



## **FACILITATION (FAL) DIVISION — TWELFTH SESSION**

**Cairo, Egypt, 22 March to 2 April 2004**

**Agenda Item 2: Facilitation and security of travel documents and border control formalities**

**Agenda Item 4: Controlling travel document fraud and illegal migration**

### **ANNEX 9 – FACILITATION CHAPTER 1 – DEFINITIONS**

(Presented by the Secretariat)

#### **1. INTRODUCTION**

1.1 The proposals for amendments to Chapter 1 of Annex 9, set out in the Appendix to this paper, are a continuation of ICAO's comprehensive revision of the Annex. The definitions are a result of: a) the amendments recommended to the Standards and Recommended Practices (SARPs) of Chapter 3 (Entry and departure of persons and their baggage), and b) the new Chapter 5 (Inadmissible persons and deportees) (FAL/12-WP/3 and WP/5, respectively, refer).

1.2 Definitions have been part of the Annex since its 1st edition (1950). A definition appearing in the Annex 9 generally might not have the usual dictionary meaning, or have a “stand alone” status. It is an essential part of each Standard and Recommended Practice in which context it is used, since a change in the meaning of the term would affect the specification.

1.3 Nonetheless, an Annex 9 definition fulfils the same function as a dictionary counterpart, if any. Its aim is to make clear and to say more about the application of the SARP in question.

#### **2. THE NEW/REVISED DEFINITIONS**

2.1 Some of the proposed definitions are aimed at resolving the many practical difficulties being encountered worldwide regarding the removals of inadmissible persons or deportees from States. For example, a definition for “admission” is being proposed, in order to expand on the application of the term found in Chapter 3 (11th edition). A definition to clarify what is meant by “commenced his journey” (appearing in existing Standard 3.60) is also suggested, in order to resolve different interpretations in different jurisdictions.

2.2 Other definitions are also being recommended to elucidate unfamiliar terms or phrases that appear in a limited number of SARPs, e.g. “border integrity”, “deportation order” and “risk assessment”.

**3. ACTION BY THE DIVISION**

3.1 The Division is invited to recommend adoption of the definitions presented in the Appendix, to be inserted into Chapter 1 of Annex 9.

— — — — —

## APPENDIX

### CHAPTER 1. DEFINITIONS AND GENERAL PRINCIPLES

*Amend Chapter 1 as follows:*

#### A. DEFINITIONS

When the following terms are used in the Standards and Recommended Practices on Facilitation, they have the following meanings:

**Admission.** The permission granted to a person to enter a State by the public authorities of that State in accordance with its national laws.

(...)

**Border integrity.** The enforcement, by a State, of its laws and/or regulations concerning the movement of goods and/or persons across its borders.

(...)

**Commencement of journey.** The point at which the person began his journey, without taking into account any airport at which he stopped in direct transit, either on a through-flight or a connecting flight, if he did not leave the direct transit area of the airport in question.

(...)

**Deportation order.** A written order, issued by the competent authorities of a State and served upon a deportee, directing him to leave that State.

**Deportee.** 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.

**Direct transit area.** A special area established in an international airport, approved by the public authorities concerned and under their direct supervision, where passengers can stay during transit or transfer without being submitted to border control.

(...)

**Immigration control.** Measures adopted by States to control the entry into, transit through and departure from their territories of persons travelling by air.

(...)

**Improperly documented person.** A person who travels, or attempts to travel: (a) with an expired passport; (b) with a visa, if required, that has expired; (c) with a counterfeit, forged or altered travel document; (d) with someone else's travel document or (e) without a travel document.

**Inadmissible person.** A person who is or will be refused admission to a State by its authorities.

(...)

***Removal of a person.*** Action by the public authorities of a State, in accordance with its laws, to force a person to leave that State.

***Removal order.*** A written order served by a State on the operator on whose flight an inadmissible person travelled into that State, directing the operator to remove that person from its territory.

***Risk assessment.*** 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 to travel, behavioural patterns, any history of violence, and other relevant considerations.

(...)

***Travel document.*** A passport or other official document of identity issued by a State or organization, which may be used by the rightful holder for international travel.

(...)

— END —