



Submission No 50

Inquiry into Australia's Relationship with Timor-Leste

Organisation: Department of Immigration and Citizenship

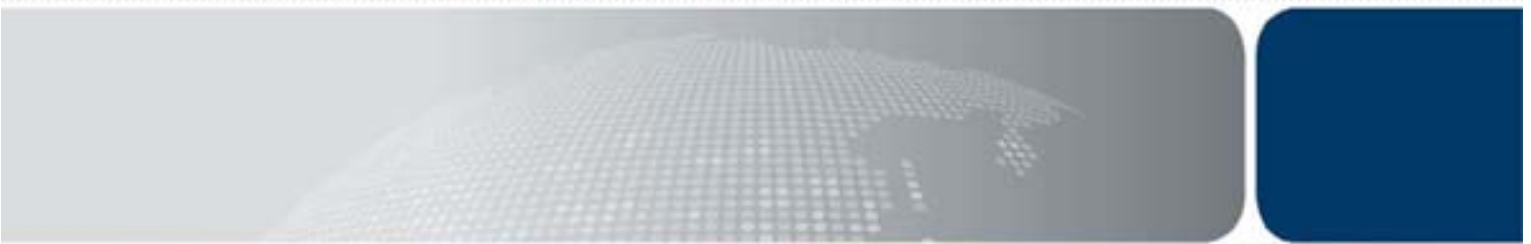


Australian Government
Department of Immigration
and Citizenship

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Submission to the Inquiry into Australia's relationship with Timor Leste

Joint Standing Committee on Foreign Affairs, Defence and Trade



Introduction

The Department of Immigration and Citizenship (DIAC) welcomes this opportunity to provide a submission to the Inquiry of the Joint Standing Committee on Foreign Affairs, Defence and Trade into Australia's relationship with Timor Leste.

As well as building relationships and facilitating cooperation at a government-to-government level through a program of capacity building activities in Timor Leste, the department also plays a substantial role in facilitating people-to-people links between Australia and Timor Leste through administration of the migration program. Consequently this submission details both capacity building engagement and programs that provide for nationals of Timor Leste to live, study and work in Australia, that offer professional development and economic opportunities to the Timorese population and which strengthen ties between our countries.

Background

Over the centuries, the Timorese people have had links with people from many other countries, including Australia. They have primarily come to Australia as refugees during periods of civil war or unrest. The first migrants from Timor-Leste arrived in 1943, during the Second World War, when around 600 people were evacuated to Australia. Most of them (562) were ultimately repatriated to Portuguese Timor. However, in 1975, civil and political unrest following the Portuguese withdrawal and the subsequent Indonesian occupation caused thousands of Timorese to flee, including some to Darwin. Some 1647 Timorese from this group became permanent residents of Australia.¹

Between 1990 and 1997, a further 1004 migrants born in Timor Leste arrived in Australia under the Special Assistance Category. The Special Assistance Category (SAC) was introduced in 1991 as part of Australia's Humanitarian Program. It was designed to assist specific groups of individuals determined (by the Minister for Immigration) to be of special concern to Australia and in real need, but who did not fit within traditional humanitarian categories. The Timorese assisted under the SAC – some of whom had been residing in Portugal, Mozambique and Macau – were sponsored by family members already in Australia. Another 1360 Timorese who arrived as tourists in the same period then applied for permanent residence. They may or may not have had family already residing in the country.

The SAC was closed in 2001. However, in 1999, the Humanitarian stay (Temporary) (Subclass 449) Visa was introduced, initially in response to the humanitarian crisis in what is now Timor Leste. Almost 2000 visas were granted to Timorese who were identified as needing Australia's assistance. Many subsequently returned home when conditions in their home country improved. More recently, this visa was used to provide temporary stay to 54 nationals of Timor Leste in May 2006.²

While the Timorese community in Australia is small, with only 9226 Timorese-born persons in Australia at the time of the 2011 census, it should be noted that the population of Timor Leste itself was estimated to be only 1.176 million in 2011.³

DIAC's engagement with Timor Leste in recent years has been focussed on working with Timor Leste to disrupt people trafficking and people smuggling in the region, particularly irregular migration by air and sea. Timor Leste is a potential transit country and departure point for irregular maritime arrivals intending to travel to Australia, attracting several isolated incidents of irregular maritime ventures in recent years, but has limited resources to prevent irregular migration through its borders.

Since its independence in 2002, Australia and a number of other foreign governments have provided assistance to the Government of Timor Leste (GoTL) in establishing its border management capabilities.

¹ Museum Victoria, "Origins: History of immigration from East Timor", <http://museumvictoria.com.au/origins/history.aspx?pid=14>

² The Expert Panel on Asylum Seekers: "Report of the Expert Panel on Asylum Seekers Attachment 4: Australia's Contribution to International Protection - Historical Approaches", http://expertpanelonasylumseekers.dpmc.gov.au/sites/default/files/report/attachment_4_australia_contribution_to_international_protection.pdf

³ The World Bank, 'Timor Leste: Data', <http://data.worldbank.org/country/timor-leste>

Timor Leste has been a party to the 1951 Convention relating to the Status of Refugees, and the 1967 Protocol, since May 2003. The United Nations High Commissioner for Refugees (UNHCR) opened its office in Timor Leste in May 1999, just prior to the country's referendum on independence from Indonesia. It later helped to repatriate some 220,000 persons. UNHCR closed its office in Timor Leste on 18 January 2012.⁴

DIAC's Engagement through Capacity Building in Timor Leste

DIAC's capacity building activities not only aim to enhance partner government agencies' level of technical competence, but also foster positive relationships between countries through cooperation.

DIAC's bilateral engagement with Timor Leste is underpinned by two Memoranda of Understanding (MOU), both of which were signed in 2002. These are:

- I. The Memorandum of Understanding on the Exchange of Information and Mutual Cooperation in Combating Illegal Immigration and People Smuggling; and
- II. The Memorandum of Understanding on Regional Cooperation Arrangements for Combating Illegal Immigration and People Smuggling.

These MOUs provide for the interception, detention, processing and removal of irregular migrants to and from Timor Leste.

Timor Leste values Australia's willingness to share expertise and invest in its migration management. In particular, DIAC enjoys a close working relationship with the Migration Service of Timor Leste (MSTL). MSTL was formerly a sub-agency of the National Police of Timor Leste, but in 2009 commenced a five-year transition period to become an autonomous agency.

Funding Arrangements

DIAC's capacity building activities in Timor Leste are delivered both directly by the department, and through non-government organisations such as the International Organization for Migration (IOM) with DIAC funding.

From 2005-2012, DIAC delivered the Enhanced Migration Management Project (EMMP) in Timor Leste through IOM. The EMMP consisted of a series of immigration-related initiatives which sought to strengthen Timor Leste's ability to manage its borders by facilitating genuine travellers and disrupting irregular migration. The EMMP aimed to:

- Successfully establish the Migration Service as a non-Police agency;
- Improve border processing using a risk-based approach;
- Improve management and planning skills for senior officers;
- Improve visa processing and higher quality decision making;
- Implement an integrated Border Management System;
- Improve inter-agency coordination; and
- Provide general training and support on border management to Timor Leste.

At its completion in August 2012, the EMMP was replaced by two new projects which continue particular program elements that were formerly incorporated in the EMMP. These projects ('Support for the Migration Service of Timor Leste' (SMSTL) and 'Assistance for Irregular Migrants' (AIM)) are currently scheduled to complete by 31 August 2013.

Border Management System

The Portuguese Government provided Timor Leste with a modified version of its Border Management System (BMS) in June 2010 and the system was operational at key border posts by 2012. Support and training for the system have been provided by IOM under DIAC-funded arrangements including the EMMP and SMSTL.

The BMS is also designed to detect and alert border security officers to fraudulent or poor-quality passports when the holder of the document attempts to enter or depart Timor Leste. A review of the

⁴ UNHCR, 'Timor-Leste vows never to turn back on refugees as UNHCR office closes', <http://www.unhcr.org/4f0ee6859.html>

BMS was conducted by DIAC in 2012, with a report of findings to be presented to the GoTL by mid-2013.

Immigration Skills Training

As part of Australia's bilateral and multilateral activities to support managed migration internationally, DIAC has supported many countries in the Asia-Pacific region to undertake skills development in intelligence analysis, facial recognition, document examination and investigations training; primarily through the Regional Skills Development Program (RSDP). The RSDP offers training delivered by DIAC experts. In Timor Leste, training has focused on investigations, intelligence analysis and document examination.

Investigations

In order to address investigations capacity building needs, DIAC conducted a Training Needs Analysis in Timor Leste during August 2009. There have been four training visits by DIAC investigations experts to Dili, including for MSTL staff from outside the investigations area, such as land, sea and air border staff. The most recent investigations training was held in May 2012, and was attended by 11 MSTL officers.

Intelligence Analysis

DIAC has delivered a full program of intelligence analysis training to MSTL, forming part of DIAC's regional counter-terrorism assistance commitments. Intelligence analysis training was last conducted in 2010-11.

Document Examination

Basic document examination training and mentoring has been provided in Timor Leste by DIAC specialists since 2006, resulting in basic but sound proficiency. In 2007-08 DIAC provided Timor Leste with specialist document examination equipment and software for use at Timor Leste's two main border points, Dili airport and Batugade border post. Document Examination training under the RSDP commenced in 2009 and three MSTL officers are due to complete document examination training in Australia in May 2013, following their participation in a DIAC-funded English Language Training program (ELT) at the University of Queensland.

While skills training provides tangible benefits to recipient agencies and promotes people-to-people links between Australian and Timorese officers, budgetary constraints have reduced DIAC's capacity to provide skills training across the region in the current financial year and there is no immigration skills training scheduled in Timor Leste during 2012-13. MSTL's staff rotation policy means that continued engagement would be required to maintain skill levels achieved through training already delivered.

English Language Training

The GoTL considers English Language Training (ELT) a critical need in Timor Leste's public service. Increased English language capacity contributes to Timor Leste's ability to participate with regional partners including Australia.

DIAC presently supports ELT for officers of MSTL in two ways: by funding three officers per year to attend 13 weeks of intensive English language training in Australia, and through IOM, which engages a local service provider to deliver training in-country.

In-country language courses are run at three different levels, and are critical in enabling MSTL officers to participate in the Australia-based course, preparing candidates for the International English Language Testing System (IELTS) exams which are essential for admission to the Australian program. As of November 2012, 16 officers from MSTL were attending ELT in Dili, and of these, six were selected to participate in the IELTS preparatory course. Of these six, three were selected to participate in the Australia-based course in 2013.

Since 2007, a total of 14 officers from Timor Leste have completed the three-month course in Australia, and a further three are due to complete the course in May 2013.

Academic Support Policy

Very few MSTL officers have tertiary qualifications. The Academic Support Policy administered by IOM using DIAC funding provides financial assistance with tuition fees for senior MSTL officers to attend tertiary courses in Timor Leste on a part-time basis to improve their educational qualifications. To date, four officers have been offered such assistance.

Assistance for Irregular Migrants

DIAC funds IOM to provide basic maintenance, care and counselling (including in relation to voluntary return) for irregular migrants intercepted in Timor Leste en route to Australia. There are no immigration detention facilities in Timor Leste, but MSTL officers refer a small number of people to IOM, which then undertakes an assessment against the program's criteria. Around 30 irregular migrants (assessed as intending onward travel to Australia), primarily from Myanmar, received such support in Timor Leste in 2012.

The assistance is similar to the Regional Cooperation Arrangements that operate elsewhere in the region, and seeks to reduce secondary irregular movement from Timor Leste.

DIAC Support for Regional Engagement

In addition to DIAC's program of bilateral engagement, DIAC provides financial support for Timor Leste participation in the Bali Process on People Smuggling, Trafficking in Persons and related Transnational Crime (Bali Process). For example, since January 2011, Timor Leste has participated in a Bali Process Workshop on Immigration Aspects of Airport Security held in Bangkok, and a Bali Process Workshop on Document Examination Education in Immigration, held in Singapore with financial assistance from Australia. Both events were co-hosted by Australia.

Timor Leste also attended the 10th Anniversary Commemorative Conference of the Bali Process, in Bali, on 12-13 November 2012.

Engagement through the Migration Program

Decades of civil unrest have had a devastating impact on educational and governance institutions in Timor Leste. The result, in terms of poor access to education and limited skills capacities in the Timorese workforce, means that many Timorese are unable to meet requirements for regular migration pathways to Australia (especially through Skilled Migration). Indeed, fewer than 10 Temporary Business (Long Stay)(Subclass 457) visas were granted to nationals of Timor Leste in the 2011-12 program year.

The total number of temporary visas granted in 2011-12 was 1419 (including Business, Temporary Resident, Student and Visitor visas). Of the 13 Timorese nationals who were granted permanent Australian visas in 2011-12, all were through family migration.

Given difficulties in accessing the Skilled migration stream, opportunities to live and study in Australia, and to participate in Australia's labour market, are valuable forms of engagement which have the ability to contribute to Timor Leste's development. DIAC facilitates the visa frameworks supporting both the Pacific Seasonal Worker Scheme, and the Australian Agency for International Development (AusAID) and Department of Defence Scholarship Programs, both of which specifically target nationals of Timor Leste.

The Pacific Seasonal Worker Scheme

On Thursday 8 September 2011, the Australian Government announced an expansion of the Pacific Seasonal Worker Pilot Scheme to include a small-scale trial for tourism operators in Broome, WA, employing seasonal workers from Timor Leste. A Memorandum of Understanding with Timor Leste to give effect to labour sending arrangements has been negotiated. The Department of Education, Employment and Workplace Relations (DEEWR) is the lead agency.

The Department of Immigration and Citizenship (DIAC) supported the Pilot by developing a visa framework to enable workers to participate in the program. The existing Special Program

(Subclass 416) visa was modified to support the program's intentions. The Special Program visa facilitates the entry to Australia of eligible workers, and by doing so aims to enhance international relations and cultural exchange by allowing people from Timor Leste to share cultural experiences and knowledge in the Australian community.

On 1 July 2012, the Pilot was replaced by the Seasonal Worker Program (SWP). Timor Leste is a participating country in the SWP, along with Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu. Since the commencement of the Pilot, as at 28 February 2013, there have been 22 seasonal workers from Timor Leste who were granted a Special Program (Subclass 416) visa (12 for the Pilot and ten for the SWP).

The DEEWR submission to the Committee provides further details of the Seasonal Worker Scheme.

AusAID Scholarships

AusAID's Australia Awards provide study and professional development opportunities to citizens from developing countries, including Timor Leste. Recipients enter Australia on an AusAID or Defence Sector (Subclass 576) visa, which is designed for international students who are sponsored by AusAID or Defence to study a full-time course in Australia.

In 2011-12 DIAC granted 120 Subclass 576 visas to nationals of Timor Leste. AusAID and Defence scholars therefore represented over half of the 213 students from Timor Leste granted visas to study in Australia in 2011-12.

The AusAID submission to the Committee provides further details of the Awards program.

Future Capacity Building Support

The department's engagement with Timor Leste is currently at a crossroads, with key capacity building activities having entered a 'transitional' phase. A review of the DIAC-funded Border Management System implementation was conducted in 2012 and the report of this review is currently being finalised. The findings of the review will be presented to the GoTL, which will provide an opportunity to discuss the scope and nature of future engagement. Future funding arrangements for capacity building activities will be contingent on the 2013-14 Budget and made in line with recommendations contained in the Report of the Expert Panel on Asylum Seekers.