

G20 Anti-Corruption Working Group

Proposal for 2015-16 priorities

Proposed priority

Denial of Entry to corrupt officials

Proposing country / organisation

Civil 20. This paper was produced by the C20 Governance Group. Earlier drafts were made available for consultation with a number of civil society organisations and coalitions, including the Financial Transparency Coalition, the UNCAC Coalition, the Publish What You Pay Network and the Follow the Money Network.

What is the problem?

Corrupt individuals often enjoy the proceeds of illegal or corrupt activities once they have crossed borders through the purchase of luxury goods and real estate, which can also be a way to launder money. G20 countries have led on incorporating corruption charges into their immigration law to deny visas to corrupt officials. Denial of entry measures can act as a sanction as well as a disincentive. However, denial of entry methods can also be open to abuse if sufficient guarantees are not put in place.

Why should this be a priority for the G20?

At the 2012 summit in Los Cabos, the G20 Leaders Declaration endorsed the *G20 Common Principles for Action: Denial of Safe Haven* and initiated a denial of entry experts' network. At the 2013 summit in St Petersburg, G20 leaders announced they had established a Denial of Entry Network contact list in all G20 jurisdictions to share information on corrupt officials.

According to the Principles, member states shall:

- deny entry even absent a prior conviction, "where there is sufficient other information to make a determination."
- consider denying entry to family members or close associates too.
- establish denial of entry authorities who deal specifically with corruption cases.

What should the G20 do?

There are three key challenges to making this an effective deterrent on a global scale:

- The specific definition of the conduct subject to denial of entry and all final decisions related to it reside with the relevant national authorities and are taken at their discretion.
- The legal basis and enforcement of these measures differ greatly across G20 jurisdictions.
- No public information is currently available about the working methods and contact points of the G20 Denial of Entry Experts' Network. The *Common Principles for Action* state that points of contact can be shared: "G-20 countries can usefully share points of contact for their respective relevant authorities for the purposes of cooperation, as a starting point." Coordination could be enhanced by making more information public.

The G20 Anti-Corruption Working Group should:

- Make public their national level Denial of Entry Experts' Network contact points and working methods and provide opportunities for the public to provide information where relevant. This could draw from the public National Contact Points for the OECD Guidelines for Multinational Enterprises.
- Make public how they plan to enable timely and accurate sharing of information on corrupt officials between jurisdictions.
- Establish a common set of criteria for individuals to enter the list of officials denied entry across all G20 jurisdictions to reduce the likelihood that enforcement is uneven or arbitrary.

G20 countries should:

- Ensure that any denial of entry decisions are subject to appeal and that due process guarantees are respected during the proceeding.
- Enact sufficient guarantees to prevent abuse of the denial of entry principles.

What is the deliverable?

- A webpage with details of the working methods and contact points of the Denial of Entry Experts Network. This could follow a similar structure to the National Contact Points for the OECD Guidelines for Multinational Enterprises, <http://www.oecd.org/corporate/mne/ncps.htm>
- A common set of criteria for individuals to enter the list of officials denied entry across all G20 jurisdictions to reduce the likelihood that enforcement is uneven or arbitrary.

Who will lead this work?

- The G20 Anti-Corruption Working Group must lead in this area, drawing assistance from legal advisors where necessary.

What is the timeframe?

- Start 2015: Webpage with working methods and points of contact for Experts' Network.
- 2015: Consultation process on the common criteria to enter the list of officials denied entry.
- 2016: Publication of the common set of criteria with a view to endorsement at the 2016 Summit.