



IATA/CONTROL Authorities Working Group

GUIDELINES FOR THE REMOVAL OF INADMISSIBLE PERSONS

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THE IATA/CONTROL AUTHORITIES WORKING GROUP (IATA/CAWG)

The IATA/Control Authorities Working Group (IATA/CAWG) was established as an IATA initiative in 1987. The main goal was to bring Immigration Authorities and representatives of the National Aircraft Operators together in an informal setting to develop mutually acceptable working arrangements, recognising the needs and limitations of the two parties.

Members of IATA/CAWG are the National Aircraft Operators and Immigration Departments (sometimes supplemented by Civil Aviation and Border Police) of Australia, Austria, Belgium, Brazil, Canada, Denmark, Finland, France, Germany, Japan, Mexico, Netherlands, Norway, Portugal, South Africa, Spain, Sweden, Switzerland, the United Kingdom, the United Arab Emirates and the United States. The Air Transport Association of America, the National Airlines Council of Canada, and the Association of Asia Pacific Airlines are also represented.

The IATA/CAWG Vision Statement is:

"For Airlines and Control Authorities to develop and pursue a cooperative programme for the facilitation and processing of a growing number of passengers, whilst ensuring effective action against illegitimate traffic, and to focus on such concepts as risk management, sharing of information and convergence of processes".

GUIDELINES FOR THE REMOVAL OF INADMISSIBLE PERSONS

1. INTRODUCTION

- 1.1 The goal of this document is to present best practice guidelines for the safe and orderly removal of inadmissible persons. However, nothing in this document is to be construed as to contradict national legislation, regulations or court decisions.
- 1.2 In these guidelines, the IATA/CAWG seeks to recognise the concerns of the air transport industry with respect to inadmissible persons,

while addressing States' need to protect their respective national interests.

- 1.3 In seeking to interdict the travel of inadmissible persons, and to facilitate their removal and return, States and aircraft operators are encouraged to jointly develop and implement initiatives, which seek to ensure that all international passengers and crew hold the required travel documents at the time of embarkation.
- 1.4 States and aircraft operators are urged to develop greater levels of cooperation that enhance security, flexibility and, ultimately, border integrity.

2. DEFINITIONS

For the purposes of this document, the following definitions shall be applied unless otherwise indicated.

- 2.1 "**ADMISSION**" means the permission granted to a person to enter a State by the public authorities of that State in accordance with its national laws¹.
- 2.2 "**AIRCRAFT OPERATOR**" means a person, organization or enterprise engaged in or offering to engage in an aircraft operation².
- 2.3 "**COMMENCEMENT OF JOURNEY**" means 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.³
- 2.4 "**DIRECT TRANSIT AREA**" means a special area established in an international airport, approved by the public authorities concerned and under their direct supervision or control, where passengers can stay during transit or transfer without applying for entry to the State.⁴
- 2.5 "**ESCORT**" (for the purposes of these guidelines only) means a person or persons

¹ ICAO Annex 9 Definition

² ICAO Annex 9 Definition

³ ICAO Annex 9 Definition

⁴ ICAO Annex 9 Definition

authorised to accompany an inadmissible person under removal order during a flight.

2.6 **"INADMISSIBLE PERSON"** means a person who is or will be refused admission to, or transit through the territory of a State by the authorities of that State.

2.7 **"REMOVAL OF A PERSON"** means an action by the public authorities of a State, in accordance with its laws, to direct a person to leave that State.⁵

2.8 **"REMOVAL ORDER"** means 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 territory⁶.

2.9 **"TRAVEL DOCUMENT"** means a passport or other official document of identity issued by a State or organisation, which may be used by the rightful holder for international travel.⁷

➤ 3. NOTIFICATION CONCERNING FINDINGS OF INADMISSIBILITY

3.1 States should adopt as best practice the following ICAO Annex 9 Standard⁸, which reads:

"Contracting States shall not prevent the departure of an operator's aircraft pending a determination of admissibility of any of its arriving passengers".

3.2 When a person is found inadmissible, the State should notify the aircraft operator or its local representative in writing at the earliest possible opportunity, but in most cases, within 24 hours of arrival.

3.3 To assist in the notification process, the aircraft operator should provide primary contact names at the port level to whom notices should be delivered.

3.4 When requiring the responsible Aircraft Operator to effect the removal of an inadmissible person, the State should provide a written Removal Order to the inbound aircraft operator prior to removal, which should include, if known, name, age, gender, citizenship, and information concerning the inadmissible person's inbound (arriving) flight.

➤ 4. ARRANGEMENTS FOR REMOVAL AFTER DETERMINATION OF INADMISSIBILITY

4.1 States ordering the removal of a person may give directions concerning the place to where an inadmissible person may be removed.

4.2 Where appropriate, the Aircraft Operator may consult with the State ordering the removal regarding the most practicable place to which the inadmissible person should be removed.

4.3 When a person is found inadmissible, the Aircraft Operator may consult with the authorities of the State ordering the removal on the timeframe for removal of that person. The State should allow the aircraft operator a reasonable amount of time (in most cases within 24 hours) during which to effect the removal via its own services or to make alternative removal arrangements.

4.4 States ordering the removal of an inadmissible person without a valid travel document should issue the applicable ICAO covering letter in order to provide information regarding the inadmissible person to the authorities at any transit point(s) and at final destination.

4.5 The State should deliver the ICAO covering letter and any other relevant information to the Aircraft Operator (or, where applicable, via an escort), who will be responsible for delivering these documents to the authorities at any transit point(s) and/or the inadmissible person's final destination.

4.6 In the event that removal with an ICAO-recommended covering letter is not feasible, the State should not normally require removal of an undocumented inadmissible person from its territory until a replacement travel document has been obtained, or

⁵ ICAO Annex 9 Definition

⁶ ICAO Annex 9 Definition

⁷ ICAO Annex 9 Definition

⁸ Standard 5.16, Annex 9, 12th Edition, Amendment 21.

IATA/CAWG Guideline on Passengers
Identified with False Documents.

suitable alternate arrangements with the States of destination and/or transit have been agreed.

- 4.7 The decision to use escorts in supporting an inadmissible person's removal is the responsibility of the Aircraft Operator, and should be based primarily upon its own threat assessment and risk analysis.
- 4.8 States should adopt as best practice the following ICAO Annex 9 Standard⁹, which reads:

“Contracting States that have reason to believe that an inadmissible person might offer resistance to his removal shall inform the aircraft operator concerned as far in advance as possible of scheduled departure so that the aircraft operator can take precautions to ensure the security of the flight”.

➤ 5. ASSISTANCE AND COOPERATION IN THE REMOVAL PROCESS

- 5.1 States should cooperate with other States and with the Aircraft Operator in order to facilitate the removal of inadmissible persons, including the removal via transit ports en-route.
- 5.2 States should accept for examination a person removed from a State where he was found inadmissible, if that person commenced his journey from its territory.
- 5.3 States should not return such a person to the country where he was earlier found inadmissible.
- 5.4 When an inadmissible person is not in possession of a travel document at the time of removal, the destination State should accept the ICAO covering letter and other relevant information delivered as sufficient documentation for examination.

NB: In situations concerning passengers identified with false documents or who are insufficiently documented, please refer also to the

⁹ Standard 5.8, Annex 9, 12th Edition, amendment 21.