



TECHNICAL ADVISORY GROUP ON MACHINE READABLE TRAVEL DOCUMENTS

Sixteenth Meeting

(Montreal, 26 to 28 September 2005)

Agenda Item 1: Development of specifications for MRTDs

Agenda Item 1.3: Report of the Document Content and Format Working Group

PROCEDURAL IMPROVEMENTS TO ANNEX 9 --- FACILITATION CONCERNING INADMISSIBLE PERSONS AND DEPORTEES

(Presented by the Document Content and Format Working Group)

1. INTRODUCTION

1.1 The 12th Edition (July 2005) of Annex 9 contains a new Chapter 5, on Inadmissible Persons and Deportees.

1.2 Chapter 5 centralizes Standards and Recommended Practices (SARPs) of Annex 9 that deal with inadmissible persons and deportees, and represents changes to the previous version of the Annex that were recommended by the Twelfth Session of the Facilitation Division (FAL/12), held in Cairo from 22 March to 1 April 2004, and later adopted by the ICAO Council.

1.3 The Chapter 5 SARPs, based on provisions of Chapter 3 of the 11th Edition (2002) of Annex 9, represent a big improvement over the text of the previous edition.

1.4 However, in a perusal of Chapter 5, several suggestions have arisen that should make a good process even better. These situations are identified below.

2. PRESENT ANNEX 9 STANDARDS, QUESTIONS AND PROPOSED SOLUTIONS

2.1 Paragraph 3.46 states: "The public authorities of each Contracting State shall seize fraudulent, falsified or counterfeit travel documents. The public authorities shall also seize the travel

documents of a person impersonating the rightful holder of the travel document. Such documents shall be removed from circulation immediately and returned to the appropriate authorities of the State named as issuer or to the resident Diplomatic Mission of that State.”

2.2 *Conditions of Document Return.* Documents acquired under paragraph 3.46 may also be considered as “evidence” and should be treated as such. DCFWG proposes that a form be developed that will capture and make uniform the data elements used to describe such evidentiary documents, and may also include other non-document based data points, such as travel routes, itineraries, travel agents, and other data points that may be useful in facilitating a link analysis of the data, and tracking *mala fide* travel. This form could be considered for addition to Appendix 9 of Annex 9. Use of this form would facilitate interoperability of such national data bases as may be established and regional or international global data bases on this subject.

2.3 *Timing of Document Return.* Although the documents are to be removed from circulation “immediately,” they may be returned at a later date, after they have been used as evidence, if there is to be a prosecution, or as training aids for instruction of inspection personnel. DCFWG supports the intention to return the documents, even the counterfeit ones, to the “State named as issuer”, while recognizing that the best training comes from real intercepts, and that their return will not be as fast as their capture.

2.4 *Return to the Appropriate Authorities.* An open issue is the question as to who these appropriate authorities are. The aim of this part is to prevent the documents from ever again falling into the hands of those who wish to use them for *mala fide* purposes. Documents without a specified return destination are no more welcome than people without a specified return destination. Each Contracting State will have its own preferred method of dealing with and evaluating these returned documents. DCFWG proposes that it would establish a list of contacts for the return of such documents. This is a daunting task; however, even partial success will reap great rewards. While there are 189 Contracting States, nationals or travel documents of only a minor part of these States are involved in a majority of travel document fraud.

2.5 Both paragraph 5.6, which is concerned with inadmissible persons without documents (also known as “flushers”), and paragraph 5.7, on the return of persons whose documents have been seized pursuant to para 3.46, call for the creation of a covering letter to facilitate the return of an inadmissible person from the State where he is determined inadmissible, to his last immediate point of embarkation. However, in many cases this only gets the inadmissible person part of the way back to his point of origin. DCFWG proposes that it should investigate the return practices of a number of Contracting States regarding this issue, and make recommendations on ways to improve the present practices.

2.6 Both paragraphs 5.6 and 5.7 recommend the use of a similar form for the return of inadmissible persons. DCFWG recommends that the two forms be evaluated to see if one form can be used for both purposes, and also whether one or more visual biometric indicators be added to this form; at least the face image will give an added value for recognition purposes.

3. ACTION BY THE TAG/MRTD

3.1 The TAG/MRTD is invited to:

- a) comment on the proposed DCFWG plan of work, and

- b) recommend that the DCFWG develop proposals for action by the next meeting of the TAG/MRTD.

— END —