Australian Government

Australian Customs and Border Protection Service

POST ACTION REVIEW

SHARROUF MOVEMENT – 6 December 2013

Final Report

19 February 2014

Contents

Executive Summary

The Task

1.   This report responds to directions from the Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (ACBPS, the Service) to undertake a post action review (Review) of outwards control point (OCP) processing practices in relation to the movement of Khaled SHARROUF on 6 December 2013.

2.   The Review has been conducted to

- determine the sequence of events leading to the processing of SHARROUF and the effectiveness and efficiency of the information management processes; (FOUO)

- assess ACBPS officer compliance with internal policy, procedures and guidelines; (FOUO) and

- evaluate the design adequacy of ACBPS' system of internal controls, relevant to OCP processing. (P)

The Narrative

3.   On 4 February 2014, s47F [redacted] made an enquiry to Customs Media in relation to information that Khaled SHARROUF left Australia on 6 December 2013 on his brother's s47F [redacted] passport. (FOUO)

4.   Subsequent articles appeared in the Sunday Times and Sunday Territorian of 9 February 2014 reporting that Khaled SHARROUF, a convicted terrorist, departed Australia on s47E(d) [redacted] 6 December 2013 via Sydney International Airport using his brother's passport. (FOUO)

5.   s47E(d), s47F [redacted]

6.   s47E(d), s47F [redacted]

7.   Effective assessment of travellers is one of the keys to managing the efficient processing of legitimate travellers, while maintaining the integrity of the border. The ACBPS undertakes a layered approach to assessing passengers, in order to detect and deter the unauthorised movement of people across the Australian border. (FOUO)

Review of Policies

8.   The Review focused on the following areas:

- s47E(d) processing policy, procedures and guidelines;

- s47E(d)

  ;

- pre-departure risk assessment processes; and

- where appropriate, the information exchange and reporting between stakeholders. (P)

9.   All international travellers are required to present for primary clearance at designated airports. The Department of Immigration and Border Protection (DIBP) is responsible for administering the *Migration Act 1958*. Under section 165 of the *Migration Act*, Customs and Border Protection officers have a delegated authority to undertake immigration clearance processing at Australian borders. (FOUO)

10.   s47E(d)

Acknowledgement

11.   The review team would like to acknowledge officers at Sydney Airport for their assistance in undertaking this review.

Summary of Findings

Findings

1. The Review makes a number of positive findings, specifically:

   - Officers were motivated to actively engage in law enforcement duties.

   - Guidance material s47E(d) is reasonably comprehensive (although some inconsistencies were noted).

   - Officers engaged for the purpose of the Review were open, forthright and cooperative.(FOUO)

2. The Review found a number of areas for improvement, including:

   - Inconsistent compliance with policy and procedure, particularly records management.

   - s47E(d)

   - s47E(d) .

   - s47E(d)

3. The Review found:

   - Whilst there was a confirmed 'loss event' with Khaled SHARROUF utilising his brother's passport to exit the country, the processing Primary Line Officer (PLO) performed s47F duties generally in accordance with training and procedural expectations. (FOUO)

   - The PLO's failure to match the face to passport correctly was within reasonable tolerances given the general similarity and age difference between the time of the photograph (2005) and presentation at the primary line (see Attachment C). (P)

   - s47E(d)

   - s47E(d)

   - s47E(d)

   - s47E(d)

Recommendations

Recommendation 1

It is recommended that the Service identify trigger points (risk tolerance levels) for s47E(d) issue escalation, ensuring the triggers are defined and understood. (FOUO)

Recommendation 2

It is recommended that the Service review the timeliness and process of secondary controls s47E(d) . (P)

Recommendation 3

It is recommended that the Service develop a prioritisation model under the Border Force s47E(d) so as to add value to the control of border risks. (P)

Recommendation 4

It is recommended that the Service enhance s47E(d) record keeping practices by:

- implementing a s47E(d) Diary; and
- developing a training package that informs staff on the expectations of the function, and covers the relevant policy and instruction documents. (FOUO)

Recommendation 5

It is recommended that the Service review and correct inconsistencies in instruction and guidelines, particularly focusing on records management and IT security. (FOUO)

Recommendation 6

It is recommended that the Service review the roles of s47E(d) Officers and s47E(d) Officers including responsibilities and reporting structures. (FOUO)

Recommendation 7

It is recommended that the Service initiate a formal control test s47E(d) , including risk assessment activities. (FOUO)

Recommendation 8

It is recommended that the Service initiate an orientation for all PLOs which includes:

- exposure to the s47E(d) ; reaffirm to PLOs the requirement for a second 'face to passport' check, after all confirmed s47E(and
- the development of an understanding of the s47E(d) process. (P)

Recommendation 9

s47E(d)

Chapter 1 – Detailed Findings

Finding Category – Pre-Departure Risk Assessment

Context

12.   The ACBPS Practice Statement 'Assessment of Travellers' states that ACBPS undertakes a layered approach to assessing passengers in order to detect and deter the unauthorised movement of people and prohibited and restricted goods across the Australian Border. The layered approach is clarified through the statement "…at any stage of the traveller assessment process a passenger or crew member may be subject to further Customs scrutiny to determine compliance with Australian laws". The scope of activities is bound by s47E(d)

. (FOUO)

13.   Passenger name record (PNR) data is provided by airlines, and there is an agreement whereby airlines provide information contained within airline reservations systems. s47E(d)

Findings/Observations

14.   The following observations were made in respect to this category:

- s47E(d)

- s47E(d)

- No prioritisation model exists to outline appropriate tactical responses for PLO staff, s47E(d)

. (FOUO)

- With respect to the SHARROUF incident:

   ○ s47E(d), s47F

   ○ s47E(d), s47F

Implication/Risk

- s47E(d)

- s47E(d)

Recommendation

15. The Review Team recommends that ACBPS:

- initiate a formal control test of the outwards immigration primary clearance process, including risk assessment activities. (FOUO)

Finding Category – Outwards Control Point

Context

16. s47E(d), s47F

17.

18. The PLO at the OCP is supported by secondary ACBPS staff, including Supervisors and Primary Support Officers (located behind the primary line), as well as Department of Immigration and Border Protection (DIBP) personnel. (FOUO)

Findings/Observations

19. Primary Line Officer (PLO) observations:

- The PLO responsible for processing SHARROUF:
  - s47F
  -
  - CCTV footage supports that the PLO verified s47F travel document in accordance with ACBPS Instructions and Guideline's 2010/017801;
  - s47F
    The PLO stated to the Review Team that s47F would have processed the Australian passport.
  - s47F

  - s47E(d)

    yet failed to identify the imposter (Khaled SHARROUF);
  - s47E(d)

  - correctly classified and processed s47F movement in the PACE system Instructions and Guideline's 2010/017801;
  - s47E(d)

  - s47E(d)

  - s47E(d)

    Footage indicates that the PLO hesitated prior to clearing this second face to passport check. s47E(d)

    (Attachment C includes comparative photographs);
  - however, there is conflict between the procedural documentation, s47E(d)

     o   failed to record details, such as physical appearance and dress, of the traveller [s47F] check in accordance with Instructions and Guidelines (s.4.4.2 – Actions required for confirmed outwards alerts); and

     o   [s47F]

- [s47E(d)]

- [s47E(d)]

- [s47E(d)]

- PLO's are faced with significant time pressures. [s47E(d)] Whilst not an official performance measure of individual officers, it was acknowledged by Airport Operations Management – Sydney that [s47E(d)] Note that on this occasion, the PLO held SHARROUF [s47F] for 1 minute 40 seconds. (P)

- [s47E(d)]

- [s47E(d)]

- [s47E(d)]

- [s47E(d)]

20.   Supervisors and Primary Support Officer (PSO) observations:

- SHARROUF's OPC was correctly retained and photocopied by the on-duty Supervisor, meeting appropriate client service expectations Instructions and Guidelines 2013/016195 [s47E(d)] (FOUO)

- [s47E(d)]

- [s47E(d)]

s47E(d)

- s47E(d)

- The Instructions and Guidelines do not articulate the role and responsibilities of the Primary Support Officer/Supervisor role in Primary Clearance and Alerts Management processes. (FOUO)

Implication/Risks

- s47E(d)

-

-

Recommendation

21.   The Review Team recommends that ACBPS:

- reaffirm to PLOs the requirement for a s47E(d)

- develop a prioritisation model under the Border Force s47E(d)

- instigate an orientation for all PLOs which includes:
    o   exposure to the Control Room; and
    o   development of an understanding of the s47E(d) process. (FOUO)

- s47E(d)

Finding Category – Control Room

Context

22. Control Room Officer responsibilities include:

   - obtaining expected movement information for assessment and response team leaders;

   - s47E(d)

   - s47E(d)

   - s47E(d)

   - the storage and dissemination of information, as a result of actions required s47E(d) (FOUO)

23. At the time of the incident, the Instruction and Guideline s47E(d) was in place. More recently (January 2014), this has been upgraded by the s47E(d) Instruction and Guideline; s47E(d) (FOUO)

Findings/Observations

24. s47E(d) Airport Operations Sydney (AOS) observations:

   - With reference to the SHARROUF incident, AOS s47E(d) was responsible for 5 activities s47E(d) : The s47E(d) :

      o s47E(d) (Instructions and Guidelines 2013/016195: s.5.5 – Actions following confirmation s47E(d));

      o s47E(d)

      o did not adequately record, s47E(d) (Instructions and Guidelines 2013/016195: s.5.5 – s47E(d));

      o s47E(d) Instructions and Guidelines 2013/016195 (s.5.6 – s47E(d)); and

      o s47E(d) (Instructions and Guidelines 2013/016195: s.5.5 – s47E(d)). (P)

   - s47E(d) The Review Team observed that:

- o the effort of officers was clearly visible and staff appeared to understand tasks;

- o there was no apparent leadership or command structure present to manage incidents, s47E(d) ▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓ ;

- o s47E(d) ▓▓▓▓▓▓▓▓▓▓▓▓▓ ;

- o s47E(d) ▓▓▓▓▓▓

- o s47E(d) ▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓

- o s47E(d) ▓▓▓▓▓▓▓▓▓▓▓ Instructions and Guidelines 2013/016195 (s.5.6.17 – s47E(d) ▓▓▓▓▓▓▓);

- o staff were unable to identify where procedures for s47E(d) operations could be found; and

- o s47E(d) ▓▓▓▓▓▓▓▓▓▓▓▓▓▓

- The s47E(d) activities for inwards movements are structured and methodical in comparison to outwards movements. For example:

  - o expected movement notifications (for inwards travellers) allow time for pre-planning of s47E(d) responses s47E(d) ; and

  - o s47E(d) ▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓▓

- s47E(d) ▓▓

- s47E(d) ▓▓

- s47E(d)

- s47E(d)

- s47E(d)

- s47E(d)

Implication/Risk

- s47E(d)

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Recommendation

25.   The Review Team recommends that ACBPS:

- enhances s47E(d) record keeping practices by:

    o   implementing a s47E(d) Diary; and

    o   developing a training package that informs staff on the expectations of the function, and covers the relevant policy and instruction documents. (FOUO)

- review, clarify and update inconsistencies in instruction and guidelines, s47E(d) (FOUO)

- s47E(d)

Finding Category – Intelligence Liaison, Incident Reporting and Escalation

Context

26. s47E(d) _____ are responsible for effective communications, information sharing and cooperation between law enforcement agencies s47E(d) _____. (FOUO)

27. s47E(d) _____

28. s47E(d) _____

Findings/Observations

29. ACBPS s47E(d) _____ observations:

   - s47E(d) _____

   - s47F _____
     _____ s47E(d) _____

   - s47E(d) _____

   - s47E(d) _____

   - s47E(d) _____

   - s47E(d) _____

30. Incident Reporting and Escalation observations:

- s47E(d), s47F

  PROTECTED– SENSITIVE   10

- s47E(d)

  did confirm that s47F provided information on the SHARROUF incident to the Sydney Airport Operations s47E(d) , as part of client service practices and to inform the local operational group of the issue. (P)

- s47E(d)

- s47E(d)

- s47E(d)

- s47E(d)

31. ACBPS s47E(d) observations:

  - s47E(d)

s47E(d)

- s47E(d)

- s47E(d)

- s47E(d)

- s47E(d)

Implication/Risk

- s47E(d)

-

-

Recommendation

32. The Review Team recommends that ACBPS:

- identify trigger points (risk tolerance levels) for s47E(d) issue escalation, ensuring the triggers are defined and understood. (FOUO)

- review the roles of s47E(d) Officers and s47E(d) Officers including responsibilities and reporting structures. (FOUO)

Chapter 2 – Methodology

33.   In the conduct of this review, the following approach was taken:

Planning and Familiarisation

- Engage relevant stakeholders and with the input of stakeholders, identify those work practices to be considered in scope for this management review;

- through discussion with staff and consideration of relevant documentation, understand and document how selected practices operate; and

- identify process level risks.

Fieldwork: Evaluation and Assessment of Controls

- Through walkthrough, observation and consultation of available records, understand and document how OCP processes are being applied and the specific events directly related to SHARROUF;

- where possible, test the design and effective operation of selected practices, to determine whether they have been applied consistently and in accordance with the agreed procedures;

- review whether appropriate records or evidence have been maintained and that appropriate reporting processes were followed; and

- assess relevant risks.

Reporting

- Document a summary of findings identified during fieldwork to discuss with relevant stakeholders;

- draft a report summarising the fieldwork undertaken and seek formal response from the Chief Risk Officer; and

- Present the final report to the CEO. (FOUO)

Sources of Information

- Australian Customs and Border Protection Service:
  - s47E(d)
  -
  -

- Open Source Information – Internet. (FOUO)

Work Area Involvement

- Airport Operations – Sydney;

- s47E(d)

-

- Integrity and Professional Standards Branch;

- Passenger Analysis Unit; and

- Security, Risk and Assurance Branch. (FOUO)

Assumptions

- The Review Team assumes that Khaled SHARROUF did travel on a legitimate travel document of his brother's – based off identifying particulars s47F
  and an acceptance of facts, s47E(d)
  . (FOUO)

Limitations

- In the conduct of this review, the following activities were unable to be undertaken:
  - s47E(d)

  - Australian Customs and Border Protection Service

    - The Review Team, where possible, attempted to speak with the persons directly involved in the 'SHARROUF Incident'. (FOUO)

    - s47E(d)

    - Review of training for ACBPS officers has not been completed. (FOUO)

Annex A – Alert Timeline of Events

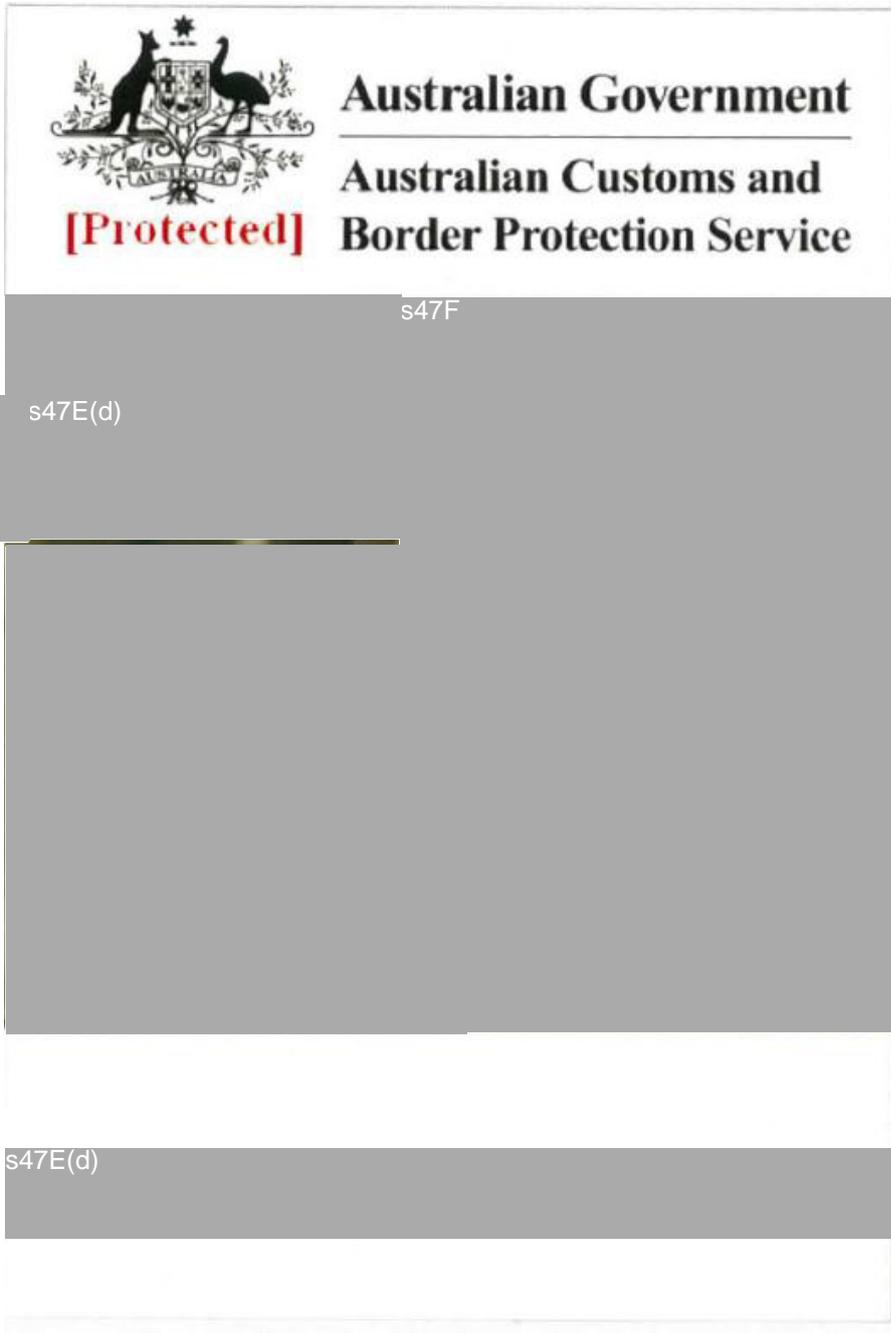**Chronology of events – As provided by Airport Operations Sydney (P Sens)**

6 DEC 2013	s47E(d) ▨ confirmed by the Primary Line Officer (PLO) at Sydney International Airport (SIA) Outward control point. Subject is s47F ▨ . s47E(d) ▨ ▨ Primary Officer s47F ▨ processed SHARROUF s47F ▨ at 9.11 am at departures module no 14. SHARROUF ▨ were travelling on s47E(d) ▨ . s47E(d) ▨
6 DEC 2013	s47E(d), s47F ▨
6 DEC 2013	s47E(d), s47F ▨
6 DEC 2013	s47E(d), s47F ▨
10 DEC 2013	s47E(d), s47F ▨
12 DEC 2013	s47E(d), s47F ▨

	s47E(d), s47F
17 DEC 2013	s47E(d), s47F
17 DEC 2013	s47E(d), s47F
18 Dec 2013	s47E(d), s47F
19 DEC 2013	s47E(d), s47F
15 JAN 2014	s47E(d), s47F
24 JAN 2014	s47E(d), s47F
24 JAN 2014	s47E(d), s47F
31 JAN 2014	s47E(d), s47F
31 JAN 2014	s47E(d), s47F

Annex B – Copy of SHARROUF s47E(d)

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Annex B – Copy of SHARROUF s47E(d)

Annex C – Photographs of the SHAROUFF Brothers

- Khaled SHAROUFF – as presented 6 December 2013

Australian Government

Australian Customs and Border Protection Service

[Protected]

s47F

s47E(d)

s47E(d)

s47F

PROTECTED– SENSITIVE   18

s47F

Enclosure 1 – Terms of Reference

MANAGEMENT REVIEW

SHARROUF MOVEMENT – 6 December 2013

Security, Risk and Assurance Branch

Engagement Plan

February 2014

Background

- On 4 February 2014, s47F made an enquiry to Customs Media in relation to information that Khaled SHARROUF left Australia on 6 December 2013 on his brother's s47F passport.

- Subsequent articles appeared in the Sunday Times and Sunday Territorian of 9 February 2014 reporting that Khaled SHARROUF, a convicted terrorist, departed Australia on 6 December 2013 via Sydney International Airport using his brother's passport.

- s47E(d), s47F

- The Chief Executive Officer (CEO) of the Australian Customs and Border Protection Service (ACBPS) has commissioned a Management Review of outwards control point (OCP) processing practices in relation to this event. The review will be conducted to assess whether the current documented practices are appropriate and are being complied with.

- Effective assessment of travelers is one of the keys to managing the efficient processing of legitimate travelers, while maintaining the integrity of the border. The ACBPS undertakes a layered approach to assessing passengers, in order to detect and deter the unauthorised movement of people across the Australian border.

- All international travelers are required to present for primary clearance at designated airports. The Department of Immigration and Border Protection (DIBP) is responsible for administering the Migration Act 1958. Under section 165 of the Migration Act, Customs and Border Protection officers have a delegated authority to undertake immigration clearance processing at Australian borders.

- s47E(d)

Objectives

- The objectives of this management review are to:

  o Determine the sequence of events leading to the processing of SHARROUF and the effectiveness and efficiency of the information management processes;

  o Assess ACBPS officer compliance with internal policy, procedures and guidelines; and

  o Evaluate the design adequacy of ACBPS' system of internal controls, relevant to OCP processing.

Scope

- The following will be included within the scope of this engagement:

  o OCP processing policy, procedures and guidelines;

  o s47E(d)
    ;

  o pre-departure risk assessment processes; and

  o where appropriate, the information exchange and reporting between stakeholders.

Our Method

- In the conduct of this review, the following activities will be undertaken:

  Planning and Familiarisation

  o engage relevant stakeholders and with the input of stakeholders, identify those work practices to be considered in scope for this management review;

  o through discussion with staff and consideration of relevant documentation, understand and document how selected practices operate; and

  o identify process level risks.

  Fieldwork: Evaluation and Assessment of Controls

  o through walkthrough, observation and consultation of available records, understand and document how OCP processes are being applied and the specific events directly related to SHARROUF;

- where possible, test the design and effective operation of selected practices, to determine whether they have been applied consistently and in accordance with the agreed procedures;

- review whether appropriate records or evidence have been maintained and that appropriate reporting processes were followed; and

- assess relevant risks.

   Reporting

- document a summary of findings identified during fieldwork to discuss with relevant stakeholders;

- draft a report summarising the fieldwork undertaken and seek formal response from the Chief Risk Officer; and

- Present the final report to the CEO.

Risks

- Risk and Assurance Section has identified the following inherent risks within the scope of this engagement:

s47E(d)

Management Review Milestones

- Key milestones are indicated in the table below.

Category	Risk and Assurance Activity	Period
Planning	Develop assignment plan and management review program.	10-11 February 2014
Fieldwork and Draft Report	As per Section 5.	12-14 February 2014
Final Report	Finalise report with management comments.	17 February 2014

Review Team

Name	Position
s47F	Review Lead
s47F	Reviewer
s47F	Review Policy

Name	Position
s47F	Quality Assurance

Engagement Plan Sign-off

s47F

Integrity, Security and Assurance Division

s47F

Integrity, Security and Assurance Division

Michael Pezzullo

Chief Executive Officer

Australian Customs and Border Protection Service