



IATA/CONTROL AUTHORITIES WORKING GROUP GUIDELINES FOR THE REMOVAL OF INADMISSIBLE PASSENGERS

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The IATA/Control Authorities Working Group (IATA/CAWG)

The IATA/Control Authorities Working Group (IATA/CAWG) was established as an IATA initiative in 1987 as a means of bringing together Airlines and States on the issue of inadmissible/inadequately documented passengers, and related fines. The main imperative was to bring Immigration Authorities and representatives of the National Carriers together in an informal setting to develop mutually acceptable working arrangements, recognising the needs and limitations of the two parties. Until the formation of this Group, dealings between States and Airlines on such matters had been uncoordinated, and largely adversarial. IATA/CAWG Membership now consists of nineteen State/Airline teams, reflecting the countries where the issue of inadmissible passengers (and the magnitude of international passenger flow generally) is of greatest importance. IATA has chaired the Working Group since its inception. Meetings are held every six months, hosted by a State/Airline delegation.

Whilst the original focus was almost exclusively related to inadmissible passenger issues, IATA/CAWG now deals with many key areas of passenger facilitation. On the simple issue of "how will the system cope with the future passenger growth", IATA/CAWG representatives form the official "Immigration" presence on the IATA Simplifying Passenger

Travel initiative. The IATA/CAWG Vision Statement is:

"For Airlines and Control Authorities to develop and pursue a cooperative programme for the facilitation and processing of a growing number of passengers, while ensuring effective action against illegitimate traffic, and to focus on such concepts as risk management, sharing of information and convergence of processes".

Members of IATA/CAWG are the National Airlines and Immigration Departments (sometimes supplemented by Civil Aviation and Border Police) of Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Italy, Japan, Netherlands, Norway, Portugal, South Africa, Spain, Sweden, Switzerland, the United Kingdom and the United States. The Air Transport Association of America, the Air Transport Association of Canada, and the Association of Asia Pacific Airlines are also represented.

Recent initiatives of IATA/CAWG have included the development of guidance material for Immigration Liaison Officers posted overseas; preparation of a position paper on Advance Passenger Information (API); updating of a training programme for detection of inadequately documented passengers; and development of guidelines and best practices for Deportation and Escort.

Guidelines for the Removal of Inadmissible Passengers



1. PREAMBLE

The goal of this document is to present best practice guidelines for the safe and orderly removal of inadmissible passengers. However, nothing in this document is to be construed as to contradict national legislation, regulations, or court decisions.

1.1 In these guidelines, the IATA/CAWG seeks to recognise the concerns of the air transport industry with respect to inadmissible passengers, while addressing States' need to protect their respective national interests.

1.2 In seeking to interdict the travel of inadmissible persons, States and operating carriers are encouraged to jointly develop and implement initiatives, such as programs and/or Memoranda of Understanding¹ which seek to ensure that all international passengers hold required travel documents at the time of embarkation. Such endeavours should not be based on race, ethnicity, place of origin or other criteria that could potentially lead to charges of discrimination.

1.3 States and operating carriers are urged to develop greater levels of cooperation that enhance security, flexibility and, ultimately, border integrity.

¹ICAO Annex 9, 3.40.1 Recommended Practice – The appropriate public authorities of Contracting States, either singly or jointly, should enter into co-operative arrangements such as memoranda of understanding (MOUs) with the operators providing international services to and from those States, setting out guidelines for their mutual support and co-operation in countering the abuses associated with travel document fraud. Such arrangements should assign mutual responsibilities to the public authorities and to the operators, in the ascertainment of the validity and authenticity of the travel documents of embarking passengers, and in the necessary steps to prevent the loss or destruction of documents by passengers en route to their destinations.

2. DEFINITIONS

For the purposes of this document, the following definitions shall be applied unless otherwise indicated:

- 2.1 **"ADMISSION"** means the approval for entry of an individual into a State, which is granted under the provisions of national legislation of that State.
- 2.2 **"ESCORT"** (for the purposes of these guidelines only) means a person or persons authorised by the public authorities or the operating carrier, and trained to accompany a person under removal order during a flight.
- 2.3 **"FRAUDULENT DOCUMENT"** means any travel document that is counterfeit or altered in any manner, or obtained through fraud.
- 2.4 **"IMPOSTER"** means any individual who presents or otherwise makes use of official travel documents issued to another person (NB: not defined in UN Protocol).
- 2.5 **"INADMISSIBLE PASSENGER"** means a passenger who is refused admission to a

State by authorities of that State, or who is refused onward carriage by a State authority at a point of transfer, e.g. due to lack of a visa, expired passport, etc.²

- 2.6 **"OPERATING CARRIER"** means the carrier whose own aircraft (or aircraft it has leased to support its flight activity) is used to operate a flight for which a single designator applies, or for code-share flights for which more than one carrier's designator code and flight number applies. The aircraft's livery (paint and corporate logo), especially in respect of regional airlines, should not be the sole determining factor.
- 2.7 **"REMOVAL ORDER"** means a written notice delivered by a State, directing the operating carrier to remove an inadmissible passenger from its territory.

3. CATEGORISATION OF INADMISSIBLE PASSENGERS

There are three general categories of inadmissible passengers. Each may warrant a unique approach by the individual parties.

- 3.1 **Improperly Documented Passengers:** The improperly documented passenger who is found inadmissible is typically a traveller who does not hold the documents specified by the State as required for entry or transit. Most commonly, this involves a lack of a valid unexpired passport and/or visa.
- 3.2 **Fraudulently Documented or Undocumented Passengers:** These passengers fall into several sub-categories, but in almost every case, represent individuals using illegal means to circumvent or otherwise avoid detection during migration controls.



Each of the following sub-categories represent individuals who, for the most part, have resorted to illicit means to circumvent normal document control measures implemented by the operating carrier and/or controls implemented by States at their borders.

3.2.1 No Documents on Arrival: Except in isolated cases where a passenger's travel documents have been lost or stolen enroute, most passengers arriving without

documents have deliberately disposed of those documents after passing through the operating carrier's screening process.

3.2.2 Fraudulent Documents Identified on Arrival: Persons in this category are found to be carrying counterfeit, altered or forged documents.

3.2.3 Genuine Documents Held by Impostors: Impostors, using genuine travel documents issued to another person, are also considered undocumented upon arrival at the port of entry.

3.3 Other Admission Refusals: States often refuse admission to persons who are in possession of all required documents, and who appear to the operating carrier to meet all other conditions for entry. Reasons for such refusals may include, for example, lack of funds, information contained in a State's border control database, and/or other pertinent factors.

4. TIME LIMITS FOR OPERATING CARRIER OBLIGATIONS IN RESPECT OF INADMISSIBLE PASSENGERS

4.1 States are encouraged, to the extent allowed by national legislation, to establish a maximum period during which an operating carrier can be held responsible for an inadmissible passenger's detention.

4.2 Where a passenger has been definitely granted admission to a State, and is subsequently found removable for any reason, the State should not modify his/her status to "Inadmissible".



5. NOTIFICATION CONCERNING FINDINGS OF INADMISSIBILITY

- 5.1 When a passenger is found inadmissible upon arrival, or final determination of admissibility is pending, the State should notify the operating carrier or its local representative in writing at the earliest possible opportunity, but in most cases, within 24 hours following that arrival.
- 5.2 To assist in the notification process, the operating carriers should provide primary contact names at the port level to whom notices should be delivered.
- 5.3 When requiring an operating carrier to remove an inadmissible passenger, the State should normally provide a written Removal Order to the inbound carrier prior to removal which contains as best known, the name, age, gender, and country of citizenship. Where practicable, the State should inform the carrier of the destination to which the inadmissible person should be removed.
- 5.4 When the State has identified relevant risk factors regarding an inadmissible passenger, the State should notify the operating carrier of this finding in sufficient time so that the operating carrier may make appropriate arrangements

6. TIMEFRAME FOR REMOVALS AFTER DETERMINATION OF INADMISSIBILITY

- 6.1 When a passenger is found inadmissible, the removing State is encouraged to allow the

operating carrier, on a case-by-case basis, a reasonable amount of time during which to effect that passenger's removal via its own services. However, in most cases this should be the next available flight. If such removal cannot be accomplished within 24 hours using its own services, the State may direct the operating carrier to make alternate arrangements.

- 6.2 The State should not normally prevent the departure of an operating carrier's aircraft pending a determination of admissibility of one of its arriving passengers.
- 6.3 When an inadmissible passenger needs to be removed and the travel document has been seized or is absent, the removing State should use the ICAO-recommended **"Documents Relating to the Return of Inadmissible Persons"**³ in lieu of a seized or absent travel document.

³ICAO Annex 9, 10th Edition, Appendix 9 - Amendment 17



6.4 Where the State of destination or any transit point(s) requires the inadmissible passenger to be returned on a travel document that is fraudulent, or is known to refuse to accept the document referred to in 6.3 above, that fraudulent document should be appropriately annotated, subject to agreement of the issuing State. The annotated travel document, accompanied by a completed "Document Relating to the Return of Inadmissible Persons", should then be provided directly to the operating carrier - who will then be obligated to deliver it to the authorities of the State of destination.

6.4.1 When a replacement travel document must be obtained in order to facilitate removal and acceptance of the inadmissible

passenger at his/her destination, the authorities in the State ordering the removal should provide as much assistance as practicable in securing that document.

6.4.2 Except where required by national legislation or risk to national security, the State should not normally require removal of an undocumented inadmissible passenger from its territory until a replacement travel document has been obtained, or suitable alternate arrangements with the State of destination or of transit have been agreed.

7. ESCORTS FOR INADMISSIBLE PASSENGERS

7.1 Escorts are normally the responsibility of the operating carrier, where liability of that carrier has been established. However, the State may provide the escort(s) on a case-by-case basis or as appropriate, under national legislation. Provision of such escorts, subject to national legislation, may be at the carrier's expense.

7.2 Where the State supplies the escort(s) on behalf of the operating carrier, the State and the operating carrier are encouraged, subject to national legislation, to mutually agree to the conditions under which escorts shall be used.

7.3 The State should establish consistent procedures to be followed in the event that escort services are not available when an inadmissible passenger, who has been identified as posing an in-flight risk, is required to depart. Such procedures should address and ensure safety of flight and be responsive to legitimate carrier concerns.





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