



FAL/12-WP/93
24.3.04

FACILITATION (FAL) DIVISION — TWELFTH SESSION

Cairo, Egypt, 22 March to 2 April 2004

**DRAFT REPORT OF COMMITTEE 2
ON AGENDA ITEM 2**

The attached draft report on Agenda Item 2 is presented for approval by Committee 2 for submission to the Plenary.

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

2.1 In WP/3, the Secretariat indicated that the fraudulent use of travel documents may be considered an abuse of international civil aviation because it is contrary to the provisions of the Chicago Convention. It noted that raising the level of confidence in the security of travel documents and inspection procedures has become an important objective of the ICAO FAL Programme. In order to address this issue, the Secretariat proposed major changes to the structure of Chapter 3 of Annex 9 on the basis of strategies that may be adopted by member States.

2.2 WP/76 presented by India noted that the use of multiple travel documents was a major concern to the safety of international travel.

2.3 The Division, after some discussion, and making minor adjustments to the text presented in the Appendix to WP/3, adopted the following Recommendation:

Recommendation A/ —

Amend Chapter 3 as follows:

A. General

....

3.3 (3.7) Contracting States that use ~~bar codes~~ **Integrated Circuit (IC) chips** or other optional machine readable technologies for the representation of personal data, **including biometric data**, in ~~passports~~ **their travel documents** shall make provision whereby the encoded data may be revealed to the holder of the document upon request.

3.4 (3.11 ~~Note 1~~) **Contracting States shall not** [deletion] **extend the validity of their machine readable travel documents.** [deletion]

Note 1. — Specifications for machine readable travel documents (Doc 9303, Series) do not permit alteration of the expiration date and other data in the machine readable zone.

Note 2. — States whose national legislation or regulation currently allow for the extension of the period of validity shall undertake to amend in a reasonable period the appropriate text of legislation.

....

C. Security of travel documents

3.7 Contracting States shall regularly update security features in new versions of their travel documents, to guard against their misuse and to facilitate detection of cases where such documents have been unlawfully altered, replicated or issued.

3.8 Contracting States shall establish controls on the lawful creation and issuance of travel documents in order to safeguard against the theft of their stocks and the misappropriation of newly issued travel documents.

3.9 **[See WP/...] [changes to follow]**

D. Travel documents

3.10 Contracting States shall begin issuing **only** Machine Readable Passports in accordance with the specifications of Doc 9303, Part 1, no later than 1 April 2010.

3.11 (3-5) **Recommended practice.**— *When issuing ~~passports~~, visas or other identity documents accepted for travel purposes, Contracting States should issue these in machine readable form, as specified in Doc 9303 (series), Machine Readable Travel Documents.*

3.12 (3-6) When issuing passports that are not machine readable, Contracting States shall ensure that the personal identification and document issuance data and the format of the data page conform to the specifications for the “visual zone” set forth in Doc 9303, Part 1, *Machine Readable Passports*. The “machine readable zone” area shall be filled with words such as “this passport is not machine readable” or other data to preclude fraudulent insertion of machine readable characters.

3.13 (3-8) **Recommended Practice.**— Contracting States ~~should~~ **shall** establish publicly accessible facilities for the receipt of passport applications and/or for the issuance of passports.

....

3.16 (3-11) **Recommended Practice.**— *When issuing or reissuing passports for tourism or business travel, Contracting States should normally provide that such passports be valid for a period of at least five years, for an unlimited number of journeys and for travel to all States and territories.*

Note 1.— Specifications for machine readable passports (Doc 9303, Part 1) do not permit alteration of the data in the machine readable zone, including the expiration date. Therefore it is not practicable to extend the validity of a machine readable passport.

Note 2.— In consideration of the limited durability of documents and the changing appearance of the passport holder over time, a validity period of not more than ten years is recommended.

....

I. Inspection of travel documents

3.54.1 **Recommended Practice.**— *The appropriate public authorities of Contracting States, either singly or jointly, should enter into cooperative 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 cooperation 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.*

3.31 Contracting States and operators providing international services to and from those States shall collaborate in order to achieve the goal of eliminating the abuses associated with travel document fraud.

3.32 (3.54.2) **Recommended Practice.**— Contracting States should **consider making** ~~make~~ arrangements such as memoranda of understanding (MOUs) with other Contracting States with the intention of permitting **to permit** the positioning of “liaison officers” at airports ~~or to establish other forms of international cooperation~~ in order to assist operators to establish the validity and authenticity of the passports and visas **travel documents** of embarking passengers **persons**.

3.33 (3.53) Operators shall take adequate precautions at the point of embarkation to ensure that passengers are in possession of the documents prescribed by the States of transit and destination for control purposes as described in Chapter 3, Section B.

~~3.54 Contracting States and operators shall cooperate, where practicable, in establishing the validity and authenticity of passports and visas that are presented by embarking passengers.~~

....

I. K. Entry procedures and responsibilities

3.39 (3.31) **Recommended Practice.**— *Contracting States, in cooperation with operators and airport authorities, should establish as a goal the clearance within forty-five (45) minutes of disembarkation from the aircraft of all passengers requiring not more than the normal inspection, regardless of aircraft size and scheduled arrival time.*

3.40 (3.33) **Recommended Practice.**— In order to expedite inspections, Contracting States, in cooperation with airport management, ~~should~~ shall use applicable technology and adopt a multi-channel immigration inspection system, or other means of streaming passengers, at international airports where the volume of passenger traffic justifies its installation.

3.41 (3.32) Except in special circumstances, Contracting States shall not require that ~~passports, official travel documents or other identity documents~~ be collected from passengers or crew before they arrive at the passport control points.

3.42 (3.52) The public authorities concerned shall expeditiously accept passengers and crew for examination as to their admissibility into the State.

3.42—*Note* (3.52.1Note) *The term “accepted for examination” is commonly understood to refer to the first appearance of the passenger before a control officer after disembarkation, to seek entry into the country concerned, at which time the control officer examines the documentation presented by the passenger and normally makes a determination as to his admissibility or not. Such examination does not encompass the documentary sighting at the aircraft immediately upon disembarkation, which may be carried out by public authorities for profiling purposes.*

A passenger or crew member is “accepted for examination” when he makes his first appearance at the arrivals control point after disembarkation, to seek entry into the country concerned, at which time the control officer makes a determination whether he should be admitted or not. This does not include the sighting of travel documents, which may be carried out immediately upon disembarkation.

3.43 (3.52.1) The operator shall be responsible for the custody and care of disembarking passengers and crew members from the time they leave the aircraft until they are accepted for such examination as provided in paragraph 3.42.

3.44 (3.52.2 (first part)) **Recommended Practice.**— *After such acceptance, whether conditional or unconditional, the public authorities concerned should shall be responsible for the custody and care of passengers and crew members until they are legally admitted for entry or found inadmissible. and transferred back to the custody of the operator for transport away from the territory of the State.*

3.45 (3.65) *The obligation responsibility of an operator for custody and care of passengers and crew members to transport any person away from the territory of a Contracting State shall terminate from the moment such persons has have been legally admitted for entry into that State.*

3.46 (3.56) The public authorities of each Contracting State shall seize fraudulent, falsified or counterfeit travel documents. The public authorities shall also seize the travel documents of a person impersonating the rightful holder of the travel document. Such documents shall be removed from circulation immediately and returned to the appropriate authorities of the State named as issuer as soon as practicable or to the resident Diplomatic Mission of that State.

....

— END —