



**IATA/CONTROL AUTHORITIES WORKING
GROUP**

Guidelines for the Removal of Deportees

Version 3.0
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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 and inadequately documented persons. The main imperative was to bring Immigration Authorities and representatives of the National Airlines together in an informal setting to develop mutually acceptable working arrangements, recognising the needs and limitations of the two parties. Whilst the original focus was on inadmissible passengers, IATA/CAWG now deals with many key areas of passenger facilitation.

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 the Civil Aviation and Border Police) of Australia, Austria, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Japan, Mexico, the Netherlands, Norway, Portugal, South Africa, Spain, Sweden, Switzerland, the United Arab Emirates, the United Kingdom, and the United States. The Air Transport Association of America, National Airline Council of Canada and the Association of Asia Pacific Airlines are also represented.

GUIDELINES FOR THE REMOVAL OF DEPORTEES

1 INTRODUCTION

- 1.1 This document provides a guide to best practice for the removal of deportees on commercial air services. Voluntary departures of deportees are not covered by these guidelines. Due regard has been given to the

International Standards and Recommended Practices set forth in Annex 9, 12th Edition (July 2005), Chapter 5 Section C to the Convention on International Civil Aviation. However, nothing in this document is to be construed as to contradict national regulations, international agreements, or court decisions.

- 1.2 In these guidelines, the IATA/CAWG seeks to address the legitimate needs of both the departing State and the operator as they normally apply to deportees whose removal is organised by the departing State with the agreement of the operator. At the same time, the guidelines specifically recognise the right of the pilot-in-command to determine, for reasons of safety, which deportees will be accepted for transportation.

2 TERMS AND DEFINITIONS

For the purpose of this document, the following definitions are applied unless otherwise indicated:

- 2.1 **Admission** refers to the permission granted to a person to enter a State by the public authorities of that State in accordance with its national laws.*
- 2.2 **Aircraft Operator** means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation.
- 2.3 **Deportee** means a person who had legally been admitted to a State by its authorities or who had entered a State illegally, and who at some later time is formally ordered by the competent authorities to leave that State.¹ –
- 2.4 **DEPA** refers to the industry-approved code for a deportee who is escorted by authorised personnel during the removal.
- 2.5 **Deportation order**: A written order, issued by the competent authorities of a State and served upon a deportee, directing that person to leave that State.
- 2.6 **DEPU** refers to the industry-approved code for a deportee who is not escorted during the removal.
- 2.7 **Departing State** means the State that has organised a deportee's removal from its territory.
- 2.8 **Escort** means a person authorised by the departing State to accompany a deportee (DEPA) during the removal.
- 2.9 **MEDA** is the industry-approved code for a person who requires medical assistance, and which is reflected in that person's airline reservation as an Special Service Request (SSR) data element.

¹ Annex 9 to the ICAO Convention on International Civil Aviation, Chapter 1, 12th Edition

2.10 **Pilot-in-command** means the pilot responsible for the operation and safety of the aircraft during flight time.

2.11 **Risk Assessment** is an assessment by a deporting State of a deportee's suitability for escorted or unescorted removal via commercial air services. The assessment should take into account all pertinent factors, including medical, mental and physical fitness for carriage on a commercial flight, willingness or unwillingness to travel, behavioural patterns, any history of violence.

3 NOTIFICATION REQUIREMENTS AND TRAVEL DOCUMENTS

3.1 Aircraft operators should establish and provide contact numbers for arrangements and policy questions relating to the removal of deportees, both at headquarters and local or regional offices. Deporting States agree to direct any matters regarding deportation arrangements to these contact numbers wherever possible.

3.2 The deporting State should provide a 24-hour contact concerning deportee situations. Deporting States should also provide contact information for an official or office to which questions of policy interpretation can be addressed.

3.3 The deporting State should identify and publish, or otherwise share with other governments, the contact details for the desk or department to which notification of inbound removals should be directed.

3.4 States should adopt as best practice the following ICAO Annex 9 standard², which reads:

“Contracting States, when making arrangements with an aircraft operator for the removal of a deportee, shall make available the following information as soon as possible, but in any case not later than 24-hours before the scheduled time of the departure of the flight.

- a) *A copy of the deportation order, if legislation of the Contracting State allows it;*
- b) *A risk assessment by the State and/or any pertinent information that would help the aircraft operator assess the risk to the security of the flight; and,*
- c) *The names and nationalities of any escorts.”*

3.5 This does not preclude States from making agreements with individual aircraft operators that allow for a shorter notification period.

² 5.19 Annex 9, 12th Edition, Amendment 21

- 3.6 States should adopt as best practice the following ICAO Annex 9 standard³, which reads:

"A Contracting State deporting a person from its territory shall serve him a deportation order. Contracting States shall indicate to the deportee the name of the destination State".

- 3.7 The deporting State should inform authorities in transit and destination States of the deportee's movement and of the details surrounding that movement whenever practicable and permitted under national and/or international laws.⁴
- 3.8 The originating agent shall ensure that any other aircraft operator involved in the itinerary is informed of the deportee's movement via the aircraft operator's Reservation system. Similar remarks (i.e. Other Service Information (OSI) remarks) contained within the deportee's Passenger Name Record (PNR) should be utilised to identify the escort(s) as well.⁵
- 3.9 The deporting State should ensure that travel documents required by the transit and/or destination State for transit/entry clearance have been obtained or otherwise arranged.
- 3.10 States should adopt as best practice the following ICAO Annex 9 standard⁶, which reads:

"A Contracting State, when presenting a deportee for removal, shall ensure that all official travel documentation required by any transit and/or destination State is provided to the aircraft operator."

4 REQUIREMENTS FOR ESCORTS

- 4.1 When removal of a deportee is under consideration, the deporting State should conduct a risk assessment of that deportee to determine whether the use of escort is required, and if so, the number of escorts to be assigned to the removal.
- 4.2 The deporting State should inform the aircraft operator, to the extent legally allowed, of the results of its risk assessment to facilitate the aircraft operator's own evaluation and notification process.
- 4.3 When official en-route supervision of a deportee is warranted based on the results of risk assessment, the deporting State should ensure that escorts travelling with the deportee possess all travel documents required by destination and transit States, or that alternative arrangements have been approved by those States.

³ 5.17, Annex 9, 12th Edition, Amendment 21

⁴ see ECAC Doc 30, Section 2.3 B. Deportees, 2

⁵ IATA PSC Resolution 701, 3.5

⁶ 5.21, Annex 9, 12th Edition, Amendment 21

- 4.4 Any limitation on the number of deportees that can be carried on a specific aircraft will be subject to the aircraft operator's policy, and to consultation between the departing State and the aircraft operator involved in the transportation.
- 4.5 The departing State should use only authorised Escort personnel for its removals.
- 4.6 Departing States should adopt as best practice the following ICAO Annex 9 standard⁷, which reads:
- "Contracting States, when determining that a deportee must be escorted, and the itinerary involves a transit stop in an intermediate State, the departing State shall ensure that the escort(s) remain(s) with the deportee to his or her final destination, unless suitable alternative arrangements are agreed in advance of arrival by the authorities and the aircraft operator involved at the transit location."*
- 4.7 When an escort is based solely on legal requirements imposed by a State at a transit/transfer point, and not on any finding of risk, that escort requirement may be waived on the connecting flight, subject to applicable local regulations and where agreed by all operators involved.
- 4.8 Escorts are not allowed to drink alcohol during the removal of deportees. Deportees are not to be served alcohol during the removal.

5 RESERVATIONS AND TICKETING

- 5.1 States should adopt as best practice the following ICAO Annex 9 standard⁸, which reads:
- "Contracting States, in making arrangements for the removal of a deportee to a destination State, shall use direct non-stop flights whenever practicable."*
- 5.2 In general, flight reservations are the responsibility of the departing State, and should be agreed with the involved aircraft operator(s).
- 5.3 When making a flight reservation, the departing State should always indicate that it concerns a deportee who will be escorted (DEPA) or unescorted (DEPU), and who may require medical assistance (MEDA).
- 5.4 The reservation made for the escort(s) should clearly indicate their status and the name of the deportee being escorted. Where possible, and

⁷ 5.24, Annex 9, 12th Edition, Amendment 21

⁸ 5.20, Annex 9, 12th Edition, Amendment 21

subject to local agreement, ticketing for deportees and/or Escorts should be accomplished well in advance of departure.

- 5.5 Ticket refunds should only take place at the request of the purchasing departing State.

6 CHECK-IN, BOARDING AND SECURITY PROCESSES

- 6.1 Check-in and boarding processes should be adapted to fit the specific removal situation and airport infrastructure.
- 6.2 Check-in and boarding of deportees should be as unobtrusive as possible and kept separate from the normal passenger process to the extent allowed by the existing airport facility.
- 6.3 Additional check-in and boarding process criteria should be agreed between the departing State and the aircraft operator at the local level.
- 6.4 The baggage of deportees and escorts should be handled in such a manner as to avoid delaying the flight's departure in the event that the deportee does not travel.
- 6.5 In general and consistent with the aircraft operators' procedures and requirements, pre-boarding of deportees, especially those who are escorted en-route, is strongly encouraged. Alternative arrangements may be necessary depending on the situation at hand.
- 6.6 Deportees requiring physical restraints should be boarded with their escort(s) in such manner as to reduce the possibility of drawing undue attention.
- 6.7 The Pilot-in-command shall be advised by the aircraft operator (or its agent) of the presence and status of the deportee using information provided by the departing State.
- 6.8 The Pilot-in-command may request clarification of information provided by the State concerning the deportee, and should be given as much additional information as is permitted under applicable laws or regulations.
- 6.9 The seating of deportees and their escorts on the aircraft is guided by applicable policies established in accordance with International Regulations⁹.
- 6.10 Where deportees are delivered to the aircraft via direct ramp-side transfer, State and airport screening personnel should cooperate with the aircraft operator to ensure that alternative arrangements are made which allow all applicable government-mandated security-screening requirements to be

⁹ ICAO Security Manual (Doc 8973) and EU Implementing Regulation (800/2008)

observed prior to embarking the deportee.

- 6.11 The use of restraining devices, including sedatives or other drugs, with regard to deportees on aircraft must conform to the laws and/or regulations of the States involved (including States of transit) and applicable aircraft operator policy.
- 6.12 Where their use is anticipated based upon a risk assessment, escorts should be trained in the safe use of restraint devices, including sedatives or other drugs and, subject to government regulation and the transporting aircraft operator's policy, have access to such appropriate devices when accompanying a deportee.
- 6.13 States that administer sedatives or other drugs to deportees should ensure that the deportee is accompanied to the final destination by a medical attendant, or by an escort authorised to administer the medication during travel.

7 RESPONSIBILITIES OF STATES AND OPERATORS

- 7.1 States should adopt as best practice the following ICAO Annex 9 standard¹⁰, which reads:

"Contracting States removing deportees from their territories shall assume all obligations, responsibilities and costs associated with the removal."

- 7.2 The delivering aircraft operator should not be held liable for refusal by a receiving connecting aircraft operator; or the transit and/or destination State's authorities.
- 7.3 If entry into the destination or transit State is refused for any reason, the operator should not be penalised or face other obligations or liabilities associated with the return of the deportee.

- 7.4 States should adopt as best practice the following ICAO Annex 9 standard¹¹, which reads:

"Contracting States shall not prevent the departure of an operator's aircraft pending a determination of admissibility of any of its arriving passengers."

- 7.5 Pilot-in-command's authority:

a) At the point of the deportee's boarding, and in accordance with national law and international conventions, the Pilot-in-command of the aircraft assumes full authority with respect to the deportee.¹²

¹⁰ 5.18, Annex 9, 12th Edition, Amendment 21

¹¹ 5.16, Annex 9, 12th Edition, Amendment 21

¹² Tokyo Convention, 1972

b) That authority may extend to refusing to accept an escorted or unescorted deportee for transportation when the Pilot-in-command considers that action to be in the best interest of flight safety. Such refusal should be based on objective reasons related to the passenger and his or her action or behaviour being exhibited at the time of boarding or at a subsequent time.

- 7.6 The aircraft operator should, when so requested by the departing State, provide reasons in writing for any instance in which transportation for a deportee is denied. Where necessary for the purpose of clarification, the response should explain what additional requirements are to be met to enable transportation to occur.
- 7.7 During transit, the departing State must conform to the laws and regulations of the State(s) of transit. The departing State should ensure that the onward carriage of a deportee beyond a transit point should be within the shortest possible time scale. Any costs incurred as a result of a longer than necessary transit period between flights would be borne solely by the departing State
- 7.8 States should adopt as best practice the following ICAO Annex 9 standard¹³, which reads:
- "A Contracting State shall admit into its territory its nationals who have been deported from another State."*
- 7.9 States should adopt as best practice the following ICAO Annex 9 standard¹⁴, which reads:
- "A destination State shall give special consideration to the admission of a person, deported from another State, who holds evidence of valid and authorised residence within its territory."*

¹³ 5.22, Annex 9, 12th Edition, Amendment 21

¹⁴ 5.23, Annex 9, 12th Edition, Amendment 21