



WORKING PAPER

FACILITATION PANEL (FALP)

NINTH MEETING

Montréal, 4-7 April 2016

Agenda Item 3: Amendments to Annex 9

**PROPOSED AMENDMENTS TO ANNEX 9:
STANDARDS AND RECOMMENDED PRACTICES (SARPs) ON
TRAVEL DOCUMENTS**

(Presented by the Secretariat)

SUMMARY

This paper proposes replacing references to the word “passport” with the term “travel document” in some Standards and Recommended Practices (SARPs) and Appendices of Annex 9, inter alia, to encourage Member States to offer the same level of service or issuance processes to applications for all travel documents as is presently offered for passports.

Action by the FAL Panel:

The FAL Panel is invited to consider the proposals described in this paper and agree that Annex 9 be amended, as set out in the Appendix.

1. INTRODUCTION

1.1 The seventh meeting of the Facilitation Panel (FALP/7, October 2012) observed that there may be a need to focus as intensely on updating existing Annex 9 Standards and Recommended Practices (SARPs) as on the development of new provisions. Also discussed were the benefits of increased collaboration between the FAL Panel and other technical bodies such as the Technical Advisory Group on Machine Readable Travel Documents (TAG/MRTD). The TAG/MRTD and its sub-groups, the New Technologies Working Group (NTWG) and the Implementation and Capacity Building Working Group (ICBWG) thus began to review, in cooperation with the ICAO Public Key Directory (PKD) Board, Annex 9’s SARPs related to travel documents, in order to consider the need for new or revised SARPs.

1.2 The results of the work of the TAG/MRTD led to several proposals for amendments to travel document SARPs at the eighth meeting of the Panel (FALP/8, November 2014). The proposals resulted in the adoption by the Council, in June 2015, of new/revised SARPs for Annex 9. In the meantime, the ICBWG continued its work and developed additional proposals for amendments to the

Annex. These proposals normally would have first been presented to the first meeting of the (newly formed) Technical Advisory Group on the ICAO Traveller Identification Programme (TAG/TRIP-1, 30 March to 1 April 2016) for consideration and approval, before being submitted to the FAL Panel for its consideration. However, as both meetings are being held back-to-back, the Secretariat's deadline of 22 February 2016 for submission of papers to FALP/9 has precluded prior consideration of the ICBWG's proposals by the TAG/TRIP meeting. As a result, the Secretariat has agreed to present these proposals directly to the FAL Panel, instead.

2. DISCUSSION

2.1 **Recommended Practice 3.15** currently reads as follows: "**Recommended Practice.**— *Contracting States should establish publicly accessible facilities for the receipt of passport applications and/or for the issuance of passports.*" It is **proposed** that this provision be amended by replacing "passport" with "travel document" and "passports" with "travel documents," respectively. The **justification** for the proposal is to encourage States to offer the same level of service for the receipt of applications for all travel documents and their issuance, as is presently offered to passport applications and issuance.

2.2 **Standard 3.16** currently reads as follows: "Contracting States shall establish transparent application procedures for the issuance, renewal or replacement of passports and shall make information describing their requirements available to prospective applicants upon request." It is **proposed** that this provision be amended by replacing "passports" with "travel documents." The **justification** for the proposal is to ensure that persons who require travel documents, other than passports, are ensured as transparent a process and the same accessibility to information as persons applying for passports.

2.3 **Recommended Practice 3.53** currently reads as follows: "**Recommended Practice.**— *In cases in which the passport of a visitor has expired prior to the end of the validity period of a visa, the State that has issued the visa should continue to accept the visa until its expiration date when it is presented with the visitor's new passport.*" It is **proposed** that this provision be amended by replacing "passport" with "travel document." The **justification** for the proposal is to encourage States to offer the same level of facilitation to travel document holders as it affords to passport holders. Encouraging States to accept valid visas in expired travel documents, when presented with new travel documents, will decrease potential financial burdens on travellers while imposing no additional burden on the State.

2.4 **Standard 3.55** currently reads as follows: "After individual presentation by passengers and crew of their passports or other official travel documents, the public officials concerned shall, except in special individual cases, hand back such documents immediately after examination." It is **proposed** that the phrase "passports or other official" be deleted. The **justification** for the proposal is to standardize and simplify language in the SARPs. This is effectively an editorial amendment – changing "passports or other official travel documents" to 'travel documents' which includes both passports and official travel documents.

2.5 **Recommended Practice 6.47** currently reads as follows: "**Recommended Practice.**— *Contracting States restricting the import or export of funds of other States should provide for the issuance to travellers of certificates showing the amounts of such funds in their possession upon entering the State and should permit such travellers, upon surrender of such certificates prior to leaving the State, to take such funds with them. Inscription on the passport or other official document for travel may serve the same purpose.*" It is **proposed** that this provision be amended by deleting the phrase "passport or other official document for" and inserting the word "document" after the word "travel." The **justification** for the

proposal is to standardize and simplify the language. This effectively is an editorial amendment that indicates inscriptions on a travel document may serve the same purpose as issuing a certificate.

2.6 **Appendix 9 (2)** provides a sample letter that may be used in situations relating to fraudulent, falsified or counterfeit travel documents or genuine documents presented by imposters, delivered pursuant to Standard 5.7 of the Annex. The *title* of the letter refers to travel documents while its *content* refers to passports. It is thus *proposed* that the word “passport” in the letter be replaced with the term “travel document.” The *justification* for the proposal is to standardize the language, align the title with the content and indicate that the letter can be used for all travel document types.

2.7 **Appendix 12, Model National FAL Programme, Section 3.1** lists ministries and agencies that should be involved in a national facilitation programme. The list includes “passport/visa issuing authorities” but not “travel document” issuing authorities, generally. It is thus *proposed* that the letter be amended by replacing “passport” with “travel document.” The *justification* for the proposal is to ensure that all travel document issuing authorities are considered for inclusion in national facilitation programmes.

2.8 **Appendix 12, Model National FAL Programme, Section 4** lists implementing tasks for each facilitation-relevant article of the Chicago Convention. One implementing task for Article 23 includes a reference to “passports and other travel documents.” It is *proposed* that the relevant task be amended by deleting the phrase “passports and other.” The *justification* for the proposal is to ensure consistency of language. A passport is a travel document so there is no need to refer to both terms.

3. RECOMMENDATION

3.1 The FAL Panel is thus invited to consider the proposals to amend Annex 9 as set out in the Appendix.

APPENDIX

Amend Annex 9 as follows:

Chapter 3. Entry and Departure of Persons and their Baggage

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3.15 **Recommended Practice.**— *Contracting States should establish publicly accessible facilities for the receipt of ~~passport~~ travel document applications and/or for the issuance of ~~passports~~ travel documents.*

3.16 Contracting States shall establish transparent application procedures for the issuance, renewal or replacement of ~~passports~~ travel documents and shall make information describing their requirements available to prospective applicants upon request.

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3.53 **Recommended Practice.**— *In cases in which the ~~passport~~ travel document of a visitor has expired prior to the end of the validity period of a visa, the State that has issued the visa should continue to accept the visa until its expiration date when it is presented with the visitor’s new ~~passport~~ travel document.*

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3.55 After individual presentation by passengers and crew of their ~~passports or other official~~ travel documents, the public officials concerned shall, except in special individual cases, hand back such documents immediately after examination.

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Chapter 6. International Airports — Facilities and Services for Traffic

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6.47 **Recommended Practice.**— *Contracting States restricting the import or export of funds of other States should provide for the issuance to travellers of certificates showing the amounts of such funds in their possession upon entering the State and should permit such travellers, upon surrender of such certificates prior to leaving the State, to take such funds with them. Inscription on the ~~passport or other official document for travel~~ document may serve the same purpose.*

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Appendix 9. Suggested Formats for Documents Relating to the Return of Inadmissible Persons

2. Letter Relating to Fraudulent, Falsified or Counterfeit Travel Documents or Genuine Documents Presented by Imposters (see 5.7)

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Enclosed herewith is a photocopy of a fraudulent/falsified/counterfeit ~~passport~~ **travel document**/identity card/genuine document presented by an imposter.
 Document number:
 State in whose name this document was issued:

The above-mentioned document was used by a person claiming to be:

Surname:	Photograph if available
Given name(s):	
Date of birth:	
Place of birth:	
Nationality:	
Residence:	

This person arrived on (date) at (name of) airport on flight (flight number) from (city and State).

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Appendix 12. Model National FAL Programme

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3. ORGANIZATION AND MANAGEMENT

3.1 The primary responsibility for the National FAL Programme rests with the Civil Aviation Authority (CAA) and/or the Ministry of Transport. However, success of the programme requires the active participation of other ministries or agencies, such as:

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| Customs | Immigration |
| Foreign Affairs | Passport Travel document /visa issuing authorities |
| Agriculture/environment | Public Health |
| Security and narcotics control | Identification card issuing authorities |
| Tourism | Quarantine |

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4. ESTABLISHMENT OF A NATIONAL FAL PROGRAMME

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<i>Chicago Convention mandate</i>	<i>Implementing tasks</i>
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<p>Article 23 – Customs and immigration procedures Each contracting States undertakes, so far as it may find practicable, to establish customs and immigration procedures affecting international air navigation in accordance with the practices which may be established or recommended from time to time, pursuant to this Convention. ...</p>	<ul style="list-style-type: none"> — Establish and amend as appropriate, customs and immigration procedures carried out at airports, to harmonize them with the Standards and Recommended Practices set forth in Annex 9. — Support and advocate the national issuance of passports and other travel documents in accordance with ICAO specifications in Doc 9303 – <i>Machine Readable Travel Documents</i>.
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