# Pacific Regional Workshop on Legal Identity and Identity Security

# 8-10th July, 2019

# SPC   Headquarters, Noumea, New Caledonia

**SPC/BAG 2019/Background Paper 03**

## The Role of Civil Registration in facilitating Safe, Orderly and Regular Migration

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## EXECUTIVE SUMMARY

Population migration is increasingly an important area of human development. This paper discusses the role of civil registration systems in supporting and facilitating safe, orderly and regular migration which is a global development agenda that is also of great importance to the Pacific region. The paper outlines important requirements for the establishment of secure travel documents. Among these requirements is the need for timely sharing of civil status data (by civil registration and national id offices) to offices managing the issuance of travel documents, to guide decision-making around the creation and closure (cancellation) of travel documents. The paper further discusses regional contextual issues on migration, and how these could affect the authenticity of travel documents and the accuracy of national vital statistics. Key recommendations from the paper include the need for robust and secure civil registration systems (especially systems that link individual birth and death records), systematic and where possible automated data sharing by civil registration departments to offices managing travel documents, and cross-border sharing of information on deaths occurring oversees in order to facilitate the closure of legal identity records and travel documents.

## INTRODUCTION

1. According to the United Nations[1], migration refers to the movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification. This paper addresses international migration, which is the movement of a person or a group of persons across an international border for any length of time.

2. The freedom of movement is a fundamental human right, recognised under the International Covenant on Civil and Political Rights and in the 1948 Universal Declaration of Human Rights. The latter states: "Everyone has the right to freedom of movement and residence within the borders of each state, the right to leave any country and the right to return to his or her own country, Article 13(2)." The right of movement is also recognised under Goal 10 (target 10.7) of the global sustainable development agenda,

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[1] *IOM, Glossary on Migration, International Migration Law Series No. 25, 2011* https://www.iom.int/key-migration-terms

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which calls on states to facilitate orderly, safe, regular and responsible migration, mobility of people, including through the implementation of planned, and well- managed migration policies. Further, more recently, heads of State and Government and High Representatives, in a meeting held in Morocco on 10 and 11 December 2018 signed up to the Global Compact[2] for Safer, Orderly and Regular Migration which lays out a cooperative framework comprising of 23 objectives, aimed at facilitating the rights of migrants to safe movement.

3. Discussions about international migration at the global level are not new. However, the subject has become more topical over the last decade or so, owing to the influx of irregular migration, also associated with transnational crime and terrorism. The International Organization for Migration (IOM) defines irregular migration as "movement that takes place outside the regulatory norms of the sending, transit and receiving country" (IOM, 2011). The IOM further recognises three circumstances under which a migrant may fall in an irregular situation. First is when one enters the country irregularly, for instance with false documents or without crossing at an official border crossing point. Second is when one resides in the country irregularly, for instance, in violation of the terms of an entry visa/residence permit. Third is when one is employed in the country irregularly.

4. Irregular migration is associated with and linked to critical vulnerabilities and risks to human survival and the wellbeing of populations. Irregular migrants and their children have a high risk of being engaged in forced and bonded labour[3] (including child labour), forced prostitution, slavery or slavery like activities, human trafficking and the related health risks including sicknesses and diseases contacted during trafficking; injuries as a result of direct assault from traffickers, psychological and mental trauma among others. Research indicates that irregular migration promotes other types of crime such as migrant smuggling[4], money laundering, drug trafficking and arms smuggling often facilitated through unsuspecting victims who are seeking better quality life. Further, since their presence is formerly unknown to governments of the countries in which they reside, the needs of migrants are likely to remain unmet, including exception from access to essential government services such as schools and health care including immunisation for children.

5. Almost every country in the world, including in the Pacific region, is affected by irregular migration and its associated vices. A report[5] released in 2016 by the United Nations Office on Drugs and Crime notes that though on a relatively small scale, the Pacific region is a source, transit point and destination for human trafficking[6], often undertaken for purposes of sexual exploitation and the provision of labour for local and regional commercial and extractive industries including fishing, logging and mining. The report also discusses the prevalence of migrant smuggling much of which it states is often facilitated by immigration fraud (e.g., false/altered immigration documents, most commonly passports, visas and work permits, genuine immigration documents obtained fraudulently, and false/altered supporting documents). PICTs are reportedly viewed as transit points for migrants attempting to enter Australia, New Zealand or the United States.

6. The following section elaborates on the role of civil registration, vital statistics and national identity systems in the migration discourse.

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[2] *Global Compact For Safe, Orderly And Regular Migration*
*https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf*

[3] *Bonded labour refers to a system in which a person provides labour in order to pay off debts*
*https://www.collinsdictionary.com/dictionary/english/bonded-labour*

[4] *Smuggling of Migrants is a crime involving the procurement for financial or other material benefit of illegal entry of a person into a State of which that person is not a national or resident. https://www.unodc.org/unodc/en/human-trafficking/smuggling-of-migrants.html*

[5] *UNODC, 2016 Transactional organised crime in the Pacific : A threat assessment*
*https://www.unodc.org/documents/southeastasiaandpacific/Publications/2016/2016.09.16_TOCTA_Pacific_web.pdf*

[6] *Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html*

## THE ROLE OF CIVIL REGISTRATION AND VITAL STATISTICS IN FACILITATING SAFE, ORDERLY AND REGULAR MIGRATION

7. *Civil registration (Birth registration in particular) establishes the right of identity for migrants and their children:* migrants and their children are disproportionately faced with multiple vulnerabilities associated with their civil status or lack thereof. The documentation of migrants and their children through birth registration establishes their right to identity and importantly ensures that the government is aware of their existence and that they are catered for within its planning including in the delivery of essential services such as school, health, social benefits and social protection services. At an individual level, the registration of the birth of a child provides the individual with means to proof their age and family relationships. This information is critical in facilitating a child's protection from childhood related vices such as child-marriage and child-labour etc. By defining the place of birth and identity of a child's parents, the registration of the birth of a migrant child helps to prevent or reduce the likelihood of statelessness[7] and further facilitates cross-border movement and reunification with families in the event of separation.

8. *Civil registration (Birth registration in particular) provides the facts for determination of nationality and hence defines eligibility for a country's citizenship and/ passport:* Birth registration details provide critical information about an individual's place of birth and family relationships, that are needed for the determination of nationality; the latter is a requirement for eligibility of a country's passport. For most countries, birth registration records and a birth certificate constitute the primary evidence required by governments for the processing of a passport. While biometric data collected during the processing of passports is crucial in verifying the holder of the identity document presented as the true owner of that identity, the facts surrounding one's identity i.e. an individual's name and other biographic details can only be reliably confirmed through civil registration records. Civil registration is particularly recommended for this purpose (over any other government database) since it collates the details of an individual's identity as closest to the time of occurrence of birth as possible. Such timeliness may be crucial in guaranteeing their accuracy and viability of the information provided. Since a birth registration records and documents are the primary breeder documents for a passport, the authenticity and accuracy of the latter is only as good as that of the former.

9. *Civil registration (death registration in particular) facilitates the legal closure of travel documents of deceased persons and the rights to benefits and services associated with the identity of the deceased:* An equally important role of civil registration systems is in facilitating the legal closure of travel documents of deceased persons and secondly ensuring that identities of deceased individuals are not fraudulently used to create new travel documents. To enable this, it is necessary that every death is registered as soon as it occurs, and the event notified to the respective office (that manages travel documents). If the event occurred overseas it is important that the information is shared with the relevant agencies in the person's country of origin, or residence to ensure closure of entitlements and execution of wills etc. Delays in registration of death creates loopholes for possible misuse of the deceased's identities by fraudsters, which is a key driver to irregular migration. It is also necessary that the architecture of the civil registration system facilitates validation /verification (preferably automated) of an individual's biographic details, including confirmation of whether an individual is alive.

10. The following section discusses key regional contextual issues and how these could affect safe and orderly migration, including the authenticity of travel documents

## REGIONAL CONTEXTUAL ISSUES THAT COULD AFFECT THE AUTHENTICITY OF TRAVEL DOCUMENTS AND HENCE SAFE MIGRATION IN THE PACFIC

11. *Off-island deaths and name changes:* Many Pacific Island citizens are born in one country but die in another. Pacific people commonly travel overseas often to New Zealand or Australia for treatment when their local hospitals do not provide the facilities or treatment necessary for their condition, or to be closer

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[7] *Article 1 (1) of the 1954 Convention relating to the Status of Stateless Persons defines a stateless person as 'a person who is not considered as a national by any State under the operation of its law'.* https://emergency.unhcr.org/entry/250521/stateless-person-definition

to family members during health care. The governments of New Zealand and Australia also operate seasonal worker programmes with nine Pacific Island nations. These entail short-term labour mobility schemes that run for an average of six months for each participating worker. The management of death records during such temporal movements is increasingly being recognised as an area requiring attention, noting its potential impact on the security and authenticity of civil registration records and the quality of vital statistics in these countries. Since the occurrences of death are rarely reported back to the individual's country of origin, the identity credentials (including records and documents such as passports and birth certificates) of these persons remain open and functional and at a significant risk of threat and fraud. A similar scenario applies in cases where individuals change their names upon moving overseas and where such changes are not shared with the country of origin or residence. Further, a lack of complete death records creates inaccuracies in vital statistics reporting and in national planning.

12. *Event based vs person-based registers:* Most Pacific Island countries run civil registers that are event based. In such databases, an individual's vital event records are delinked, which means that the registration of an individual's death does not necessarily cancel the corresponding birth record, and similarly for marriages and divorces. Person-based registers are recommended for reasons that they facilitate an immediate update of an individual's civil status across all linked databases hence ensuring that there is no gap created for a potential theft/ misuse of identities. Such efficiencies can be achieved when the civil registration system is supported by a robust ICT infrastructure. Such infrastructure would also facilitate timely sharing of data between institutions, including supporting an automated process of verifying the biographic details of persons applying for travel documents.

13. *Unsecure paper and registration records:* A birth certificate and birth notification form are powerful documents, in that they constitute the primary breeder documents for multiple other forms of identification that an individual is issued later on in life. These documents are the primary means through which a new identity is introduced into government systems, which is adjoined to numerous and important rights (of the individual) and responsibilities of the state. For this reason, it is important that these two documents are secure from any possible adulteration; and that there is as much as possible no possibility for create a false document. Use of security paper[8] for these two records is highly recommended. Moreover, it is necessary that the registration process is rigorous (to ensure that each identity registered is authentic), while also ensuring that the process is not prohibitive.

## RECOMMENDATIONS

Civil registration officials of Pacific Island countries are requested to make consideration of the following recommendations:

1. Establish a data sharing arrangement between civil registration and departments managing travel documents, to ensure that the latter are notified of the civil status of populations in a timely way.

2. Establish Person based registers that particularly link birth and death records as a measure to improve identity security within civil registration systems

3. Establish robust registration systems and especially work towards reducing cases of unregistered, late and delayed registrations including through partnership with national departments of health.

4. While ensuring that the civil registration processes are not prohibitive, adopt rigorous application processes to reduce possibilities of identity fraud

5. Use security paper for birth registration documents (if not possible consider unique designs for the paper in use ), implement appropriate measures for the security of electronic records and adopt appropriate record management protocol for staff managing registration records and processes.

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[8] *Security paper is a paper used in security printing that incorporates features that can be used to identify or authenticate a document as original, e.g., watermarks or invisible fibres in paper, or features that demonstrate tamper evidence when fraud is attempted. https://en.wikipedia.org/wiki/Security_paper*

6. Adopt robust ICT systems to support efficient civil registration operations including the timely sharing of data across other crucial government departments such as offices that manage travel documents

## REFERENCES

UNODC, 2016 Transnational Organized Crime in the Pacific: A Threat Assessment, https://www.unodc.org/documents/southeastasiaandpacific/Publications/2016/2016.09.16_TOCTA_Pacific_web.pdf.

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