_2015.pdf](http://www.iom.int/sites/default/files/our_work/DMM/IBM/updated/02_FACT_SHEET_Border_and_migration_management_assessments_2015.pdf)

<sup>6</sup> Available at [https://ec.europa.eu/home-affairs/content/european-integrated-border-management\\_en](https://ec.europa.eu/home-affairs/content/european-integrated-border-management_en)

Integrated border management is a fundamental development in management theory around migration and border management. Emerging from the World Bank and WCO <sup>7</sup>, supported by ICAO and IOM, the value proposition lies in the fact that a properly integrated approach shares the systems, resources and skills of agencies, stakeholders, countries and regions to manage ever-increasing complexity and volumes more effectively and at reduced cost per traveller.



The concept has been described via several different names, including “coordinated border management” (CBM), a term used by the World Customs Organization (WCO), “collaborative border management” (a term used by the World Bank), and the Organization for Security and Co-operation

<sup>7</sup> See “Coordinated border management: from theory to practice” by Mariya Polner, World Customs Journal, 2011, Vol 5, No. 2, pages 49-64, [www.wcoomd.org/en/topics/facilitation/activities-and-programmes/coordinated-border-management.aspx](http://www.wcoomd.org/en/topics/facilitation/activities-and-programmes/coordinated-border-management.aspx); World Customs Organization, Coordinated Border Management Compendium, 2015, available at [www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/cbm-compendium.pdf?la=en](http://www.wcoomd.org/-/media/wco/public/global/pdf/topics/facilitation/instruments-and-tools/tools/safe-package/cbm-compendium.pdf?la=en); Tom Doyle, “The Future of Border Management”, Chapter 2, World Bank – Border Management Modernisation, 2011, available at <http://documents.worldbank.org/curated/en/986291468192549495/pdf/588450PUB0Bord101public10BOX353816B.pdf>; McLinden, Gerard, “Collaborative border management : a new approach to an old problem”, 2012, World Bank, available at <http://documents.worldbank.org/curated/en/693361468331207794/Collaborative-border-management-a-new-approach-to-an-old-problem>



in Europe (OSCE)'s term "comprehensive border management". The International Organization for Migration (IOM) also commonly uses the term "integrated border management", or IBM, which is the term that has been adopted throughout this document.

Integrated border management brings change to management structures within agencies, arrangements between agencies and carriers, and IT system or BMS design, all based upon principles of interoperability and information and burden-sharing within defined governance mechanisms. It recognizes there is a multiplicity of agencies and stakeholders at the border, and instead of regarding this as a problem, treats it as an opportunity.

Properly implemented, integrated border management enhances the chances of early risk or threat identification, meaning scarce resources can be diverted to areas of need, with the vast majority of legitimate travellers and trade managed as "low risk" and accorded a "light touch" approach at the border or during related processing.

Integrated border management does not come naturally – it is a directed process, put in place by like-minded cross-border regulatory agencies both within and across borders to achieve the desired outcome of effective and efficient border control. The motivation behind IBM can be internal or external.

External motivations include implementing bilateral or multilateral agreements:

- Business facilitation agreements, such as the APEC Business Travel Card<sup>8</sup>
- Mutual assistance agreements
- Free trade agreements
- Regional integration agreements such as ASEAN
- Multilateral trade agreements

Internal motivations include:

- Enhancing national competitiveness or tourism
- Construction of new infrastructure like sea ports or airports
- Addressing security threats and regulatory challenges
- Improving service quality

Both internal and external motivations are valid reasons for undertaking IBM and many situations may result due to a combination of both internal and external motivations. The need to implement legal agreements often provides some legal basis and obligations on the part of signing agencies or countries and may even provide the specific scope of the type of IBM required.

Several key aspects need to be considered in any implementation of IBM.

## **Policy**

IBM understands the value of compliance management but also recognizes that the vast majority of travel and trade is legitimate.

Trusted partnership arrangements, such as with airlines, improve both regulatory control and client service. More comprehensive compliance management makes agency staff operate more efficiently, targeting only high-risk passengers and goods for intervention.

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<sup>8</sup> Refer to: [www.apec.org/Groups/Committee-on-Trade-and-Investment/Business-Mobility-Group/ABTC](http://www.apec.org/Groups/Committee-on-Trade-and-Investment/Business-Mobility-Group/ABTC)

IBM demands improved intergovernmental and inter-agency networking arrangements, allowing agencies to cooperate in accordance with common and agreed standards.

The consistency of information across border management agencies provides more accurate intelligence, allowing agencies to focus their resources on risk-driven intervention. By working with other domestic agencies and neighbouring and participating countries, all partners benefit from the piecing together of previously disparate information, and the client experience is more efficient and consistent across border management agencies and jurisdictions.

IBM takes advantage of the availability of information at the earliest point at which border management agencies can become involved, which for travellers may include visa applications lodged prior to travel, Passenger Name Record (PNR) data which commenced with flight bookings, and advance passenger information (API), which is generated at airline check-in. This advance information generation and collection is known as the “virtual border”, and the process of requiring and utilizing this data as “pushing the border out”.

Ensuring compliance at the virtual border reduces clearance time at the physical border, so border management agencies can focus on the audit and examination of higher-risk shipments and passengers.

### **Processes**

IBM requires border management agencies to define outcome-based processes, such as increased client compliance and greater tourism competitiveness, rather than output-based processes, such as the volume of transactions processed.

Looking at desired outcomes from the points of view of agencies and clients allows processes to be defined that satisfy both sets of needs. In addition, looking at border management operations as a whole allows certain common outcomes, such as reduced counterfeiting, to be identified, creating opportunities to boost efficiency and make service delivery more cost effective.

IBM enables border management agencies to concentrate on the intelligent treatment of clients. Having a single view of the client enables border management agencies to cooperatively analyse and assess information and to make more informed, rigorous decisions.

Clients benefit from streamlined, simplified interactions with multiple border management agencies, and services can be designed to improve the client experience across all interactions.

Intelligent data analysis at the client level also enables agencies to concentrate on auditing higher-risk clients and shipments. Trusted client relationships are developed, and information shared across agencies allows greater efficiencies.

### **People**

IBM demands that border management agency officials be well equipped with the skills, language ability, knowledge, behaviour, and experience to manage new processes. The role of skilled, experienced, committed officials is the driving force. A comprehensive capability assessment of the administrative capacity of each border management agency should ensure a focus on delivering quality integrated border management while minimizing compliance and administrative costs. Management assessment of human capability and organization structures should drive recruitment practices and standards, and may result in a programme enabling border management agency staff

whose previous responsibilities may have become less essential to discharge their new responsibilities more effectively. Staff should be trained and designated to perform cross agency or at least intra-agency tasks where appropriate, eliminating redundancy, reducing duplication, and creating client service efficiencies.

### **Information and communications technology**

IBM promotes the technical development and interaction that is needed for more effectively sharing information and identifying risks. It implies significantly closer national, regional, and international collaboration for government agencies and for the international travel and transport industries. This can be achieved through technology systems that share and link information – “interconnected systems”.

In addition, bilateral, regional, and multilateral agreements may be required that facilitate policies and strategies for collaborating, information sharing, and developing interoperable systems.

Systems and business processes across countries and organizations should be interoperable. Linking both structured and unstructured information or data across border management agencies prevents redundant processing and averts the inefficiencies inherent in standalone, or siloed information.

### **Infrastructure and facilities**

Infrastructure at ports of entry often have designs that predate today’s security, trade, and travel demands and priorities. Facilities at ports of entry often are inadequate. Upgrading these facilities, in collaboration with other border management agencies, is an important step in achieving cost-effective trade facilitation and regulatory control improvements, something Timor-Leste has already embarked upon.

IBM enables the creation of a shared services environment where a collaborative operating model and facilities may be created using industry leading-edge practices. Significant economies of scale may be realized through such arrangements. In a national setting, a shared service environment could save agency-specific country development costs, inter-agency country development costs, and the country and regional costs of maintaining support technologies.

### **Governance**

IBM arrangements, particularly those between agencies, and across borders or regions, need to be documented, usually in the form of a written agreement setting out responsibilities, objectives, and key issues such as policy “ownership” of border control elements, delegations, data protection and privacy matters, and even more importantly, the management oversight and governance structure.

IBM arrangements generally include a ministerial-level steering group, as well as key thematic working groups coordinated within and between border agencies. These may exist with varying degrees of formality and with different nomenclature, but overall joint or integrated management steering arrangements are essential to ensuring IBM is progressed within the structural, budgetary, and legislative environment faced by individual partners.

Essential fields that are important in IBM and which should be considered as part of governance working group structures include:

- **The legal basis of IBM:** For border agencies on the ground to identify the various legal enablers that provide for enhanced IBM, or legal gaps that prevent effective IBM.
- **Information technology:** To identify areas where data harmonization can lead to greater simplifications for border management, and where greater system interoperability can lead to more efficient systems and greater alignment with the physical flow of goods and travellers.
- **Processes:** To map existing border processes so that bottlenecks and inefficiencies can be identified and resolved.
- **Human resources and training:** To identify current state of competencies among participating agencies to identify capacity gaps and new skills needed.

### **3. Assessment of Fiji's current immigration and border management policies and processes**

#### **3.1 Structure and mandate**

Fiji Immigration describes its agency vision and mission as follows:

##### **1. VISION**

Securing Migration and Economic Development through Innovative Transformation

##### **2. MISSION STATEMENT**

To provide an efficient and effective Immigration Service through the administration and enforcement of the relevant legislation in order to secure our borders and stimulate economic growth.

In its 2018 draft annual report, the Fijian Immigration Department reports that it is administratively situated within the Office of the Prime Minister, iTaukei Affairs, Sugar Industry, and Foreign Affairs. Headed by the Acting Director, the agency is responsible for providing efficient and effective immigration services through the administration and enforcement of the following legislation (as amended):

- Fijian Constitution 2013;
- Immigration Act 2003;
- Immigration Regulation 2007;
- Passport Act 2002;
- Passport Regulations 2007;
- Citizenship Act 2009; and
- Citizenship of Fiji Regulations 2009.

Fiji is also a signatory to, or has otherwise become a party to the following international conventions and treaties relevant to the immigration portfolio:

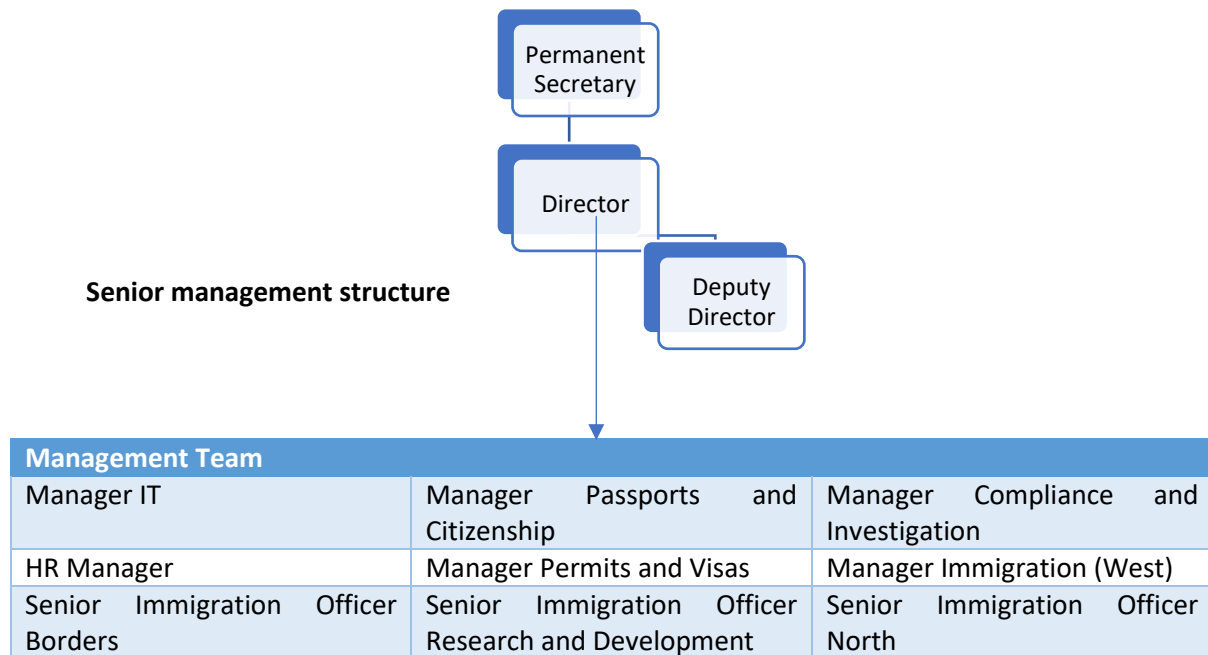
- 1951 Convention on Refugees;
- United Nations Convention against Transnational Organized Crime (2000), and the Protocols to combat Trafficking in Persons and Smuggling of Migrants;
- Convention of the Rights of the Child (1989);
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- Convention on International Civil Aviation (the Chicago Convention);
- Convention on Facilitation of International Maritime Traffic (FAL 65);
- United Nations Convention on the Law of the Sea (UNCLOS).

The department is divided into 6 sections:

- Compliance and Investigations;
- Permits and Visas;
- Passports and Citizenship;
- Border Control;
- Research and Development; and

- Corporate Services Division.

The management team overseeing these functions is configured as follows:



### 3.2 Staffing and budget

According to the draft 2018-2019 annual report, the Department’s total budget that year was FJD 6.2 million, of which it spent 74 per cent (FJD 4.6 million).

In the same year, the Office of the Prime Minister, including the Fijian Immigration Department, reported an overall operating revenue of FJD 11,433,053, however, according to a report of the Auditor-General, the accuracy of this figure could not be ascertained.<sup>9</sup>

During that financial year, the approved staff establishment was 143 positions, comprising of 132 Established and 11 Government Wage Earner (GWE) positions. Out of the 132 established positions, 110 were filled with the remaining 22 vacant. Out of the 11 GWE positions, 9 were filled and 2 were vacant.

This left a total of 24 vacant positions, which also included two (2) critical positions at Tier 2 (Director) and Tier 3 (Deputy Director) level. This has since been remedied, with the Director position filled on a long-term acting basis in August 2020, and the occupant, Ms Amelia Kotobalavu Komaisavai, confirmed permanently into the position in September 2021.

<sup>9</sup> Fiji Auditor-General’s Office, 2019 Audit Report on General Administration Sector, available at [www.oag.gov.fj/wp-content/uploads/2021/06/General-Administration-Sector.pdf](http://www.oag.gov.fj/wp-content/uploads/2021/06/General-Administration-Sector.pdf)

Section	2018-2019 Staffing <sup>10</sup>		
	Female	Male	Total Approved Establishment
Compliance and Investigation	5	2	9
Passport	9	3	15
Citizenship	3	1	5
Permits and Visa	11	6	21
Research and Development	3	0	4
Suva Border Control Office	4	2	7
Nadi Office	13	6	22
Lautoka Office	2	4	7
Labasa Office	3	2	7
Savusavu Office	2	1	5
Levuka Office	1	0	1
Rotuma Office	1	0	1
Corporate Services	5	19	26
IT Section	0	2	2
GWEs	1	8	11
<b>TOTAL</b>	<b>63</b>	<b>56</b>	<b>143</b>
	<b>119 (83%)</b>		

According to the 2018-2019 draft annual report, there was high staff turnover during the reporting period, at 18 per cent of total actual staff in the table above. Resigning staff reported they were leaving for better job opportunities and incentives. Furthermore, a high number of officers exited the department due to non-renewal of contracts.

STAFF TURNOVER	MALE	FEMALE
Resignation	2	7
Retired	0	1
Non-renewal of contract	0	6
Termination	3	0
Suspension	1	1
Deemed to have resigned	0	1

Whilst this situation appears to have stabilized, the departure of the most senior management of the agency has had a noticeable effect in terms of institutional knowledge, particularly around the integrated border management system (IBMS) and governance, which is documented later in this paper.

The current management team are making significant gains in terms of improving governance and controls, which will flow through to staff job satisfaction and morale.

Gender balance in staffing within the agency can be seen in the figures above, and women occupy a number of senior positions including that of Director, and Research and Development.

<sup>10</sup> Table from draft 2018-2019 DoI annual report

## 3.3 Management controls

### 3.3.1 Audit findings and financial management

In the Auditor-General's most recent reports into the General Administration Sector (2018 and 2019), the Fijian Immigration Department was marked down on several key indicators, particularly around financial management<sup>11</sup>. Overall, the 2019 report concluded that "Significant deficiencies [were] identified in internal controls".

Consistent themes across the two reports were significant variances between IBMS receipting and revenues reported in the central government financial management information system FMIS system, and variances between permit holder numbers and figures reported for the Immigration Bond Trust Fund Account (IBTFA). Other issues were raised around manual receipting in multiple secondary offices, VAT payments, and documentation around allowances paid.

The reports indicate there has been a lack of integration between the IBMS receipting function and the Ministry of Economy (MoE) financial management information system (FMIS), hampering reconciliation of accounts.

A workable interim solution would be to cease taking cash or cheque revenue directly, instead instituting direct bank deposit for all payments. This would reduce the risks involved in direct revenue collection, and where done via a single authorized account (for domestic revenue collection), simplify revenue receipting and reconciliation, and reporting to MoE, prior to any move to more integrated and online revenue collection and management solutions.

Management responses to the audit reports at the time, and during more recent interviews with the author indicate substantive remedial action is underway.

IBTFA records from 2019 onwards are up to date, and a standard operating procedure (SOP) was prepared to improve the IBTFA process. Whilst at the time of writing the Immigration Bond process is still provided for within the current Immigration Act and Regulations and it still being operated, steps are being taken to decommission this "process-rich, outcomes-poor" process by revoking this existing legislation via the current Immigration Bill, as detailed in section 3.5.1.1 below.

In the 2018 report, the audit report also noted the department at the time lacked a risk management framework, or disaster recovery plan. Interviews with senior management confirm that remedial work has substantially progressed since that time. Whilst some aspects of this will be touched on elsewhere in this report, it is strongly recommended that ongoing risk management planning continue to include:

- Identity and intent fraud within the agency's core border functions and application caseload categories (visas/permits, passports, citizenship), with mitigations and controls based upon evidence drawn from IBMS data (overstayers, refused entry data, removals, prosecutions and penalties, sponsor compliance, etc.).
- Internal fraud controls.
- Cost-benefit analysis of maintaining process-rich, outcomes-poor programmes. An example would be the Immigration Bond Trust Fund Account, which is in the process of being decommissioned, and multi-stage fee payment regimes, which appear to add administrative burden for little benefit to the agency. Another example is second-stage visa fee payments.
- Identifying ongoing risks of error in receipting and reconciliation.

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<sup>11</sup> Fiji Auditor-General's Office, [www.oag.gov.fj/reports-to-parliament/](http://www.oag.gov.fj/reports-to-parliament/)

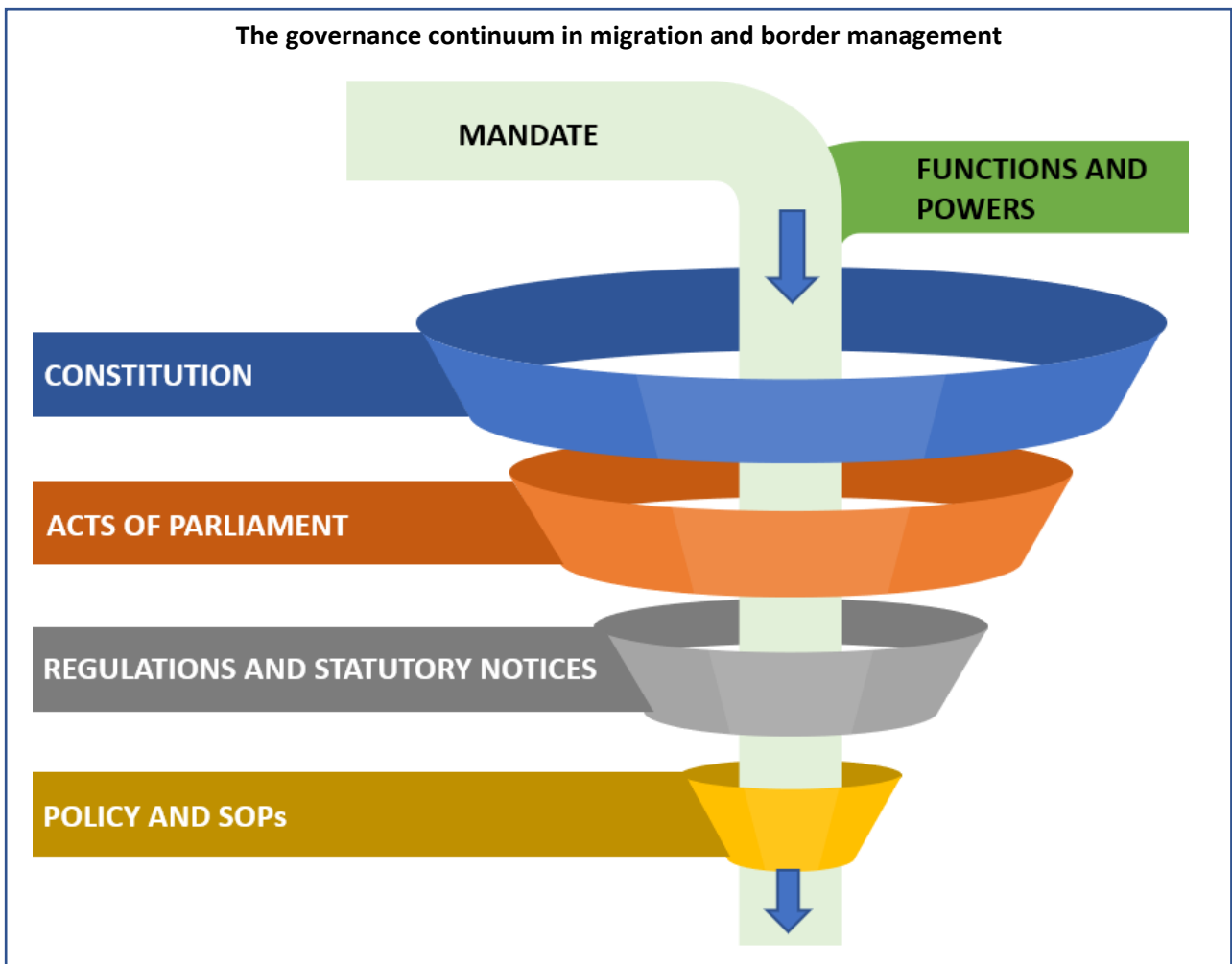


- Forward planning around stronger systems integration between Immigration service receiving and the FMIS, in collaboration with the MoE.
- Documented **and tested** disaster-recovery arrangements.

### 3.3.2 Standard operating procedures and related governance

Standard operating procedures (SOPs) assist in ensuring quality in any process, and adherence to legislation and policy where these are relevant to a particular function. They also assist with training of staff.

In the migration management context, legislation generally provides for the purpose and powers of the agency, and policy and underlying SOPs describe how these duties and functions are to be carried out in a practical sense.



SOPs do not trump superior legislative authority; however, well-prepared SOPs and policy guidance can assist in describing how an agency or government expects officials to apply any discretionary powers, and clarify an uncertainty or ambiguity as to the intent or interpretation of legislative provisions. Where there is no administrative description in the legislation, these documents should also provide a guide as to the administrative considerations in how processes and powers are applied, along with any relevant guidance from the courts or the Attorney-General’s office.

In considering the reports of the Auditor-General, as well as interviews with senior DoI management, it is clear that the department has previously suffered from a significant deficit in this area, with SOPs either not updated, or non-existent.

This has been recognized by the current management team, who are currently engaged in a major exercise to revise and/or create summary (flowchart) SOPs for key processes, as well as more detailed handbook style procedural guidance documents for each key function, generally along Section lines. It is understood that the Australian Government (Home Affairs) and also the Pacific Immigration Development Community (PIDC) are continuing to assist in this area. The author has been able to determine that whilst this is still ongoing, substantial progress has been made in this area.

The success of this work will be very important to the future transparency and accountability of the department in performing its key functions, as well as in ensuring the development of human capability and job satisfaction. Making these available to all staff electronically via an easily accessible intranet or similar would further support this effort.

Apart from the issues already identified above, this deficit has led to an inability or caution on the part of senior management to confidently delegate some functions, such as decision making around resident permits, which are still commonly referred to the Permanent Secretary for decision.

The author has been advised that work is underway to devise visa and permit workflow checklists in Excel, including some automation, which will allow for greater surety on the part of processing officers and decision makers, that the criteria, conditions, and documentary requirements for the grant (or refusal) of an application have been properly established and assessed, and documented with a level of accountability.

Whilst this latter measure would preferably form part of the workflow function of an IBMS, the current system does not fully accommodate this, something that will be discussed in more detail below in this report. Given this situation, a robust assessment tool constructed in Excel, combined with detailed SOPs and related training appears to be a sound interim solution to address this risk.

The Compliance and Investigations team is also examining the applicability of the Police Standing Order model to guide and govern a number of its activities. Given the secondment of Fiji Police to the team, and the likely applicability given the greater use of coercive powers, as well as intelligence analysis and surveillance techniques, this is also likely to be a positive development as long as it is tailored to a civilian immigration context, and staff are not encouraged to think of themselves as “immigration police”.

### **3.3.3 Management data**

A common complaint from Fiji Immigration management is the inability to obtain key reporting and data from the IBMS in particular. System-related causal factors are dealt with in the “Information management systems” chapter below, but the core issue remains that senior management of Fiji Immigration continue to struggle with a lack of disaggregated data with which to understand the performance of staff, financial compliance, and the risks posed to mandated migration and border management functions.

Excel spreadsheets are being used where core systems should be capable of collecting and then reporting this data. Where data exists, extracting it requires an approach to the Informatics support team member based within Fiji Immigration as part of the maintenance and support contact with the vendor.

This poses a major risk to the agency. Understanding the effectiveness of programmes such as the visa and permit programme is essential to informed policymaking and managing the activities and intent of non-citizens who enter the country. The visa-on-arrival (VOA) settings for Fiji are based around the nationality of visitor arrivals, and should be the subject of regular review based upon disaggregated arrival, departure and compliance data, as well as tourism-related data from other relevant agencies.

Given the difficulty experienced by the author in obtaining disaggregated visa and permit data for this report, it is expected that this sort of analysis and reporting upwards to senior management is not occurring on a systematic basis.

### **3.3.4 Anti-corruption and internal fraud control measures**

From the foregoing, it is apparent that anti-corruption measures are still in the process of reform and implementation.

Fiji Immigration is subject to the Civil Service Code of Conduct, which is contained within the Civil Service Act, Part 2. This section also contains powers around disciplinary proceedings which may flow from any breach of the code of conduct.

Given this legislated framework, there is not a need for a separate immigration code of conduct, however regular training should be provided in this, and SOPs should refer to relevant provisions where appropriate, for example, where detailing internal policies around information security, processing applications, or security of official building passes and system login IDs and passwords.

## **3.4 Staff training**

The draft 2018-2019 annual report reveals the following training activities took place in that reporting period:

### **“Induction Training**

Induction Training was held once with 19 new officers attended to integrate them into the Department, most importantly to make them understand the systems and procedures followed. It also helps them to settle down quickly, and gives them a sense of belonging in the new work environment.

### **Primary Line Officers Training**

The Department conducted two (02) training sessions with new officers from the Fiji Revenue Customs Services (FRCS). The first training was held in Suva for Officers in the Central Division and second was held in Nadi for Officers at the West.

### **Naval Officers Training**

The Department conducted one (01) training with 35 Naval Officers attended from the Fiji Navy.

### **Integrated border management System (IBMS) Training**

The IBMS Training was held for one (01) week attended by Officers from all stations within the Department.”

Whilst the exact content of these is not known, it is important that regular staff training is conducted specifically in the following key areas:

- Lawful decision-making, including the criteria, conditions, and documentary requirements applicable to services staff are expected to administer;
- Use of powers and delegations;
- Assessing the identity and intent of clients;
- Financial management;
- Record keeping;
- Code of conduct; and
- Analysis of data.

Training of partner agencies which exercise Immigration delegations, such as customs primary line officers and naval officers, should also include relevant elements of the three points above, along with referral and reporting mechanisms to ensure DoI are made aware of any exercise of these powers, particularly where adverse decisions are involved or coercive powers are used.

Key partner agencies in Australia (Home Affairs and ABF) and New Zealand Immigration offer various forms of document fraud detection and facial recognition training.

IOM likewise offers fraudulent document detection training and related train-the-trainer development. IOM may also be in a position to offer the Verifier Travel Document and Bearer system, along with DESC and ANDEX support, and related training to further strengthen the capability to detect fraudulent travel documents and impostors by immigration staff at key border crossings.<sup>12</sup>

## **3.5 The regulatory framework**

### **3.5.1 Immigration Act and Regulations - general**

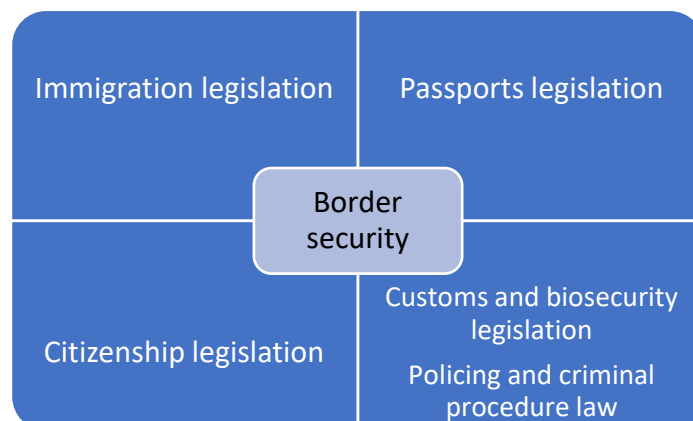
Similar to other members of the Commonwealth of Nations and many Pacific Island States and Territories, Fiji's legislative framework follows the British common law tradition under a constitutional parliamentary republican model of Government.

The Immigration Act 2003 (the Act) and Regulations (the Regulations) form the principal framework for managing and regulating the arrival to, departure from, and stay of people in Fiji. This legislation, where driven by clarity of policy, is important not just to Government, travellers and industry, but to the public servants and officials expected to administer it.

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<sup>12</sup> For more information regarding Verifier TD&B, the DESC initiative, and its regional border management fraud analysis and reporting tool ANDEX, see <http://cb4ibm.iom.int/desc/>

There is also a significant cross-over with the Customs Act 1986 and its Regulations, and to a lesser extent, the Biosecurity Act 2008 and the Quarantine Act 1964 and the relevant regulations. These will be discussed in more detail in this Chapter.



Policy settings should, wherever possible, seek to promulgate risk-management processes in the management of migration and the border, encouraging efficient procedures, and embracing the integrated border management principles set out in section 2.3 above.

A regional example of the core requirements of immigration legislation in the Pacific, along with the immigration policy development cycle, can be found at the PIDC model framework for immigration legislation.<sup>13</sup> Whilst this documentation is dated to 2011, and as such does not include or lacks a contemporary emphasis on some elements such as the mandatory nature of API, or the legislative requirements to support ETA, e-visa, online applications and payments, it still provides a good regional frame of reference.

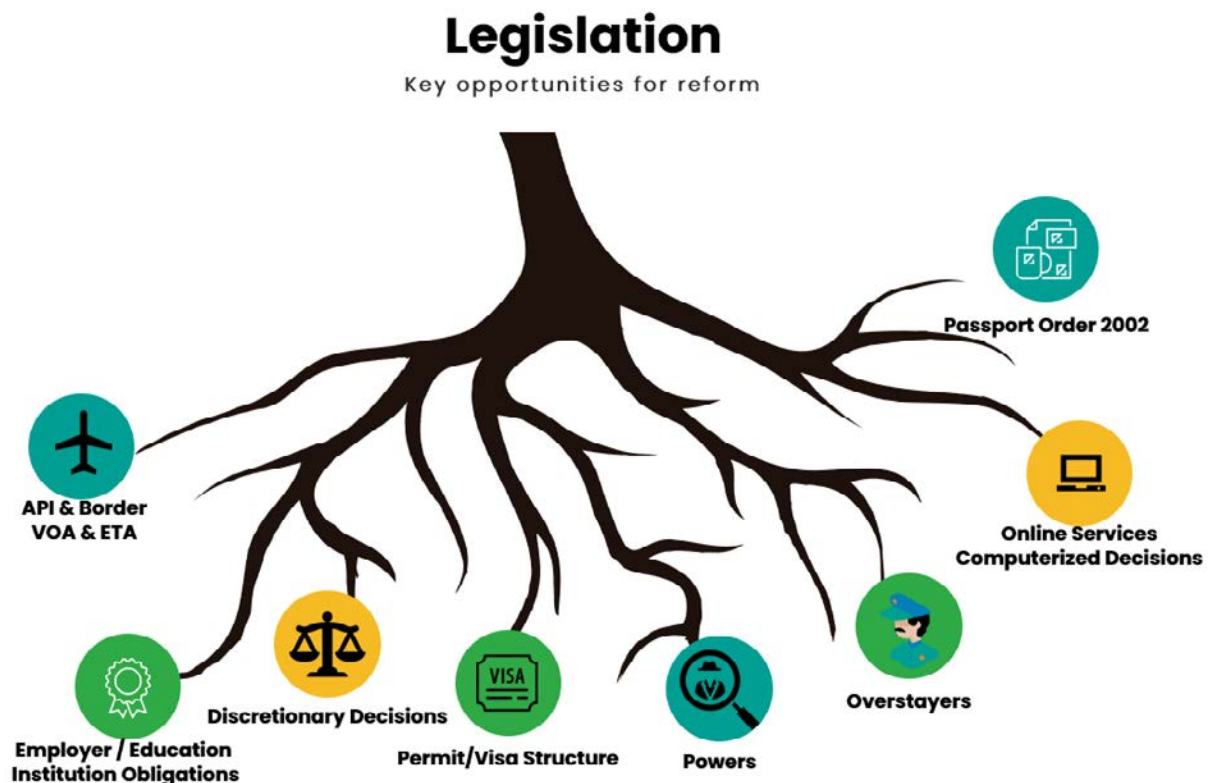
The PIDC model legislative framework	
1. Core provisions (source of powers, definitions, power to regulate, rights of citizens)	9. Appeal and review measures
2. Permissions required for non-citizens to travel to or be in your country	10. Designation (delegation) of powers
3. Arrivals and departures – passenger responsibilities	11. Powers
4. Arrivals and departures – carrier responsibilities	12. Arrest, detention, Monitoring
5. Decisions and refusal of permissions	13. Responsibilities of employers and education providers
6. Turnaround, removal and deportation	14. Information collection, sharing and data protection
7. People smuggling and human trafficking	15. Offences
8. Refugee and protection status determination	

The model makes the sound observation that, in general, it is best to place key heads of power and provisions around offences and penalties within an immigration act, with most of the enabling detail

<sup>13</sup> Available at the PIDC website - [www.pidcsec.org/legislation/](http://www.pidcsec.org/legislation/)

such as visa criteria, conditions and other requirements in the Regulations or where appropriate, in Statutory directions such as Gazette Notices, or ministerial or secretarial directions derived from a legislated power. The principal reason for this is to ensure easier amendment or creation of requirements or services such as visa and permit types, and to respond to changes in technology or Government policy without having to return an Act to Parliament for amendment in each case.

Fiji’s Immigration legislation provides a good basis of administration in many of the PIDC categories; however, there remain a number of key opportunities for reform which could be addressed following a broader review of policy. These are detailed in the following subsections.



### 3.5.1.1 Responsibilities of employers and educational institutions

As was observed in section 3.3.1 above, Fiji Immigration has, under previous management, had repeated qualified audit findings around the administration of the IBTFA. This fund, apparently established pursuant to the current Regulation 17, “was established for the sole purpose of retention of money paid by non-Fiji citizens as security prior to the granting of work permit. Bonds are kept with the Department until such time, they leave the country then it will be refunded.”

With a balance on 31 July 2018 of FJD 28,724,628, total receipts of FJD 7,071,866 and refunds of FJD 3,562,587 in the year preceding, the process became an administrative burden to DoI, and an administrative distraction from the stated compliance outcome.

It is clear the current management team are aware of this program risk, and in response, the IBTFA process is to be decommissioned, principally via proposed amendments to the Immigration Act via an impending Immigration Bill (discussed further in section 3.5.1.7 below), and related changes to the Immigration Regulations.

Whilst it has not been possible to view the proposed amendments and policy changes, it is understood that this will include the introduction of an Employment Registration Certificate, which includes a number of relevant employer obligations, in a new process to be administered by DoI. This is to be enacted via amendments to the Immigration Regulations, approval of which is pending along with the Immigration Bill.

It is also understood this will be augmented with enhanced contracts of employment where foreign workers are involved, including repatriation provisions, coordinated with the Ministry of Employment, Productivity and Industrial Relations.

This appears to be a very positive development (at least as far as employers are concerned) as the current Immigration Act places very few, if any, obligations upon employment and educational sponsors apart from some offence provisions. The current Employment Relations Act 2007 and Regulations similarly contain very few obligations or mechanisms relevant to the obligations of employers specifically in respect of non-citizen labour, apart from the requirement that employment contracts in these cases are in writing (s.37 of the Employment Relations Act 2007).

Prior to final passage of the Immigration Regulations, along with the Immigration Bill, it recommended that the following measures are confirmed within them:

In respect of employers:

- There exists an enforceable undertaking, such as a sponsorship or equivalent, as part of the relevant visa or permit application process, making the grant and maintenance of an approved Employment Registration Certificate or sponsorship a criterion for the grant of the permit, and its cancellation or withdrawal provides grounds for visa or permit cancellation;
- Facilitation of the departure of the individual visa holder, including assisting in their location and paying the return airfare should they fail to depart or become destitute;
- Labour market and training related obligations (expanding upon Immigration Regulation 43(2) for example).

In respect of educational institutions:

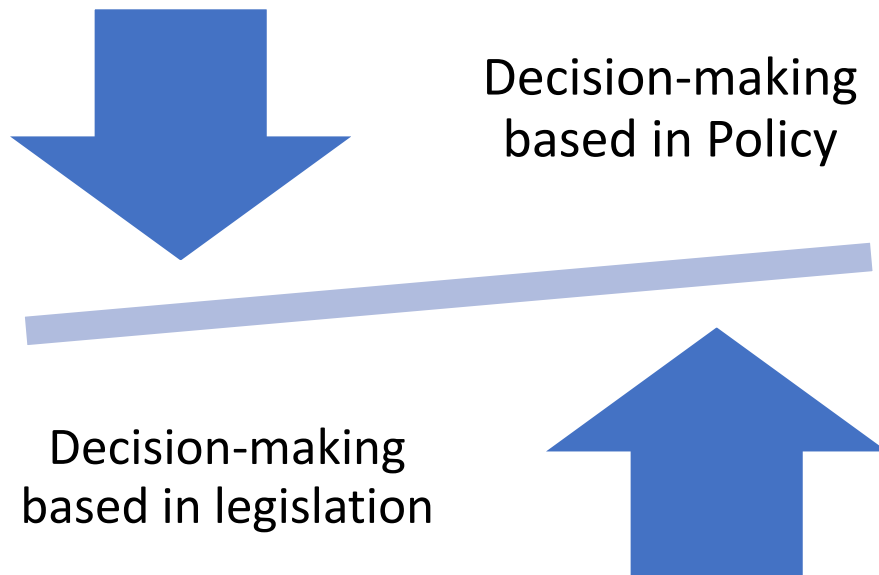
- A “lighter touch” sponsorship arrangement involving reporting requirements.

In respect of both employers and educational institutions:

- Report a change in employment or studies including course, conditions or salary as applicable;
- Report any cessation of work or studies;
- Report any change in employer or educational institution;
- Report the departure or non-departure of the individual at the conclusion of employment or study, including last known address and contact details;
- Provisions detailing the process and effect of cancellation or withdrawal of sponsorship;
- Fines and penalties, including infringement notices for breach, applicable to sponsors and holders of an Employment Registration Certificate;
- A legislated bar on future sponsorships or Employment Registration Certificate for material and repeated non-compliance;

### 3.5.1.2 Discretion

#### Discretion and criteria in processing of applications



Immigration legislation in the Pacific Islands often regulates matters under its jurisdiction through:

- Criteria based in legislation; or
- Broad discretion of the decision maker

An example of criteria based in legislation is where an Act or Regulations specify in detail the facts or matters which must be established before a certain power may be exercised or benefit such as a visa or passport application being granted. A good example or a clear criterion is where an application for a visa must be submitted using a specified form, and where failure to do so will mean that an application either cannot be granted, or is regarded as invalid.

In such cases, legislated criteria must generally be satisfied to enable the lawful exercise of the power or grant of an application. Exercise of powers where legislated criteria are not satisfied may render the decision invalid.

Immigration legislation often also provides a discretion to a decision-maker or official exercising powers. This may be an explicit power of discretion, or implied via non-specific wording. Examples of this include finding a person to be a prohibited immigrant on the basis that they are of “national security concern”, or instances where legislation states that a visa “may” be granted. In both cases, the judgement as to whether to exercise the power or make the decision is subjective.

Both scenarios have their benefits and drawbacks.

Legislated criteria provide clarity and certainty to Government, decision-makers, and the public, but may suffer from a lack of flexibility where unusual or compassionate situations are encountered. They may also be complicated in terms of wording, but may also reduce court challenges as they provide clear reasons for the exercise of a power, or refusal to.



Discretion provides flexibility in the exercise of powers, but can lead to claims that decisions are not consistent or defensible, leading in turn to challenges via the courts. Good policy documentation can assist, as is seen with SOPs and visa checklists, but care needs to be taken not to interpret these as if they have the force of legislation.

Part 4 (s.13) of the Act defines health and character provisions which apply across all visas and permits. Sections 7 and 9 of the Act, and Part 4 (particularly Division C) of the Regulations provides the bulk of the remaining criteria and conditions applicable to classes of permits. Part 2 of the Regulations provides criteria and conditions applicable to visas. In each case, the grant of the visa or permit remains discretionary, in that the decision-maker “may” grant where criteria and conditions are satisfied. Where the criteria are satisfied, the discretionary power is to grant “enlivened”, but there is apparently no obligation that this power to grant be exercised.

Regulations 6 and 18 provide for the grounds upon which a visa or permit may be refused. Whilst both provide a power to refuse where health or character issues arise, neither state clearly that failure to satisfy a criterion or condition for grant forms grounds to refuse, although this is implied as discussed in the paragraph above.

It is recommended that this be clarified, either within SOPs and policy guidance, and/or with legislative review to make this situation clearer. It may be that, following a policy consideration, refusal to grant is clarified to mean not that the decision-maker refuses (or fails) to exercise a power to grant, rather that they are obligated to grant or refuse where criteria are met, or not met as applicable, and that an active decision to grant or refuse therefore follows.

#### **High-level “residual” discretion**

Most immigration legislation in the Pacific have some form of power or discretion for the relevant Minister to substitute a decision or grant a visa or permit where otherwise this may not be possible, or available as a power to officers or a Secretary.

This power exists in the Fiji Immigration Act, under review powers at s.58(4)(c). This, in effect, provides the Minister a broad power to substitute a new decision. This language used does not clearly bind the Minister to the same application of criteria which apply to the Permanent Secretary and officers, which in general, is appropriate where this power is used in the national interest, and where there is no other power available to grant the relevant visa or permit.

A recommendation is that this provision be amended slightly to ensure that any use of this power, along with the reasons for it, is reported to Parliament within a specified time period.

#### **3.5.1.3 Structure of visas and permits**

Visas (and permits) are used by most countries to identify, regulate and control the intent of non-citizens seeking to enter their territories, and to control their activities after arrival.

Clarity in the legislative handling of visa classes, subclasses, criteria, conditions and documentary requirements is essential to ensure the confidence and understanding of both the citizen population, and non-citizens alike. This also assists with the construction of SOPs and training of officials who are expected to administer them.

As can be seen in the section immediately above, the criteria and conditions pertaining to the current visa and permit framework exists in several places within the legislation. Several useful conditions and criteria are not expressly codified, an example being exclusion periods for deportees or former overstayers, or making the presentation of a counterfeit travel document a clear ground for refusal or cancellation of a visa or permit.

Whilst the purpose of this paper is not to exhaustively detail these, it is recommended that a review of Immigration legislation seek to better codify these aspects of the visa and permit framework into clear schedules of the Regulations. An example of how this might be represented is at Annex 1.

#### **3.5.1.4 Carrier responsibilities and advance passenger information**

Whilst the operational and policy aspects of API will be dealt with in more detail in chapter 3.6 below, it is noteworthy that the existing legislative expression of advance notification of passenger and crew manifests is split across the Immigration Act and the Customs Act, and their respective regulations.

Part 5A of the Customs Act, and Customs Regulation 22, along with Section 6 of the Immigration Act, and Immigration Regulation 12 each provide that arriving aircraft and vessels must provide a manifest of those aboard, however the requirements are not consistent with each other and do not conform with Annex 9 of the Chicago Convention, or to the API standards jointly expressed by the WCO, ICAO, and IATA.<sup>14</sup> An example of the manner in which required API data could be expressed in an Act and relevant Regulations or a Gazette Notice is provided at Annex 2.

As implementation of API is a mandatory international obligation, amendment of both pieces of legislation to properly harmonize and coordinate the transmission and reception of this data is essential. This will facilitate coordination among all of the agencies at the border who have a legitimate need to receive the data, and provide surety on the part of carriers. This would ensure API implementation followed the principles of integrated border management, and also comply with the Chicago Convention Annex 9 requirement that API data is submitted to receiving governments via a Passenger Data Single Window (PDSW).

#### **3.5.1.5 Powers**

As is commonplace in immigration legislation, there exist a number of coercive powers. The following sections of the Act provide very significant and potentially invasive powers relating to the person and their property:

- Section 5(1)(a) – entry and search without warrant;
- Section 5(2) – arrest;
- Section 15(3) – return of prohibited immigrants to aircraft and vessels;
- Section 15(3) – use of reasonable force in executing an order to remove a prohibited immigrant;
- Section 34 – Boarding, search, and detention of aircraft or ship;
- Section 15(4) – detention of persons subject to a removal order;

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<sup>14</sup> A useful reference can be found in the ICAO API Implementation Guide, at [www.icao.int/Security/FAL/TRIP/Documents/ICAO%20API%20Brochure\\_2018\\_web.pdf](http://www.icao.int/Security/FAL/TRIP/Documents/ICAO%20API%20Brochure_2018_web.pdf)

- Part 7, which deals with deportation and related arrest, and particularly section 55(1), which specifies that the money or property of a deportee may be applied to the cost of their deportation.

These provisions have the potential to bring a significant risk to the agency, as where these are misused or used improperly by those not trained in their use, this could result in injury and/or accusations of assault or theft by officers. This risk is not mitigated solely by the qualified immunity provided by s.60 of the Act.

It is strongly recommended that in respect of the first four points above, along with Part 7 of the Act, detailed guidance (SOPs) and training is developed and provided to any immigration officers who may be exercising or overseeing such powers, including training as to who may exercise the powers, what constitutes reasonable force, and use of restraints. This is likely less relevant to any seconded police, who should have been trained in these matters. In respect of sections 5(1)(a) and 34, it is strongly recommended that strict internal controls, senior management authorizations and oversight, along with written reporting where powers are employed are developed and enforced to prevent abuse.

In respect of section 55(1), it is strongly recommended that the Regulations be amended to elaborate this procedure along with proper custody and use of the valuable/s, receipting of seized valuable/s, relevant written authorizations, and to provide with a relevant order which may be served upon the person, or others who may be custodians of such property such as banks.

Detention of prohibited immigrants who are subject to a removal order is dealt with at section 15(4). Whilst this power is broad in its scope around where a person may be detained, it appears to lack a number of important provisions, particularly around control of places of detention, especially those which are not police cells or prisons, and the ability to search detainees and visitors to ensure contraband or dangerous items are not present.

This is an issue as this detention appears to be distinct to “arrest”, which is dealt with separately at section 5(2) of the Act, which refers also to sections 18–26 of the Criminal Procedure Act 2009. Given this is a form of detention apparently separate to arrest, it would appear that powers relating to search of persons arrested at sections 14–17 of the of the Criminal Procedure Act 2009 may not apply where a person is subject instead to immigration detention described at s.15(4), especially where the place of detention is not a police cell or prison. A workaround may involve temporarily invoking arrest powers in such cases; however, clarifying this in legislation, along with perhaps more clearly allowing for immigration detention to take place with respect to unlawful non-citizens prior to the signing a removal order may be appropriate.

An example which may be of relevance from elsewhere in the Pacific is the Papua New Guinea (PNG) Migration (Amendment) Act 2015, and the consequential Arrest (Amendment) Act 2015, which clarify PNGs’ immigration detention powers and separate them from “arrest”, along with the establishment and management of places of detention, as well as the search of detainees and visitors at such places and when a person is detained.<sup>15</sup>

Further gaps and complexities appear in powers related to border management. These include:

- No power of search without warrant of persons or possessions such as baggage for immigration purposes which are in immigration clearance;

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<sup>15</sup> This is available at [www.paclii.org/pg/legis/num\\_act/ma2015198/](http://www.paclii.org/pg/legis/num_act/ma2015198/) and in PDF format, at [www.paclii.org/pg/legis/num\\_act/ma2015198.pdf](http://www.paclii.org/pg/legis/num_act/ma2015198.pdf). The consequential Arrest (Amendment) Act 2015 is at [www.paclii.org/pg/legis/num\\_act/aa2015176/](http://www.paclii.org/pg/legis/num_act/aa2015176/)

- No clear power to require that persons give up passwords or PIN numbers for electronic devices;
- Management of refused entry cases.

Whilst section 5(1)(c) of the Act appears to imply that an officer has the power to request a PIN or password for electronic devices, and that it may be an offence not to comply, there is no coercive power of search attached to this provision. Likewise, there is no power to search bags of travellers without warrant to determine whether an immigration offence has been committed, or whether a visa or permit held by the person is subject to cancellation.

It could be argued, consistent with the principles of integrated border management, that Fiji Customs could exercise its powers of search of travellers and their belongings at the border, which are included at Part 17 of the Customs Act 1986; however, these powers appear only to apply where there is reasonable suspicion that a customs offence has been committed (s.109 of the Customs Act, for example). Whilst the Immigration Regulation at s.60 implies some cross-agency cooperation, and it may be also be reasonable to also suspect a customs offence where there is suspicion or belief that an immigration offence has been committed, this may not always be the case, especially where evidence is being sought in respect of possible visa cancellation, as this is an administrative matter and not necessarily pertaining to an offence. It is recommended that this is clarified.

Where a person is refused entry at a port or airport, they are managed via the powers at sections 5(2) and (3) of the Act, as well as Regulations 7(3) and (5). This provides a power of arrest, along with a power to place the person thus arrested back on board the aircraft or vessel they arrived on until it departs. This power invokes sections 18–26 of the Criminal Procedure Act 2009, which relate to powers of arrest without warrant, and (probably) powers relating to search of arrested persons at sections 14–17 of the of that Act.

This appears to work well enough where a person can be refused entry and removed on the same aircraft or ship. Complexity arises where turn-around is not possible for some reason as the court appearance and bail procedures associated with arrest under the Criminal Procedure Act 2009 come into effect if arrest continues beyond that time. A removal order is required to effect departure as the power at s.5(3) ceases once the aircraft or ship departs. This invokes the separate immigration detention provisions at s.15(4) of the Immigration Act, which in turn ceases the application of the Criminal Procedure Act 2009.

Although likely to be a rare occurrence, should a person be managed in an arrival context in circumstances where a s.15 removal order applies to them, powers of search of the person within sections 14–17 of the Criminal Procedure Act 2009 would possibly not apply. A more likely issue might be where a person is transferred from one place to another, and whilst they may have initially been searched when they were arrested, should they have also transitioned into immigration detention pursuant to s.15(4) of the Act, they probably cannot lawfully be searched to ensure they do not possess contraband at this point.

Following the reasoning detailed in section 3.5.1.6 below, it is recommended that this area be simplified into a power of immigration detention separate from arrest, with distinct powers of search.

During interviews for this paper, the Manager Compliance and Investigations confirmed the presence of seconded Police to the team, and also flagged that the operations of the Section were being codified in a manner similar to Police Standing Orders. This is a very positive direction.

### **3.5.1.6 Management of overstayers**

Part IV of the Immigration Act (Prohibited Immigrants), along with the offence provision at s.64(i) and the IBTFA provisions at Regulation 17 provide the key current mechanisms for managing and deterring overstay.

Whilst the Immigration Bond arrangements are in the process of being replaced, it is suggested that the risk in this area be re-examined in any review of the legislation to determine whether, based upon proper data, they sufficiently address this risk, and whether further measures might assist without increasing workload, or perhaps reducing it. The offence provisions in particular are onerous to enforce, and resulting fines may be avoided by offenders in some cases where they claim to be destitute whilst wishing to return home.

Revised measures might include:

- Additional visa and permit application fees, which must be paid in addition to normal fees prior to the grant of any subsequent visa or permit where an applicant has previously overstayed or had a visa or permit cancelled; and
- Legislated exclusion periods for overstayers and those who otherwise breach visa conditions.

Where overstayers are detected, they may be managed via the powers at section 5(2) of the Immigration Act. This provides a power of arrest. This power invokes sections 18-26 of the Criminal Procedure Act 2009, which relate to powers of arrest without warrant, and powers relating to search of arrested persons at sections 14-17 of the of that Act. However, should persons be subject to detention at the border pursuant to a removal order having been made out against them, as per s.15(4) of the Immigration Act, these powers of search would not appear to apply as clearly, as set out in section 3.5.1.5 above.

Whilst managing these individuals via a power of arrest, which also may involve prosecution for offences, appears to work, it may be neater to consider the introduction of a completely separate power of “immigration detention”, distinct from powers of arrest.

The advantage of such an approach is that, not being arrest, provisions around bail can be de-linked from this administrative immigration process, as they are designed more with a criminal justice process in mind, rather than a detention and removal process. An example of this can also be seen in the Papua New Guinea Immigration (Amendment) Act 2015, detailed in section 3.5.1.5 above. It would also de-link the detention and removal process from the criminal prosecution process, which in the majority of cases of overstayers, is not generally pursued or appropriate.

Were a new immigration detention approach to be considered, care would need to be taken to ensure there remain sufficient layers of approval, reporting and review of detention, and release on conditions provisions to ensure abuse does not occur, or that people are not detained for unreasonable periods of time. Powers of search would also need to be clarified.

### **3.5.1.7 Recent amendments**

It is understood that recent amendments contained within the Immigration (Amendment) Act 2020 are yet to come into effect, however this, combined with an Immigration (Amendment) Bill 2021, which was not available to the author, will according to senior management, if passed:

- Introduce a new permit to better manage non-citizens stranded by COVID-19;
- introduce a new permit allowing for short-term business or specialist entry;
- allow special purpose entry to cater for medical treatment;
- introduce a permanent resident permit as a pathway to citizenship, providing an incentive to investors, with complementary legislative changes to the Citizenship Act and Regulations, to require this status and longer period of residence;
- Provide new powers of discretion to the Permanent Secretary; and
- Provide for obligations of employers relating to employment of non-citizens under the work permit system via an Employment Registration Certificate arrangement as detailed in part 3.5.1.1 above.

Whilst the author sees no issues with these amendments, it is noted that they appear to be issue-specific rather than driven by a broader review of the legislative and policy framework.

### **3.5.2 Online services and payments**

As will be detailed in chapters 3.7 and 3.8, full provision of online application services for visas, permits, as well as citizenship, and payment of travel document application fees, will require legislative change. This should be considered holistically as part of a full review of portfolio legislation and service delivery arrangements, including:

- Legal status of online applications;
- Legal status of electronic “signatures”;
- Electronic visas and permits;
- Online payment arrangements, including provisions for bank fee recovery;
- Electronic refunds; and
- Decision-making by computer (auto-grant).

Whilst these need not involve lengthy legislative provisions, they will be necessary to fully implement the Department’s Digital Transformation Plan.

### **3.5.3 Passport and citizenship legislation**

Fewer anomalies were found with this legislation; however, a notable exception appears to be the Passports (Visa Exemption) Order 2002.<sup>16</sup> This Order appears to provide the legislative basis for citizens of certain countries to be exempted from the requirement to hold a Fijian visa prior to travelling to Fiji.

It appears highly unusual that this would appear under the Passports Act, and an analysis of that Act and its Regulations does not appear to provide any legislative basis for such an Order. It would appear that the correct legislative basis for this Order would be under the Immigration Act, sections 7 and/or 8. It may be that, as framed, the Order is without legal effect due to this apparent defect. It is recommended that Government legal advice be sought to clarify whether this is the case.

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<sup>16</sup> Located within the subsidiary legislation section under the Passports Act - [www.laws.gov.fj/Acts/DisplayAct/3140#](http://www.laws.gov.fj/Acts/DisplayAct/3140#)

### 3.5.4 Immigration policy development

Senior management of Fiji Immigration advise that there is no immigration policy development function or team with this responsibility within Fiji Immigration. Policy development for the portfolio is instead driven by the policy development team within the broader Office of the Prime Minister.

This is not an ideal state of affairs, where best practice would be to have evidence-driven policy and legislative change generally commence with, or be driven from within the responsible agency. This practice generally ensures that essential governance genuinely reflects government policy, but also reflects best practice and international obligations as understood by the practitioners.

It is recommended that such a capability be stood up within Fiji Immigration as soon as possible, not to supplant the policy area of the Office of the Prime Minister, but to advise and support that area when it comes to migration and border management policy.

### 3.6 Border control arrangements

The author was able to determine the following overall recent figures for arrivals to and departures from Fiji:

Financial year	Arriving visitors (VOA) <sup>17</sup>	Other visa on Arrival	Arriving permit Holders	Arriving residents <sup>18</sup>	Air arrivals and departures <sup>19</sup>
2018–2019	855,752	2,911	22,409	218,928 <sup>20</sup>	2.2 million

Calendar year	Visitor arrivals / departures <sup>21</sup>	Resident arrivals / departures	Cruise ship arrivals <sup>22</sup>
2018	870,309 831,639	147,958 173,612	187,890
2019	894,389 863,518	No data	74,537
2020	146,905 163,151	No data	No data
2021 (January to June)	5766 4869	No data	No data

<sup>17</sup> Visa and permit figures are from the DoI Annual Report 2018-2019

<sup>18</sup> Estimate only as exact figures were not available, based upon total other non-cruise ship arrivals subtracted from air arrivals (50% of air arrivals and departures).

<sup>19</sup> Estimate based upon 50% of total air arrivals and departures reported by Fiji Airports in its 2019 Annual Report - [www.airportsfiji.com/gallery/pic/annual\\_report-2019-2018-final.pdf](http://www.airportsfiji.com/gallery/pic/annual_report-2019-2018-final.pdf)

<sup>20</sup> Estimate only. Bureau of Statistics figures for 2018 Calendar year figures were 147,958 “resident” arrivals - [www.statsfiji.gov.fj/statistics/tourism-and-migration-statistics/movement-of-fiji-residents.html](http://www.statsfiji.gov.fj/statistics/tourism-and-migration-statistics/movement-of-fiji-residents.html)

<sup>21</sup> Visitor and Resident arrival and departure figures from the Fiji Bureau of Statistics - [www.statsfiji.gov.fj/](http://www.statsfiji.gov.fj/)

<sup>22</sup> Calendar year results, sources from the Pacific Tourism Organization, Regional Tourism Resource Centre, located at <https://southpacificislands.travel/rtrc/>

The lack of more recent and detailed data available from DoI systems was in itself revealing, as is the fact that the Fiji Bureau of Statistics figures are based upon analysis of passenger cards, not from data derived from the IBMS. Whilst the strengths and weaknesses of the IBMS will be examined further in this document, this situation suggests a further gap in key institutional data by which senior management should be able to make informed decisions around risk and staffing deployments.

According to the 2018-2019 draft annual report, the Border Control Section “carries out the prime responsibility of protecting and controlling the sovereignty of the Republic of Fiji’s borders by providing effective facilitation and control at all proclaimed ports of entry.”

The Borders Control Section facilitates the movement of people at designated ports of entry:

- Nadi Airport,
- Nausori Airport,
- Suva Kings Wharf,
- Lautoka,
- Levuka,
- Rotuma,
- Savusavu,

as well as “defacto” ports of Denarau, Vuda Marina, and Malau Wharf in Labasa.

Acting primarily under the powers granted via the Immigration Act 2003 and the Regulations, DoI delegate primary-line immigration clearance duties to Fiji Customs. DoI officers are present at all border control points in order to receive referrals from Fiji Customs wherever there is any immigration-related matter requiring more complex resolution. Training in primary line operations is provided to Fiji Customs officers by DoI prior to their being formally delegated by Gazette Notice.

The Informatics IBMS provides system support for collection of key data, alerts list checking, and verification of travel documents via connected primary line document readers. Senior management report that this module of the IBMS appears to operate relatively effectively.

The IBMS is present at Nadi Airport, as well as Suva Airport, and without passport readers at Suva, Lautoka, Savusavu, Malau and Levuka seaports, where Customs manually enter maritime arrival data after arrival processing is completed.

The latter process, where data is manually entered after the event, poses a risk that arrivals may be processed into the country prior to IBMS alert checking, and also risks manual data entry errors. It is recommended that the IBMS, or its replacement, be configured to accept electronic shipping manifests for upload and processing, similar to API which is documented immediately below.

### **3.6.1 Border risk management and API**

Current border risk management arrangements are in need of renovation and do not currently meet international standards, particularly around the implementation of API.

As is detailed in Annex 5, implementation of API became a mandatory requirement in international law from 2014 via several UNSC resolutions and Annex 9 of the Chicago Convention. Unlike the



adoption of e-Travel documents, which is not a mandatory requirement, API was mandated by the international community because of its value in preventing the travel of individuals of security concern, such as terrorists and foreign fighters.

The aviation industry in particular is already capable of full API, iAPI, and PNR transmission and reception due to the arrangements already put in place in key Pacific Rim countries such as Australia, Japan, the USA and New Zealand. This includes all commercial air carriers which currently service Fiji. Airlines currently email API data to designated email addresses within Fiji Immigration Fiji Customs, with this data extracted from the reservation systems in the correct global standard format for API.

This arrangement is acceptable to this point, as it effectively satisfies the standards in terms of API transmission and format for batch API from airlines, and it also satisfies the mandatory requirement that API data be transmitted to Government via a “passenger data single window (PDSW)”, which is also documented in Annex 5.

From this point, both Fiji Immigration and Fiji Customs confirm that the data is handled manually. Emailed API and manifest data is printed out, and manual checks are carried out against IBMS holdings, reportedly not on a universal basis. There is no data upload into the BMS, meaning that (especially when managing pre-COVID traveller numbers) the majority of arriving passengers have not been subjected to checking against IBMS alerts, the linked Interpol system, or visa and passport databases.

This effectively means that, especially in the case of most VOA-eligible foreign travellers, no risk assessment has been conducted prior to their appearance at the immigration primary line after disembarking from the arriving aircraft.

As this intersects with aviation and national security objectives, remedying this situation should be a priority. This should include:

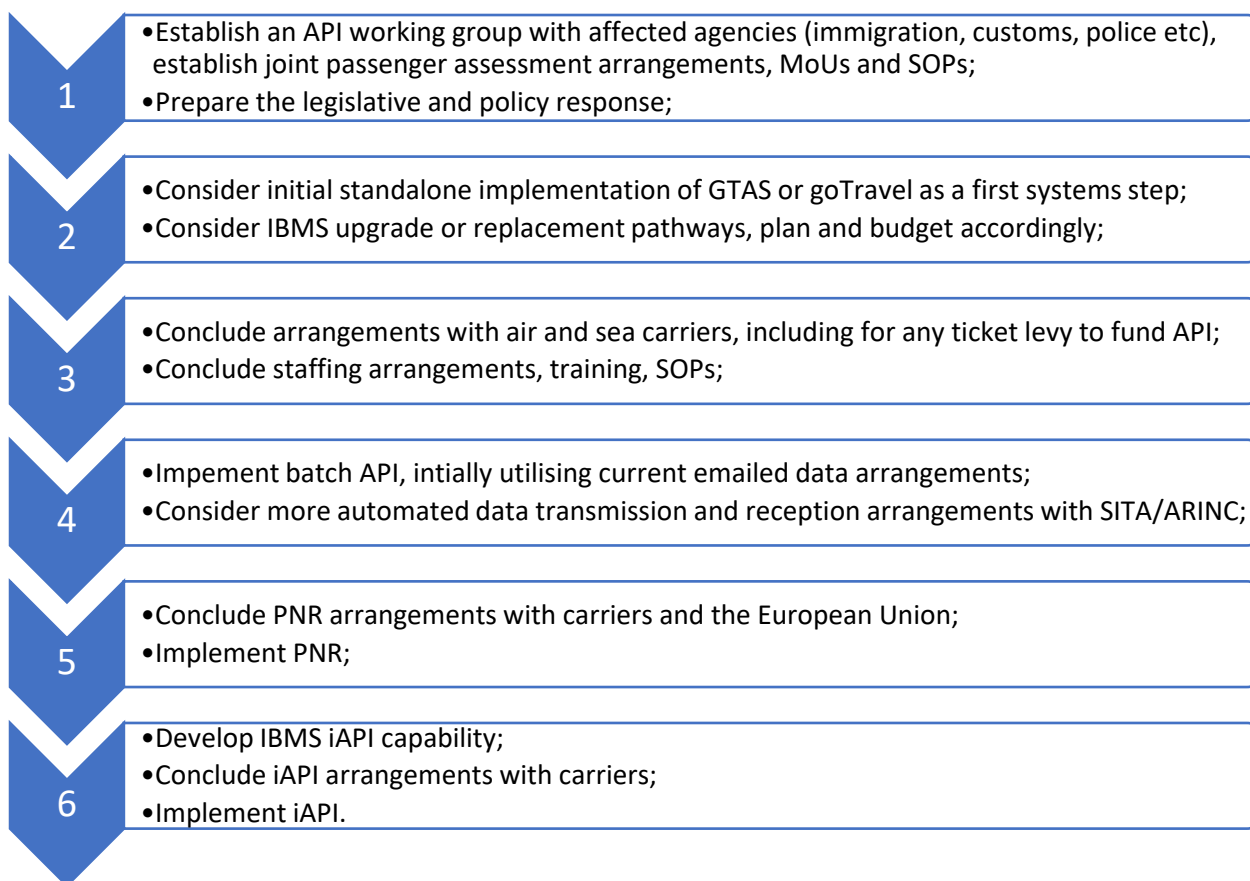
- Legislative change to update and harmonize passenger data requirements of carriers in both the Immigration Act and the Customs Act – referred to in section 3.5.1.4 above;
- IBMS changes to enable uploading of API data to enable checking against IBMS and Interpol indices and create an expected movements list for incoming flights and shipping;
- Settling of arrangements with airlines;
- Creation of SOPs and settling of joint agency passenger assessment arrangements to ensure API data is analysed quickly and effectively across all Fiji Government agencies which have a legitimate interest in this data.

As is documented in Annex 5, some systematic analysis of API data is possible even without integration with or upload to an IBMS. Free assessment tools such as WCOs GTAS and UNCTOs goTravel systems are both capable of rules and profile-based analysis of both API and PNR data separate from any additional IBMS involvement.<sup>23</sup> These should, if implemented prior to any IBMS involvement, be included in future IBMS integration planning.

It is recommended that Fiji Immigration and Customs plan to implement passenger data assessment in a deliberate series of steps, designed to gradually introduce both the technological and human capability to derive value from API data as follows:

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<sup>23</sup> For more information, see GTAS - <https://us-cbp.github.io/GTAS/> , goTravel - [www.un.org/cttravel/goTravel](http://www.un.org/cttravel/goTravel)



### **Staffing impact of API implementation**

In order to derive the most value from API data, it should ideally be received and analysed prior to an aircraft departing the last port of embarkation, or in the case of maritime movements, well prior to the arrival of a vessel. This allows the possibility, at least for air movements, that a traveller could be prevented from boarding or be offloaded prior to take-off, vastly improving border security outcomes in extreme cases. In all other cases, those aboard aircraft and vessels will ideally be profiled into “low risk” or “higher risk” before arrival.

Pre-COVID, some flights into the region emanated from more distant ports in Asia and the Americas, meaning that in order to achieve these outcomes, assessments may need to be undertaken outside normal office business hours, and for Fiji, may require a 24/7 operation, preferably involving key border agencies such as immigration, customs, and biosecurity as well as possibly police. This joint passenger assessment unit approach would share resources and mandates across agencies in manner entirely consistent with integrated border management principles, would likely result in efficiencies allowing staff to be redeployed, and ensure full passenger risk assessment across Government is conducted prior to the arrival of a flight or vessel.

### **Possible Regional solutions**

The establishment of 24/7 operations may still prove difficult to sustain, even for Fiji with its greater resources than some of its regional neighbours.

Fiji Immigration may also, with Fiji Customs and Police, wish to explore possible regional API assessment capability which is being actively considered by PIDC, and would likely gain some support with OCO and PIF, consistent with the Boe Declaration.

With a small levy on regional airline and cruise ship tickets, it is likely such a model could be operated in the Pacific, staffed with seconded officials, and fully self-funded. An example of a similar operational model can be found with the Caribbean Community's CARICOM IMPACS centre.<sup>24</sup>

### **3.6.2 ETA and visa on arrival (VOA) arrangements**

VOA is attractive as it provides maximum facilitation to the visitor market, which was pre-COVID, one of the largest single contributors to national foreign export/currency earnings. The weakness is that there is little or no ability to assess the identity or intent of these travellers prior to arrival, especially where API has not been implemented.

ETA or pre-clearance measures, whilst not mandatory, are also recommended by ICAO pursuant to Annex 9 of the Chicago Convention, and the UNSC. This is due to the enhanced traveller risk assessment that these arrangements can deliver, vastly improving border and aviation security outcomes. Pre-clearance or ETA arrangements, when combined with API can serve to “push the border out”, allowing greater assessment of travellers prior to their travel to and arrival in destination port, overcoming a key vulnerability of VOA programmes which are commonly operated in the Pacific, including Fiji.

As improvements are made to the IBMS and the foundational IT infrastructure of Fiji Immigration, it is strongly recommended that Fiji Immigration move towards an ETA or similar pre-clearance mechanism to replace the current VOA programme, extending this to a similar list of countries as is currently able to access VOA arrangements. This need not involve complex pre-travel visa applications, as this would likely be resisted by the tourism market; however, a pre-travel portal which collected and transmitted sufficient biodata to enable BMS and Interpol pre-checking would substantially improve risk management at the border.

ETA also raises the question as to who makes the decision whether or not to grant or refuse an ETA application. As these typically don't involve assessment of anything more than biodata against system alerts and other indices and profiles, it is typically the case in other countries that these are decided by computer in over 95 per cent of cases.

Apart from the technological capability required to undertake this, there also remains the issue of legislative authority for a system to decide an application. This should form part of the future-proofing considerations in any broader legislative review of Immigration legislation, as documented at section 3.5.2 above.

### **3.6.3 Identity and intent checking at the border**

The human element in this process is also of critical importance. Well-trained officials at the primary and secondary lines are critical to ensuring the integrity of migration and border management programmes. Training in document fraud and impostor detection should occur regularly for these officers, and should be sought from relevant partner agencies and donor countries where not available internally.

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<sup>24</sup> See the CARICOM IMPACS JRCC website at <https://caricomimpacs.org/>

IOM also offers fraudulent document detection training and related train-the-trainer development. IOM may also be in a position, if approached, to offer the Verifier Travel Document and Bearer system, along with DESC and ANDEX support, and related training to further strengthen the capability to detect fraudulent travel documents and impostors by Immigration staff at key border crossings.<sup>25</sup>

### **3.6.4 Powers and management controls**

Gaps in powers were observed within the Immigration Act as it relates to borders. These are documented at section 3.5.1.5 and 3.5.1.6 above. Given the applicability of the Criminal Procedure Act 2009 to powers of arrest and removal at s.5(2) and (3) of the Act, and the risks involved with coercive powers, it is strongly recommended that clear SOPs are developed which spell out the use of powers, and impose clear and detailed management controls around all powers of search and detention at the border.

## **3.7 Service delivery model and digital transformation**

The current service delivery model is, apart from the passports programme, manual and paper-based. Revenue is collected in the form of cash and bank cheques at all offices, along with applications. Regional offices process locally extensions of visitors permit (VP), visitor visas, exempted status, and short-term work permit applications. There is also movement to accept direct deposits of fees into the agency bank account.

As part of the Fiji Government's digital government plan, and with support from the Australian Government, work is underway to establish the infrastructure required to support the gradual digitization of applications, payments, and internal processes. The passport system is the most advanced in this regard, accepting online applications prior to biometric enrolment and other processing. There is currently neither the legislative basis nor system capability to accept online payments; however, this is being actively explored.

Senior management are well aware of the efficiencies this transformation promises. The end-state sought is clearly one where the vast majority of data entry around applications is entered by clients via online forms, guided by online checklists, and with electronic payments automatically reconciling with applications and central government financial management systems. This will allow the redeployment of staff currently involved in manual keying of paper application form data into systems, and the physical movement of paper files throughout the processing cycle.

Whilst this process is fully supported by the author, several areas remain to be improved in the short-term.

### **3.7.1 Forms and checklists**

Current checklists, particularly those for visas and permits, are written with an internal processing logic in mind. They are not client-oriented documents, and they do not clearly distinguish between documentary requirements, conditions, and criteria for grant. Indicative processing times are also not clearly expressed. Annex 4 sets out an example of how a double-sided, single-page Checklist could be framed to better serve clients in this regard.

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<sup>25</sup> For more information regarding Verifier TD & B, the DESC initiative, and its regional border management fraud analysis and reporting tool ANDEX, see <http://cb4ibm.iom.int/desc/>

Several forms appear very dated, or to consist of hastily scanned hardcopies, such as the main citizenship application form. A professional appearance in respect of forms and checklists is very important, and the author strongly recommends contracting the services of a graphic designer or printer to design print and PDF-friendly, attractive forms with agency logos where these are to be used for any length of time into the future ahead of transitioning to online forms.

### **3.7.2 Agency website**

The internet website [www.immigration.gov.fj](http://www.immigration.gov.fj) is not accessible globally. This was discovered by the author, who is based in a country subject to geo-blocking rules associated with the website by IT personnel following a hacking incident. This needs to be overcome as soon as possible, even if this involves moving the site to a more robust cloud-based host, as the benefits of the planned digital transformation will not be realized should the security of the website not be assured with an enterprise-grade provider and service-level agreement. This will become even more important where client applications and payment details go online. This is addressed in more detail in chapter 3.10 below.

### **3.7.3 New online visa and permit form**

Fiji Immigration recently introduced an online application form for permits and visas – available via the agency website, hosted with Jotforms at <https://form.jotform.com/211497415736057>

This form is, according to the IT Manager, not yet linked to any of the workflow or approval processing available with Jotform forms, and whilst there appears to be integration with the agency Google Drive and shared folders, data is still being manually entered into the BMS from these forms, even though Jotforms does offer FTP and other data push capability to enable data transfer. Online payment methodologies offered by Jotforms is also not enabled, although this is in large part because broader Government online payment gateway arrangements are yet to be finalized.

The form advises clients “After your submission, we will verify and validate your application before payments can be made. Payments will be accepted via Direct Deposits ONLY. The bank details and forms can be downloaded from the Immigration website. Please keep a copy of the receipt which will be requested after your application has been vetted.”

This is poor practice, and contrary to s.9 of the Immigration Act and Immigration Regulation 4, whereby the fee must be paid at the time of application for a visa, and in respect of permits, must be paid prior to any assessment or decision. This process instead involves “pre-assessment” of an application where there is technically no valid application or power to assess, and treats the payment of the fee as a “success fee”. This should be amended as soon as possible to require that evidence of the payment to an official bank account is provided at the time of submission of the other documents.

Security and privacy safeguards around the form are also not clear, and should be ensured and a statement around this made available either in the form or on the website.

It is also noted that the bank account details for fee payment are not on the Immigration website, despite the statement to this effect in the Jotform.

The introduction of the online form is a welcome development, and certainly a sound initial approach to minimize contact with the public during the current COVID-19 pandemic. To maximize the value of the form, the author recommends that Fiji Immigration embed the online workflow and data transfer capabilities offered with the Jotform platform to enable direct data upload to the IBMS, the latter only

after a proper IT security risk analysis has been conducted. This will no doubt take some time, and involve the IBMS vendor, but should form part of the planning around immediate upgrades to the IBMS ahead of any replacement.

#### **3.7.4 Supporting legislation**

The changes sought by Fiji Immigration around service delivery will require legislative change. This is documented further at section 3.5.2 above.

#### **3.7.5 Funding models**

The changes sought by Fiji Immigration will require substantial funding, as they involve human and IT systems change and/or replacement, with ongoing budget support for maintenance. Whilst Budget execution appears to have been an issue in the recent past (refer section 3.2 above), the proposed changes are likely to well exceed current normal and special allocations, and also current donor support.

Budget affects policy and legislative capacity, the ability to procure or upgrade a BMS, training, associated issues of staff turnover, development and professionalism. Despite this, opportunities appear to exist even with the current revenue versus budget situation, as gross revenues to Government from operations appear to exceed budget allocations.

Proposed increases to budget, capital expenditures, or staffing are always an easier proposition where revenue exceeds expenses (as is often seen more clearly with Customs Services which also collect revenue).

As at the time of writing, only one Pacific immigration agency (Papua New Guinea) was in the position of being able to directly collect revenue, and then retain a proportion of revenues for operational expended and capital expenditure within that fiscal year.

Moving away from cash, and moving to online payments and doing away with payment in person altogether, which would be a logical extension of moving to online application lodgements. This is a genuine possibility as most immigration clients are either foreigners themselves, or sponsored by employers, they will generally have access to credit and debit cards, and other non-cash forms of payment.

In considering ways to enhance revenue collection or cost savings, several options are worthy of consideration:

- An airline levy collected via the IATA Clearinghouse for each arrival and departure;<sup>26</sup>
- Increasing revenue, either directly through means such as fees, fines, and penalties, or indirectly through less visible taxes or levies such a hotel “bed tax”;
- Direct cost recovery arrangements to fund systems upgrades or new functionality, such as API, e-visa, ETA.<sup>27</sup>

With approximately 2.2 million air arrivals and departures prior to COVID, even a FJD 1 levy applied to airline tickets would raise significant revenue, which, were this permitted to be directed in part back

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<sup>26</sup> See details at [www.iata.org/en/services/finance/clearinghouse/](http://www.iata.org/en/services/finance/clearinghouse/)

<sup>27</sup> See the PNG online visa portal as an example, which is funded via a direct payment by applicants: <https://evisa.ica.gov.pg/evisa/account/Apply>

into the agency for capital expenditures, would reduce dependence upon mainstream budget allocations, and also reduce reliance on donor support.

### **3.8 Visas and permits function**

New visa and permit applications are processed by the Nadi office, and extensions are processed in the Suva office.

Apart from the newly introduced online application form detailed at section 3.7.3 above, processing of visa and permit applications is almost entirely manual, paper-based, with file locations recorded with manual registry cards. As detailed elsewhere in this report, the IBMS is not able to effectively manage the location, processing steps, or detail the staff involved in processing applications. This has led to the creation and use of a separate Excel spreadsheet to record application processing, assist in file location, and allow some management reporting on staff efficiency and output.

Work and Investor Permit decisions are made by the Permanent Secretary in person, based upon recommendations recorded with files by senior Immigration Management. Other permits such as Business and Student Permit applications are decided at the manager level within the agency.

Senior management report that approximately 980 permit applications were processed each month prior to COVID-19, and that about 20 per cent of these were referred to the Permanent Secretary, equating to approximately 200 per month. The reasoning given for decision-making being elevated to such a high level varied; however, the sensitivity of some of the applications, along with lingering concerns around past corruption and lack of SOPs, were given.

It is recommended that steps continue to be taken to reduce the number of applications referred to the Permanent Secretary. The improvements to management controls, systems and legislation recommended in this report should assist in developing the confidence required to delegate decision-making in the majority of these cases to at least the manager level.

Somewhat unusually in the Pacific, there is little involvement by the Ministry of Employment, Productivity and Industrial Relations in the process of deciding Work Permits. This is not seen as a bad thing, as arrangements encountered in other countries in the region have proven to be cumbersome, involving a dual-agency decision-making and even split application and fee payment processes.

The author was advised that there used to exist a Work Permit Committee which included Fiji Immigration, the Ministry of Employment, as well as several other agencies; however, it was ceased as it was seen as burdensome, a cause of processing delays, and not particularly effective in terms of policy assurance. Fiji Immigration have been working to document employment contract conditions applicable to foreign workers so that work permit processing may be conducted without referral to the Ministry of Employment whilst being assured these requirements have been satisfied.

Further observations around the caseload composition and numbers could not be made given the lack of disaggregated caseload data available to the author. Some of this appears to relate to the issues around caseload management attributed to the IBMS, and the concurrent operation of a caseload Excel spreadsheet.

## **3.9 Passports and citizenship function**

Two separate teams process applications travel documents and citizenship respectively, which both answer to the manager Passports and Citizenship.

As described elsewhere in this document, the arrangements for reception and processing of travel documents are the closest to being fully online and paperless within the agency, with the introduction of e-passports and supporting systems in September 2019. Pre-COVID, the travel documents team processed approximately 3,000 applications per month. Staffing arrangements within this team include 2 members who have been trained to resolve queried biometric results which cannot be resolved via the automated fingerprint identification system (AFIS) which exists within the supporting system described in more detail in section 3.10.1 below.

Biometric (fingerprint) enrolment is conducted for applicants within Fiji at Lautoka, Nadi, Suva, Savusavu and Labasa, and overseas at Geneva, Washington, London, Sydney and Wellington. A mobile enrolment kit is located in Canberra, and further kits are being sent to Tokyo and Abu Dhabi. Biometric enrolment can be waived where collections is not possible.

Travel document personalization is conducted in Suva, with documents sent to applicants directly by DHL or EMS, or where offshore, to the nearest mission who then send the document to the applicant via a pre-paid self-addressed envelope.

Citizenship processing involves a smaller caseload, which pre-COVID amounted to approximately 75 applications per month. Processing is mainly paper-based and is poorly served by the IBMS, as the relevant module is barely functional. Most records relating to this function are kept on an Excel spreadsheet, and whilst arrangements are apparently underway to enable upload of this data into the IBMS, this is not yet complete.

Management report issues with storage of paper records relating to both functions, with 200-300,000 historical paper passport applications stacked onto office floorspace.

## **3.10 Information management systems**

### **3.10.1 Current systems**

Fiji Immigration operates two key systems relating to border management:

- An integrated border management system, InfoBorder, provided by Informatics Limited, with installation from approximately 2013; and
- An e-travel document system, provided by Mühlbauer ID Services GmbH, with installation completed in September 2019.

These systems are reasonably well integrated, with receipting, data storage and validation, alert list referencing, biometrics and related AFIS services generally interoperable across the systems. Management report some issues around transfer of receipting data; however, compared with some of the other issues document below, these are not assessed as presenting a high risk to management controls or fundamental border security objectives.



## **The travel document system**

This system, operating since September 2019, holds data relating to approximately 40,000 e-travel documents.

The Mühlbauer system also hosts an automated fingerprint identification system (AFIS), which, according to the IT Manager, is capable of one-to-many matching of fingerprint data held within that system, which is populated by 10-point fingerprint data during the biometric enrolment process for travel document applicants.

The AFIS is not interoperable with other Government databases, although this is under discussion with the Digital Fiji team.

Whilst the system also collects and stores other key personal identifiers, including ICAO-standard facial images and signatures, the system does not currently include a facial recognition system.

Whilst all biometric matching is probabilistic in nature, and is thus never 100 per cent certain, the decision to rely on fingerprint matching alone to augment identity management within this caseload will include complexities not found to the same degree with facial images. These include missing or worn (unreadable) fingerprints, COVID risks with fingerprint enrolment, and increased complexity collecting the data where applicants are distant from enrolment centres. Facial image data is also more widely collected by the Government, such as with driver's license databases, and is less intrusive in situations such as the border.

This is understood by the DoI IT management team, who report that the choice to proceed with fingerprint biometrics alone was an interim decision as at the time, there were no other suitable Government biometric enrolment arrangements or matching systems. It is intended that biometric matching capability will expand to also include facial recognition. The Department is also pursuing arrangements with the National ID project, which when implemented, will see travel document biometric enrolments carried out via that programme along with other mandated Government biometric enrolments.

The Mühlbauer system also includes a sophisticated online application gateway, which allows travel document applicants to submit key bio-data and copies of supporting identity documentation and forms online. This represents the most significant move into online service delivery by Fiji Immigration thus far, and includes sufficient integration to enable client-entered biodata to populate system data fields, enabling one of the key efficiencies promised by online service delivery – a reduction in low-value data entry tasks by staff.

Whilst it does not yet facilitate online payments, it is likely that this capability already exists with the vendor offering, or that integration with a broader agency-wide solution will be relatively straightforward.

## **Informatics InfoBorder**

This system, known as the IBMS, was procured in 2013 for approximately FJD 2 million, and was supposed to provide information management systems support for the following functions:<sup>28</sup>

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<sup>28</sup> See the relevant Informatics press release from 2013 at [www.informaticsint.com/news-events/news/infoborder-goes-live-in-fiji/](http://www.informaticsint.com/news-events/news/infoborder-goes-live-in-fiji/)

- Borders, including integration with Interpol systems and passport-readers
- Alerts (Controversial List)

These functions reportedly work well enough. After this initial installation, the following were reportedly also sought, and installed with varying degrees of success:

- Visas and Permits
- Compliance
- Refugee Status Determination
- Citizenship
- Receipting
- Reports

Of these, the Compliance, RSD and Citizenship modules appear to be the least functional or integrated with other parts of the system. Management also report that they maintain an Excel spreadsheet to properly track the visa and permit caseload, as the IBMS does not accommodate caseload tracking and performance reporting within its workflow. The citizenship “database” is also essentially a spreadsheet.

Management complain that they must rely on an Informatics staff-member embedded within the IT team to extract even basic management reports from the system, posing a significant risk to evidence-based management controls around staff performance and integrity of agency programmes.

Several senior managers within DoI report that whilst the vendor and its system are not fundamentally bad, poorly documented business requirements at the beginning, followed by a change in the top-level of management and loss of system knowledge, a lack of user-acceptance testing of modules, and poor communication between the vendor and the Department has led to these failures as well as issues arising with the system and its SOPs not matching functional requirements of the agency as processes change.

A lack of documentation and communication between both sides has reportedly also seen some functionality not used properly due to lack of user training or understanding of current system capability.

Following the IBMS–Mühlbauer integration, the relationship between Informatics and the current management of DoI has reportedly broken down to the point that serious thought is being given to replacing this system.

Whilst not seeking to excuse the vendor from any failings on its part, it is also clear that there are lessons here for Fiji Immigration as it seeks to firstly expand and implement some of the current IBMS capability ahead of its replacement. These include:

- Developing a clear understanding of whole-of-agency business and functional requirements for its IBMS system/s;
- Maintaining and updating these as legislation, policy, responsibilities and procedures change;
- Understanding the software development, testing and user-acceptance cycle inherent in all complex IT systems development, deployment, and upgrade;
- Understanding licensing and maintenance arrangements of vendors and annual charges, particularly where commercial vendors are involved;
- Planning and budgeting each year for equipment refreshes as servers and other IT equipment reaches end of warranty;

- Budgeting for software upgrades above and beyond maintenance arrangements, including changes to workflows and system services as new visas and permits or processes (for example) are created;
- With the vendor, revising system SOPs as processes change or system functionality is augmented; and
- Ensuring adequate and qualified staffing within the agency IT support team.

### **Considerations in replacing the IBMS**

Replacing a BMS is always a complex activity with significant risk and cost attached. Even where a BMS is delivered by a supplier or vendor with experience in many other countries, the system always requires some bespoke elements which reflect the agency mandate, involvement of partner agencies and carriers, legislation and policies, infrastructure and service locations, and perceived border risks. Data migration from old systems to new, identification of dependencies, system integration (such as with the Mühlbauer system), new architectures and hardware all require proper planning and project management to ensure business continuity and ultimate success. In all likelihood, this process would take 18 months to 2 years minimum to complete from actual commencement.

A first step in any such process is undertaking an exercise to document system business requirements. A generic example relevant to the Pacific is attached at Annex 3. Whilst these requirements anticipate requirements around API, electronic business, and systems integration relevant to Fiji's current situation, it is not meant to be prescriptive. It is provided to assist in commencing this process and to inform related discussion within DoI management, should the BMS replacement pathway be chosen in the near future.

It is strongly recommended that a detailed business requirements process is conducted before any approach to suppliers, vendors or the market via a tender process or similar, and that a finalized document form part of any such process so that bids can be properly assessed against expressed agency requirements.

### **IBMS - Interim arrangements**

DoI management accept that the Informatics IBMS will remain in operation for some time yet. It is therefore worth considering the costs and benefits in progressing urgent functionality upgrades, improvements and changes within the current system and vendor arrangements, and extracting any remaining, unfulfilled contractual obligations on the part of the vendor.

These might include:

- Seeking complete current system contract and user documentation from Informatics, along with training;
- Fully activating partially deployed system modules (eg: citizenship, compliance);
- Improving reporting functionality where access is not simply a matter of training, to improve access to core management data;
- Considering whether an initial transition to e-business (online applications, electronic visas and permits, and online payments) could be accommodated with the relevant additional Informatics module, or via enhancement of or integration with the current Jotform Online visa application form;<sup>29</sup>

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<sup>29</sup> This form is discussed at section 3.7.3 above.

- Considering whether at least batch API functionality along with related expected movements and alert list checking functionality could be built into the Informatics Border module.

This work should also anticipate the longer-term possibility of a full BMS replacement, and thus remain as uncomplicated and inexpensive as possible.

### **IT support and other systems**

IT Management report that current IBMS servers are now outside their warranty period, and whilst procurement and deployment of replacement equipment is underway, this highlights a significant issue. Until now there has been insufficient planning and budget allocation made for refreshes of key IT hardware, and probably also software and operating systems. The establishment of a hardware and software refresh programme should be a high priority for management, as this has the potential to imperil all current and future IT arrangements through catastrophic failure.

Whilst there appears to be a significant overall Government digital transformation policy, which if fully implemented promises significant efficiencies for Fiji Immigration and its clients, the Immigration IT team itself appears to be under-staffed given the scope of the ambitions around e-Government and electronic workflow.

IT support planning and budgeting should be framed with a medium–long-term view, as part of an agency-wide 5-year plan.

Fiji Immigration also operates a public-facing website along with agency email, supported by Fiji’s GOVNET system. Recent security issues have led to significant outages with both the website and emails, which, whilst this is beyond the mandate of this document, do serve as a caution around the need for careful planning and selection of vendors and suppliers in any public-facing electronic Government service. Website and e-commerce hosts should, as a minimum, match the security, disaster recovery, and uptime service-level agreement standards seen with major cloud-hosting providers AWS, Microsoft Azure, and Google Cloud.

Current Fiji Immigration website security measures have proven fairly blunt, with entire countries and regions prevented from accessing the website based upon IP address. Given the simplicity in avoiding geo-blocking by employing an inexpensive VPN, this is both unlikely to protect the website from genuine security threats, whilst undermining a core purpose of online services, being the inexpensive and convenient global reach to clients.

#### **3.10.2 Potential other IBMS suppliers**

IOM recommends that, should Fiji Immigration consider replacement of the current IBMS, it should also consider IOM’s MIDAS system, in addition to other offerings in the market. Any choice in this area should involve a genuine commercial tender, with an evaluation against agency business requirements.

Developed in 2009, IOM’s MIDAS system is a local, server-based IBMS offering designed for States seeking to comply with modern migration and border management standards with limited

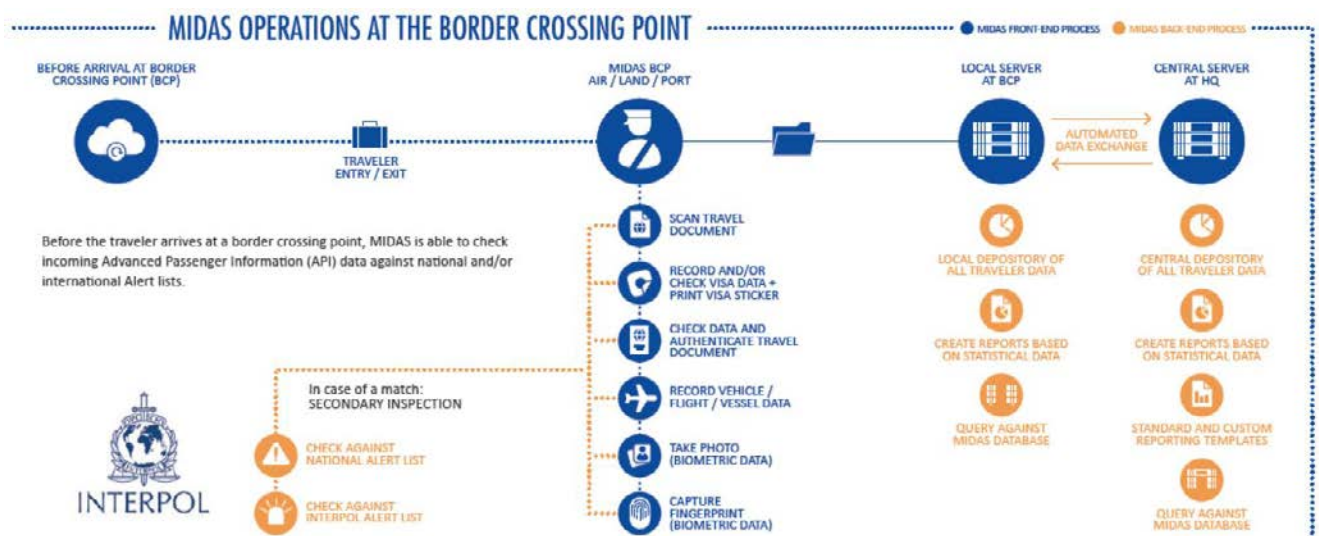
budgets.<sup>30</sup> The system is installed in over 20 countries, including the Marshall Islands, and as such is a reputable, mature system offering.

In IOM’s own words:

the Migration Information and Data Analysis System (MIDAS) is a high-quality, user-friendly and fully customizable Border Management Information System (BMIS) for States in need of a cost-effective and comprehensive solution. Currently operational in countries across Africa, Asia and the Americas, MIDAS has been designed to be compliant with international standards (ICAO and ISO).

With the capability to collect, process, store, and analyse traveller information in real time and across an entire border network, MIDAS enables States to more effectively monitor those entering and exiting their territory while providing a sound statistical basis for migration policy-related planning. IOM ensures that governments have full and exclusive ownership of any data recorded by MIDAS. Given IOM’s status as a non-profit making international organization, MIDAS is a cost-effective alternative to more expensive commercial options. IOM provides expert guidance throughout the installation process, including the delivery of systems administration training workshops and the provision of post-project support to ensure MIDAS’ sustainability.

The system is capable of receiving batch API data, and is interoperable with Interpol systems. It has a sophisticated border management function, detailed in the diagram below, and has been deployed with visa and integration with travel document functionality, e-visa functionality with online payments, and is capable of integration with other systems including national ID systems.



Key other aspects in considering the IOM system are:

- System software is, wherever possible, based upon open standards and open-source arrangements, minimizing or eliminating license costs;
- Ownership of the system source code remains with the recipient country. The latter, were a commercial vendor concerned, would be worth a considerable figure, likely several million United States dollars in value;

<sup>30</sup> See at IOM’s website: <https://www.iom.int/migration-data-management-intelligence-and-risk-analysis> and [www.iom.int/sites/default/files/our\\_work/DMM/IBM/updated/midas-brochure18-v7-en\\_digital-2606.pdf](http://www.iom.int/sites/default/files/our_work/DMM/IBM/updated/midas-brochure18-v7-en_digital-2606.pdf)

- Installation includes in-country presence of IOM technical expertise to deploy, test and perfect the system against the requirements of the recipient, finalize system documentation, and to provide training and capacity-building of all staff;
- Ongoing service and maintenance is available at cost value;
- Biometric capture and storage options include both facial images and fingerprints; and
- Reporting and analysis capability highly configurable and robust.

Multiple server installations with disaster-recovery functionality and remote site data synchronization are included in the solution capability

### **3.10.3 Disaster recovery**

Disaster recovery arrangements were noted as non-existent by the Auditor-General in the 2019 audit, as documented in section 3.1 above. Interviews with Fiji Immigration management indicate that this situation has been recognized and funds have been allocated to remedy this, although arrangements are still to be finalized.

The IBMS main server is located at Nadi, with a secondary server located at Suva able to operate as the disaster-recovery backup. The issue with this is apparently that moving to a disaster recovery mode using the Suva server would (at the time of writing) take up to 3 days, and the Nadi Airport primary line would be unable to operate remotely via that server.

The Mühlbauer passport database also lacks an offsite backup server and offsite backup printer.

This is a significant risk to key operations, and remedy is being actively pursued. In the case of the IBMS, a more actively integrated dual server arrangement between the Nadi and Suva offices is being developed, based upon a load-sharing model, with either server able to instantly manage full operations should the other service go offline.

### **3.10.4 Donor support**

The Australian Department of Home Affairs and the Government of Fiji recently agreed to a FJD 1.7 million package to support the ICT and communications infrastructure of Fiji Immigration.<sup>31</sup> The author understands this support is aimed at getting the IT fundamentals in place to support the digital transformation agenda, including support for an EDRMS and related hardware upgrades which will be required before any move to electronic workflow can be fully realized.

It is important that this work is concluded prior to any substantial systems changes or procurements, including moves towards full online processing and substantial upgrade or replacement of the IBMS.

This, along with ongoing support from both the Australian Government and New Zealand Government around SOPs is highly relevant and well-targeted, but should also not distract from the issues detailed above around planning and budgeting, and opportunities for greater self-funding canvassed in this document.

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<sup>31</sup> See the related announcement at [www.fiji.gov.fj/Media-Centre/News/FIJI-SIGNS-DIRECT-FUNDING-AGREEMENT-OF-FJD-1.7-MI](http://www.fiji.gov.fj/Media-Centre/News/FIJI-SIGNS-DIRECT-FUNDING-AGREEMENT-OF-FJD-1.7-MI)

### 3.11 Human rights and international obligations

As a signatory, Fiji has taken steps to implement the Protocols to combat Trafficking in Persons and Smuggling of Migrants under the United Nations Convention against Transnational Organized Crime (2000), and the 1951 Refugees Convention.

These include enabling legislation and offence provisions at Parts 5 and 6 of the Immigration Act, which complement offence provisions in the Crimes Act 2009, and in respect of people trafficking and smuggling, provide a cross-border legislative element to the response.

Operationally, refugee status determination (RSD) is handled by the Compliance and Investigations Section. The rationale for this appears to lie in the fact that the same team manage detention arrangements, along with “safe houses” for more vulnerable migrants such as women and children, and victims of trafficking in persons. Whilst it may be possible to separate the processing and assessment aspects of RSD out into another team such as Visas and Permits, the approach appears to be working well enough given the small caseload of 2–3 per annum, despite the fact that the RSD module in the IBMS is reportedly not working.

In its most recent Trafficking in Persons Report (2021), the United States State Department noted an improvement in Fiji’s response to this issue, and raised their ranking to Tier 2, up from Tier 2 Watchlist. In its own words:

The Government of Fiji does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so.....

....In January 2021, the Fijian Cabinet formally endorsed the national anti-trafficking strategy for 2021-2026, as well as a revised national action plan, which set annual, specific actions for the government to take to achieve the broader objectives outlined in the accompanying strategy. The Interagency Working Group on Human Trafficking, which convened for the first time in years during the previous reporting period, continued to meet. The police anti-trafficking unit continued to conduct public awareness campaigns and seminars aimed at children and young adults.<sup>32</sup>

Fiji Immigration is not directly responsible for all aspects of counter-trafficking and smuggling activity, but has a significant role alongside Fiji Police, especially where offences are transnational in nature and/or involve foreign nationals. Immigration data and records may constitute part of the body of evidence in respect of offences. Victims of trafficking and clients of people smugglers may well be encountered by Immigration officers either during compliance activity, or may be identified during visa processing or in a border control context.

As such, Fiji Immigration should take up the offer of a seat reserved for it within the Fiji Police Trans-National Crime Unit (TCU) to facilitate law enforcement information sharing, and also ensure close liaison between the Compliance and Investigations team and the Police Anti-Trafficking Unit.

Whilst measures around “safe houses” are appropriate, it would appear there is considerable scope to better document identification and referral protocols for immigration officers, and those exercising immigration delegations such as Fiji Customs, and Naval officers. These referral protocols should contain:

- Guidance as to what may constitute threshold evidence of trafficking in persons or smuggling of migrants;

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<sup>32</sup> See the report at [www.state.gov/reports/2021-trafficking-in-persons-report/](http://www.state.gov/reports/2021-trafficking-in-persons-report/)

- Identification and management of potential victims; and
- Referral of victims and evidence to Police, including timeframes and contact points.

Once developed and included in an SOP, these should be the subject of regular training for immigration staff.

Management of victims of trafficking includes the possibility of lawful status on a Special Purpose Permit permitting up to 3 years stay at a time, and application fees may also be waived if appropriate. This appears to be an appropriate response to enable continued stay of persons who cannot return home.

### **3.12 Compliance and investigations function**

The Compliance and Investigations team is small, consisting of 9 staff, which includes two seconded Police officers, who assist with investigations and prosecutions, and also with duties requiring force such as removals. The small size of this team means that the capability for active fieldwork to seek overstayers is limited, with most identified through voluntary approach or other forms of referral.

The manager reported that when he arrived in the area there were few relevant SOPs, and those that existed were out of date. It is understood that both the Australian and New Zealand Governments are assisting with a review of these, and are also looking at Police Standing Orders as a model for SOPs in some cases. The lack of documentation around powers has led to hesitancy on the part of Police as they are not sure what their powers are when they encounter matters pertaining to Immigration, although an upside to this has been that Police generally always contact Immigration for advice.

As noted elsewhere in this document, given the extensive coercive and intrusive powers available to this team, well-crafted and up to date SOPs are essential management controls. These are particularly important given the gaps in powers identified at sections 3.5.1.5 and 3.5.1.6 above, and the provisions of the Criminal Procedure Act 2009 which apply to arrests under s. 5(2) of the Immigration Act.

The IBMS and the manner in which it records data for various functions across the agency poses significant problems for this team. The Compliance module is ineffective, recording the existence of cases but not outcomes. System data pertaining to other team functions, such as Visas and Permits, is often incomplete, partly due to user error or misunderstanding, partly also due to ineffective system design and complexity in data entry.

Unprocessed permits pose a particular issue for Compliance and Investigations, as this affects the status of applicants within the country. Lack of accurate data around this, along with other gaps in IBMS records, make investigative work much slower and less conclusive without seeking the physical records in some cases.

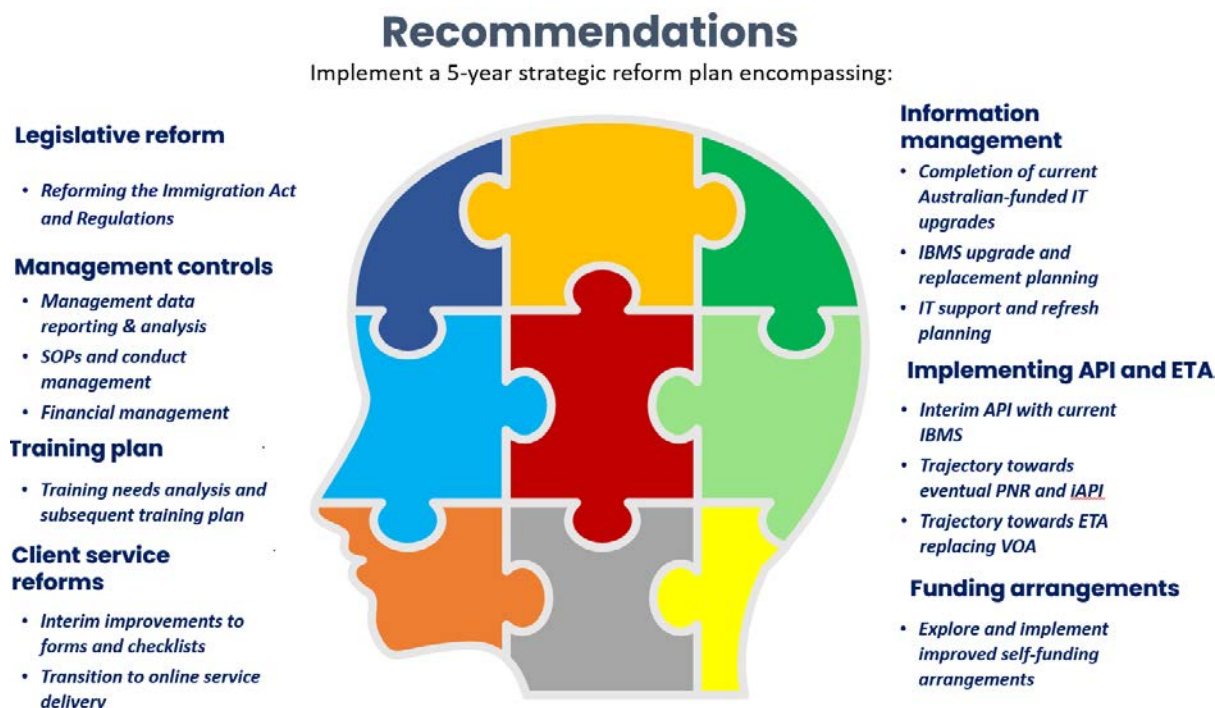
Detention arrangements include “safe houses” in Nadi and Suva, which are used to house victims of trafficking or women and children. Those subject to removal orders are not held in these locations, and Fiji Immigration generally seek to hold such cases in hotel detention prior to departure. This also appears to be an appropriate response, where mixing of case types is avoided, and held detention in a prison or police-lockup where contact with a remand or criminal population is also avoided.



### 3.13 Summary of findings and recommendations

The management team of Fiji Immigration are aware of many of the challenges facing them, not least due to the circumstances surrounding the departure of previous senior management, and repeated qualified audit reports.

Addressing the issues identified thus far will require coordination, which is recommended take the form of a 5-year Strategic Reform Plan encompassing the following elements identified in this report:



#### 3.13.1 Administrative and operational arrangements

Human capacity remains varied, with basic functions around checking of identity and intent, and integrity of border and migration management objectives reportedly not satisfactorily achieved. Lack of SOPs remains a root cause, along with decision-making being escalated to the highest levels due to mistrust of the capabilities of more junior staff.

The agency must focus on these as a core part of improvements to management controls, and embed accountable, documented workflows which guide assessment of applications and restore trust in delegated decision-making.

Immigration skills depart as a result of staff turnover, and basic immigration training for new staff and management along with refresher training in immigration functions is an essential need.

It is recommended that Fiji Immigration:

- Conduct a staff training needs analysis;
- Establish a training master-plan;
- Review staff recruitment arrangements and career pathways to ensure the highest quality recruits possible, and maximize staff retention.

Under these elements, the following training should form part of the considerations:

- Gender sensitivity to training and promotion opportunities for female officers
- Lawful decision-making
- Client Service and application processing
- Analysis of data
- Use of powers and delegations
- Assessing the identity and intent of clients
  - Impostor and fraudulent document detection
- Financial management
- Record keeping
- Code of conduct

To further strengthen identity management, it is recommended that Fiji Immigration also discuss with IOM the possibility of donor-funded Verifier TD&B stations at key points of entry such as Nadi Airport.<sup>33</sup>

Despite the failure in budget execution in 2018–2019, it is clear the budget arrangements for the agency are insufficient, and there is a clear lack of forward planning and provision for essential maintenance of systems in particular. This needs to be considered as part of the ongoing strategic planning of the agency. This should include considerations around revenue-raising opportunities which arise from online services such as fees for ETA, e-visa, and even API arrangements.

Financial controls are weak, with revenue collection occurring in a number of different locations and via several payment methods, leading to qualified audit results. Planning should commence around moving away from manual receipting, and towards direct deposit payments ahead of any moves to electronic or online payments.

Fiji Immigration should also establish a legislative and policy development capability within the agency. Current arrangements which see this occur within the Office of the Prime Minister may not always be appropriate and may lack practitioner input, and thus fail to meet the intended objectives.

### **3.13.2 Regulatory framework**

Reforms to the Immigration Act and Regulations have, until now, tended to focus on specific issues, and appear also to have occurred in a siloed manner, without reference to partner agencies and their legislation. An example of this is the differing approaches to carrier reporting contained within Customs and Immigration Acts, neither of which properly accommodate API.

The funding arrangements of the agency requires urgent reconsideration. Given its large pre-COVID traveller volumes, and the recommended implementation of API, ETA and e-visa arrangements, cost-recovery and revenue-raising arrangements should form part of the planning of the agency, and will likely require legislative change.

Other gaps noted in this report, which in the case of bonds are a repeated cause of qualified audits, as well as those noted in the borders and compliance/enforcement powers are a sign that the entire Immigration Act and Regulations warrant a root and branch review. This review should include

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<sup>33</sup> For more details, see <https://cb4ibm.iom.int/desc/>

consultation across Government and other key stakeholders such as carriers and the tourism sector and embed the principles of integrated border management.

Clearer legislation as suggested in this report will also assist with drafting SOPs, training of staff, and client service objectives.

The legislation also requires future-proofing, as a number of the stated aims of Government, particularly digital transformation, will require change to accommodate online and paperless applications, payments, processing, decision-making, and evidencing. Decision-making by computer also needs to be accommodated should VOA arrangements be replaced by any risk-based ETA or e-visa arrangement.

Fiji Immigration may wish to approach IOM, or PIDC, to assist with consultations and framing of underpinning policies and drafting instructions.

### **3.13.3 Information management**

Fiji Immigration will not be in a position to replace its current IBMS for at least the next 2 years, given the complexity of any such undertaking. It is therefore important that management firstly seek to extract as much functionality and value as is possible from the current system and its vendor as cost-effectively as possible.

Where the vendor has failed to deliver on contracted outcomes, this must be identified and pressed.

Small and/or important changes which could be considered are:

- Activation of non-functional IBMS modules if possible;
- Better integration with MoE Financial systems;
- Improved disaster-recovery arrangements and testing;
- Upload of data from existing spreadsheets;
- Changes to IBMS workflows to reflect current processing arrangements; and
- Upload of passenger manifests into the IBMS to enable checking against alerts and Interpol lists, and creation of expected movements for flights, as a basic form of API.

If a replacement IBMS is to be sought, planning for this must commence as soon as possible. This should include:

- Development of full business and functional requirements;
- Procurement (capital expenditure) budget identification;
- Ongoing maintenance budget identification;
- Approach to market (tender or similar).

## 4. Assessment of the COVID-19 response

### 4.1 Introduction

The COVID-19 pandemic is – first and foremost – a health issue. However, it is also having an unprecedented impact on mobility both in terms of regimes for border and migration management, and the situation of all people on the move, including tourism, family and economic travel and migration, as well as those displaced by conflict or disaster.

Fiji is no exception. Fiji Bureau of Statistics and World Tourism Organization (UNWTO) data confirm Fiji has been significantly affected by the international downturn in tourism, with an 83.6 per cent reduction in tourist arrivals in 2020 as compared with 2019. Direct tourism represented a pre-COVID total share of 13 per cent of GDP.<sup>34</sup> Economic migration and ongoing contact between expatriate Fijians and family remaining in Fiji has also been significantly affected, with Fiji Bureau of Statistics data showing arrivals and departures of residents declined in 2020 to 25 per cent or less of 2019 levels. These trends have continued into 2021.<sup>35</sup>

The Fiji Government has set itself the target of being ready to reopen the border to tourists safely by December 2021.

### 4.2 Legislative and policy framework

#### 4.2.1 Legislation

Pursuant to the Quarantine Act 1964, the national Quarantine Authority is the Permanent Secretary for Health and Medical Services.

Fiji's legislative and policy response to the COVID-19 pandemic has been led with key amendments to the Public Health Act 1935, Legal Notice 8 of 2020 "Public Health (Amendment of Schedule 1) Notice", and the promulgation of the Public Health (Infectious Diseases) Regulations 2020.

These have had the effect of declaring the Novel Coronavirus (2019-nCoV) to be an infectious disease subject to immediate reporting, as well as all enlivening the powers at Part 7 (Infectious Diseases) of the Public Health Act 1935 pertaining to isolation, quarantine, and restrictions on activities to contain and manage the disease, which are complementary to the powers within the Quarantine Act.

Whilst these powers are very broad, they also intersect in the border control context with the Immigration Act 2003, sections 5(1)(e) and 13(2)(d), which provide the power for an Immigration Officer to require that any person seeking to enter Fiji undergo examination by a medical examiner and undergo any test or investigation which the medical practitioner may require.

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<sup>34</sup> See [www.statsfiji.gov.fj/index.php/latest-releases/tourism-and-migration/visitor-arrivals/1134-provisional-visitor-arrivals-2020](http://www.statsfiji.gov.fj/index.php/latest-releases/tourism-and-migration/visitor-arrivals/1134-provisional-visitor-arrivals-2020) and UNWTO figures available at [www.unwto.org/international-tourism-and-covid-19](http://www.unwto.org/international-tourism-and-covid-19)

<sup>35</sup> See the Bureau of Statistics January 2021 report at [www.statsfiji.gov.fj/index.php/latest-releases/tourism-and-migration/visitor-arrivals/1137-provisional-visitor-arrivals-january-2021](http://www.statsfiji.gov.fj/index.php/latest-releases/tourism-and-migration/visitor-arrivals/1137-provisional-visitor-arrivals-january-2021)

A further intersection exists with the Biosecurity Act 2008, sections 9(2)(a), 22(1), 30, and 54(7), which provides that officers of the Biosecurity Authority may require reporting around those present on board arriving aircraft and vessels, as well as any diseases affecting them.

Both the Biosecurity Act and the Customs Act 1986 contain requirements around designation of Ports and reporting requirements of arriving craft.

#### **4.2.2 Operational and policy framework**

In the 2020 report of the Office of the Auditor-General (OAG) on Compliance Reports into the COVID-19 response, the OAG observed that MoHMS:

...established a National Health Taskforce (NHT) for Coronavirus in January 2020. The Taskforce is chaired by the Chief Medical Advisor and provides advice to the Permanent Secretary for MOHMS on policy matters.

An (IMT) was later formed to be responsible for the implementation of the daily operational functions of the COVID-19 PRP and is led by the Chief Operating Officer (COO). The IMT has developed and implemented the Fiji Coronavirus Preparedness and Response Plan.<sup>36</sup>

In terms of Border Control and related testing and quarantine arrangements, the policy and operational response under this framework has been implemented by the Fiji Government COVID Risk Mitigation Taskforce (CRMT).

The CRMT is a Cabinet-mandated working group consisting of the Permanent Secretaries for Economy (Chair), Health and Medical Services, and Commerce, Trade, Tourism and Transport. The Secretariat support is provided by the Ministry of Commerce, Trade, Tourism and Transport (MCTTT), Border Health Protection, the Incident Management Team, and Republic of Fiji Military Forces Surveillance team.

Key coordinating documents relating to entry policies and testing and quarantine arrangements have been made available via the MoHMS, MCTTT, and Fiji Immigration websites.<sup>37</sup> The information available to the public in this respect has been well coordinated, with consistent and cross-linked advice across all key agencies.

Fiji Citizens are allowed to return to Fiji, once they satisfy pre-travel COVID-testing, and are subject to quarantine and testing upon arrival. Costs of their quarantine accommodation, meals, and testing are covered by the State where they are repatriating to Fiji; however, from 29 March 2021, non-repatriating Fijians are required to pay a set charge for quarantine.

The CRMT developed a 3-stage plan charting the way back to a “new normal”, the Fijian COVID Safe Economic Recovery Framework.<sup>38</sup> This plan anticipates a slow opening up of travel, with tourism permitted from designated countries assessed as having contained COVID-19 in stage 2. The document, prepared in 2020, anticipated that tourism from Australia and New Zealand could ultimately be permitted within a “Bula Bubble”, with tourists allowed entry under a “Vacation in

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<sup>36</sup> Available at [www.oag.gov.fj/wp-content/uploads/2020/12/Audit-report-on-covid-19-response.pdf](http://www.oag.gov.fj/wp-content/uploads/2020/12/Audit-report-on-covid-19-response.pdf)

<sup>37</sup> See MCTTT website at [www.mcttt.gov.fj/covid-safe-economic-recovery-framework/](http://www.mcttt.gov.fj/covid-safe-economic-recovery-framework/), the MoHMS website at [www.health.gov.fj/](http://www.health.gov.fj/) and Fiji Immigration at [www.immigration.gov.fj/](http://www.immigration.gov.fj/)

<sup>38</sup> Available at [www.mcttt.gov.fj/wp-content/uploads/2021/02/Fijian-COVID-Safe-Economic-Recovery-Framework\\_-Rev-3.pdf](http://www.mcttt.gov.fj/wp-content/uploads/2021/02/Fijian-COVID-Safe-Economic-Recovery-Framework_-Rev-3.pdf) Summary document “Border Control Measures” is at [www.health.gov.fj/wp-content/uploads/2020/08/Fiji-COVID-19-Border-Control-Measures.pdf](http://www.health.gov.fj/wp-content/uploads/2020/08/Fiji-COVID-19-Border-Control-Measures.pdf)

Paradise” (VIP) programme to allow arrivals and stay within designated locations and minimized contact with Fijians.

It is not clear this stage was ever reached or implemented, as events in Fiji and these source countries overtook this in 2021 prior to the time of writing this report. Given vaccination rates in Fiji and key tourism source countries are rising rapidly, it remains a viable plan, with some modifications, as the Government move towards reopening the borders to tourists in November 2021.

Whilst tourism is currently ceased, and tourism entry is not permitted at present, resident non-citizens are still able to enter. Fiji Immigration has been given a key role in coordinating the arrival of non-citizens, and has been established as the principal point of contact for these people when seeking permission to enter Fiji by air, or non-yacht sea entry.<sup>39</sup> Fiji Immigration also assist with the return arrangements for Fijian citizens who may be travelling on dual-national documentation, and where they are unable to undergo required PCR testing prior to travel.

Given the location of Fiji Immigration within the Office of the Prime Minister, and their existing Immigration Act mandate around the control of the arrival and departure of travellers, this is a logical point of coordination.

Applications for entry, along with required test results sent to the designated Fiji Immigration email address are then circulated to MoHMS and other CRMT designates prior to clearance being granted, although in terms of the assessment of test results and the medical risk, the decision rests with MoHMS.

Despite the recent outbreak in Fiji, this system appears to have provided a well-coordinated response, and remains a good example of integrated border management in action. Traveller clearances appear to be manual at this stage, which may well suffice whilst traveller numbers remain low; however, this will become a significant challenge should the border begin to reopen to major tourist markets. Being a manual process may also slow contact tracing should travellers test positive after arrive, and where travel numbers increase.

Yacht arrivals follow the “Blue Lane” procedure, and may enter Fiji at Denarau or at Savusavu Ports (after obtaining the necessary approvals).

In interviews with MoHMs and Immigration officials, it appeared that procedures around fishing vessels may still be a little unclear, noting the risk profile of these vessels will vary significantly depending upon their movements, other ports of call, and whether they have engaged with other ships at sea which originate from other ports, such as mother-ships or processing vessels. MoHMS advise that fishing vessels call into Suva and Lautoka wharves, and come under the mandate of the local Health Inspectors in each place.

It is recommended that the risk profiles of these operations be examined to ensure there is not a gap in policy, particularly within Fiji-based fishing operations where there is the possibility of direct or indirect foreign contact at sea, either with other crews or via fishing inspectors.

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<sup>39</sup> See [www.mcttt.gov.fj/wp-content/uploads/2021/01/Entry-Requirements-for-Non-Fijians.pdf](http://www.mcttt.gov.fj/wp-content/uploads/2021/01/Entry-Requirements-for-Non-Fijians.pdf)

### 4.3 Sanitary procedures and effective border control

A key risk at the border during the COVID-19 pandemic is the health and safety of officials, staff, and travellers in what is generally an indoor immigration and customs clearance setting, generally at Nadi Airport.

Procedures to confirm the identity and intent of travellers need to be followed in a manner which ensures the risk of transmission of the virus is minimized, whilst also minimizing the risk that a non-bonafide traveller may seek to exploit border control measures which have weakened or become compromised.

A number of safe workplace guidelines are relevant:

- MoHMS Guidelines, particularly the Rational Use of PPE guidelines, at [www.health.gov.fj/information-guidelines/](http://www.health.gov.fj/information-guidelines/)
- Fiji Airports – Nadi International Airport Cleaning and Disinfection Plan during and post-Pandemic
- IOM’s Standard Operating Procedures (SOP) for Front-line Border Officials at the Point of Entry (PoE) in Response to COVID-19 Outbreak (January 2021).

Also relevant are the WHO Policy and technical considerations for implementing a risk-based approach to international travel in the context of COVID-19,<sup>40</sup> and the related ICAO/IATA CART Guidance for Airports, Carriers, Passengers and Crew, and Cargo.<sup>41</sup> The latter includes the ICAO DOC 10152 – “ICAO Testing and Cross-Border Risk Management Measures Manual”,<sup>42</sup> which includes broader multi-layered risk-management and testing regimes as well as sanitary measures relevant to the opening of bilateral or multi-lateral travel corridors.

Whilst the public health considerations remain within the mandate of MoHMS, it is recommended that these protocols are examined and harmonized with the standards recommended in the IOM SOP, and reflected in Fiji Immigration SOPs. It may be prudent to share the IOM SOP with MoHMS, Customs, Biosecurity and Fiji Airports and involve them in any revision of border control procedures for staff.

This will become increasingly important should borders begin to reopen and traveller numbers increase.

### 4.4 Measures to regularize stranded migrants

Fiji Immigration has correctly identified that COVID-19 induced border closures, travel restrictions, and scarcity of international flights will mean certain non-citizens will be unable to depart Fiji despite otherwise wishing to, or ordinarily being required to as visas and permits expire.

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<sup>40</sup> Available at [www.who.int/news-room/articles-detail/policy-and-technical-considerations-for-implementing-a-risk-based-approach-to-international-travel-in-the-context-of-covid-19](http://www.who.int/news-room/articles-detail/policy-and-technical-considerations-for-implementing-a-risk-based-approach-to-international-travel-in-the-context-of-covid-19)

<sup>41</sup> Located at IATA’s website - [www.iata.org/en/programs/covid-19-resources-guidelines/cart-guidance/](http://www.iata.org/en/programs/covid-19-resources-guidelines/cart-guidance/) and also [www.icao.int/covid/cart/Pages/default.aspx](http://www.icao.int/covid/cart/Pages/default.aspx)

<sup>42</sup> Available at [www.icao.int/safety/CAPSCA/PublishingImages/Pages/ICAO-Manuals/Doc%2010152\\_Unedited%20Second%20Edition\\_Manual%20on%20Testing%20and%20Cross-border%20Risk%20Management%20Measures.PDF#search=Doc%2010152](http://www.icao.int/safety/CAPSCA/PublishingImages/Pages/ICAO-Manuals/Doc%2010152_Unedited%20Second%20Edition_Manual%20on%20Testing%20and%20Cross-border%20Risk%20Management%20Measures.PDF#search=Doc%2010152)

A pragmatic approach has been applied, with the Immigration website inviting people in this situation to contact Fiji Immigration to discuss their situation. Policy arrangements have been put in place to allow for a Special Purpose Resident Permit (COVID 19) to be granted in cases where people cannot depart. These types of permits may be granted for up to 3 years stay.

It seems that a reasonable balance has been struck, as the Manager Compliance reports that whilst there were an estimated 8,000 overstayers in the country in 2019, this fell to 6,000 in March 2020, and by May 2021, stood at 2000. This suggests that those that could return have, in most cases, done so.

#### **4.5 Broader human rights considerations**

Both IOM and the WHO have also documented several areas of concern in the global response to COVID-19.

The first is that vaccination, or lack of it, should not become grounds in itself to refuse a person entry to a country. The recommendations are instead that policy settings around quarantine and testing are calibrated accordingly, with consideration being given to lesser restrictions upon arrival for those who can show both vaccinated or recovered status, as well as a clear pre-travel test result.

The logic behind this is to ensure there is no unreasonable discrimination, particularly against those who cannot be vaccinated such as children under 12, or those with genuine medical conditions preventing it.

Similarly, the rights of travellers, particularly those who are vulnerable such as children, undocumented migrants, or even those involved in potentially criminal behaviour still extend to ensuring they are accorded all of the necessary protection from COVID-19. No person should be denied access to basic sanitation such as hand-wash or masks, or placed in a situation where they are exposed to COVID-positive persons. Children or those requiring care should not be separated from care-givers or parents on the basis of COVID status.

The IOM SOP also contains useful guidance on gender mainstreaming at the border, and how this intersects with COVID-19 management.

Whilst the author is not aware that any of the current policies and procedures of Fiji Immigration require amendment in light of these documents, it is recommended they are reviewed to ensure harmonization where possible.

#### **4.6 Pathways to re-opening the border**

Whilst nothing can be certain in a global pandemic which involves a mutating, airborne-transmissible virus, there are a number of developments within the international aviation, border control, and public health spheres which are worthy of examination.



#### 4.6.1 Proof of vaccination and health status

Most border officials will be aware of the International Certificate of Vaccination or Prophylaxis (ICVP), also known as the “yellow card”. This has in the past been the basis of evidence of vaccination in the border-control context, and is at present the only globally mandated vaccination record.

Being a paper-based document with few security features, relying on handwritten entries made by vaccination and health professionals, the document is also open to fraud. As it is also not linked with any feeder identity document, or travel document apart from handwritten entries, the document is not generally accorded a great deal of trust in a border context.

Many countries have developed domestic electronic records which record vaccination status, often accessible in the form of an app on a smartphone. Whilst these offer varying degrees of security and trust, they are generally accepted only within the domestic context.

#### IATA Travel Pass

IATA have introduced a Travel Pass<sup>43</sup> with the aim of facilitating international air travel based around pre-flight COVID tests and vaccinations. Developed by the airline industry for the airline industry, it leverages the existing IATA Timatic system to drive the rules around acceptable testing and vaccination facilities, test types and vaccination requirements.

The advantage of this initiative lies in its broad uptake, at least in the trial phase, by the airline industry. Regional airlines involved include Fiji Airways, Air New Zealand and Qantas, with other airlines servicing the South Pacific also including Singapore Airlines, Emirates, Qatar Airlines, Thai Airways, Korean Air, and ANA.

Using Timatic also has the attraction of allowing destination countries to determine which laboratories or providers, tests and vaccination records they will accept. Identity is managed via a modification of IATA’s existing Contactless Travel App, which uses an enrolment process including photos of the traveller, along with travel document and chip details to verify the electronic “passport” created within the app.

The system contains a QR-code for verification purposes, although at this stage, the electronic “signature” and linkage to identity could not be considered to meet the security and verifiability standards established by ICAO and the European Union in their solutions dealt with below. It is not a substitute for government-issued COVID vaccination certificates, although it is a possible means of incorporating these into a single check of all health requirements by carriers.

Its advantage lies in the possible extent to which integration of data sources, such as government-issued vaccination certificates and testing data laboratories and clinics operated privately and by governments, can be included into a single health documentation measure which is potentially attuned to mandatory pre-travel checks carried out by carriers at the behest of destination countries. Whilst this may not be robust enough for border checks, especially where fraud or identity is an issue, this may prove an option where checking both vaccination status and pre-flight COVID test status is outsourced to carriers.

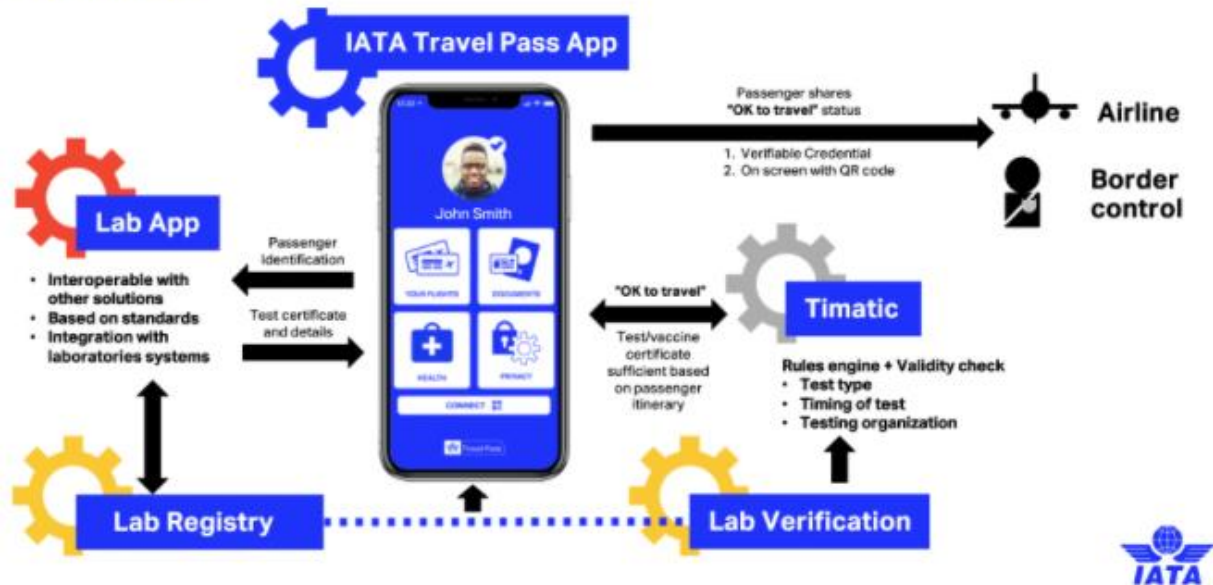
With the above in mind, the IATA Travel Pass is a candidate for acceptance for the purposes of pre-travel checking travel by Fiji authorities, although given the observations around international

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<sup>43</sup> See the IATA Travel Pass initiative website at [www.iata.org/en/programs/passenger/travel-pass/](http://www.iata.org/en/programs/passenger/travel-pass/).

standards and identity management further below in this report, it is not recommended for adoption beyond pre-travel carrier checks.

## Overview



Graphic from the IATA Website – [www.iata.org/en/programs/passenger/travel-pass/](http://www.iata.org/en/programs/passenger/travel-pass/)

## The EU Digital COVID Certificate (Digital Green Certificate)

An example which has applicability across international borders is the EU Digital COVID Certificate,<sup>44</sup> also known as the “Digital Green Certificate”.

This certificate provides evidence that the bearer has:

- Been vaccinated against COVID-19;
- Has received a negative test result; or
- Has recovered from COVID-19.

It is:

- Digital and/or paper format;
- provided with a QR code;
- free of charge;
- in the national language and English;
- safe and secure; and
- valid in all EU countries.



The QR-code contains a digital signature to ensure security and authenticity, as well as key data around identity and status to enable checking by relevant authorities. Regionally, it has been adopted by

<sup>44</sup> See [https://ec.europa.eu/info/live-work-travel-eu/coronavirus-response/safe-covid-19-vaccines-europeans/eu-digital-covid-certificate\\_en](https://ec.europa.eu/info/live-work-travel-eu/coronavirus-response/safe-covid-19-vaccines-europeans/eu-digital-covid-certificate_en). The photograph above is taken from this website page.

French territories in the Pacific, and the standard has also been adopted by the New Zealand Government for its international COVID-19 vaccination certificates.

This system would appear to have a more robust link to and integration with national identity and medical systems as it is issued by EU national governments, based upon existing national ID schemes, although the complexity of representing data such as recovered status and pre-flight PCR test status in a timely fashion via such a system should not be underestimated, and is probably overly burdensome for Fiji and the region. In drawing this conclusion, the author notes that major countries of origin such as Australia and New Zealand are only centrally issuing vaccination certification. Pre-travel PCR tests are still effectively separate pieces of paper on laboratory letterhead, which are not included in their international travel certification.

Whilst the visible barcode is not the same as the ICAO standard which governs visible digital seals discussed below, it utilises a robust trust architecture of a similar type, and is thus more secure than the IATA initiative and as such is certainly a candidate standard for issuance of COVID vaccination certification to Fiji residents.

The challenge will be verification of the validity of the certificate standard, where issued by other countries. The EU has published details of its trust framework,<sup>45</sup> and stores its digital signature public keys at a Digital Green Certificate Gateway (DGCG), which acts as a central repository for the public keys. In theory these should be accessible to other countries for download and use in verifying the EU certificates, and it is understood that there are moves to incorporate them into the ICAO Public Key Directory (PKD) under a distinct “health tree” of that directory. In theory this should allow integration into border document scanners, and perhaps development of a mobile phone application, however this is still a work in progress.

Similar issues may arise with other certificates produced elsewhere, such as that of the African Union, using different standards and certificate signing methodologies. In theory, where a country adopts a barcode signing model and publishes its public keys on a website (for example), these may be used by recipient countries to verify the signature of relevant barcodes. The complexity lies in the fact that this requires that the public keys are located and incorporated into verification tools in recipient countries in each case.

It is recommended that DoI and MoHMS coordinate efforts to ensure these certificates can be verified by border agencies.

### **ICAO Standards – VDS for Public Health Proofs**

ICAO is the most widely accepted authority in respect of international standards pertaining to international travel documents, and matters of identity at the border. Document 9303 elaborates the international standards pertaining to Machine-Readable Travel Documents (MRTDs), e-Travel documents, machine-readable visas, related biometrics, and lastly, Visible Digital Seals (VDS).<sup>46</sup>

It is in the latter space the ICAO has developed a solution applicable to COVID certification applicable to international travellers. In its own words:

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<sup>45</sup> See [https://ec.europa.eu/health/ehealth/covid-19\\_en](https://ec.europa.eu/health/ehealth/covid-19_en)

<sup>46</sup> ICAO Doc 9303 is available at [www.icao.int/publications/pages/publication.aspx?docnum=9303](http://www.icao.int/publications/pages/publication.aspx?docnum=9303)

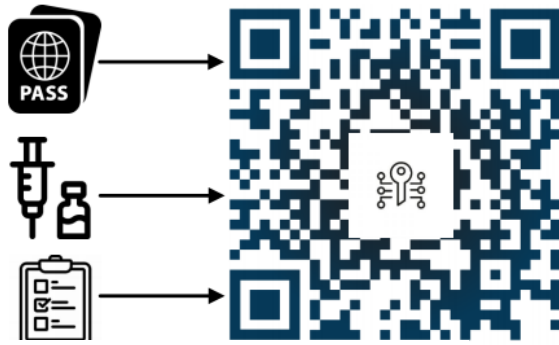


Image from ICAO – refer footnote 47 below.

“ICAO has announced the publishing of new technical specifications for a Visible Digital Seal (VDS) for non-constrained environments.

The ICAO VDS stores datasets for test and vaccination certificates in a two-dimensional barcode which can be paper- or screen-based. Border control and other receiving parties can verify the data against established requirements efficiently and seamlessly, including through the use of traveller self-service kiosks and processes.

The VDS barcode is digitally signed for security, with the signature being based on the same public key cryptographic infrastructure principles already used to support ePassport issuance and authentication by more than 145 countries globally.

.....A key benefit of this technology is that it enables ePassport-issuing countries, as well as borders equipped to read ePassports, to potentially re-purpose existing infrastructure and technology to secure/verify other paper/hard copy documents in use in the travel continuum.”<sup>47</sup>

As this QR-code standard has been developed using the same infrastructure as that underpinning travel documents, and with border control agencies in mind, identity management is very robust. It can be deployed in hardcopy, printed format, or within an app, or both. It is understood that this standard has been adopted by the Australian Government for its international COVID vaccination certificates.

The ICAO standard is, in the author’s view, likely to end up being the internationally accepted standard. Whilst the EU certificate QR-code standard may operate independently, it can be expected that the ICAO approach may dominate. It is possible, but not certain, that the EU certification may also adopt this standard in due course.

DoI Management report that they have been working with MoHMS and the CRMT to implement the ICAO standard to assist in the management of both non-citizen travellers, and certificates for Fiji nationals. In the latter case, DoI are already working with the travel document system provider (Mühlbauer) and stakeholder Fijian agencies to create an ICAO-standard VDS barcode for Fijian digital COVID certificates.

It will be important that the public keys for the digital signature of Fiji-issued COVID certificate QR-codes are either uploaded to the ICAO Public Key Directory (PKD), or if cost is an issue with the ICAO PKD, published on a widely available website and circulated to key destination countries for Fijian nationals. This will ensure Fiji-issued certificated are able to be verified by recipient country border and health authorities.

Both DoI and MoHMS should also confirm that the regulatory arrangements around the Fiji COVID certificate properly establish the key considerations around enrolment, inter-agency information-sharing, security and privacy, any fees, and decision-making.

<sup>47</sup> See ICAO media release and linked papers at [www.icao.int/Newsroom/Pages/New-ICAO-VDS-delivers-important-benefits-for-secure-and-efficient-COVID19-testing-and-vaccination-validation.aspx](http://www.icao.int/Newsroom/Pages/New-ICAO-VDS-delivers-important-benefits-for-secure-and-efficient-COVID19-testing-and-vaccination-validation.aspx) . Detailed information is contained within [www.icao.int/Security/FAL/TRIP/PublishingImages/Pages/Publications/Guidelines%20-%20VDS%20for%20Travel-Related%20Public%20Health%20Proofs.pdf](http://www.icao.int/Security/FAL/TRIP/PublishingImages/Pages/Publications/Guidelines%20-%20VDS%20for%20Travel-Related%20Public%20Health%20Proofs.pdf) . The image is from the latter document.

Verification is being assisted with the release of a smartphone app by the Australian Government, which at this stage verifies the Australian-issued COVID vaccination certificates. The Australian government has announced plans to expand the capability of this app so that it can verify any ICAO-standard COVID vaccination certificate.

Fiji Immigration and partner agencies should expect that there will also be a need to upgrade software in travel document readers at the border to accommodate and verify ICAO-standard vaccination certificates issued by key source countries such as Australia in coming months, as well as EU standard barcodes. As major document reader vendors are likely to include this capability within normal software releases given this is becoming the international standard, this will likely occur with minimal intervention by border authorities.

Once a standard is settled by the Government of Fiji, airlines will need to be advised and the requirement for travellers to produce this standard of certificate, along with pre-flight verification by the carrier, will need to be communicated with them, and to the IATA TIMATIC system.

#### 4.6.2 Health ETAs and digital border declarations

A recent World Bank Report stated that *“A nation’s capacity to perform the 3Ts (Testing, Treatment and Tracing) is critical to decision-making regarding the speed and breadth of opening up to international travel.”*<sup>48</sup>

As has been seen above in this chapter, current health clearances to travel to Fiji involve a manual process, and manual evidencing of permission by return email. As the border has begun to reopen in November 2021, these processes have persisted.

In addition to the consideration around COVID certificates immediately above, there remains the issue of enabling, receiving and recording pre-travel health clearances for reference at the border, and enabling easy access to contact-tracing data after arrival. This is important as whilst the digital COVID certificate will record and verify key aspects of COVID vaccination, it is not in itself able to provide advance notice of key policy elements which are still likely to be of concern to MoHMs, including:

- Pre-travel verification of vaccination certificate barcodes;
- Which vaccine has been given (relevant as some may not be accepted by MoHMS);
- Pre-flight test status, type, and laboratory;
- COVID-recovered status.

A pre-travel clearance to cross the border, whether based around health or immigration considerations, is essentially a “visa”. The concept of a COVID visa or ETA is thus not new, and has already seen some thinking on the part of other border agencies and the airline industry, including for example:

- Health ETA – <https://health.aero/> – operated by SITA. This hosts Australia’s Border Declarations System as well as for Milan Airport (Italy). It manages traveller declarations prior to travel and produces an emailed “Health ETA” for travellers. Depending upon the level of service subscribed, the system is capable of receiving and verifying or reading uploaded

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<sup>48</sup> World Bank – “How Could the Pacific Restore International Travel?”, January 2021 - <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/303971611070755211/how-could-the-pacific-restore-international-travel>

documents such as travel documents and health status documents such as vaccination certificates.

- The Cook Islands pre-travel online contact tracing form – <https://forms.health.gov.ck/211307211673950>. This simple form, developed using the same Jotform platform used by Fiji Immigration for its online visa applications,<sup>49</sup> must be completed by travellers at least 72 hours prior to travel to the Cook Islands. It ensures key data is forwarded to all appropriate Ministries, and an automated response sent to the traveller prior to embarkation.

Fiji Immigration does not necessarily need take up either of these specific examples, and they are not specifically endorsed by the author. It is recommended; however, that they be considered as examples in deciding if and how the Fiji Government may wish to formally receive and verify health status documentation, and record and evidence pre-travel COVID authorizations and post-arrival contact details, either in some standalone electronic format, or in its IBMS.

This is particularly relevant where some cohorts such as tourists may still be accorded a “light touch” in terms of normal visa and immigration requirements at the border, and ultimately given a similar light treatment in terms of quarantine arrangements should they travel within a designated “bubble”, satisfy vaccination requirements, or come from a country which presents as low-risk for COVID transmission. An ETA or similar would ensure this data is collected ahead of travel, and whilst it could be auto-granted for specific traveller types, it would still ensure relevant data was available in case of need.

If implemented within the IBMS, this would ensure that all travellers, Fijian and non-citizens alike, have these permissions stored in the system which manages the border. It is equally possible to manage this in a standalone online system such as those detailed above, or via a simple online form such as the current Jotform, which hosts the interim online visa application. In either case, an electronic, online solution, with some form of electronic workflow and authorization with an automatically emailed response, would significantly streamline the process once traveller numbers begin to increase. Auto-grant of low-risk travellers could also be implemented to reduce delays, if this were something MoHMS desired.

This would ensure both enduring records along with case notes and linkages to key documents such as COVID certificates, as well as the ability to record events such as a referral to Health should this occur. It would also allow verification of vaccine certificate barcodes prior to travel.

Whilst contact tracing will largely be the overall responsibility of MoHMS should a traveller subsequently return a positive test, some form of ETA or IBMS record would likely assist in collating location and contact data more quickly.

The real value would also be that, once API is introduced and if the Health ETA is recorded in the IBMS (and any successor system), the existence of the COVID authority could be verified during the systems checking to confirm that everyone of the flight has the necessary pre-clearances, prior to a flight to Fiji departing its port of embarkation.

Any such initiative should be considered also with the possibility of moving to digital arrival and departure declarations.

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<sup>49</sup> Available at [www.immigration.gov.fj/online-application](http://www.immigration.gov.fj/online-application) at the time of writing.

A “single-window” approach could be taken whereby a single set of data and declaration prior to arrival could serve several purposes at once – COVID health clearances for MoHMS, and arrival declarations for Immigration, Customs and Biosecurity. Should this path be pursued, it will be necessary to confirm the legislative framework around these declarations would permit a digital format, and ensure all agencies who currently require access to arrival card data in particular are still able to access it.

If this direction is chosen, Fiji Immigration may wish to introduce this gradually as its systems environment evolves, starting out as a new “visa” type in the existing IBMS. This policy would also need to be considered with MoHMS in terms of legislative authority, and also whether MoHMS would need any form of IBMS access to record processing and/or approvals, compartmentalised to just this single function.

#### **4.6.3 Travellers from smaller pacific island States**

As borders gradually reopen, consideration needs to be given to how travellers from neighbouring small island States and territories will be managed.

Issues are likely to arise with a slower of digital COVID certificates uptake among smaller neighbouring States and territories. Many have not implemented e-travel documents, and thus may not have easy access to the ICAO Public Key Directory (PKD) to publish their public keys. Infrastructure and capability constraints may mean that digital certificates are not be issued regionally for a considerable time, whether this be with EU, ICAO or another standard. This may ultimately require a regional solution supported by outside donors, operated under the remit of a regional or international body such as the Pacific Island Forum, or South Pacific Community.

Some may continue to rely upon the original paper-based WHO Yellow Cards as evidence of vaccination. Pre-flight testing will likely still rely solely on paper-based evidence of health status. Some may also seek to rely on the IATA Travel pass detailed above.

Ultimately it will be a MoHMS and CRMT decision as to which evidence will be acceptable in these cases, however, the Health ETA considerations above would be equally applicable no matter the citizenship or origin of travellers.

### **4.7 Summary of recommendations**

Key recommendations around procedures are as follows:

- Border agencies and airports/ports should ensure SOPs are harmonized between each other and with MoHMS;
- SOPs should also take into account IOM and WHO recommendations, particularly around health and safety measures, and the human rights considerations around COVID-19 and border management;
- The Government of Fiji should settle on a standard for secure digital COVID vaccination certificates and communicate this to carriers and the international border management community;
- DoI and MoHMS should continue to coordinate the legislative, policy and administrative arrangements for issuing Fijian digital COVID Certificates;

- DoI and MoHMS explore and coordinate policy around and implementation of COVID Health ETAs to streamline travel approvals, pre-travel verification of certificate QR-codes, and any contact-tracing; and
- DoI, Customs, Biosecurity and MoHMS consider a single-window approach to Health ETAs and digital, paperless arrival and departure declarations.



## Annex 1 – Example visa/permit structure in regulations

This is a generic example of how visas/permits along with all generic conditions and criteria could be clarified and restructured in a set of Immigration Regulations. It is not meant to be prescriptive, rather to assist and inform any review.

### SCHEDULE 1 – generic visa criteria

Code	Criterion	Description
A1	Character	The applicant is not a person of character concern as defined in clause XX of the Act or Regulations.
A2	Health	The applicant is not a person of health concern as defined in clause XX of the Act or Regulations.
A3	No fraud	The decision maker assesses that none of the information or documents provided in the application or by any person relevant to the decision is fraudulent or misleading in a material particular.
A4	No exclusion period	No exclusion period applies to the person as per schedule. [schedule relating exclusion periods for former overstayers or deportees etc, if this is included].
A5	Identity	The applicant provides satisfactory evidence of their identity.
A6	Acceptable travel document	The applicant holds an acceptable travel document. [This should be carefully defined in the interpretation section of the Act/Regulations to prevent acceptance of, for example, a counterfeit or altered document]
A7	No official debt to the State	The applicant has no outstanding official debt to the State.
A8	Financial support	The applicant has sufficient funds or other material support from family, an employer or friends to ensure they will not breach visa conditions and/or become a financial burden on the State during the proposed stay.
A9	Location at time of application	The applicant must not be located within the State at the time of application unless authorized in writing by the Permanent Secretary.
A10	Location at time of application	The applicant must be located within the State at the time of application unless authorized in writing by the Permanent Secretary.
A11	Location at time of visa grant	The applicant must not be located within the State at the time of visa grant unless authorized in writing by the Permanent Secretary.
A12	Location at time of visa grant	The applicant must be located within the State at the time of visa grant unless authorized in writing by the Permanent Secretary.
A13	No breach of prior visa conditions	The applicant has not breached any condition of a prior Fijian visa.
A14	Research, media, film-maker, photographer approval	Proposed research, media, film-maker, or photographer activity within the State has been approved in a manner prescribed by the Permanent Secretary
A15	Not a prohibited immigrant	The applicant is not a prohibited immigrant.

## SCHEDULE 2 – generic visa conditions

Code	Condition	Description
V1	Character	Continues not to be of character concern as defined in clause XX of the Act or Regulations.
V2	No change of visa class	May not validly apply for a subsequent visa of a different class whilst remaining in the country, unless permitted in writing by the Permanent Secretary.
V3	Employment Unrestricted	Employment and business activities permitted without restriction.
V4	No employment or business activity	Must not engage in employment or engage in business activity during stay unless authorized in writing by the Permanent Secretary.
V5	Employment restriction	Must not change employer or job description or engage in business activity without written permission of Permanent Secretary.
V6	Employment restriction (labour)	Must not engage in an occupation specified as restricted [by the Permanent Secretary / Secretary of MEPIR as appropriate] unless authorized in writing by the Permanent Secretary. Must not engage in business activity.
V7	Employment (student)	Must not work for more than XX hours per week, or other period specified in writing by the Permanent Secretary. Must not engage in business activity. May engage in an internship or workplace related training.
V8	Study restriction	Must remain enrolled in course of study stated in visa application, unless permitted in writing by the Permanent Secretary.
V9	Study prohibited	No study permitted, unless permitted in writing by the Permanent Secretary.
V10	Study unrestricted	May study without restriction.
V11	Volunteer / Aid / Missionary Activity	Must not cease or change volunteer/missionary/aid activity without written permission of Permanent Secretary. Must not engage in business activity.
V12	Maintain status	Must maintain Official/Military or other status which permitted the grant of the visa.
V13	Must depart or renew prior to visa expiry	Must depart or obtain a further visa prior to visa expiry.
V14	Maintain sufficient funds	Must maintain sufficient funds or means of support during stay.
V15	Maintain acceptable travel document	Must continue to hold acceptable travel document.
V16	Business activity	Must not change business ownership or business activity without written approval of the Permanent Secretary. Employment permitted within the specified business in the specified role.
V17	Research, media, film-maker, photographer approval	Where research, media, film-maker, or photographer activity has been approved in a manner prescribed by the Permanent Secretary, that approval remains in effect.
V18	No further stay	The visa may not be extended after arrival, and an application for a different subclass of visa may not be made after entry without the written permission of the Permanent Secretary.
V19	Not a prohibited immigrant	The visa holder is not or does not become after the visa is granted become, a prohibited immigrant.

**SCHEDULE 3 – SAMPLE VISA CLASSES and SUBCLASSES**

**Class 1 – Permanent resident**

<b>Subclass 1A – Spouse</b>		
<b>Purpose</b>	To provide a permanent resident visa for genuine spouses of Fijian citizens or permanent residents, and dependents of the visa applicant where applicable.	
<b>Form</b>	As prescribed by the Permanent Secretary.	
<b>Fee</b>	As prescribed in Schedule 5.	
<b>Evidence</b>	As prescribed by the Permanent Secretary.	
<b>Criteria</b>	<b>All applicants</b>	
	<ol style="list-style-type: none"> <li>1. A1, A2, A3, A4, A5, A6, A15;</li> <li>2. A Spouse Sponsorship has been lodged and approved pursuant to these Regulations.</li> </ol>	
	<b>Principal applicant</b>	
	Satisfies the Permanent Secretary that <ol style="list-style-type: none"> <li>1. They are in a genuine and continuing spouse relationship with a Fijian citizen or permanent resident which is to the exclusion of all others;</li> <li>2. The relationship has not been contrived solely in order to obtain entry to or residence within the State; and</li> <li>3. They seek to settle permanently in the country and reside with their spouse.</li> </ol>	
	<b>Dependent applicants</b>	
	<ol style="list-style-type: none"> <li>1. Must be a child of the Principal Applicant</li> </ol>	
<b>Conditions</b>	All applicants	V1, V3, V10, V19
<b>Initial entry validity</b>	All applicants	For applicants outside the country at the time of grant, 6 months from the date of grant.
<b>Stay period</b>	All applicants	Indefinite
<b>Re-entry</b>	All applicants	Multiple, valid for 5 years, permitting indefinite stay on each entry
<b>Re-entry renewal</b>	All visa holders	Yes, valid for 5 years permitting indefinite stay on each entry, where the visa remains valid, and where the holder has physically resided in the State for a cumulative period of at least 2 years in the 5 years prior to the renewal application.

## Class 2 – Temporary resident

<b>Subclass 2B – Employment - Long Stay</b>		
<b>Purpose</b>	To provide a visa for employment purposes for up to 5 years.	
<b>Form</b>	As prescribed by the Permanent Secretary.	
<b>Fee</b>	As prescribed in Schedule XX.	
<b>Evidence</b>	As prescribed by the Permanent Secretary.	
<b>Criteria</b>	<b>All applicants</b>	
	A1, A2, A3, A4, A5, A6, A7, A11, A13, A14, A15.	
	<b>Principal applicant</b>	
	The applicant satisfies the Permanent Secretary that <ol style="list-style-type: none"> <li>1. The applicant genuinely intends to enter the State for the purpose of temporary employment, and</li> <li>2. The proposed employment has not been contrived solely to obtain entry or residence in the State; and</li> <li>3. The proposed period of stay does not exceed 5 years, and</li> <li>4. The application is supported by a valid sponsorship approved under these Regulations and the proposed employment is subject to a valid contract of employment with the proposed employer which               <ol style="list-style-type: none"> <li>a. Specifies the occupation;</li> <li>b. Specifies the period and conditions of employment;</li> <li>c. includes an undertaking by the employer to repatriate the applicant at the termination of employment; and</li> <li>d. the proposed employment is not in a restricted occupation, unless permitted in writing by [by the Permanent Secretary / Secretary of MEPIR as appropriate]; and</li> </ol> </li> <li>5. The applicant possesses the qualifications and experience relevant to the proposed employment.</li> </ol>	
	<b>Dependent applicants</b>	
1. Is the spouse or dependent child of the principal applicant.		
<b>Conditions</b>	All applicants	V1, V13, V14, V15, V19
	Principal applicant	V5, V6, V9, V17
	Dependent (Spouse)	V4, V9
	Dependents (Children)	V4, V10
	<b>Initial entry validity</b>	All applicants
<b>Stay Period</b>	All applicants	Up to 5 years.
<b>Re-entry</b>	All applicants	Multiple during permitted stay period.
<b>Visa extension</b>	Yes, up to 5 years stay on each occasion.	

### Class 3 – Visitors

<b>Subclass 3A – Visitor on arrival</b>	
<b>Purpose</b>	To provide a visitor visa on arrival for non-citizens of specified countries for stay up to 6 months.
<b>Form</b>	As prescribed by the Permanent Secretary.
<b>Fee</b>	As prescribed in Schedule XX.
<b>Place of application</b>	On arrival at a port or airport designated by the Permanent Secretary.
<b>Place of Grant</b>	At a port or airport designated by the Permanent Secretary.
<b>Evidence of visa</b>	As prescribed by the Permanent Secretary.
<b>Criteria</b>	<p><b>All applicants</b> A1, A2, A3, A4, A5, A6, A7, A10, A12, A13, A15.</p> <p>The applicant:</p> <ol style="list-style-type: none"> <li>1. Presents a valid travel document which indicates the applicant is a citizen of a country designated in writing by the Minister as acceptable for the purpose of this criterion;</li> <li>2. Intends genuine entry and stay as a visitor for purposes of transit, tourism, visiting family or friends, or short business meetings or negotiations, attending a conference, and which do not constitute business operations; and</li> <li>3. Intends to depart prior to expiry of the visa.</li> </ol>
<b>Conditions</b>	V1, V2, V4, V9, V13, V14, V15, V19; May engage in short business meetings such as business negotiations, attending a conference or workshop, but which do not constitute business activities.
<b>Stay period</b>	As prescribed by the Permanent Secretary, to a maximum stay period of 6 months after entry.
<b>Entries</b>	Single.
<b>Visa extension</b>	Yes, to a maximum stay period of 6 months after first entry.

## Annex 2 – Example API legislation

**Note:** The enabling legislation for API should be coordinated with Fiji Customs.

### 3.1 Example API provisions in an Act

#### Interpretation<sup>50</sup>

**Note** – it may be necessary to include the following in the Interpretation section of the Act:

“advance passenger information” or “API” means the information or data concerning a crew member, passenger or any other person travelling in a craft which is provided prior to the arrival of in the destination country”;

“advance passenger information system” or “APIS” means the automated electronic data interchange of API; and the screening of API by a person delegated under this Act.

#### Section X – Advance Passenger Information

- (1) The Regulations may prescribe:
  - a) the requirement that carriers, operators and masters of craft must provide arrival and departure API data;
  - b) the timing, format, content and procedures for the provision of API data under this section;
  - c) provisions for the security, privacy, lawful uses, archiving and destruction of API data;
  - d) for the sharing of API data or assessment of API data
  - e) arrangements for engagement of a Regional Organization or authorized third party to receive and assess API data
  - f) offences and penalties for failure to comply with the requirements of subsections (1)(a) to (d); and
  - g) acceptable defences and circumstances under which a carrier, operator and master may claim an exemption from the requirements of this section.
- (2) In respect of sub-clause (1)(b), the Regulations may provide that these requirements may be promulgated or amended in the Regulations, or via a Statutory Instrument or Gazette Notice.

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<sup>50</sup> This model legislation is drawn in large part from the draft PIDC paper “Regional Advanced Passenger Information Opportunities”, August 2021, written by the author and Peter Speldewinde.

## 3.2 Example API Regulations

### Interpretation

**Note** – it may be necessary to include the following in the Interpretation section of the Regulations

“API Data” is the data referred to in Schedule 1

“commercial aircraft” means an aircraft which engage in transporting passengers or goods for monetary gain;

“private aircraft” means any aircraft which is not a commercial or state aircraft;

“technical stop” or “stop for non-traffic purposes” means an aircraft or vessel arriving for purposes of refuelling, repairs, emergency or a similar purpose other than taking on or discharging passengers, baggage, cargo and/or mail;

“vessel” means any ship, boat, yacht or other floating or submersible transportation by means of which persons can travel across international borders

### **Draft Regulation 1      Use and retention of Advance Passenger Information**

- (1) API shall be secured upon receipt and only be used for the purposes of the Act and Regulations.
- (2) API collected under this his Act for entry screening purposes shall be retained for a period not exceeding 3 years from the date of travel, or as specified by the Minister by Gazette Notice.
- (3) Nothing contained in clause (2) shall apply to data copied from the APIS into any other data base system to which a different data retention schedule applies.
- (4) The [*Director of Immigration/Minister*] may by direction, instrument or mutual agreement in writing authorize the sharing of API data and the results of APIS analysis with designated Government officials and agencies, carriers and masters of craft, foreign Government border and law enforcement agencies, and Regional Organizations, and the conditions applicable to such information sharing.
- (5) To avoid doubt, except where expressly permitted by an Act or Regulations, or by means of subclause (4), API data and APIS analysis may not be shared with any other person, agency, carrier, or Government.

### **Draft Regulation 2      Duty to provide Advance Passenger Information**

- (1) This Regulation applies to a craft which:
  - (a) is expected to arrive in [country]; or
  - (b) is expected to leave [country].

- (2) In accordance with clause (1), the operator, captain or master of every craft shall provide to the [*insert title eg., Chief Immigration Officer*] and/or any prescribed Regional Organization, the API and data relating to the flight or voyage as set out in Schedule I to these Regulations.
- (3) The API provided pursuant to this section must be provided within the timeframes set out in Schedule 2.
- (4) The [*insert title eg., Chief Immigration Officer*] may by instrument in writing vary or replace any or all of the requirements set out in Schedules 1 and 2.
- (5) The Minister may, in consultation with the [*insert title eg., Chief Immigration Officer*], waive the requirements of clause (2) in such circumstances and subject to such conditions as the Minister may prescribe where the craft is –
  - (a) a military or law enforcement craft; or
  - (b) on official state business.

**Draft Regulation 3      Craft arriving for non-traffic purposes or making a technical stop**

- (1) Nothing in (*Draft Regulation 2*) applies to a craft which makes a technical stop or lands, berths, anchors, or otherwise arrives for non-traffic purposes if the arrival is –
  - (a) required by any statutory or other requirement relating to navigation;
  - (b) compelled by any emergency, accident, unfavourable weather conditions, or other necessity; or
  - (c) authorized by the [*insert title eg., Chief Immigration Officer*].
- (2) Where a craft arrives or stops for any of the reasons outlined in subclause 1 the operator, captain or master shall –
  - (a) report to the competent authority or an officer;
  - (b) not without the consent of an officer, permit any of the crew or passengers to disembark from the aircraft or vessel; and
  - (c) comply with any directions given by an officer in respect of any crew, or passengers carried on the aircraft or vessel.
- (3) A passenger or member of the crew of the craft shall only disembark from the craft with the approval of the [*insert title eg., Chief Immigration Officer*], and all such persons shall comply with any directions given by the [*insert title eg., Chief Immigration Officer*].
- (4) An operator, captain or master who fails to comply with or acts in contravention of this regulation commits an offence.
- (5) Notwithstanding subclause (4), the disembarkation of passengers or crew members from the craft shall not constitute an offence, where the disembarkation is necessary for reasons of health, safety or the preservation of life.



#### **Draft Regulation 4      Sharing of API with regional data exchange and assessment organization**

Note This following Draft Regulation could be considered in situations where Fiji elects to participate in a regional arrangement for the provision of API data exchange and assessment services by a designated Regional Organization.

*Note:* Such an arrangement should be advisory only and ultimate responsibility for decisions as to whether a person is to be admitted or refused entry to the member country still rests with decision makers delegated under the country's Immigration Act.

- (1) The *[insert relevant title e.g., Minister responsible for Immigration]* or *[insert title of alternative authorizing officer as necessary e.g., Chief Immigration Officer]*:
  - (a) may enter into an agreement with a Regional Organization to:
    - (i) provide a regional bureau service for the reception, exchange and assessment of API data via an APIS;
    - (ii) conduct screening against Regional Watch Lists and Interpol indices including the SLTD database of crew members and passengers on craft that enter into, or depart from Fiji on behalf of Fiji; and
    - (iii) communicate details of any assessment of passengers and crew to an officer designated by the *[insert title of alternative authorising officer as necessary eg., Chief Immigration Officer]*.
  - (b) shall:
    - (i) if requested, allow a person who is a passenger or member of the crew from a craft to access his personal details maintained in the APIS to ensure its correctness;
    - (ii) for the avoidance of doubt the person is not entitled to have access to any alert or related information contained within a Regional Watch List or Interpol database;
    - (iii) determine, after consultation with such Regional Organization, the admissibility to Fiji or otherwise of a person; and
    - (iv) assess the sufficiency, and error rates in review of API transmissions for each journey.

#### **Draft Regulation 5      Duties of carriers following communication of API assessment**

- (1) An officer may communicate to a carrier, captain or master of a craft the results of assessment of API data in the manner prescribed by the *[insert relevant title e.g.,*

*Minister responsible for Immigration] or [insert title of alternative authorising officer as necessary e.g., Chief Immigration Officer].*

- (2) That communication may contain a directive that
  - (a) where the craft has not departed the port of origin, that;
    - (i) a person is not permitted to board the craft if they have not yet boarded, or
    - (ii) a person must be disembarked if they have boarded, or
  - (b) where the craft has departed the port or origin, that a person be restricted on board and not permitted to disembark the craft on arrival unless otherwise directed by an officer.
- (3) Carriers, captains and masters of craft are obliged to comply with the directions in clause (2) except where it can be shown to the satisfaction of the [insert relevant title e.g., Chief Immigration Officer] that, in the case of clause (2)(a)(ii), doing so would unduly delay scheduled departure times of the craft.

#### **Draft Regulation 6 – Offences**

- (1) A carrier, captain or master of a craft who:
  - (a) fails to comply with (draft Regulations 2, 3 or 5), or
  - (b) who intentionally or recklessly provides erroneous, faulty, misleading, incomplete or false API or transmits the API in an incorrect format; shall be guilty of an offence which:
  - (c) upon conviction in a Court may be fined to a maximum of \$XXXX; or
  - (d) upon payment within 28 days of service of an infringement notice issued by the [insert relevant title eg., Chief Immigration Officer] requesting payment of [50% of the maximum financial penalty], shall be regarded as conclusively resolved without prosecution or conviction.
- (2) Defences to subclause (1) shall include:
  - (a) in the case of subparagraph 1(a), circumstances where the operator, captain or master of a craft has had to enter the country in emergency circumstances or due to stress of weather; and
  - (b) where the API provided is inaccurate and the operator, captain or master of the craft satisfies the [insert relevant title eg., Chief Immigration Officer] that the error was not made knowingly or recklessly then notwithstanding any other provision of this Act, the operator, captain or master may not be charged with an offence.

## DRAFT REGULATIONS SCHEDULE A – ADVANCE PASSENGER INFORMATION

*Note* – the schedules could form part of a schedule to Regulations, or a Gazette Notice where permitted by an Act or Regulations.

### 1. ADVANCE PASSENGER INFORMATION - AIRCRAFT

Data shall be transmitted in the current UN/EDIFACT PAXLST format published by WCO, IATA and ICAO. It may also be transmitted in another format, and with varied data types where agreed or directed by the Permanent Secretary.

- (a) Flight Information (Header Data)
  - Airline Code and Flight Number
  - Last Place/Port of Call for Aircraft
  - Place/Port of Initial Arrival for Aircraft
  - Scheduled Local Departure Dates/Times
  - Scheduled Local Arrival Dates/Time
  - Subsequent Place(s)/Port(s) of Call within the Country (for Progressive Flights)
  - Place/Port of Final Destination within the Country (for Progressive Flights)
  - Number of Passengers and Number of Crew Members
- (b) Data relating to each individual passenger or crew member:
  - Official Travel Document Number
  - Issuing State or Organization of the Official Travel Document
  - Official Travel Document Type
  - Expiration Date of Official Travel Document
  - Surname/Given Name(s)
  - Nationality
  - Date of Birth
  - Gender
- (c) Additional Data elements as available in the airline system
  - Seat Assignment
  - Bag Tag Identification
  - Checked Bag Quantity
  - Traveller's Status
  - Place/Port of Original Embarkation
  - Place/Port of Clearance
  - Place/Port of Onward Foreign Destination
  - Passenger Name Record Locator Number (or unique identifier)
- (d) Additional data
  - Visa Number
  - Issue Date of the Visa
  - Place of Issuance of the Visa
  - Other Document Number Used for Travel
- (e) Data relating to the Reporting Party
  - Reporting Party Name
  - Reporting Party Telephone Number
  - Reporting Party Facsimile Number
  - Reporting Party Email Address

## 2. ADVANCE PASSENGER INFORMATION – MARITIME CRAFT

Data shall be transmitted in the current UN/EDIFACT PAXLST format published by WCO, IATA and ICAO. It may also be transmitted in another format, and with varied data types where agreed or directed by the Permanent Secretary.

- (a) Voyage Information (Header Data)
  - Vessel Identification Number
  - Vessel Name
  - Country of Registration
  - Agent/Owner
  - Call Sign (if applicable)
  - Scheduled Departure Date
  - Scheduled Departure Time
  - Scheduled Arrival Date
  - Scheduled Arrival Time
  - Last Place/Port of Call of Vessel
  - Place/Port of Vessel Initial Arrival
  - Subsequent Place/Port of Call within the country
  - Number of Persons on board
  
- (b) Data relating to each individual passenger or crew member:
  - Official Travel Document Number
  - Issuing State or Organization of the Official Travel Document
  - Official Travel Document Type
  - Expiration Date of Official Travel Document
  - Surname/Given Name(s)
  - Nationality
  - Date of Birth
  - Gender
  
- (c) Additional Data elements as available in the shipping reservation or manifest system
  - Cabin, Deck or Seat Assignment
  - Bag Tag Identification
  - Checked Bag Quantity
  - Traveller's Status
  - Place/Port of Original Embarkation
  - Place/Port of Clearance
  - Place/Port of Onward Foreign Destination
  - Passenger Name Record Locator Number (or unique booking identifier)
  
- (d) Additional data
  - Visa Number
  - Issue Date of the Visa
  - Place of Issuance of the Visa
  - Other Document Number Used for Travel
  
- (e) Data relating to the Reporting Party
  - Reporting Party Name
  - Reporting Party Telephone Number
  - Reporting Party Facsimile Number
  - Reporting Party Email Address

## **DRAFT REGULATIONS SCHEDULE B – API MANDATORY TIMEFRAMES**

1. In the case of arriving commercial aircraft, no later than 40 minutes prior to departure from the last port of embarkation abroad;
2. In the case of arriving private aircraft, no later than 40 minutes prior to the departure from the last port of embarkation abroad;
3. In the case of an arriving vessel, no later than 24 hours prior to arrival;
4. In the event of any changes to the arriving flight/vessel header data or data relating to an individual on board, an updated API file is required prior to departure of the aircraft from the last port of embarkation abroad or arrival of the vessel.
5. In the case of departing vessels and aircraft an API file is required five (5) minutes immediately following take-off or departure.

## Annex 3 – Example business requirements for a pacific border management system

Req. No.	Requirement	Priority	Comments / Standards
<b>3.1</b>	<b>General Requirements</b>		
1.	System must support integration with Interpol databases (SLTD and Nominal databases).	Mandatory	Interpol i24/7 - FIND/MIND  Matches against these databases may be managed for users in a manner similar to, or within, the Alerts Management functionality described below.
2.	System must be interoperable with and capable of data verification across Immigration databases and functions, specifically: <ul style="list-style-type: none"> <li>• Visa Services;</li> <li>• Travel Document Services;</li> <li>• Citizenship Services;</li> <li>• Traveller Management;</li> <li>• Alerts;</li> <li>• Biometrics;</li> <li>• Compliance and Enforcement.</li> </ul> <p>whether these are separate systems or part of the same application.</p>	Mandatory	These considerations also apply should the Travel Document Services system be from a separate vendor.
3.	Application must be capable of online service delivery, including online applications for services, storage of uploaded documents and images, online payments for services, online receipting for payments, transmission and verification of authorizations (visas and permits).	Mandatory	ETA capability is highly desirable as part of this capability.  Consistent with the Fiji e-Government strategy.
4.	Application must be interoperable with any future agency EDRMS to allow linked electronic storage of documents pertaining to services and system records.	Mandatory	Example - Micro Focus Content Manager (formerly HP Content Manager, HP Trim).

Req. No.	Requirement	Priority	Comments / Standards
5.	<p>The system must be capable of issuing receipts for official fees, linked to specific services (including but not limited to</p> <ul style="list-style-type: none"> <li>• Visa services;</li> <li>• Travel document services;</li> <li>• Citizenship services;</li> <li>• Dual National endorsements;</li> <li>• bonds;</li> <li>• fines;</li> <li>• cash deposits (sureties);</li> <li>• infringement notices;</li> </ul> <p>with:</p> <ul style="list-style-type: none"> <li>• daily reconciliation reports and acquittal processes to aid accountability and audit requirements;</li> <li>• report generation as required.</li> </ul> <p>The system must be capable of also processing refunds of fees and bonds.</p>	Mandatory	Where a bond or surety is linked to another service, such as a visa application, system should allow linkage of the bond or surety and any refund to that service.
6.	The system must be capable of being accessed and operated using multiple workstations connected via secure LAN and WAN, including remote and overseas locations, and other authorized Government agencies.	Mandatory	Remote agency access may be via browser access.
7.	The system must be able to work in Stand-Alone mode at designated border and office locations when connectivity fails.	Mandatory	
8.	System must be capable of remote or mobile (travelling) deployment, operating in either standalone mode, or connected via cellular internet.	Mandatory	
9.	All data collected during Stand Alone mode operation (changed data) should be uploaded to the Server upon next reconnection.	Mandatory	
10.	The system must have a name searching engine, which should carry out phonetic, exact and Soundex type matching and be capable of being adjusted by the systems administrator to improve its accuracy against certain name types.	Mandatory	
11.	<p>Name and document checking will run automatically to find record matches upon the following events:</p> <ul style="list-style-type: none"> <li>• Receipt of an application for a service;</li> <li>• Prior to decision on an application for a service;</li> <li>• When processing API data and expected and actual movements;</li> <li>• When entering personal compliance and enforcement data;</li> <li>• Upon raising an alert entry.</li> </ul> <p>This shall be applied against all service databases, alerts, movements, compliance and enforcement, and Interpol databases, with matches displayed to processing officers.</p>	Mandatory	

Req. No.	Requirement	Priority	Comments / Standards
12.	Disaster-recovery architecture shall permit multiple-user remote access to the alternate database to permit business continuity.	Mandatory	
13.	Authorized Officers should have access to a flexible search facility across system databases and services that will allow easy identification and matching of information pertaining to persons, travel documents, flights and vessels, applications for services, and compliance and enforcement data.	Mandatory	
14.	System access will be via personal user ID and password combination, with passwords prompted for change every 30 days.	Mandatory	
15.	The system will support profiles for system access permitted for each User-Id. These are to be administrator configurable and assignable, including the creation of new user profiles. One or more than one profile may be assigned to a user by an administrator.	Mandatory	User profiles must be configurable by the administrator to control and compartmentalise user access by officers of other agencies to system services and elements, including allowing read-only access to designated services.
16.	User ID and security profile management may not be configured to allow an officer to record a decision or action against another officer's name or user ID.	Mandatory	
17.	Permanent audit logs will be created detailing all system actions carried out by User ID, including opening or viewing records as well as creating records or processing actions. The audit log may not be deleted.	Mandatory	
18.	Each record stored on the database will have the user- ID of the officer who performed the action saved with it.	Mandatory	
19.	The system must permit the system administrator to create service types, classes and subclasses within each, including: <ul style="list-style-type: none"> <li>• Visa classes and subclasses;</li> <li>• Travel document types;</li> <li>• Citizenship service types;</li> <li>• Traveller arrival and departure classes;</li> <li>• Alert types and classes.</li> </ul>	Mandatory	



Req. No.	Requirement	Priority	Comments / Standards
20.	<p>The system must permit the system administrator to create within service types, classes and subclasses:</p> <ul style="list-style-type: none"> <li>• Workflow steps, including establishing sequential processing stages, and listing criteria and documentary requirements for each to prompt processing officers;</li> <li>• Specific workflow steps reserved for designated officers from other Government agencies to enable recording of subsidiary decisions as part of specified services or parts of specified services;</li> <li>• Whether evidence of the decision is required or not, and the evidence type (such as a visa label).</li> </ul>	Mandatory	Specific workflow steps for other agencies' roles may include Police and Customs for alert data entry, and Health processing for COVID-19 entry permission or other health requirements.
21.	System must be capable of opening and populating a shell Word refusal letter where an application for a visa, citizenship or travel document service is being refused. Letter to be populated with reasons for the refusal drawn from the workflow for the service.	Mandatory	
22.	Applications for services shall be assigned a unique, system-generated, application ID, which will be searchable and may be referred to in correspondence.	Mandatory	Related also to requirements 111 and 114 below.
23.	System must be able to record paper file numbers or references, where they exist, against relevant service applications or compliance and enforcement records.	Mandatory	
24.	<p>The system must permit the system administrator to create validation tables including for:</p> <ul style="list-style-type: none"> <li>• ICAO Standard Country and Port codes;</li> <li>• Fee types, amounts, and services to which they pertain;</li> <li>• Decision types for a particular service (Grant, Refuse, Cancel, Withdrawn, applicant deceased, Invalid – Granted in Error, closed – Duplicate application, Appealed, Appeal outcome);</li> <li>• Additional codes, recorded in an index field, to aid reporting and identification of specific clients of applications such as where fraud is encountered and the type of fraud;</li> <li>• Conditions applicable to grant of the service (such as visa conditions);</li> <li>• Profiles pertaining to services, such as risk profiles pertaining to visas or API processing.</li> </ul>	Mandatory	
25.	The system must have a flexible reporting facility that will produce both predefined reports and ad-hoc reports using data defined by authorized officers.	Mandatory	

Req. No.	Requirement	Priority	Comments / Standards
26.	The system shall be capable of exporting user-defined data sets in flat-file or Excel format for external analysis and reporting, at the request of authorized officers.	Mandatory	
27.	System will be capable of assigning applications for Visa, Travel Documents, Citizenship and also Compliance Services by managers to individual officers as part of an office workflow and caseload management capability, with tracking, productivity, and reporting capability associated with this.	Mandatory	
28.	The statistical and performance reports for each Port, Office or designated work group are to be available to authorized officers. This should also include details of processing times and volumes (outputs) by each processing officer.	Mandatory	
29.	User-defined statistical information should be able to be exported to interested parties.	Mandatory	
30.	As a means of disseminating information an Electronic Message Board should be displayed when a user logs on to the system.	Mandatory	
31.	A means of sending messages to other users already logged on to the BMS.	Mandatory	
32.	When the system user interface is not being used it should Time-Out at an interval set by the administrator, lock, and require the entry of a valid User-Id and Password for further access. This system lock should also be capable of being triggered by a user.	Mandatory	
33.	System must be capable of printing to PDF or hardcopy: <ul style="list-style-type: none"> <li>• Full service application records and associated electronic copies of attached documents;</li> <li>• Application case notes and comments fields;</li> <li>• Movement records associated with an individual or flight/vessel;</li> <li>• Summary of interactions with a named individual or sponsor including movements and service applications listed chronologically.</li> </ul>	Mandatory	

Req. No.	Requirement	Priority	Comments
<b>3.2 Alerts Management</b>			
34.	The system shall provide for a centralised alert list which shall contain details of persons or documents of concern.	Mandatory	Immigration alerts should be located within the main Immigration Production system, interoperable with separate traveller border systems (i.e., Passport services system (if different).
35.	<p>The alert list shall contain</p> <p>For person alerts:</p> <ul style="list-style-type: none"> <li>• Person biodata including aliases;</li> <li>• Travel document details;</li> <li>• Nationality/ies;</li> <li>• Visa details (for non-residents);</li> <li>• Person photograph (facial image);</li> <li>• Reason for the alert (reasons specified in an administrator-set validation table);</li> <li>• Recording area/agency;</li> <li>• Recording officer;</li> <li>• Contact officer;</li> <li>• Recommended action on alert match;</li> <li>• Text field for further alert information.</li> </ul> <p>For document alerts:</p> <ul style="list-style-type: none"> <li>• Document type;</li> <li>• Document number (individual number or range of consecutive numbers);</li> <li>• Document issuing authority;</li> <li>• Document biodata;</li> <li>• Document status (Lost, stolen, etc as per validation table set by the administrator);</li> <li>• Recording area/agency;</li> <li>• Recording officer;</li> <li>• Contact officer;</li> <li>• Recommended action on alert match;</li> <li>• Text field for further alert information.</li> </ul>	Mandatory	<p>Mandatory - Business rules should permit single name (family name) data entry to accommodate persons who have only one name, with an appropriate checkbox or similar to identify these and reduce false-matches against persons of the same family name, who also have given names.</p> <p>Desirable - Business rules may accommodate differing levels of person alert severity and importance, such as in descending order:</p> <ul style="list-style-type: none"> <li>• National Security</li> <li>• Terrorism</li> <li>• Serious/Organized Crime</li> <li>• Criminal Conviction +1 year</li> <li>• Arrest Warrant</li> <li>• Suspected Criminal activity</li> <li>• Immigration/Customs Fraud</li> <li>• Exit Prohibited by Court</li> <li>• Deportee</li> <li>• Former Overstayer</li> <li>• Outstanding fines/fees/taxes</li> </ul> <p>Only upper-level severity person alerts should permit partial data entry, such as age +/- 5 years, no citizenship etc.</p>
36.	Alerts may only be activated, amended, or deactivated by authorized officers.	Mandatory	

Req. No.	Requirement	Priority	Comments
37.	Alert data may be entered, amended, or deactivated by authorized officers and designated other officers, including designated officers of other agencies such as Police and Customs. Entries made by designated other agency officers must be confirmed in the system by an authorized Immigration officer before entries or changes become active.	Mandatory	
38.	The alert list cannot be browsed by anyone, except specifically authorized officers.	Mandatory	
39.	An alert list record cannot be deleted. It can only be made inactive, even when raised in the case of an error.	Mandatory	
40.	When an authorized officer amends or inserts an alert list record a 'before and after' record of the data is to be stored in the audit log.	Mandatory	
41.	If an authorized officer browses the alert list a record of their access will be stored in an audit trail of each alert viewed and this trail can be viewed by the system administrator.	Mandatory	
42.	If ordered by the Director of Immigration a hard copy or electronic extract of the alert list can be produced.	Mandatory	
43.	Alerts can only be raised against a specific person or specific document. They cannot be raised against any general profile criteria, such as nationality.	Mandatory	This is distinct from risk-management profiles which are anticipated at Requirements 67-68
44.	An Overt Alert is an Alert that is seen by Primary Line and Secondary line officers at the Border, visa, citizenship, and travel document processing officers, as well as any other agency that raised the Alert.	Mandatory	
45.	An Overt Alert Hit will be presented to the Primary Line Officer, or Visa, Passport, or Citizenship authorising officer for them to either Accept the Alert as being a Definite Match, based on information held in the Alert, or Reject the Alert as a Non-Match.	Mandatory	
46.	A Covert Alert is an Alert that is ONLY seen by the Authorized officer or agency that raised the Alert and they are the only person/s that will be aware that the Alert was Hit. It is not seen by the primary line officer and does not appear in alert match reports.	Mandatory	
47.	When an Alert is created it is to be tested against past movements. The function will detail how many and which movements would have been hit to ensure it will not match too many people or will not miss the correct person.	Mandatory	
48.	The system should be able to upload alert information from a flat file in a predetermined format.	Mandatory	This is to aid bulk alert creation, such as mass document alerts where a batch of documents are affected.

Req. No.	Requirement	Priority	Comments
49.	When a Primary Line Officer is creating a movement, or a processing officer enters an application for a visa, permit, or residence, the data will be used to search the alert list looking for a hit.	Mandatory	
50.	If a movement or application for a service hits an overt alert the details of the alert hit will be displayed on the Primary Line or processing officer's computer with the photograph, if applicable.	Mandatory	
51.	Covert Alert hits will be sent to the officer or agency that raised them only and will not be seen by any other person.	Mandatory	
52.	Whenever an alert hit occurs, except for covert alerts, the details of the movement or triggering event and whether the alert match was accepted or rejected and what action was taken, and the details of the officer who accepted or rejected the match, will be included in a daily alert hit report, visible to all authorized officers.	Mandatory	This will assist in determine whether potential alert hits are being actioned by staff appropriately.
53.	The system shall be capable of receiving person and/or document details from the Customs ASYPX system, checking these against alert indices, and where an overt match or no-match result is recorded, sending a system response with a "possible match" or "no match" message.	Mandatory	
54.	Where there exists a separate alert list functionality within the Fiji Customs ASYPX system, and/or the Travel Document Services system, system checks during processing of Visa, Travel Document, Citizenship and Compliance services will include checking against that alert list in addition to the internal alert list described here.	Mandatory	This is to ensure that, where more than one alert list exists across these systems, checks are run against each as the designated steps.

Req. No.	Requirement	Priority	Comments / Standards
<b>3.3</b>	<b>Traveller Management</b>		
55.	<p>The system must create and retain records of all traveller movements, linked to each individual via a system-generated traveller ID (TID), and including:</p> <ul style="list-style-type: none"> <li>• Bio data contained within an ICAO-standard machine-readable zone (MRZ) and/or e-passport chip of a travel document;</li> <li>• Visa details of non-citizens, with a link to the relevant visa service record (visa number or application ID);</li> <li>• Travel document details;</li> <li>• Flight/Voyage;</li> <li>• Port of entry;</li> <li>• Date/time;</li> <li>• Reference to and record of referral/refused entry/removal/deportation, if applicable.</li> </ul>	Mandatory	This data must be visible and searchable to authorized officers within both Customs and Immigration in order to perform borders, visas, citizenship, and passport functions.
56.	Traveller management services must be capable of deployment to the existing international airports and to Customs for the purpose of processing designated shipping, currently fishing and cargo vessels and small craft.	Mandatory	May be via remote logon access / browser access
57.	Movement recording must be able to accommodate undocumented travellers.	Mandatory	
58.	Movement records shall be created on the basis of data transmitted by interoperable document readers, or in case of equipment failure, damaged documents or undocumented travellers, with manual data entry by authorized officers.	Mandatory	
59.	Where a travel document has been scanned by a document reader during arrival or departure processing, an image of the document bio-page, and image of the bearer image in that document shall be retained and attached to the movement record.	Mandatory	
60.	Traveller movement records may not be deleted. They may instead only be marked as recorded in error, or cancelled. A record of all changes to movement records shall be recorded in the audit log along with the user ID of the officer performing the function.	Mandatory	
61.	System must support integration with batch Advance Passenger Information (API) from air and sea carriers, private flights, and small craft including yachts.	Mandatory	Standards and Recommendations 9.6-9.13, Annex 9, Chicago Convention.

Req. No.	Requirement	Priority	Comments / Standards
62.	API shall be received via a Passenger Data Single Window (PDSW) within or interoperable with the system.	Mandatory	<p>Standard 9.1, Annex 9, Chicago Convention.</p> <p>PDSW may consist of an email inbox with auto-forward features, or a dedicated sub-system, which receives XLX and/or XML format data feeds.</p> <p>System must anticipate future SITA/ARINC and web-based XML API data feeds.</p>
63.	PDSW shall be capable of interoperability with and API data re-transmission to nominated other agencies and their nominated systems.	Mandatory	<p>Standard 9.1, Annex 9, Chicago Convention.</p> <p>May be email auto-forwarding in initial implementation.</p>
64.	System must support future integration with interactive Advance Passenger Information (iAPI).	Possible Future requirement	Recommendations 9.14-9.16, Annex 9, Chicago Convention
65.	Application must support future integration with PNR data transmission, along with mandated privacy and deletion protocols.	Future requirement	ICAO Document 9944, WCO PNR Reporting Standards, EU PNR Policies.
66.	PDSW shall be capable of interoperability with PNR data reception and PNR data re-transmission to nominated other agencies and their nominated systems.	Future requirement	ICAO Document 9944, WCO PNR Reporting Standards, EU PNR Policies.
67.	Application must support API data assessment and profile management and matching, either internally or via integration with other API assessment systems.	Mandatory	<p>This risk profiling is distinct from person or document alerts in section 4.2 above. Example assessment systems:</p> <p>GTAS – <a href="https://us-cbp.github.io/GTAS/">https://us-cbp.github.io/GTAS/</a></p> <p>UNOCT's goTravel – <a href="http://www.un.org/cttravel/goTravel">www.un.org/cttravel/goTravel</a></p> <p>Access to these assessment systems, if installed, should be administrator-controlled, and available to officers of other designated agencies.</p>

Req. No.	Requirement	Priority	Comments / Standards
68.	System must provide a facility to operate risk profiles of travellers based upon past movements and/or compliance data, based upon combinations of bio-data.	Mandatory	May form part of the API profiling and assessment system above. This risk profiling is distinct from person or document alerts in section 4.2 above.
69.	Support for passport readers must be device-agnostic	Mandatory	
70.	Document readers will be used to scan and perform security and verification checks utilising the Machine-Readable Zone and E-passport chip of Travel Documents, Machine-readable visas, and Visible Digital Seals at the Primary Line, with results and exceptions displayed to the processing officer.	Mandatory	ICAO Doc 9303.
71.	API data is to be used to create Expected Movements for flights, establishing flight number and arrival/departure times, and expected passenger manifest.	Mandatory	
72.	The system should permit manual creation of flights, voyages, and related expected movements to permit processing of shipping, small craft, or charter flights, or in cases where API data is not transmitted electronically.	Mandatory	
73.	API and Actual and Expected Movements must be checked against the Alert List, Visas, Travel Documents, Interpol database, Overstayers List, Profiles and the Movement History, with matches and exceptions displayed to processing officers.	Mandatory	
74.	Once a Passenger Movement record has been completed and stored in the database it should be made Read-Only.	Mandatory	
75.	Where Primary Line processing or checks detailed above which result in the passenger being subject to further action or referral, the further action is to be recorded in the database, along with the results. Referrals shall be assigned a referral number and shall be capable of statistical reporting and analysis including around outcomes.	Mandatory	This functionality should be accompanied with an administrator-defined dropdown outcomes list.
76.	Refused entry cases shall result in an arrival record being created, with the arrival processing outcome instead recorded as "arrived - refused entry", and subsequently, a departure.	Mandatory	
77.	Deportation or Removal cases shall be recorded as a departure, with additional data recording the deportation or removal circumstances.	Mandatory	This functionality should be interoperable with the Compliance Services at section 4.8 below.
78.	In the case of a refused entry, deportation, or removal, the processing officer will be prompted to create an alert or update any existing alert.	Mandatory	This functionality should be interoperable with the Alerts Management function at section 4.2 above.



Req. No.	Requirement	Priority	Comments / Standards
79.	In respect of non-citizens, Actual Arrival and Departure data from the Traveller Management database shall update or be visible within the Visa Services database. In the case of visitor and non-permanent resident arrivals, data shall include an expected date of departure calculated from arrival data and visa validity.	Mandatory	
80.	Before a visitor movement is complete the system will prompt the PLO to ask foreign passengers some questions around travel intent, return ticket and funds, and expected departure date.	Mandatory	
81.	As an Actual Movement is recorded it should strike off the Expected Movement leading to a reconciled List and Unreconciled Passenger and Crew Lists should be notified to the Primary Line.	Mandatory	
82.	For all travellers, the system should check the Visa Services, Citizenship Services, and Travel Document Services databases for a current visa or other authority to enter or remain in Fiji.	Mandatory	
83.	Based upon the API data provided by carriers/masters, display on the screen of primary line processing officers the percentage of passengers processed so far for that flight.	Desirable	
84.	The system shall support identification and generation of reports of inconsistent movements of documents and people.	Mandatory	For example, consecutive movements in the same direction without a movement in the opposite direction in between.
85.	The system shall identify and prompt processing officers to link a travel document to another travel document to indicate that the documents belong to the same person, merging them into the same Traveller ID (TID).	Mandatory	
86.	Citizens who travel on third country travel documents, where assessed by processing officers to be citizens, shall be recognized as a citizen on arrival and departure. This shall differentiate the Fijian citizenship of the traveller from the other citizenship recorded in the travel document, where both shall be accurately recorded.	Mandatory	May be effected via the application of an endorsement in the third-country document, as per the Visa Services requirements below.

Req. No.	Requirement	Priority	Comments / Standards
87.	<p>System to cater for bulk-upload of traveller manifest data via defined flat-file or spreadsheet format to permit electronic processing of Cruise Ships, or cater for special, large events. Upload should generate flight or voyage details, movements, and visas where required, carrying out checks against visas, passports, alerts, and Interpol databases, displaying matches to the processing officer.</p> <p>Optionally, data lodgement may be via online services or portal available to carriers or carrier agents, with appropriate user login-controlled access.</p>	Mandatory	This functionality should be interoperable with the Alerts Management function at section 4.2 above, Visa services at section 4.5 and Citizenship Services at 4.6 below.
88.	<p>Bulk processing in the requirement above shall not:</p> <ul style="list-style-type: none"> <li>• Grant a visa to a Fijian citizen;</li> <li>• Grant a visa to a person who already holds a valid visa;</li> <li>• Automatically process an actual arrival movement record to a person on the alert list or an Interpol list.</li> </ul> <p>Such matches shall be referred to an authorized officer for decision and processing.</p>	Mandatory	
89.	System to permit additional flagging for reporting purposes of Fijian citizen arrivals who are identified also as returning deportees from another country, and the reason for the deportation.	Mandatory	This functionality should be interoperable with the Compliance Services at section 4.8 below.
90.	System capable of future integration with traveller smart-gates for automated arrival and departure processing.	Possible future requirement	

Req. No.	Requirement	Priority	Comments
<b>3.4</b>	<b>Biometric Data Services</b>		
91.	System will collect and retain facial biometric data of all travel document applicants.	Mandatory	ICAO Doc 9303.
92.	System will collect and retain facial biometric data of travellers at the border, as well as in respect of applicants for visa services, and alert subjects, as designated by an administrator.	Mandatory	ICAO Doc 9303.  Border data captured via primary line camera.  Other data collection shall include uploading of scanned images either in an online application process, and/or back-office scans of provided hardcopy images.
93.	Facial image and travel document image data retained by the system shall be capable of extraction into .jpg file format by authorized officers.	Mandatory	
94.	System will collect and retain fingerprint biometric data of travellers at the border and applicants for travel documents, visa and citizenship services, and pertaining to alert subjects as designated by an administrator.	Mandatory	ICAO Doc 9303.  Current Travel document applications are accompanied by 10-point fingerprint biometric enrolment.
95.	Biometric data shall be capable of transmission to and reception from other Government systems via secure, automated means or by batch.  All systems integration should be using Open API (application programming interface) principles and architecture.	Possible future requirement	
96.	System will be capable of receiving results of biometric data matching carried out by other Government systems, and appending results and exception reports to relevant system records and generating reporting of matches and exceptions.	Possible future requirement	
97.	System will integrate with the AFIS currently operating within the Travel Document system (see section 2.7 below).	Mandatory	Current Travel document applications are accompanied by 10-point fingerprint biometric enrolment.

Req. No.	Requirement	Priority	Comments
98.	System will provide facial biometric data recognition and matching capability to detect matches among applicants for travel documents, correlating against biodata to detect anomalous identity data, with a report generated to allow identity investigation and resolution.	Optional	<p>Example software – Cognitec FaceVACS-DBScan ID.</p> <p>Should anticipate possibly a separate travel document system.</p>
99.	System will provide facial biometric data recognition and matching capability to detect matches among subjects of alerts, applicants for visa and citizenship services, correlating against biodata to detect anomalous identity data, with a report generated to allow identity investigation and resolution.	Optional	

Req. No.	Requirement	Priority	Comments
<b>3.5</b>	<b>Visa Services</b>		
100.	<p>System will accommodate the following service types:</p> <ul style="list-style-type: none"> <li>• Visas – which are an authority for a non-citizen to travel to, enter and/or remain in Fiji;</li> <li>• Visa on arrival (VOA) and Visa exempt non-citizens, who are entitled to travel to and enter Fiji, which may be defined via a validation table, including of eligible nationalities.</li> </ul> <p>This must be configurable by an administrator, including the requirement to hold a certain type of visa or exemption prior to the grant of a related permit, or otherwise.</p>	Mandatory	The existence of each of these is to be validated upon API (expected movements) processing and arrival and departure primary line processing.
101.	<p>System must be configurable to permit or bar the application for and/or grant or a visa to a non-citizen who is outside or within Fiji based upon their location at the time of application and/or grant.</p> <p>This must be configurable by an administrator.</p>	Mandatory	
102.	<p>System will provide for recording of applications for administrator-defined visa classes and subclasses, visa and permit exemptions, associated processing steps, decision-making, and evidencing consistent with requirements 20-24 above.</p> <p>Where mandatory visa criteria or documentary requirements apply, these shall be capable of administrator definition, and form part of the mandatory processing steps which must be fulfilled and documented prior to any visa grant, with failure to satisfy any one of these a mandatory requirement for refusal of any such visa.</p> <p>(List agency visa and permit types here).</p>	Mandatory	System should be able to cater for an ETA or similar in future, in conjunction with online services at requirement 3. This should be able to be created and configured by an administrator as per this requirement.
103.	<p>System will be capable of recording and cross-referencing the following in respect of visa applications:</p> <ul style="list-style-type: none"> <li>• Applicant biodata, photo, contact and address;</li> <li>• Inviter details;</li> <li>• Sponsor details;</li> <li>• Employer details;</li> <li>• Company details;</li> <li>• Educational Institution details;</li> <li>• Medical clearances;</li> <li>• Character checks..</li> </ul>	Mandatory	

Req. No.	Requirement	Priority	Comments
104.	<p>In respect of granted visas, the system will be capable of recording and upon query, verification of:</p> <ul style="list-style-type: none"> <li>• Bearer biodata;</li> <li>• Travel document details;</li> <li>• Validity;</li> <li>• Validity of entry permission;</li> <li>• Authorized stay period;</li> <li>• Conditions.</li> </ul>	Mandatory	
105.	<p>Visa applications shall be capable of batching or cross-referencing to each other to identify travel groups, families, or other groupings.</p>	Mandatory	
106.	<p>Application record fields will include the ability for users to select administrator-defined index codes as set out in requirement 24, for reporting or identification purposes, such as where special events, fraud, or other defined matters apply to any service application or applicant.</p>	Mandatory	
107.	<p>System will be capable of delivering visa application, processing and correspondence, evidencing, and receipting services via online means, consistent with requirement 3 above.</p>	Mandatory	
108.	<p>System will be capable of managing and retaining electronic copies of documents, linked to application records, consistent with requirement 4 above.</p>	Mandatory	
109.	<p>System will be capable of receipt generation and management of cash and cashless payments consistent with requirement 5 above.</p>	Mandatory	
110.	<p>With the exception of auto-grants and VOA, system will prevent the grant of a visa until a processing officer and authorising officer both concur that visa criteria have been satisfied.</p>	Mandatory	
111.	<p>Where the system or an authorized user attempts to grant a visa to a person who already holds a valid visa, Fijian citizenship or Fijian citizen endorsement, this shall be displayed to the officer, or if a system-initiated grant attempt, referred to an authorized officer for resolution.</p>	Mandatory	

Req. No.	Requirement	Priority	Comments
112.	<p>Visas may be evidenced by any of the following means, with details recorded in the system:</p> <ul style="list-style-type: none"> <li>• Printed label;</li> <li>• Wet stamp;</li> <li>• Electronic evidence, with evidence and grant number contained in auto-generated document;</li> <li>• No evidence.</li> </ul>	Mandatory	<p>Each granted permit and visa, whether physically evidenced or otherwise, will have a unique, system-generated grant ID, which together with the application ID at requirement 22 above, may be used to refer to the service in any correspondence.</p> <p>Visas evidenced with a printed label should conform with ICAO Doc 9303 - Part 7: Machine Readable Visas, and optionally, Doc 9303 - Part 13: Visible Digital Seals.</p>
113.	<p>Specified application types must be capable of processing via auto-grant by computer, or referral to a defined officer or user group for assessment, in accordance to administrator-defined business rules and profiles.</p>	Mandatory	
114.	<p>The system will provide application caseload and processing reporting as follows:</p> <ul style="list-style-type: none"> <li>• Milestone date (received, assessed, decided);</li> <li>• Application class and subclass;</li> <li>• Age of undecided applications;</li> <li>• Applicant nationality, gender, age;</li> <li>• Decision type (approved, refused etc);</li> <li>• Application Status;</li> <li>• Means or place of lodgement;</li> <li>• Applications which have been auto-granted;</li> <li>• Processing or Deciding Officer;</li> </ul> <p>and as configured by the administrator.</p>	Mandatory	
115.	<p>System will permit authorized Primary Line Officers to grant a prescribed Visitor Visa on Arrival (VOA) to eligible non-citizen travellers. This permit grant process shall form part of the actual movements process at ports of arrival.</p> <p>Permits thus granted may be evidenced as set by the administrator, including:</p> <ul style="list-style-type: none"> <li>• Printed visa label;</li> <li>• Wet stamp applied by PLO;</li> <li>• No evidence.</li> </ul> <p>The evidence type may be set to a default by the administrator.</p>	Mandatory	<p>Each granted visa, whether physically evidenced or otherwise, will have a unique, system-generated grant ID, which together with the application ID at requirement 22 above, may be used to refer to the service in any correspondence..</p>

Req. No.	Requirement	Priority	Comments
116.	System will record details of processing case notes in free-text fields for this purpose, which once saved, may not be altered.	Mandatory	
117.	System will record application refusals and cancellations, along with reasons for these decisions.	Mandatory	
118.	System will prompt decision-makers to create an alert, or amend an existing alert where an application is refused or visa cancelled.	Mandatory	
119.	Application decisions may only be changed by senior authorized officers, with reasons for such change recorded, and details included in the audit log.	Mandatory	
120.	The system will aid management and accountability of accountable document stock such as blank visa evidence labels by: <ul style="list-style-type: none"> <li>• Providing for stock validation tables by document number;</li> <li>• Requiring sequential use of document blanks;</li> <li>• Requiring the recording of print errors or spoiled documents.</li> </ul> Pertinent details to be recorded in the audit log.	Mandatory	
121.	System will cater for a health or COVID-related travel authority, which may be processed in full or part by authorized officers located within CI Health.  This may take the form of a visa or ETA, and may be granted to Fijian citizens and non-citizens alike.	Highly desirable	Health may have compartmentalised BMS access for this purpose.  This permission (if functionality is built) to be checked during API checking.  A criterion for grant may be a “health passport” such as that of IATA <sup>51</sup> or other approved checks such as the ICAO Guidelines for the use of VDS for Travel-Related Health Proofs. Where possible, system must be able to record or cross-reference these.
122.	System will, with the exception of Health permissions and 1-way letters detailed in the requirement above, not allow two visas or permits to be held by the same person concurrently.	Mandatory	
123.	Grant of Fijian citizenship, Fijian citizen endorsement, or a new visa will cease any existing visa.	Mandatory	Exception will be for the health or COVID-related travel authority at requirement 120.

<sup>51</sup> See IATA’s Health Travel Pass [www.iata.org/en/programs/passenger/travel-pass/](http://www.iata.org/en/programs/passenger/travel-pass/)



Req. No.	Requirement	Priority	Comments
124.	System must prevent the grant of a visa to a known Fijian citizen, including those who travel on third country travel documents.	Mandatory	Exception will be for the health or COVID-related travel authority at requirement 120.
125.	Visas or permits which are granted on the basis of the bearer being a dependent upon a principal visa holder shall be linked within the system, with the link/s displayed to users.	Mandatory	
126.	System will be capable of sending a short-automated message via email and/or SMS to temporary visa holders where these details are recorded and where the visa will expire within 48 hours and there has not been a departure or extension / change of status application lodged.	Highly desirable	System should record this event having occurred.  Will require integration with email and/or SMS functionality.
127.	System must allow listing of all applications associated with a specific business or institutional sponsor or education provider.	Mandatory	

Req. No.	Requirement	Priority	Comments
<b>3.6 Citizenship Services</b>			
128.	<p>System will accommodate the following service types:</p> <ul style="list-style-type: none"> <li>• Citizenship by naturalisation</li> <li>• Readmission / Resumption of citizenship</li> <li>• Citizenship by descent abroad</li> <li>• Renunciation of citizenship</li> <li>• Revocation of Citizenship</li> <li>• Cancellation of citizenship</li> <li>• (Add or delete as required)</li> </ul> <p>This must be configurable by an administrator, including the requirement to hold a certain type of visa or exemption prior to the grant of a related service.</p>	Mandatory	
129.	The system will permit the issuance of a non-visa endorsement of citizenship in the third-country travel document of recognized Fijian Citizens to facilitate their travel to and stay within the country on those documents.	Mandatory	
130.	<p>System will permit authorized Immigration Secondary Line officers to grant a prescribed Fijian citizen endorsement to eligible travellers who are identified as such at the border.</p> <p>Endorsements thus granted may be evidenced as set by the administrator, including:</p> <ul style="list-style-type: none"> <li>• Printed visa label</li> <li>• Wet stamp applied by PLO</li> <li>• No evidence</li> </ul> <p>The evidence type may be set to a default by the administrator.</p>	Mandatory	Each granted endorsement, whether physically evidenced or otherwise, will have a unique, system-generated grant ID, which together with the application ID at requirement 22 above, may be used to refer to the service in any correspondence.
131.	System will provide for recording of applications for citizenship services, associated processing steps, decision-making, and evidencing consistent with requirements 20-24 and 101 above.	Mandatory	
132.	<p>System will be capable of recording and cross-referencing the following in respect of citizenship applications:</p> <ul style="list-style-type: none"> <li>• Applicant biodata, photo, contact and address</li> <li>• Biodata of relevant citizen parents or spouse</li> <li>• Dependent applicants</li> <li>• Last visa held.</li> </ul>	Mandatory	

Req. No.	Requirement	Priority	Comments
133.	In respect of Fijian citizenship grants, the system will be capable of recording and upon query, verification of: <ul style="list-style-type: none"> <li>• Applicant biodata</li> <li>• Travel document details</li> <li>• Evidence of citizenship details.</li> </ul>	Mandatory	
134.	Fijian citizenship applications shall be capable of batching or cross-referencing to each other to identify travel groups, families, or other groupings.	Mandatory	
135.	Application record fields will include the ability for users to select administrator-defined index codes as set out in requirement 23, for reporting or identification purposes, such as where special events, fraud, or other defined matters apply to any service application or applicant.	Mandatory	
136.	System will be capable of delivering citizenship application, processing and correspondence, evidencing, and receipting services via online means, consistent with requirement 3 above.	Mandatory	
137.	System will be capable of managing and retaining electronic copies of documents, linked to application records, consistent with requirement 4 above.	Mandatory	
138.	System will be capable of receipt generation and management of cash and cashless payments consistent with requirement 5 above.	Mandatory	
139.	System will prevent the grant of citizenship until a processing officer and authorising officer both concur that citizenship criteria have been satisfied.	Mandatory	
140.	Where the system or an authorized user attempts to grant citizenship to a person who already holds citizenship as recorded by the system, this shall be displayed to the officer for resolution.	Mandatory	
141.	The system will provide application caseload and processing reporting as follows: <ul style="list-style-type: none"> <li>• Milestone date (received, assessed, decided)</li> <li>• Application class and subclass</li> <li>• Age of undecided applications</li> <li>• Applicant nationality, gender, age</li> <li>• Decision type (approved, refused etc)</li> <li>• Application Status</li> <li>• Means or place of lodgement</li> <li>• Applications which have been auto-granted</li> <li>• Processing or Deciding Officer</li> </ul> and as configured by the administrator.	Mandatory	
142.	System will record details of processing case notes in free-text fields for this purpose, which once saved, may not be altered.	Mandatory	
143.	System will record application refusals and cancellations, along with reasons for these decisions.	Mandatory	

Req. No.	Requirement	Priority	Comments
144.	System will prompt decision-makers to create an alert, or amend an existing alert where an application is refused or citizenship is revoked, renounced, or cancelled.	Mandatory	
145.	System must revoke any current Fijian travel document which is issued on the basis of holding Fijian citizenship where citizenship is revoked, renounced, or cancelled.	Mandatory	Where the Travel Document services system is of another vendor, this process should form part of the systems integration.
146.	Application decisions may only be changed by senior authorized officers, with reasons for such change recorded, and details included in the audit log.	Mandatory	
147.	The system will aid management and accountability of accountable document stock such as blank citizenship certificates: <ul style="list-style-type: none"> <li>• Providing for stock validation tables by document number</li> <li>• Requiring sequential use of document blanks</li> <li>• Requiring the recording of print errors or spoiled documents</li> </ul> Pertinent details to be recorded in the audit log.	Mandatory	
148.	Grant of Fijian citizenship will cease any existing visa.	Mandatory	

Req. No.	Requirement	Priority	Comments
<b>3.7 Travel Document Services</b>			
149.	System must provide interoperability with and data verification with the current e-Travel document system provided by Mühlbauer ID Services GmbH.	Mandatory	ICAO Doc 9303  System integration must also include that with the existing AFIS system.

Req. No.	Requirement	Priority	Comments
<b>3.8 Compliance and Enforcement Services</b>			
150.	The system shall include a search function within traveller movement data to look for patterns of companions travelling on past flights or voyages.	Highly desirable	
151.	The system shall generate a report on suspected overstayers, calculated from movement and visa data. This shall be capable of research within the system, and processing to either verify the person is an overstayer, or flagged as an erroneous report to allow filtering, along with reasons by an authorized officer.	Mandatory	Reporting around this should be comprehensive, and allow extraction for further analysis and profiling.
152.	The system will be capable of recording compliance and enforcement case data including: <ul style="list-style-type: none"> <li>• File or record number</li> <li>• Personal biodata</li> <li>• Entity data (business name etc)</li> <li>• Aliases</li> <li>• Travel documents</li> <li>• Location and address data</li> <li>• Email and phone number data</li> <li>• Vehicle data</li> <li>• Text records and case notes</li> <li>• Photographs</li> <li>• Scanned documents</li> <li>• Personal biodata of associates</li> <li>• Sponsor and institutional details</li> <li>• Carrier / Responsible Master or Captain details</li> <li>• Relationship/s with other persons in the database.</li> </ul>	Mandatory	
153.	The system will be capable of recording case status types: <ul style="list-style-type: none"> <li>• Allegation/Referral Received</li> <li>• Allegation assessed <ul style="list-style-type: none"> <li>○ Genuine,</li> <li>○ Not Genuine,</li> <li>○ Referred</li> <li>○ Not referred</li> </ul> </li> <li>• Person located</li> <li>• Person criminal activity</li> <li>• Sponsor / Institution</li> <li>• Carrier</li> </ul> <p>With qualifiers</p> <ul style="list-style-type: none"> <li>○ Overstayer</li> <li>○ Unlawful entrant / Stowaway</li> <li>○ People Smuggling</li> <li>○ Trafficking in Persons</li> <li>○ Character Concern</li> <li>○ Health Concern</li> <li>○ Detained / Arrested</li> <li>○ Prosecution</li> <li>○ Carrier - API infringement</li> </ul>	Mandatory	

Req. No.	Requirement	Priority	Comments
	<ul style="list-style-type: none"> <li>○ Carrier - Improperly documented or inadmissible traveller</li> <li>○ Carrier - other</li> </ul> <p>Outcomes</p> <ul style="list-style-type: none"> <li>○ No further action</li> <li>○ Warning administered</li> <li>○ Referred to another agency</li> <li>○ Visa/Permit cancelled</li> <li>○ Visa/Permit refused</li> <li>○ Placed on alert</li> <li>○ Detained</li> <li>○ Arrested</li> <li>○ Prosecution</li> <li>○ Deportation Order</li> <li>○ Removed / Deported</li> <li>○ Refused entry</li> <li>○ Infringement Notice Issued</li> </ul> <p>Other status types as defined by the administrator.</p>		
154.	System must be capable of generating and populating administrator-defined fine or infringement notices which may be printed in hardcopy or produced in PDF format for emailing.	Mandatory	

Req. No.	Requirement	Priority	Comments
<b>3.9</b>	<b>Other Requirements</b>		
155.	System access may be via a Windows 10 compatible application and/or browser-based. Browser-based access must comply with latest WCAG (Web Content Accessibility Guidelines), and OWASP (Open Web Application Security Project) guidelines.	Mandatory	
156.	All systems integration should be using Open API principles and architecture. The solution should be capable of future integrations using these standards.	Mandatory	
157.	Ongoing ownership of the system source-code shall rest with the Government of the Fiji in perpetuity as part of the procurement.	Mandatory	
158.	Data generated and stored within the system shall remain the property of the Government of Fiji.	Mandatory	The system should include functionality to enable the migration of all data to another host, provider, or system.
159.	System is, subject to any SLA, to remain operational and available to users and clients 24/7 with the exception of scheduled maintenance notified in advance.	Mandatory	SLA to define roles of system provider and Fiji Immigration / Govt IT support (software support vs local physical hardware, communications, administration and security support).
160.	The system will adhere to open standards. The standards, where available, must be recognized and adopted by internationally recognized bodies like ISO, W3C.	Mandatory	
161.	System architecture may include local server-based, or cloud-based operation, or a mixture of both. Fiji Immigration wishes to understand the basis for the chosen architecture. Response should detail the high availability architecture and enterprise level systems architecture including <ul style="list-style-type: none"> <li>• Disaster Recovery</li> <li>• Indicative Security Architecture</li> <li>• Indicative Integration Architectures</li> <li>• Indicative Infrastructure Architecture</li> <li>• Solution Architecture.</li> </ul>	Mandatory	The response should include and detail firewall, secure VLAN arrangements between remote offices, and anti-virus protection.

Req. No.	Requirement	Priority	Comments
162.	<p>Where the proposed system architecture is cloud-based or include elements which are, Fiji Immigration seeks the following:</p> <ul style="list-style-type: none"> <li>• Detail of the cloud hosting provider</li> <li>• Detail data encryption standards</li> <li>• Detail local switch and network requirements</li> <li>• Detail contingency operational arrangements where internet, WAN/VLAN/LAN connectivity fails</li> <li>• Virtual machine type, specifications, operating system/s, availability status</li> <li>• Load balancing</li> <li>• Include separate environments, on separate virtual machines for <ul style="list-style-type: none"> <li>○ Development / Test</li> <li>○ Production</li> <li>○ Disaster Recovery</li> </ul> </li> <li>• Include and detail monitoring tools</li> <li>• Include and detail ability to change server or hosting provider.</li> </ul>	Mandatory	Industry cloud service standards include 99.95% availability and uptime, and as a minimum should match the standards for Cloud Services, Networking and Security offered by Microsoft Azure.
163.	<p>Where the proposed system architecture is local server-based or include elements which are, Fiji Immigration seeks the following:</p> <ul style="list-style-type: none"> <li>• Confirmation that only reputable brand-name enterprise-grade hardware with internationally recognized warranties will be deployed</li> <li>• Detail data encryption standards</li> <li>• Detail contingency operational arrangements where internet, WAN/VLAN/LAN connectivity fails</li> <li>• Server type, specifications, operating system/s</li> <li>• Load balancing</li> <li>• Detail local switch and network requirements</li> <li>• Detail local infrastructure and security arrangements</li> <li>• Include separate environments, on separate physical or virtual machines for <ul style="list-style-type: none"> <li>○ Development</li> <li>○ Test</li> <li>○ Production</li> </ul> </li> </ul>	Mandatory	



Req. No.	Requirement	Priority	Comments
	<ul style="list-style-type: none"> <li>○ Disaster Recovery (separate site)</li> <li>● Include and detail monitoring tools</li> <li>● Include and detail server upgrade and replacement schedule.</li> </ul>		
164.	Post implementation training is to be provided to nominated representatives of each external agency and all Immigration Officers.	Mandatory	
165.	User documentation for the system is to be provided both in hard-copy and via online help mechanisms.	Mandatory	
166.	Refresher training is to be provided on an ad-hoc basis and funded on an ad-hoc basis.	Mandatory	
167.	The system needs to be demonstrable as part of the evaluation and user-acceptance testing processes.	Mandatory	
168.	Details and costings to be provided of ongoing maintenance and support per annum and any proposed service level agreement post implementation, along with any initial warranty.		
169.	Details should be provided of arrangements for data migration from old systems to new.	Mandatory	
170.	<p>An implementation and deployment plan should be provided including:</p> <ul style="list-style-type: none"> <li>● Project Management approach</li> <li>● Inception</li> <li>● Validation, documentation and confirmation of all requirements</li> <li>● Software development phases</li> <li>● Testing</li> <li>● User acceptance</li> <li>● Hardware procurement and deployment.</li> </ul>	Mandatory	
171.	All documentation and user interfaces to use the English language.	Mandatory	

## Annex 4 – Example revised checklist

*Note* – this example is not designed to be prescriptive or exactly match current legislation and policy. It is provided as an example in considering whether to re-design client visa and permit checklists.

### VISITOR VISA CHECKLIST (For citizens of non-visa on arrival countries)

<p><b>Prescribed Visa criteria</b></p> <p>The visa decision-maker is satisfied that:</p> <ul style="list-style-type: none"> <li>• The application is made with the prescribed form and the prescribed fee/s have been paid, and the applicant:</li> <li>• Holds a valid travel document issued by an acceptable State authority, valid for at least 60 days beyond the proposed period of stay</li> <li>• Is of good character and health</li> <li>• Intends a genuine stay as a visitor for tourism, visiting family or friends, or short-term business meetings, taking into account the personal, employment, residence, and family circumstances of the applicant</li> <li>• Intends to depart prior to the expiry of the visa</li> <li>• Has sufficient means of support for the proposed stay period</li> <li>• Does not intend to work, engage in business (apart from conferences or short meetings), or study whilst in Fiji, and</li> <li>• Where the applicant has previously entered Fiji, they have abided by the conditions of any previous visa/s</li> </ul>	<p><b>Documentary requirements</b></p> <ul style="list-style-type: none"> <li>• Completed application form, signed personally by the applicant</li> <li>• Receipt evidencing payment of prescribed fee/s</li> <li>• 1 recent colour photograph</li> <li>• Copy of the passport bio-page and pages with entries</li> <li>• Evidence of funds, such as a bank statement, letter of support from relatives in Fiji</li> <li>• If employed overseas, evidence of employment and of leave granted by employer</li> <li>• Details of any previous visa held</li> <li>• Copy of itinerary, return ticket or ticket to depart, or statement of reasons why if there is no exit ticket</li> <li>• Any other documents requested by Immigration</li> </ul> <p>Foreign documents may either be originals or certified copies issued by recognized authorities (please attach English translation). Applicants should supply copies of their documents if they wish the originals to be returned to them.</p> <p><b>Please ensure that you make photocopies of your application and documents for future reference</b></p>
<p><b>Visa conditions</b></p> <ul style="list-style-type: none"> <li>• No work</li> <li>• No study</li> <li>• Must not operate a business</li> <li>• Must depart prior to visa expiry</li> <li>• Maintain sufficient funds for support during stay</li> <li>• Shall not behave in a manner prejudicial to peace, good order, good government or public morals</li> </ul>	<p><b>Processing Time:</b> 5 working days (average indicative time for fully completed applications)</p>
<p><b>Fees:</b> Application fee of FJ\$ XX</p> <ul style="list-style-type: none"> <li>• A letter permitting travel to the country of a former Prohibited Immigrant attracts an additional fee of FJ\$XX</li> </ul>	<p><b>Stay period:</b> The standard stay period of the visa is XX days. The maximum stay period permitted (including any extensions) is 6 months.</p> <p><b>Extensions:</b> A further visa or visas may be granted, upon application, permitting stay up to a cumulative total of X months.</p> <p><b>Re-entry:</b> The standard visa is single entry. The visa may, on request and where circumstances warrant it, be granted permitting multiple entries during the permitted stay.</p>

### **Explanatory notes (reverse page of the checklist)**

**Visa criteria** – the applicant must satisfy each visa criterion. Where a criterion is not satisfied, the visa cannot be granted. The burden of proof in this regard rests with the visa applicant.

**Documentary requirements** – these are the documents which demonstrate that the visa applicant satisfies the visa criteria.

**Processing time** – this is an average, indicative processing time for applications which are fully complete when received. Each application is processed on its merits, and in cases where the application is incomplete or further enquires are warranted, processing may take longer.

**Incomplete applications** – Immigration may decide applications on the basis of the information provided at the time of application. It is therefore very important that all the required information is submitted at the time of application.

**Visa conditions** – these apply from the time a visa is granted, and whilst the holder remains in Fiji. Breach of visa conditions may result in visa cancellation, prosecution and/or removal from the country.

**Fees** – These must be paid in full prior to or at the time of visa application. Applications lodged without payment of the fee are not valid and will not be processed. Fees are not refundable, even where an application is refused.

## Annex 5 – Briefing: Advance passenger information

### What is API?

Advance Passenger Information, otherwise known as API, evolved in response to the significant growth in air travel in recent decades, the reality of increasingly stretched border control agencies, along with new security threats such as global terrorism, identity fraud, and trans-national organized crime.<sup>52</sup>

API involves the capture of a passenger's biographic data and other flight details by the carrier prior to departure and the transmission of the details by electronic means to the Border Control Agencies in the destination country. It may also be required for departing aircraft by the country of embarkation, although the imperative for this is lessened as much of this data is already captured by departure immigration controls.

API is generally employed by receiving Governments as a decision-making tool that Border Control Agencies can utilise before a passenger is permitted to board an aircraft and before they arrive. API can also be utilised for maritime movements, from large cruise ships to small craft such as yachts.

Air carriers, and an increasing number of maritime carriers support API because it also provides them with a system which they can use to ensure compliance with relevant legislation of the countries they fly or sail into, reducing fines, penalties, and refused entry situations.<sup>53</sup>

### Why is API important?

API, along with measures such as Electronic Visas (e-Visas) or Electronic Travel Authority (ETA) arrangements hold out the prospect of being able to “push the border out”, with the vast majority of travellers identified and assessed as to risk prior to travel.

Traditionally a border has been defined as the limit of two countries' sovereignties—or the limit beyond which the sovereignty of one country no longer applies. However, the concept of a border has changed in recent years. As the World Bank highlights, borders no longer need to be at a country's geographic periphery, are not holistic, and can even be located outside a country.<sup>54</sup>

Airport and seaport arrival processing arrangements which are commonplace in the Pacific form part of what is described in contemporary literature, as a ‘border continuum’, in which the actions of people preparing to travel, actually travelling, arriving, remaining within the destination country, and departing, are integral parts of the border management process. Arrival processing should be enabled by comprehensive information on passengers, received in advance of their arrival, supported by a well-managed targeting and alerts system, and contribute to the interests of a range of agencies at the border and beyond.

By definition, border controls and immigration arrangements have never been unilateral, solely internal matters, as they always involve at least one other country (for example the border control

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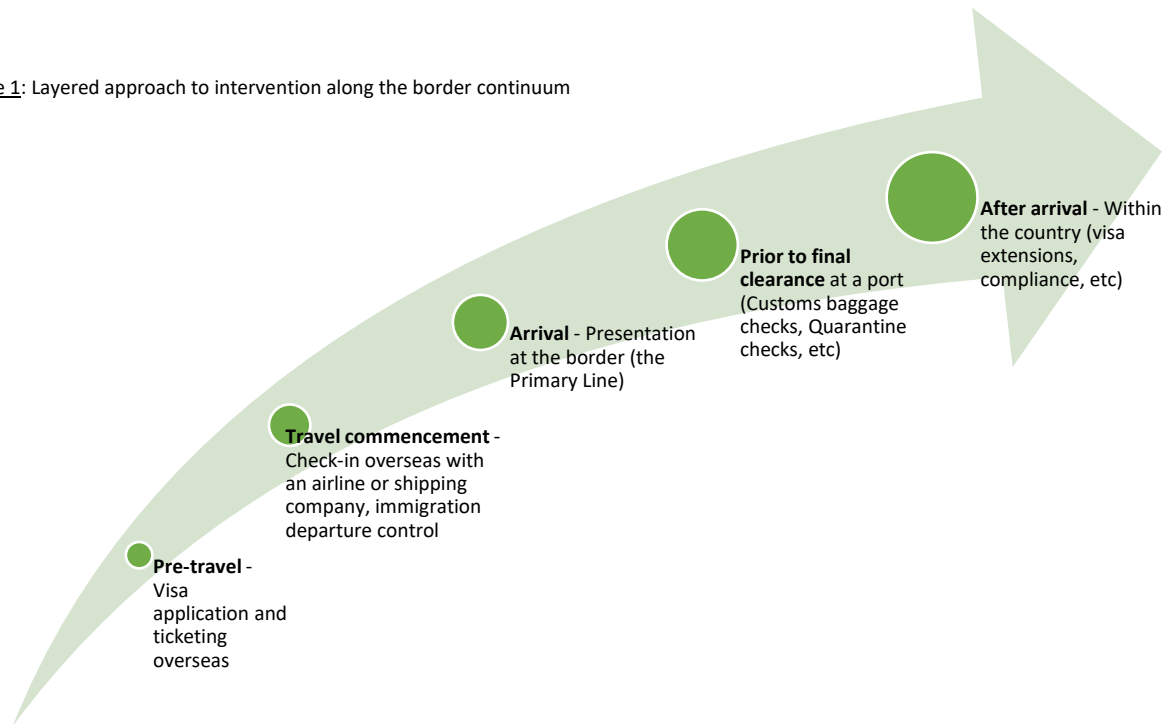
<sup>52</sup> The text in this annex is substantially adapted from Wright, Haddon, and Speldewinde, Peter, “Regional Advanced Passenger Information Opportunities”, PIDC, October 2021”.

<sup>53</sup> Text significantly adapted from WCO – Guidelines on API, 2010, paragraph 3.8, at [www.icao.int/Security/FAL/Documents/2010%20API%20Guidelines%20Final%20Version.ICAO.2011%20full%20x2.pdf](http://www.icao.int/Security/FAL/Documents/2010%20API%20Guidelines%20Final%20Version.ICAO.2011%20full%20x2.pdf)

<sup>54</sup> World Bank – Border Management Modernisation, 2011, page 37. Available at [documents.worldbank.org/curated/en/986291468192549495/pdf/588450PUB0Bord101public10BOX353816B.pdf](http://documents.worldbank.org/curated/en/986291468192549495/pdf/588450PUB0Bord101public10BOX353816B.pdf)

arrangements between the United States and Canada, those between Australia and New Zealand and to a lesser extent APEC) and, most often, a carrier. This requires an established set of standards and some level of coordination and communication of arrangements between the parties. In a perfect world a system such as that presented at [Figure 1](#) below, would provide opportunities for border agencies to intervene in respect of particular passengers at the time and place which offers the best chance to avoid any potential harm to the country of destination and at the lowest possible cost.

[Figure 1](#): Layered approach to intervention along the border continuum



Regardless of the nationality or status of travellers, the core objectives of Immigration and any delegated border agencies undertaking arrival and departures functions must be to:

- **establish the traveller's identity; and**
- **determine the traveller's intent.**

[Figure 2](#): Traveller identification and risk assessment.



<sup>55</sup> Establishing the identity of travellers enables other objectives to be met, including entitlement verification and risk assessments (as represented at [Figure 2](#)) of individuals by all involved agencies, and contributes to the assessment of traveller intent (why they are seeking to cross a border).

The deployment of API assists in meeting these objectives. It does not operate as an end to itself but usually forms part of a multi-agency approach to the pre-assessment of travellers.

Once passengers are cleared for boarding, details are then sent to the Border Control Agencies for screening against their immigration, customs, and any other enforcement database(s). This can identify

<sup>55</sup> Figure 2 is from the ICAO TRIP Guide - [www.icao.int/Security/FAL/TRIP/Pages/Publications.aspx](http://www.icao.int/Security/FAL/TRIP/Pages/Publications.aspx).

high risk passengers requiring for example more intensive questioning upon arrival. If time permits, passengers of concern can even potentially be prevented from boarding or be offloaded from a flight to prevent their travel.

API has the potential to considerably reduce the inconvenience and delay experienced by most passengers because necessary border processing and risk assessment can often be completed before they arrive. Travellers pre-assessed as low-risk can be accorded a “light touch” on arrival, with the limited resources available to agencies at ports of arrival targeted at pre-identified higher-risk travellers aboard.

### **How is API data generated?**

The International Civil Aviation Organization (ICAO), / World Customs Organization (WCO) / International Air Transport Association (IATA) provide the following useful summary of how passenger data, including API data, is generated by airlines:

“The flow of passenger-related information from Carriers to border control authorities can be divided into three main streams:

#### **1. Passenger Name Record**

A reservation can be made from approximately 360 days before departure till the moment that the check-in process is stopped, which is approximately 2–3 hours before departure (depending on the airport and route).

#### **2. Passenger Manifest Information from the Departure Control System**

Approximately 48 to 36 hours before departure all PNRs are transferred from the Airline Reservation System to the Departure Control System (DCS). In the DCS the operational handling of the flight will take place, at check-in (e.g., intake of baggage and issuing of Boarding passes). It is common use that a passenger manifest is forwarded to the airport of destination for operational purposes (passenger and baggage handling).

#### **3. Advance Passenger Information from the Departure Control System**

As API data is not generally required for Airline processes, it will normally be collected and stored only in case of a legal requirement. There are three methods employed to collect the required information depending on the timeframe for the provision of this data:

- a) at the moment of reservation, by the passenger and/or his travel agent (manually entered into the reservation record);
- b) at the moment of check-in, by the passenger at Internet check-in (manually entered into the API section of the DCS), by the passenger at kiosk check-in (automated from the machine-readable zone), or by the Airline agent at desk check-in (automated from the machine-readable zone);
- c) at the moment of boarding, by the Airline agent (automated from the machine-readable zone).

Whilst API data registration by the passenger at the moment of reservation is operationally the most convenient for carriers; manually entered information has the risk that incorrect information is supplied (e.g., a zero instead of the letter O). The best option from a data quality perspective is the

collection of the machine-readable information, via an automated process.”<sup>56</sup> This is generally at check-in.

## Types of API

There are two main types of API

**Batch API** – this is a mode of one-way API data transmission from carriers to recipient Government agency/ies in a single batch or list of data, typically as embarkation or boarding closes and prior to departure from the port of embarkation. This is the simplest form of API to implement, and is the most commonly deployed form.

**Interactive advance passenger information or iAPI** – closely related to Advance Passenger Processing (APP), this is a mode of two-way data exchange between a carrier and recipient Government agency/ies, whereby individual API data is transmitted by carriers as each traveller checks in, and a response is sent within a few seconds from the recipient Government agency with an assessment result, typically “board” or “do not board”.

Whilst a final consolidated API batch or list may also be sent prior to take-off, it can be seen that the value inherent in this approach is carriers obtain a “live” response from the receiving Government, increasing the security and compliance outcomes for both the Government and the carrier.

## How complex is API?

The key principles of API are that the data is:

- electronic, not hardcopy; and
- in a standardized format.

Because of its one-way nature, batch API is simpler to implement, whilst still delivering most of the border risk management and security outcomes sought by Governments.

At its most basic level, batch API can take the form of an emailed spreadsheet, sent from a carrier or captain or master of a craft to a designated email address of the receiving Government agency. This method is often still used by major destination countries for small or private craft.

The information can then be manually uploaded into any system or analysis tool, such as an enabled Immigration BMS to verify traveller status (presence of a visa, citizenship, national passport validity, alert list matches), as well as any API assessment tool which may exist, and other systems such as those of Customs, Police and Security Service databases for recording and checking against their warning lists or profiles.

It is important that the data is electronic, not hardcopy. Hardcopy manifests, which are commonplace in countries without API, do not lend themselves to easy analysis. This can only be done using hand keyed data entry to check against systems, or manual visual checks, or worse, not at all due to the tedious and labour-intensive nature of this approach when airports are busy.

Hardcopy manifests are also often in the preferred individual format of the airline or shipping agent, and are thus not standardized. Even basic biodata such as full family and given names, date of birth

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<sup>56</sup> ICAO WCO IATA Management Summary on Passenger-related Information Umbrella Document) – located at [www.icao.int/Security/FAL/Documents/Umbrella\\_Document.2013Dec03.pdf](http://www.icao.int/Security/FAL/Documents/Umbrella_Document.2013Dec03.pdf).

and passport number and nationality is often missing from hardcopy manifests, making data matching very difficult.

A standardized data format has been established by ICAO, WCO and IATA, known as UN/EDIFACT PAXLST, which ensures that API data fields requested are internationally accepted, and key variable data such as country, port and airline details are easily referred to by internationally recognized standard codes.<sup>57</sup>

Whilst some API data may be transmitted by email as detailed above, more often it is transmitted via either a direct carrier-Government link, such as a VPN link or similar, or more commonly for air carriers, via one or more of the major airline communication and passenger management system providers such as SITA or Aeronautical Radio, Incorporated (ARINC). The latter are commonly utilised as they have extensive experience in the collection and transmission of both batch and interactive API data from airline DCS, and are generally already utilised by carriers for their broader reservation, ticketing and/or passenger management requirements.

The use of networks such as those of SITA and ARINC for reception of API data does (generally) require some integration with Border Management Systems, which these companies can usually assist with; however, this assistance does come at a cost which may prove problematic for smaller agencies.

iAPI is by definition more complex to implement, as it requires significant systems integration between the Government BMS systems, and airline DCS. Reliable secure two-way communications are also required, which are accessible to and trusted by both Governments and carriers alike. iAPI responses from Governments to carriers follow a standardized ICAO, WCO and IATA format known as CUSRES. For this reason, iAPI implementations generally rely heavily on the SITA and/or ARINC networks, and being more complex, attract a higher cost per traveller from the network providers.

iAPI also requires greater sophistication on the part of Government systems such as BMS, as they often involve automated data import and checking, and may even involve computer-aided decision-making.

### **How is API different to PNR?**

**Advance Passenger Information** refers to a passenger's identity and includes full name, date of birth, gender, citizenship and travel document data. API is typically obtained from travel documents and available from the machine-readable area of a traveller's passport as specified in ICAO Document 9303. As mentioned above, API data is not generally required separately for Airline processes, and it will normally be collected, transmitted and stored separately only in case of a legal requirement.

**Passenger Name Record** information is the generic name given to records created by the airlines for each flight booked by a passenger. PNR records contain information provided by the passenger and information used by airlines for their operational purposes. PNR information may include elements of information that will also be reported under API. PNR provides a mechanism for all the different parties within the aviation industry (including travel agents, air carriers and handling agents at airports) to recognize each passenger in a common format, and have access to all information relevant to his/her journey, departure and return flights, connecting flights (if any) and special services required on board the flight.

The amount and the nature of the information in a PNR record can vary from airline to airline and from passenger to passenger, often depending on how the reservation was made. A PNR may contain

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<sup>57</sup> See the WCO API Guidelines at [www.wcoomd.org/en/topics/facilitation/instrument-and-tools/tools/api-pnr.aspx?p=1](http://www.wcoomd.org/en/topics/facilitation/instrument-and-tools/tools/api-pnr.aspx?p=1).



as little information as a name, or may contain full address, contact details, credit card information and all data pertaining to the booking.<sup>58</sup>

As the data may be more personal in nature, PNR data is subject to more stringent regulation by, among others, the European Union (EU), which restricts the purposes to which PNR data may be put, to whom it may be transmitted, and how long it may be retained. This applies to PNR data which is in any way within EU jurisdiction, which can include PNR data stored by airlines on databases located there (such as reservation systems), even if it does not relate to flights to, from, or within the EU.<sup>59</sup> It is because of this latter point, and the requirement by the EU that PNR data access is subject to individual bilateral agreements with countries that PNR is not recommended for inclusion in the initial implementation of API in the Pacific.

The WCO/ICAO/IATA standard form of transmission for API data is the UN/EDIFACT PAXLST format, and for PNR, the PNRGOV format.<sup>60</sup>

## The international legal framework

### Mandatory API

International law has grown to support increased carrier obligations and information sharing between Governments and the collection and transmission of traveller information from carriers to Governments.

This has occurred via the *Convention on International Civil Aviation* (also known as the *Chicago Convention*), and additionally via several UNSCRs including in particular:

- UNSCR 2178 (2014), which was adopted in response to the threat stemming from the travel of foreign terrorist fighters. Measures to be taken by Member States pursuant to resolution 2178 include:
  - Requiring that airlines operating in their territories provide API to the appropriate national authorities.
- UNSCR 2309 (2016):
  - Calls upon states to require that airlines operating in their territories provide API to the appropriate national authorities
  - Calls upon States to ensure the security of civil aviation by, implementing ICAO Annex 9 “...standards and recommended practices relevant to the detection and prevention of terrorist threats involving civil aviation.”
- UNSCR 2368 (2017), which reaffirms its call upon Member States in resolution 2178 (2014) to require that airlines operating in their territories provide advance passenger information to the appropriate national authorities, and calls upon Member States to develop the capability to process PNR data and to ensure PNR data is used by the relevant national competent authorities.

These resolutions enable and mandate the sharing of information and expansion of measures such as API and PNR data to assist carriers in preventing the travel of persons of security concern.

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<sup>58</sup> As above, and also from ICAO website summary at

[www.icao.int/security/fal/sitepages/api%20guidelines%20and%20pnr%20reporting%20standards.aspx](http://www.icao.int/security/fal/sitepages/api%20guidelines%20and%20pnr%20reporting%20standards.aspx).

<sup>59</sup> See further detail of EU regulations at [www.consilium.europa.eu/en/policies/fight-against-terrorism/passenger-name-record/](http://www.consilium.europa.eu/en/policies/fight-against-terrorism/passenger-name-record/).

<sup>60</sup> See the ICAO Guidelines at

[www.icao.int/security/fal/sitepages/api%20guidelines%20and%20pnr%20reporting%20standards.aspx](http://www.icao.int/security/fal/sitepages/api%20guidelines%20and%20pnr%20reporting%20standards.aspx).

## Annex 9 of the Chicago Convention

ICAO presides over the formulation and adoption of Standards and Recommended Practices (SARPs) for international civil aviation. These are incorporated into the 19 technical annexes to the *Chicago Convention*.

**Annex 9** to the *Chicago Convention* embodies the SARPs and guidance material pertaining specifically to the facilitation of landside formalities for clearance of aircraft and passengers, goods and mail, with respect to the requirements of customs, immigration, public health and agriculture authorities.

As such, it provides a frame of reference for planners and managers of international airport operations, describing the obligations of industry as well as the minimum facilities to be provided by governments. In addition, Annex 9 specifies methods and procedures for carrying out clearance operations in such a manner as to achieve compliance with States' laws while enabling maximum productivity for the air transport operators, airports and government inspection agencies involved.

Chapter 9 of the Annex deals specifically with **Passenger Data Exchange Systems**, including API and PNR, as well as the data standards which should apply, thus making implementation easier for Governments and carriers.<sup>61</sup>

Adoption of API, and ultimately PNR data exchange with carriers forms part of ICAO's Traveller Identification Strategy.<sup>62</sup>



Figure 3: ICAO Traveller Identification Strategy - partners and stakeholders

<sup>61</sup> See the text of Annex 9 at [www.icao.int/WACAF/Documents/Meetings/2018/FAL-IMPLEMENTATION/an09\\_cons.pdf](http://www.icao.int/WACAF/Documents/Meetings/2018/FAL-IMPLEMENTATION/an09_cons.pdf), and API/PNR standards at [www.icao.int/Security/FAL/ANNEX9/Pages/Publications.aspx](http://www.icao.int/Security/FAL/ANNEX9/Pages/Publications.aspx).

<sup>62</sup> See the TRIP Strategy documentation at [www.icao.int/Security/FAL/TRIP/Pages/Publications.aspx](http://www.icao.int/Security/FAL/TRIP/Pages/Publications.aspx), which is also the source of Figure 3 above.

According to ICAO:

...at the centre of the ICAO TRIP Strategy is the key proposition for States, ICAO and all stakeholders to address, individually and collectively: that a holistic, coherent, coordinated approach to the interdependent elements of traveller identification management is essential, encompassing the following elements:

- **Evidence of identity** – credible evidence of identity, involving the tracing, linkage and verification of identity against breeder documents to ensure the authenticity of identity;
- **Machine-readable travel documents (MRTDs)** – the design and manufacture of standardized MRTDs that comply with ICAO specifications;
- **Document issuance and control** – processes and protocols for document issuance by appropriate authorities to authorized holders, and controls to prevent theft, tampering and loss;
- **Inspection systems and tools** – inspection systems and tools for the efficient and secure reading, recording and verification of MRTDs, and
- **Interoperable applications** – globally interoperable applications and protocols that provide for timely, secure and reliable linkage of MRTDs and their holders to available and relevant data in the course of inspection operations.<sup>63</sup>

By virtue of UNSCRs 2178, 2309 and 2396, and the standards at Chapter 9 “Passenger Data Exchange Systems”, in Annex 9 of the Chicago Convention<sup>64</sup>, **adoption of API and related identity information sharing is technically mandatory** for all Chicago Convention signatories, which includes Fiji.<sup>65</sup>

### Single window for passenger information

In 2018, Dutch authorities proposed an amendment to Annex 9, Chapter 9, to create a (mandatory) standard 9.1 to the effect that:

States requiring the exchange of Advance Passenger Information (API),/ interactive API (iAPI) and/or Passenger Name Record (PNR) data from aircraft operators shall create a **Passenger Data Single Window** facility for each data category or both data categories combined that allows parties involved to lodge standardized information with a common data transmission entry point for each category to fulfil all related passenger and crew data requirements for that jurisdiction.<sup>66</sup>

The Dutch proposal included lessons learned from that jurisdiction, in which it was clear that moving to a Single Window arrangement is easier when this is done deliberately at the beginning.

The proposal also contained a recommendation that any Passenger Data Single Window facility should cater for both data categories combined.

This recommendation was adopted by ICAO via amendment 27 to Annex 9 – Facilitation, which was anticipated to become effective on 21 October 2019 and to become applicable on 21 February 2020.

The Passenger Data Single Window amendments to Annex 9 are important and relevant as they provide a legal and technical precedent of considerable value to PICTs as will be seen below.

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<sup>63</sup> From the ICAO TRIP Strategy, [www.icao.int/Security/FAL/TRIP/Pages/default.aspx](http://www.icao.int/Security/FAL/TRIP/Pages/default.aspx).

<sup>64</sup> Available at [www.icao.int/WACAF/Documents/Meetings/2018/FAL-IMPLEMENTATION/an09\\_cons.pdf](http://www.icao.int/WACAF/Documents/Meetings/2018/FAL-IMPLEMENTATION/an09_cons.pdf).

<sup>65</sup> See ICAO’s API Implementation pathway at [www.icao.int/Security/FAL/TRIP/Documents/ICAO%20API%20Brochure\\_2018\\_web.pdf](http://www.icao.int/Security/FAL/TRIP/Documents/ICAO%20API%20Brochure_2018_web.pdf).

<sup>66</sup> See the ICAO Facilitation Panel working paper of September 2018 at [www.icao.int/Meetings/FALP/Documents/FALP10-2018/FALP10.WP5.Single%20Window-Netherlands-Final.pdf](http://www.icao.int/Meetings/FALP/Documents/FALP10-2018/FALP10.WP5.Single%20Window-Netherlands-Final.pdf). See also the Dutch presentation in this matter at [www.icao.int/Meetings/FALP/Documents/FALP10-2018/WP5.Single%20Window%20for%20passenger%20information.pdf](http://www.icao.int/Meetings/FALP/Documents/FALP10-2018/WP5.Single%20Window%20for%20passenger%20information.pdf).

## Technological considerations and practical applications

### Data standards

As discussed above in this annex, key principles of API are that the data is:

- Electronic, not hardcopy, and
- In a standardized format

This allows the data to be subject to computerised data matching, checking and analysis, which in many cases can be automated.

Relevant standards recognized by ICAO, WCO, IATA and carriers are:

- API – UN/EDIFACT PAXLST
- iAPI responses - CUSRES
- PNR - PNRGOV<sup>67</sup>

There has been further development of XML format data exchange methodologies such as ebMS, with standards being released for XML PNRGOV data transmission.<sup>68</sup> This has enabled web-based collection and transmission of data to and from Government, separate from or in addition to more traditional methods listed above, which rely on networks such as that run by SITA and ARINC. XML data exchange mechanisms have also been established by some individual countries for the use of carriers.

XLS format spreadsheets and file upload portals have also been established for small craft, yachts, and private aircraft, which will often not have access to the more sophisticated modes of API transmission above. A notable example is that of the CARICOM Implementation Agency for Crime and Security (IMPACS) Advance Passenger Information System (APIS) portal.<sup>69</sup> PNG Immigration also operated a similar model for the import of cruise ship manifests within their BMS until recent years, with standardized Excel (XLS) spreadsheet formats utilised to capture data of those aboard emailed by operators to a centralised email address.

API transmission from carriers to border control agencies is subject to a standardized set of data fields, agreed to by ICAO, WCO and IATA.<sup>70</sup> These are

1. Data relating to the Flight (Header Data)
2. Data relating to each individual passenger (Item Data) which may include:
  - a) Core Data Elements as may be found in the Machine-Readable Zone of the Official Travel Document
  - b) Additional data as available in Airline systems
  - c) Additional data not normally found in Airline systems and which must be collected by, or on behalf of the Airline.

PNR data is by definition more nebulous, and whilst it is subject to a transmission standard (PNRGOV) and data field definition in ICAO Document 9944,<sup>71</sup> the data collected and held in PNR records varies significantly from airline to airline, and also between individual travellers depending upon their

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<sup>67</sup> See the ICAO Guidelines at [www.icao.int/security/fal/sitepages/api%20guidelines%20and%20pnr%20reporting%20standards.aspx](http://www.icao.int/security/fal/sitepages/api%20guidelines%20and%20pnr%20reporting%20standards.aspx).

<sup>68</sup> See IATA's guidance on this at [www.iata.org/en/publications/api-pnr-toolkit/#tab-3](http://www.iata.org/en/publications/api-pnr-toolkit/#tab-3).

<sup>69</sup> See [caricomeapis.org/](http://caricomeapis.org/).

<sup>70</sup> See Chapter 8 of the WCO/IATA/ICAO API Guidelines at [www.icao.int/Security/FAL/SiteAssets/SitePages/API%20Guidelines%20and%20PNR%20Reporting%20Standards/API-Guidelines-Main-Text\\_2014.pdf](http://www.icao.int/Security/FAL/SiteAssets/SitePages/API%20Guidelines%20and%20PNR%20Reporting%20Standards/API-Guidelines-Main-Text_2014.pdf).

<sup>71</sup> See ICAO's guidance, including Document 9944 at [www.icao.int/Security/FAL/ANNEX9/Pages/Publications.aspx](http://www.icao.int/Security/FAL/ANNEX9/Pages/Publications.aspx).

circumstances. It is also dynamic, changing as a booking varies or changes, or payment is made and tickets are issued, and check-in occurs.

Where it is required, PNR is often required to be “pushed” to Governments, to a maximum of 5 times:

- 1) -72hrs
- 2) -24hrs
- 3) -2hrs
- 4) -1hrs
- 5) Wheels Up

The latter often includes both PNR and API data, which is an efficient means of conveying both data sets.

The complication for any Government considering initial API implementation is that, as discussed in Chapter 2 above, EU Data Protection requirements are very stringent, and may restrict the availability of PNR data until bilateral agreements are signed between the EU and individual requesting Governments. This restriction does not apply to API data which is another reason why PNR implementation should only be considered after API data transmission, reception and analysis has been successfully achieved.

#### **Data assessment and the requirement for a BMS**

It is not absolutely essential that a country or territory operates a BMS in order to receive API data, and carry out assessment of passengers with that data. For example, assessment tools, such as Interpol’s i24/7 and Stolen and Lost Travel Document database (SLTD) systems, the World Customs Organization’s GTAS, the United States Customs and Border Protection ATS-G system, and United Nations Office of Counter-Terrorism goTravel system<sup>72</sup> can operate separately from a national BMS but still allow a border agency to check API data against key profiles and indices. However, integration with a national BMS also allows for checking against immigration alert lists, as well as validation of national visa and passport data, maximising the value gained from the exercise.

Likewise, it is not essential that these other analysis tools are utilised, as checking the data against a BMS alone may be regarded as, at least initially, sufficient to ensure known travellers of concern who are already listed in BMS alerts are identified.

Rules and profile-based assessment tools, such as those listed above, bring additional and highly valuable analytical capability, generally well beyond that of the BMS alone. Use of these is free, and there is generally considerable support offered by the provider in terms of installation and integration with airline systems and BMS.

- **GTAS** – developed by US CBP, but under the leadership of WCO, GTAS permits foreign countries to independently perform vetting activities without the collaboration or information sharing with the US. Operating in 3 countries, with others in the process of installation, GTAS is free and designed for rapid use. The software is easily downloaded from a special CBP website and ready to use. It can also improve an existing vetting system because the coding allows nations to customize the software or just download the portions that meet their needs.

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<sup>72</sup> See links to these systems as follows: Interpol SDLTD – [www.interpol.int/en/How-we-work/Databases/Stolen-and-Lost-Travel-Documents-database](http://www.interpol.int/en/How-we-work/Databases/Stolen-and-Lost-Travel-Documents-database), GTAS – [us-cbp.github.io/GTAS/](https://us-cbp.github.io/GTAS/), ATS-G – [www.cbp.gov/frontline/cbp-national-targeting-centre](http://www.cbp.gov/frontline/cbp-national-targeting-centre) and goTravel – [www.un.org/cttravel/goTravel](http://www.un.org/cttravel/goTravel).

GTAS automatically evaluates passenger manifests in real time to identify suspicious travellers or crew members who may pose a national security risk, justifying a closer assessment. Using GTAS, governments can screen suspects before they enter or leave that nation.

- **goTravel** – is a United Nations-owned software solution derived from the Travel Information Portal (TRIP), developed by The Netherlands, and installed under that version in 10 countries. Free to use, goTravel can:
  - Perform as a single window receiving API/PNR data from carriers, accepting multiple data transfer standards;
  - Allow configuration of rule-based risk indicators and watchlists, and list the records that are matching against those rules;
  - Perform an assessment of passengers prior to their scheduled arrival/departure (matching with risk indicators, watchlists and Interpol databases);
  - Manually query API/PNR data for the purpose of helping competent authorities during ongoing investigations;
  - Automatically notify competent authorities when goTravel identifies passenger data requiring further examination;
  - Enable verification of PNR/API data retrieval and data quality of connected air carriers;
  - Enable analysts to reveal relationships between objects such as passengers, phone numbers, credit cards, etc. and visualize connections on graphs;
  - Use network analysis to identify formally unknown relationships.

The goTravel and GTAS and systems are ideally suited to a deployment in the Pacific as they are internationally recognized and supported, free of license fees, have a track record of successful integration with other national systems, follow international data transmission standards, and do not involve data sharing with providers. At this stage they do not support iAPI.

### **Data import - systems integration**

Where a BMS exists, some form of integration with API is highly recommended. This may take the form of simple functionality allowing the upload of API data received by email in spreadsheet form (batch) into a BMS to create an “expected arrivals” manifest for a flight or vessel, which can then be run against alerts, visas, and passports data prior to arrival.

For busier ports, some form of semi- or fully-automated upload into a BMS may be considered, using a feed from SITA or ARINC, or via a custom-built XML portal; however, this will come at a cost, which must be balanced against the expected benefit, and analysis as to whether the passenger facilitation and security outcomes can still be met through having well-trained staff upload batches of API in a timely fashion as they arrive.

Similarly, there is a need to integrate API data feeds, or at least import the data into the other assessment tools listed above. Whilst assistance is provided in each case, the complexity and ongoing maintenance may still prove daunting to smaller agencies and PICTs. This may be overcome where a regional approach is taken such as that suggested in this report.

### **Security and reliability, budget and ongoing viability**

Given the sensitivity of API and PNR data, similar to that of a BMS, it is essential that transmission, reception, storage and analysis of API (and PNR) data is achieved reliably, and securely. Receiving agencies should ensure relevant systems and hardware are up-to-date, and secured behind appropriate physical and software safeguards and controls.

Firewalls, VPN arrangements, and anti-malware must be properly maintained, and where Cloud hosting is considered, should be with top-tier providers such as Amazon AWS, Microsoft Azure, or Google Cloud.

Locally hosted servers and communications equipment should be of recognized brand names, and hardware refreshed as it approaches end of warranty in every case.

This requires that sufficient annual budget is earmarked specifically for these purposes, planned for and approved well in advance of initial deployment, as otherwise the viability of systems to support API will become imperilled in only a few years.

A regional solution, where these burdens are shared among several agencies or countries may address some of the genuine concerns which arise with seeking implement this technology individually.

## Annex 6 – References and list of literature and online material reviewed

### Immigration

- Fiji Bureau of Statistics - Immigration Statistics at [www.statsfiji.gov.fj/](http://www.statsfiji.gov.fj/)
- Fiji Immigration visa forms and checklists at [www.immigration.gov.fj/](http://www.immigration.gov.fj/)
- Fiji Legislation sourced from the Office of the Attorney-General website: [www.laws.gov.fj/](http://www.laws.gov.fj/), in particular the following Immigration Portfolio legislation:
  - Immigration Act 2003 and Regulations- [www.laws.gov.fj/Acts/DisplayAct/943](http://www.laws.gov.fj/Acts/DisplayAct/943)
  - Citizenship of Fiji Act 2009 and Regulations - [www.laws.gov.fj/Acts/DisplayAct/946](http://www.laws.gov.fj/Acts/DisplayAct/946)
  - Passports Act 2002 and Regulations - [www.laws.gov.fj/Acts/DisplayAct/3140](http://www.laws.gov.fj/Acts/DisplayAct/3140)
- Fiji National Development Plan (NDP) - [www.fiji.gov.fj/getattachment/15b0ba03-825e-47f7-bf69-094ad33004dd/5-Year-20-Year-NATIONAL-DEVELOPMENT-PLAN.aspx](http://www.fiji.gov.fj/getattachment/15b0ba03-825e-47f7-bf69-094ad33004dd/5-Year-20-Year-NATIONAL-DEVELOPMENT-PLAN.aspx)
- Fiji Office of the Auditor-General – Reports to Parliament at Fiji Auditor-General’s Office, [www.oag.gov.fj/reports-to-parliament/](http://www.oag.gov.fj/reports-to-parliament/)
- Fiji Tourism - [www.fiji.travel/](http://www.fiji.travel/)
- The Fiji Tourism Development Plan 2017-2021 at [www.mcttt.gov.fj/divisions/tourism-unit/programmes/fijian-tourism-2021/](http://www.mcttt.gov.fj/divisions/tourism-unit/programmes/fijian-tourism-2021/)
- Pacific Tourism Organization (SPTO) statistics and reporting at <https://southpacificislands.travel/rtrc/>
- Papua New Guinea:
  - Immigration (Amendment) Act 2015, at [www.paclii.org/pg/legis/num\\_act/ma2015198/](http://www.paclii.org/pg/legis/num_act/ma2015198/) and in PDF format, at [www.paclii.org/pg/legis/num\\_act/ma2015198.pdf](http://www.paclii.org/pg/legis/num_act/ma2015198.pdf).
  - Arrest (Amendment) Act 2015, at [www.paclii.org/pg/legis/num\\_act/aa2015176/](http://www.paclii.org/pg/legis/num_act/aa2015176/)
- PIDC Framework for Immigration Legislation - [www.pidcsec.org/legislation/](http://www.pidcsec.org/legislation/)
- UN Department of Economic and Social Affairs - Fiji Migrant Profiles - <https://esa.un.org/migmgprofiles/indicators/files/Fiji.pdf>
- UNWTO Tourism Statistics for Fiji at [www.unwto.org/statistics](http://www.unwto.org/statistics)
- World Bank Pacific Possible Report – <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/168951503668157320/pacific-possible-long-term-economic-opportunities-and-challenges-for-pacific-island-countries>
  - Tourism sub-report - <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/524541503688261330/tourism>



## The COVID-19 response

- IATA Travel Pass Initiative - [www.iata.org/en/programs/passenger/travel-pass/](http://www.iata.org/en/programs/passenger/travel-pass/)
- ICAO – Visible Digital Seals for Travel-related Public Health proofs – Technical Advisory Group Guidelines at [www.icao.int/Security/FAL/TRIP/PublishingImages/Pages/Publications/Guidelines%20-%20VDS%20for%20Travel-Related%20Public%20Health%20Proofs.pdf](http://www.icao.int/Security/FAL/TRIP/PublishingImages/Pages/Publications/Guidelines%20-%20VDS%20for%20Travel-Related%20Public%20Health%20Proofs.pdf)
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