



WORKING PAPER

FACILITATION PANEL (FALP)

FOURTEENTH MEETING

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Agenda Item 6: Other Facilitation matters

ADDRESSING THE USE OF AIR TRANSPORT FOR IRREGULAR MIGRATION

(Presented by the European Union (EU) and
co-sponsored by Italy, Japan and the Netherlands)

SUMMARY

This working paper provides an overview of the challenges and complexities of irregular migration associated with air travel, highlighting how commercial flights can be used to smuggle migrants, as well as how visa regimes might be abused for the purpose of irregular migration by air. The paper outlines some key areas for development and makes recommendations to the Facilitation Panel on possible measures and cooperative mechanisms that can help address the use of air transport for the purposes of irregular migration.

Action by the FAL Panel:

The Facilitation Panel is invited to consider the proposals described in this paper, including tasking a Working Group under the Facilitation Panel to further study irregular migration by air, and on the basis of its analysis prepare a comprehensive strategy to review existing standards and recommended practices and pursue technical discussions on the development of further appropriate measures supporting the work to address the issue.

1. INTRODUCTION

1.1 At the 42nd Session of the ICAO Assembly, WP/185, submitted on behalf of the European Union (EU) and its Member States, the European Civil Aviation Conference (ECAC) Member States, and co-sponsored by Australia, Japan and the International Business Aviation Council (IBAC), addressing the use of commercial air transport in the context of irregular migration, received broad support from Member States. The Assembly recognised the importance of the issue and recommended that the actions proposed in the paper be referred to the Council, with contributions of relevant technical bodies, and in consultation with relevant United Nations (UN) agencies, for further study and a proposed way forward in a timely manner.

1.2 For the purposes of this paper, irregular migration (in some States referred to as illegal migration) refers to the movement of persons that occurs outside the laws, regulations, or international agreements governing entry into or exit from a country of origin, transit, or destination.¹ Irregular migration may be facilitated by the production, procurement or provision of fraudulent documents. Migrant smuggling² networks may take advantage of commercial flights and circumvent entry requirements under various schemes, such as visa-free policy regimes, make use of fraudulent study or labour migration opportunities, to bring migrants to a transit or a destination country.

1.3 The UN Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (Article 11(2)) requires States to adopt legislative or other appropriate measures to prevent, to the extent possible, means of transport operated by commercial carriers (including aircraft operators) from being used in the commission of offences established in accordance with Article 6 of the Protocol. Within the UN legal framework, most State parties to the Protocol have adopted national legislation criminalising the smuggling of migrants³. In addition, various regional and national initiatives further address the smuggling of migrants via air⁴.

1.4 Some ICAO Member States, including those of the European Union, are strengthening their global-level engagement in addressing migrant smuggling by air and the growing use of commercial air transport in irregular migration as part of the Global Alliance to Counter Migrant Smuggling⁵, which serves as a forum to increase prevention of migrant smuggling, enhance the global response to this crime, and provide alternatives to irregular migration.

2. DISCUSSION

2.1 Organised criminal networks involved in the smuggling of migrants actively facilitate the irregular movement of a large number of migrants globally. These networks are dynamic and adaptive, with the capacity to swiftly adjust routes and their methods. While migrant smugglers continue to rely predominantly on land and sea transportation, the use of commercial air transport - including both network and charter airline operations - also represents a crucial element within transnational irregular migration routes.

¹ [International Migration Law No. 34 - Glossary on Migration | IOM Publications Platform](#)

² The smuggling of migrants necessarily requires the crossing of a border, as it is defined in the Article 3(a) of the [Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention Against Transnational Organised Crime](#) as the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry into a State Party of which the person is not a national or a permanent resident. While the smuggling of migrants is sometimes linked to trafficking in persons - since smuggled migrants may become trafficking victims through debt bondage, and trafficking victims are often transported across borders - it remains a distinct form of crime. At the international level - in the Article 3(a) of the [Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime](#), trafficking in persons is defined as the recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception, with the aim of exploitation. The definition of trafficking in persons does not require the crossing of a border and such crime can take place within the territory of a state or when persons are allowed to cross borders legally. The identification and protection of victims of trafficking in persons is of utmost importance.

³ For example, in the European Union (EU): [Directive - 2002/90 - EN - EUR-Lex](#) and [EUR-Lex - 32002F0946 - EN - EUR-Lex](#)

⁴ For example, in the European Union, the *Toolbox addressing the use of commercial means of transport to facilitate irregular migration to the EU* ([Toolbox addressing the use of commercial means of transport to facilitate irregular migration to the EU.pdf](#)) was adopted by the European Commission in June 2023, integrating operational, diplomatic, and legal measures. It aims to engage transport operators in preventing the misuse of commercial transport for smuggling purposes, enhancing detection and prevention mechanisms where risks arise.

⁵ [2025 International Conference of the Global Alliance to Counter Migrant Smuggling - Migration and Home Affairs](#)

2.2 Document fraud plays a major role in the smuggling of migrants, and in irregular migration, by air. Document fraud can involve manipulating or misusing genuine documents or falsifying documents - such as passports, identity cards, visas, or supporting documents for passport issuance, visa applications and travel authorisations - potentially enabling impostors to assume false identities or producing counterfeit documents. It also includes the misuse of lost or fraudulently obtained documents. Notably, the lack of electronic verification of electronic Machine-Readable Travel Documents (eMRTDs) at borders, relying solely on manual inspection, and the limited use of biometrics such as algorithmic facial comparison, may be exploited by migrant smuggling networks. To effectively combat document fraud and migrant smuggling, it is essential for States to ensure their border authorities are trained and equipped to carry out electronic verifications of eMRTDs. The language in Annex 9 on eMRTD issuance and inspection could be strengthened to address this.

2.3 Migrant smugglers increasingly exploit study, work or transit visa regulations in major hubs. For example, a common smuggling practice involves sending migrants with legitimate documents to a declared destination country or transit hub where they may be provided with fraudulent papers and onward tickets to continue their journey irregularly to the final destination. This method begins with lawful travel *inter alia* on the basis of transit visa but becomes irregular at the transit stage. The abuse of transit visa policies enables smugglers to bypass stricter immigration controls, leading to irregular migrations. This is an area where both airport and aircraft operators may have a signalling role.

2.4 Migrants' smugglers take advantage of differing levels of exit monitoring and document control infrastructure. In some contexts, this may allow travellers to depart without comprehensive identity checks that could identify potential risks of irregular migration. Transit through countries where coordination between civil aviation and border authorities varies, makes it even more challenging to detect and prevent migrant smuggling, and to identify irregular migration flows. Consequently, consideration could be given to identifying the high-risk routes and strengthening exit-control practices and other measures aiming at reducing irregular onward movement through more systematic outbound checks. This would be beneficial also for facilitating air transport to better prioritise resources and pool knowledge.

2.5 High-volume transit hubs, face challenges in identifying irregular migration despite standard border controls, as smugglers often exploit discrepancies/inconsistencies in pre-departure verification and multiple tickets related gaps. The deployment of Immigration Liaison Officers, as well as liaison officers from countries of origin at high-risk airports, could provide on-site verification and cooperation, offering support during pre-departure checks to add an additional layer of security and expert advice.

2.6 The dynamic nature of migrant smuggling networks poses a significant challenge to border management authorities as smugglers rapidly change their routes and methods in response to enforcement efforts. To stay ahead, it is essential to employ data-driven, real-time detection strategies and to strengthen the exchange of information between States, as well as between aviation stakeholders, visa and consular authorities, and border/law enforcement authorities. Establishing robust information-sharing mechanisms, particularly across countries of origin, transit, and destination, would ensure that all relevant parties have access to the necessary information to identify and disrupt smuggling operations.

2.7 Addressing gaps in awareness and ensuring targeted training can contribute to improving the detection of migrant smuggling. Training specific categories of personnel to help them recognize irregular migration by air through relevant indicators, and safe, non-profiling reporting procedures. In response to evolving methods targeted training should be updated to further strengthen frontline detection. Training could be accompanied by practical guidance on recognition of documentation.

2.8 States should encourage the establishment of a regular dialogue between law enforcement/border guard authorities and airline and airport representatives and staff on emerging trends so to help airline operators maintain vigilance and adapt procedures to detect suspected cases of irregular migration and the smuggling of migrants. It also provides information to States on the (misuse) of their visa requirements. In this perspective, National Facilitation Committee and Airport Facilitation Committees play an important coordinating role. Information sharing and coordinating actions are highly recommended to better address common commitment in combatting trafficking in persons and the smuggling of migrants.

2.9 The use of travel information, record of entries and exits as well as biometric checks, can significantly enhance the detection of migrant smuggling and irregular migration. The use of these tools enables early risk assessment. The widespread adoption and consistent use of these technologies is essential to ensure that competent authorities have the capability to effectively identify and respond to smuggling threats travelling to, from or through their airports. Further actions could be promoted with the aviation industry such as to strengthen ticketing and agent transparency practices, including ways for aircraft operators and States to better identify, flag, and monitor large or last-minute group bookings, unusual re-ticketing patterns, and the role of intermediaries - such as online sellers and local travel agents - in facilitating coordinated group travel.

2.10 Migrant smugglers may also misuse non-scheduled operators' and general aviation flights to transport migrants. These flights enjoy a flexible operational model, often filing short-notice flight plans, providing limited information on passengers, and operating with limited oversight, which creates information gaps for authorities. Scrutiny over these flights should be enhanced, to ensure that they are subject to an equivalent level oversight as commercial flights, including with regards to travel information and risk-assessment procedures.

2.11 ICAO Annex 9 regulates inter alia the States responsibility to safeguard of issuance of travel documentation (in Chapter 3 C6) and the inspection responsibility of the aircraft operators, and the responsibility of Member States to assist aircraft operators in that responsibility (in Chapter H⁷). Despite these existing Standard and Recommended Practices (SARPs), the exchange of information between aircraft operators and States is not institutionalized. Currently, information on existing practices to address irregular migration by air is limited or fragmented, hindering coordinated action. A Working Group, bringing together border control and civil aviation authorities as well as the aviation industry, could play an important role in addressing these challenges. The aim would be to exchange information on the risks and evolving challenges of irregular migration and share expertise and best practices. Such work could lead to the preparation of a comprehensive strategy to address irregular migration by air and, where appropriate, a review of existing standards, recommended practices and guidance material, as well as supporting the efforts of law enforcement and border management agencies, ultimately facilitating better prioritisation of resources by the aviation industry.

2.12. In this context, cooperation between such a Working Group and the existing ICAO working groups that support the implementation of the TRIP Strategy – the Implementation Capacity Building Working Group (ICBWG) and the New Technologies Working Group (NTWG) – could also be explored.

⁶ 3.5 Contracting States shall establish appropriate controls over the entire travel document application, adjudication and issuance processes to ensure a high level of integrity and security.

3.6 Contracting States shall establish controls to safeguard against the theft of their blank travel documents, related.

3.5.1 Recommended Practice. Contracting States should regularly apply both the ICAO Guide for Assessing Security of Handling and Issuance of Travel Documents and the ICAO TRIP Guide on Evidence of Identity to ensure the integrity of their travel document issuing process.

⁷ 3.33 Contracting States shall assist aircraft operators in the evaluation of travel documents presented by passengers, in order to deter fraud and abuse.

3.35 Aircraft operators shall take necessary precautions at the point of embarkation to ensure that persons are in possession of the documents prescribed by the States of transit and destination for control purposes as described in this chapter.

The NTWG develops and maintains interoperable MRTD standards related to issuance and document verification, including exploring new technologies, the ICBWG promotes the implementation of travel document standards and recommended practices (SARPs) by directly engaging with States, sharing expertise, and developing guidance material. As such, the activities of both the NTWG and the ICBWG make a substantial contribution to the fight against document fraud. Therefore, with document fraud playing a major role in the smuggling of migrants by air, the proposed Working Group would benefit greatly from the knowledge and expertise present in both those working groups⁸.

3. RECOMMENDATIONS

3.1. The Facilitation Panel is invited to:

- (a) note the information in this working paper;
- (b) task one of the existing Working Groups, by expanding its mandate, or establish a new Working Group to examine issues related to irregular migration by air as outlined in this working paper with a view to:
 - i. examining the risks identified and the challenges faced by States and the aviation industry on irregular migration by air; and
 - ii. developing a comprehensive strategy to reduce the risk of irregular migration by air and on its basis:
 - a) where relevant consider reviewing existing standards, recommended practices and guidance material to address the matter; and
 - b) consider proposing appropriate mitigation measures to address irregular migration, including, if appropriate, possible amendments to Annex 9.

— END —

⁸ Collaboration could be sought also with the IATA CAWG (Control Authorities Working Group) which would encompass the relevant perspective of border authorities and aircraft operators.