



WORKING PAPER

FACILITATION PANEL (FALP)

NINTH MEETING

Montréal, 4-7 April 2016

Agenda Item 3: Amendments to Annex 9

**PROPOSED AMENDMENTS TO ANNEX 9:
STANDARD 3.14, RECOMMENDED PRACTICE 3.18 & STANDARD 5.28**

(Presented by the Secretariat)

SUMMARY

This paper proposes amendments to Standard 3.14, Recommended Practice 3.18 and Standard 5.28 to Annex 9 for the reasons set out in the paragraphs 2.1 to 2.3, both inclusive, below.

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 **Standard 3.14** currently reads as follows: "When issuing passports that are not machine readable, Contracting States shall ensure that the personal identification and document issuance data and the format of the data page conform to the specifications for the "visual zone" set forth in Doc 9303, Part 4. The "machine readable zone" area shall be filled with words such as "this passport is not machine readable" or other data to preclude fraudulent insertion of machine readable characters." It is **proposed** that this provision be deleted. The **justification** for the proposal is that under Standard 3.11 (formerly Standard 3.10), all Members States are required to issue only Machine Readable Passports. Therefore, the provision pertaining to the issuance of "passports that are not machine readable" has become obsolete.

2.2 **Recommended Practice 3.18** currently reads as follows:

"Recommended Practice.— *When issuing passports for tourism or business travel, Contracting States should normally provide that such passports be valid for a period of at least five years, for an unlimited number of journeys and for travel to all States and territories.*

"Note 1.— In consideration of the limited durability of documents and the changing appearance of the passport holder over time, a validity period of not more than ten years is recommended.

"Note 2.— Emergency, diplomatic, official and other special purpose passports could have a shorter validity period."

2.2.1 It is **proposed** that this provision be amended as follows:

a) the phrase "When issuing passports for tourism or business travel" and the word "such" should be deleted from the first sentence. The **justification** for the proposal is that Note 2 exempts a number of passport types from the application of this Recommended Practice. Therefore, it is not necessary to maintain the "tourism or business travel" qualifier; and,

b) a (new) Note 3 be inserted as follows: "In consideration of the fast changing appearance of children, a validity period of not more than five years is recommended in the case of children's passports." The **justification** for the proposal is that Note 1 suggests a validity period of not more than ten years. However, as children's appearances change much more quickly than that of adults, a note pertaining to the validity of children's passports should also be included.

2.3 **Standard 5.28** currently reads as follows: "When a Contracting State has determined that a person for whom a travel document has been requested is one of its nationals but cannot issue a passport within 30 days of the request, the State shall issue an emergency travel document that attests to the nationality of the person concerned and that is valid for readmission to that State." It is **proposed** that this provision be amended by replacing "travel document" with "passport." The **justification** for this proposal is that the Standard addresses a national for whom a "passport" cannot be issued. Presumably, it is a *passport* that is requested and the language should be changed to reflect this.

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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~~3.14 When issuing passports that are not machine readable, Contracting States shall ensure that the personal identification and document issuance data and the format of the data page conform to the specifications for the “visual zone” set forth in Doc 9303, Part 4. The “machine readable zone” area shall be filled with words such as “this passport is not machine readable” or other data to preclude fraudulent insertion of machine readable characters.~~

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3.18 **Recommended Practice.**— ~~When issuing passports for tourism or business travel, Contracting States should normally provide that such passports be valid for a period of at least five years, for an unlimited number of journeys and for travel to all States and territories.~~

Note 1.— In consideration of the limited durability of documents and the changing appearance of the passport holder over time, a validity period of not more than ten years is recommended.

Note 2.— Emergency, diplomatic, official and other special purpose passports could have a shorter validity period.

Note 3.— In consideration of the fast changing appearance of children, a validity period of not more than five years is recommended in the case of children’s passports.

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Chapter 5. Inadmissible Persons and Deportees

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5.28 When a Contracting State has determined that a person for whom a ~~travel document~~ passport has been requested is one of its nationals but cannot issue a passport within 30 days of the request, the State shall issue an emergency travel document that attests to the nationality of the person concerned and that is valid for readmission to that State.