



Inadmissible Persons and Deportees: IATA's Perspective

ICAO Regional Facilitation Seminar
Cairo, Egypt 24-27 March 2014



Focus of my presentation

- Definitional Disagreements
- Roles and Responsibilities
- The threat to Aviation Security
- Communication that can lead to cooperation
- Available Guidance Materials



Definitional Disagreements

- Inadmissible Person: Effectively a person identified at arrival and denied admission to a State
- Deportees: Persons legally admitted to a State, later found undesirable and ordered to be removed, or found illegally in the State and ordered to be removed
- Deportees should not be labeled as Inadmissible Persons at a later date to shift responsibility or to change roles



Roles and Responsibilities

- Per ICAO's Annex 9, general responsibilities are clear for Inadmissible Persons

- Carriers:
 - Responsible for passengers until presented for inspection and granted entry
 - Responsible for Inadmissible Persons (care, custody and removal) of improperly documented persons (5.9)
 - Not responsible for care and custody when cause of inadmissibility is beyond carriers' control (5.9.1)
 - Pilot in Command always has final say (Tokyo Convention)



Roles and Responsibilities

- Per ICAO's Annex 9, general responsibilities are clear for inadmissible persons

- States should:
 - Advise airline without delay when passenger for inadmissible
 - Provide a detailed written Removal Order including a risk assessment where warranted
 - Work with carrier to establish reasonable timeframe from the removal
 - Provide other assistance (i.e. for documents) as required



Roles and Responsibilities

- Per ICAO's Annex 9, general responsibilities are clear for Deportees

- States:
 - States assume full responsibilities for persons to whom they have granted legal entry
 - For persons found illegally in the state (arrival unknowns) – the Annex is silent



Roles and Responsibilities

- Per ICAO's Annex 9, general responsibilities are clear for Deportees

- Carriers:
 - Effectively, carrier responsibility for its passengers ends when presented for inspection and granted legal entry into the state
 - Annex 9 assigns no other mandatory obligations
 - Again - Pilot in Command always has final say on transport



Opportunities for Conflict

- State that tries to force legal and financial responsibility for Deportees on airline operators for Deportees
- Lack of flexibility in removal options for Inadmissible Persons
- Assignment of financial liabilities in cases where carriers have no ability to know passenger will be found inadmissible



Threat to Aviation Security

- History shows a real threat when persons are ordered back to a country where they feel at risk
- Real need for accurate threat and risk assessment
- Legitimate carrier policies regarding who and how many
- How to resolve the threat and effect removals



Communication and Cooperation

- Early notification of issue allows better planning
- Sharing of security information (risk assessment) can resolve many carrier concerns
- Flexibility will enhance cooperation and lower unnecessary additional costs
- Recognition of carrier policies strengthens trust



In conclusion

- States and Carriers have a vested interest in safe and secure removal processes
- Legitimate needs and concerns should always be addressed in a cooperative manner
- Flexibility in approach and recognition of certain limits will enhance the Government – Airline relationship leading to more effective processes overall.



Resources and Guidance

- ICAO Annex 9, Chapter 5
- ICAO's Facilitation Manual
- IATA's Guide to Facilitation (IATA Publications)
- IATA/CAWG Guidelines for the Removal of Deportees (Version 3.0, May 2010) *
- IATA/CAWG Guidelines for the Removal of Inadmissible Persons (Version 3.0, May, 2011) *

* Available on request to Davidsonr@iata.org



Thank you

Robert A. (Bob) Davidson
Assist Director, Border Security Policy
International Air Transport Association
Washington, DC

Davidsonr@iata.org