

Draft Terms of Reference
Task Force on Irregular Migration (IM-TF)

1. Establishment

1.1 The Facilitation Panel (FALP), at its Fourteenth Meeting (20 – 24 April 2026), established a Task Force on Irregular Migration (IM-TF) to support the Panel’s work in addressing issues related to the use and misuse of air transport in the context of irregular migration, consistent with ICAO’s mandate under the Chicago Convention and Annex 9 — *Facilitation*.

2. Purpose

2.1 The purpose of the Task Force is to determine, as a first priority, which aspects of irregular migration fall within the mandate of ICAO and the Facilitation Panel, and which fall outside that mandate in consultation with relevant United Nations agencies and international organizations.

2.2 In doing so, the Task Force will contribute to scoping a conceptual framework, on irregular migration by aviation, its distinction from related phenomena such as migrant smuggling and human trafficking, taking into account relevant international frameworks.

2.3 The Task Force will determine matters necessary for further detailed examination.

3. Scope of Work

3.1 In carrying out its work, the Task Force shall, in consultation with the relevant United Nations agencies and international organizations:

a) Conduct an initial analytical assessment to clarify the scope and limits of ICAO’s role in addressing irregular migration, taking into account:

- ICAO’s objectives under the Chicago Convention;
- Annex 9 SARPs and associated guidance material;
- Relevant international legal and policy frameworks.

b) Develop, as necessary to support this assessment, a conceptual framework for irregular migration by aviation, including its distinct relationships to migrant smuggling and human trafficking, recognizing that substantive work on human trafficking is addressed through other established mechanisms and will not be undertaken by this Task Force.

c) Identify, on the basis of this assessment, facilitation-related aspects of irregular migration that may be appropriately addressed by ICAO.

d) Review relevant ICAO provisions, including Annex 9 and associated guidance material, to:

- identify existing tools available to States;
- assess implementation challenges;
- determine whether gaps exist.

e) Consider relevant trends, methods, operational practices, and technological developments, as necessary to support the Task Force's analysis.

f) Identify relevant ICAO bodies and external organizations to ensure coherence, avoid duplication, and leverage existing expertise.

3.2 The Task Force may, as appropriate, identify areas where additional analysis or further work may be required to support the Panel's consideration of issues within ICAO's mandate.

4. Method of Work

4.1 The Task Force shall operate through a multidisciplinary and evidence-based approach.

4.2 In carrying out its work, the Task Force shall:

a) Consult, as appropriate, with relevant United Nations agencies and international organizations;

b) Coordinate with relevant ICAO bodies to ensure consistency and avoid overlap;

c) Conduct its work primarily through electronic means, including teleconferences and secure document-sharing platforms with in-person meetings acceptable when deemed necessary;

d) Refine its work programme following completion of the initial mandate determination phase.

4.3 Matters relating to Advance Passenger Information (API) and Passenger Name Record (PNR) shall remain primarily under the responsibility of the PNR Task Force. Close coordination between the two task forces shall be maintained, and cross-cutting issues may be addressed jointly, as appropriate, in consultation with the respective Chairs.

5. Deliverables

5.1 The Task Force shall produce:

a) An initial report setting out:

- its determination of which aspects of irregular migration fall within ICAO's mandate;
- any preliminary observations relevant to the Task Force's subsequent work;
- subsequent reports, as appropriate, addressing specific facilitation-related issues within ICAO's remit, including identification of implementation challenges and gaps, and possible areas for clarification, guidance, or further study, as directed by the Panel.;

6. Membership

6.1 Participation is open to Facilitation Panel members, subject-matter experts (SME), nominated by Member States, IOM, UNHCR, UNOHCHR, UNODC, and other relevant Observer organizations, such as, but not limited to, EU, ACI and IATA. Participation from all regions is encouraged to ensure that, as much as practicable, there is widespread regional representation.

6.2 As inter-bureaux cooperation and coordination is essential to the success of the Task Force, the work of the Task Force will be supported by Secretariat staff from ATB and LEB.

6.3 Following the call for nominations and after consultation with the Chairperson of the ATC, the Secretariat will circulate the membership of the Task Force to all its members.

7. Working Method

7.1 The Task Force will work in English only, by correspondence, including video teleconferencing. In-person meetings will be held, when necessary and possible, in order to finalize the work to be submitted to the FALP's review, including by written procedure or through an *ad hoc* meeting if need be, before being presented to the Panel for consideration.

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