



FACILITATION PANEL (FALP)

EIGHTH MEETING

Montréal, 24-28 November 2014

Agenda Item 2: Amendments to Annex 9

NEW STANDARD FOR TRAVEL DOCUMENT FOR REFUGEES AND STATELESS PERSONS (CONVENTION TRAVEL DOCUMENTS)

(Presented by the United Nations High Commissioner for Refugees, UNHCR)

SUMMARY

This paper sets out the need and the reasons for introducing an explicit standard in Annex 9 for Convention Travel Documents to be issued in accordance with ICAO Doc 9303. The new standard would fill the gap between Annex 9 that in its current form does not apply to these travel documents and the international law applicable to refugees and stateless persons (the 1951 and the 1954 Conventions), which do not contain a standard with regard to the format of Convention Travel Documents.

Action by the FAL Panel:

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

1. INTRODUCTION

1.1 This paper concerns the proposed amendment to Annex 9 related to travel documents for refugees and stateless persons, generally referred to as Convention Travel Documents (CTDs). Reference is made to the approval by the TAG/MRTD of the submission of the new proposal for a standard on CTDs, as outlined in paragraph 3.1 of WP/11 to the FAL Panel (see paragraph 3.13.13 of the TAG/MRTD/22 Report).

2. DISCUSSION

2.1 Chapter 3 (Entry and departure of persons and their baggage) of Annex 9 stipulates in Section D, paragraph 3.10, that *All passports issued by Contracting States shall be machine readable in accordance with the specifications of Doc 9303, Part 1.* Paragraph 3.10.1 adds that *for passports issued after 24 November 2015 and which are not machine readable, Contracting States shall ensure the expiration date falls before 24 November 2015.* ICAO has clarified that this does not apply to CTDs.

2.2 CTDs are travel documents that States parties to the 1951 Convention Relating to the Status of Refugees (“the 1951 Convention”) and the 1954 Convention Relating to the Status of Stateless Persons (“the 1954 Convention”) shall issue to refugees or stateless persons lawfully staying on their territory (see respective Article 28 of both Conventions). As such, they are travel documents foreseen in two international treaties for persons benefitting from an internationally recognized status.

2.3 The standard text proposed in the Specimen CTD annexed to the 1951 and 1954 Conventions states that *this document is issued solely with a view to providing the holder with a travel document which can serve in lieu of a national passport.* CTDs therefore replace national passports which neither refugees nor stateless persons are in a position to obtain. States parties to the respective Conventions shall recognize the validity of CTDs issued in accordance with the provisions of Article 28 of each Convention (Paragraph 7 of the Schedule to the 1951 and to the 1954 Convention).

2.4 Attached in an Annex to the 1951 and the 1954 Conventions is a Specimen Travel Document. The Annex recommends that Contracting States issue CTDs in booklet form. The features of the specimen are based on the format of passports issued at the time of the adoption of both Conventions. In light of the developments of standards and specifications of passports at the level of ICAO and bearing in mind that with the exception of Liechtenstein all Contracting States to the 1951 and 1954 Conventions are also Contracting States to the 1944 Convention on International Civil Aviation (“Chicago Convention”), there is a need to clarify the standards and specifications of CTDs.

2.5 There are a number of reasons to do so through an amendment of Annex 9:

2.5.1 First, the role and function of the CTD in replacing a national passport (see above paragraph 2.3) speaks in favour of applying the same standards and specifications as for national passports (Doc 9303, Part 1).

2.5.2 Second, modern machine readable CTDs (MRCTDs) are becoming *de facto* a condition for refugees and stateless persons to effectively exercise their fundamental right to leave any country, including their host country. This reason is closely related to the facilitation purpose which is at the origin of ICAO’s standard setting role in the area of travel documents. MRCTDs facilitate international travel and visa procedures of refugees and stateless persons and open access to modern, efficient facilities at border control points. They facilitate both airline check-in and border clearances.

2.5.3 Third, MRCTDs are more secure travel documents. To the extent that CTDs remain non-machine readable, there is a risk that they will become the target of increased counterfeit, which in turn will reduce the level of trust and confidence in them and the consequent ability of refugees and stateless persons to travel.

2.5.4 Fourth, Annex 9 to the Chicago Convention is the right instrument for this clarification. While the 1951 and 1954 Conventions established the existence of CTDs and the obligation of Contracting States to issue them to refugees and stateless persons, Annex 9 is the appropriate document to state the format in which they should be issued.

2.6 A number of countries already issue MRCTDs. However, according to the Office of the United Nations High Commissioner for Refugees (UNHCR), of the 148 States parties to the 1951 Convention and/or the 1967 Protocol Relating to the Status of Refugees (“1967 Protocol”) only 44 countries issue MRCTDs to refugees and of the 82 States parties to the 1954 Convention only 16 issue MRCTDs to stateless persons. In the Guide for Issuing MRCTDs to refugees and stateless persons¹, ICAO and UNHCR both encourage the application of the specifications of Doc 9303, Part 1 to CTDs. The introduction of an explicit standard is likely to increase the number and accelerate the transition towards MRCTDs.

3. RECOMMENDATIONS

3.1 It is therefore recommended to include a SARP pertaining to CTDs whereby travel documents for refugees and stateless persons (“Convention Travel Documents”) shall be machine readable in accordance with the specifications of Doc 9303.

3.2 The minor deviation in the proposed text from TAG/MRTD/22-WP/11 paragraph 3.1 is due to bring the SARP fully in line with the language of the 1951 and 1954 Conventions and relevant Conclusions of the Executive Committee of the UNHCR Programme No. 13 (1978)² and No. 49 (1987)³.

¹ ICAO/UNHCR, Guide for Issuing Machine Readable Convention Travel Documents for Refugees and Stateless Persons, October 2013, at: <http://www.icao.int/Security/mrtd/Pages/What'sNew.aspx> and <http://www.refworld.org/docid/52b166a34.html>.

² See at: <http://www.unhcr.org/3ae68c4413.html>.

³ See at: <http://www.unhcr.org/3ae68c438c.html>.

APPENDIX

Amend Annex 9 as follows:

Travel documents for refugees and stateless persons (“Convention Travel Documents”) shall be machine readable in accordance with the specifications of Doc 9303.

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