Deportee and Inadmissible Passengers
The carrier perspective

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The Carrier Perspective

- Deportee vs. Inadmissible passenger
- Expectations
- The Challenges
- How it should work
Deportee vs. Inadmissible

- Deportee: has been granted legal stay in a state for a finite period of time
- Deportees are often the responsibility of the state, however, exceptions exist
  - Carriers are liable for Deportees when a passenger enters the US under the Visa Waiver Program and overstays their authorized period of admission
    - Section 273 (a) (1)(B) of the Immigration and Nationality Act

- Inadmissible (INAD): have been or will be deemed as ineligible for legal entry into a state upon their arrival.
  - INAD are the financial responsibility of the carrier
  - US Customs and Border Protection maintains control of INAD when same day travel is not possible. Other states turn control of passenger to the carrier for “safe keeping”
- In both cases written notification is received by the state (or the authorized representative for the state) indicating the carrier is liable for transportation and all the ensuing costs.
  - US CBP form I- 259 – Notice to Detain, Remove or Present Alien
Inadmissible Expectations

- INADS are often the most problematic to handle because passage has to be expedited.
- US CBP by Law expects that an INAD be transported on the next available flight to their home country or port of departure.
  - Failure to transport the passenger on same day travel means passenger has to be housed in a detention facility or if none available the local or county jail.
  - Additional paperwork, 2 armed officers to transport the passenger to and from the facility and increased liability due to handcuffing and transporting the person.
  - Often times additional overtime costs are also incurred.
- Exceptions (pregnant women, families with children and elderly): Port Director can authorize INADS to overnight in nearby hotels, but this requires 2 officers to sit outside the hotel room and transport them back to the airport.
- Other states* – In most cases the passenger is turned over to the carrier. INAD must be supervised at all times by carrier staff and often not allowed to depart the airport unless arrangements are made locally.
Carrier Challenges

- As a carrier, we will do all possible to return the passenger to a passenger’s country of residence on next available departure, if that is not feasible then we will send to point of original embarkation.

- For passengers traveling to more economically or politically unstable locations this process often requires more coordination

- Passenger destroyed their documents during flight or has counterfeit or Imposter documents and has been issued a facilitation document issued by the deporting state

  - Facilitation documents may not be recognized by the destination or transit state.

  - Carrier is often caught in the middle trying to adhere to differing countries requirements

    - Passenger can often be bounced back and forth between states due to differing state requirements.
Carrier Challenges - Continued

- Routes can be difficult to confirm, particularly locations that have limited service and/or require offline carrier ticketing

- Coordination is problematic when the passenger must connect to an offline carrier since the passenger should not be authorized to access travel documents
  - Documents are handled by ground staff, airline crew or Immigration officers

- A carrier is entitled to refuse passage to any passenger who disrupts the safety and security of our crew and passengers or who we deem as not capable of traveling due to other concerns.
  - This refusal can be difficult to manage with the Deporting state
How it should work

- Most personnel assuming these roles at an airline have had no formal training on Deportees and INAD, so access and direction should be provided to air carriers on do’s and don'ts.

- Communication and cooperation is not only critical; it is necessary in order to facilitate passenger extradition.
  - Lead time is allowed to facilitate passenger removal with minimal disruption to other states entry or transit requirements.

- Fines should not be levied on the carrier if due diligence is shown by the carrier; a carrier should not be expected to ignore or bypass another state's requirements in an effort to expedite passenger removal from one state to another.
  - The common goal should be to transport the passenger not shift the issue to another State.