



ASSEMBLY — 42ND SESSION

EXECUTIVE COMMITTEE

Agenda Item 12: Facilitation Programmes

PROPOSAL FOR ICAO TO ADDRESS THE SMUGGLING OF MIGRANTS BY AIR WITHIN THE FACILITATION PROGRAMME

(Presented by Mexico)

EXECUTIVE SUMMARY

This working paper proposes that the ICAO Council examine the growing phenomenon of migrant smuggling by air and consider the development of policies, technical guidance and, eventually, Standards and Recommended Practices (SARPs) to assist States and operators in detecting, preventing, and reporting such activities, in accordance with the United Nations Convention against Transnational Organized Crime and its Protocol against the Smuggling of Migrants by Land, Sea and Air. This issue poses an increasing challenge to air transport security and the integrity of States' migration systems.

Action: The Assembly is invited to:

- a) recognize migrant smuggling by air as a growing global problem with implications for both security and facilitation; and
- b) request the Council to include in its work programme, with the assistance of the relevant expert groups, the analysis of migrant smuggling by air with a view to:
 - 1) identifying current State practices to combat this phenomenon;
 - 2) promoting cooperation among international organizations and States at the regional and international levels, as well as the sharing of operational intelligence, in order to address migrant smuggling by air;
 - 3) considering the development of technical guidance and, if necessary, the future development of SARPs to strengthen civil aviation's response to this form of organized crime; and
 - 4) facilitating capacity-building under the *No Country Left Behind* initiative.

<i>Strategic Goals:</i>	This working paper relates to the Strategic Goals <i>Aviation Delivers Seamless, Accessible and Reliable Mobility for All</i> and <i>Every Flight is Safe and Secure</i> .
<i>Financial implications:</i>	These measures should be implemented, to the extent possible, with existing resources and/or voluntary contributions from States.
<i>References:</i>	Annex 9 — <i>Facilitation</i> Doc 9957, <i>The Facilitation Manual</i> Doha Declaration on the Facilitation of International Air Transport (2025) Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (2000)

¹ Spanish version provided by Mexico.

1. INTRODUCTION

1.1 Migrant smuggling is a form of transnational organized crime that poses serious risks to security, human rights, and migration governance. Under the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, States Parties are required to prevent and combat this crime, as well as to cooperate internationally.

1.2. While most migrant smuggling cases are associated with land or maritime movements, there is growing evidence of the use of civil aviation for the irregular entry of migrants through fraudulent use of travel documents, abuse of visa systems or complicity with criminal networks.

1.3 Unlike trafficking in persons, migrant smuggling does not necessarily involve exploitation. This has led to confusion in identifying and addressing it at the institutional level.

1.4 The opening of new air routes and increasing international connectivity have expanded the opportunities for committing this crime.

1.5 The International Civil Aviation Organization (ICAO) has successfully addressed trafficking in persons through specific recommendations in The Facilitation Manual (Doc 9957), as well as through the promotion of cooperation among States and the training of airport personnel. This experience provides a solid foundation for incorporating migrant smuggling as an emerging priority within the Facilitation Programme, in line with Annex 9 — *Facilitation* and the Doha Declaration on the Facilitation of International Air Transport (2025).

2. DISCUSSION

2.1 Migrant smuggling is a form of transnational organized crime recognized in the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (2000).

2.2 Migrant smuggling by air is a growing risk that requires focused attention. Its invisibility, due to the lack of clear identification tools and the absence of international guidelines, has hindered effective responses. The persistent confusion between smuggling and trafficking, as well as the lack of training for airport personnel and air operators, further aggravates this situation.

2.3 This crime violates the rights of migrants, undermines migration control systems, weakens airport administration and can compromise civil aviation security.

2.4 Migrant smuggling networks have demonstrated an increasing ability to exploit vulnerabilities in air border control systems and in identity and document verification procedures at international airports.

2.5 Border security officials and aviation personnel face difficulties in identifying smuggling patterns due to the complexity of the phenomenon, the use of apparently valid documents, and the presence of facilitators operating in airport areas. In this regard, clear improvements and harmonized coordination among aviation, migration, law enforcement, and consular authorities are needed.

2.6 Currently, Annex 9 — *Facilitation* to the Chicago Convention, contains provisions on passenger inadmissibility and travel document control, but does not specifically include measures aimed at detecting and preventing migrant smuggling by air.

2.7 In this context, it is recalled that States should prioritize the issuance of travel documents that comply with ICAO's highest security standards as key to the prevention and detection of counterfeit documents.

2.8 Mexico considers that addressing migrant smuggling requires a strategic approach that includes information production and sharing, institutional capacity-building, protection of victims, international cooperation, and criminal prosecution.

2.9 Migrant smuggling by air has been the focus of attention in international forums. In May 2019, the United Nations Office on Drugs and Crime (UNODC) organized a regional conference in Mexico City focused on the relationship between this crime and the use of counterfeit travel documents, highlighting the increasingly sophisticated methods used by smugglers to evade airport controls.

3. CONCLUSION

3.1 Migrant smuggling by air is an emerging threat to air transport that requires coordinated, proportionate, and evidence-based actions, including capacity-building and regulatory frameworks tailored to the specific characteristics of each context. It should not be addressed with a purely migratory or criminal approach, but also from the perspective of the facilitation of international passenger transit and their protection.

3.2 ICAO could play a key role in coordinating regulatory responses with other relevant international agencies (the International Organization for Migration (IOM), UNODC, the International Criminal Police Organization (INTERPOL), and the United Nations High Commissioner for Refugees (UNHCR)) with full respect for the human rights of migrants.

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