



INTERNATIONAL CIVIL AVIATION ORGANIZATION

A United Nations Specialized Agency

**Tenth Symposium and Exhibition on Machine Readable Travel Documents
(MRTDs) and Border Security, Montreal, October 7-9, 2014**

24 November 2015 Deadline: Addressing the Challenge

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Outline

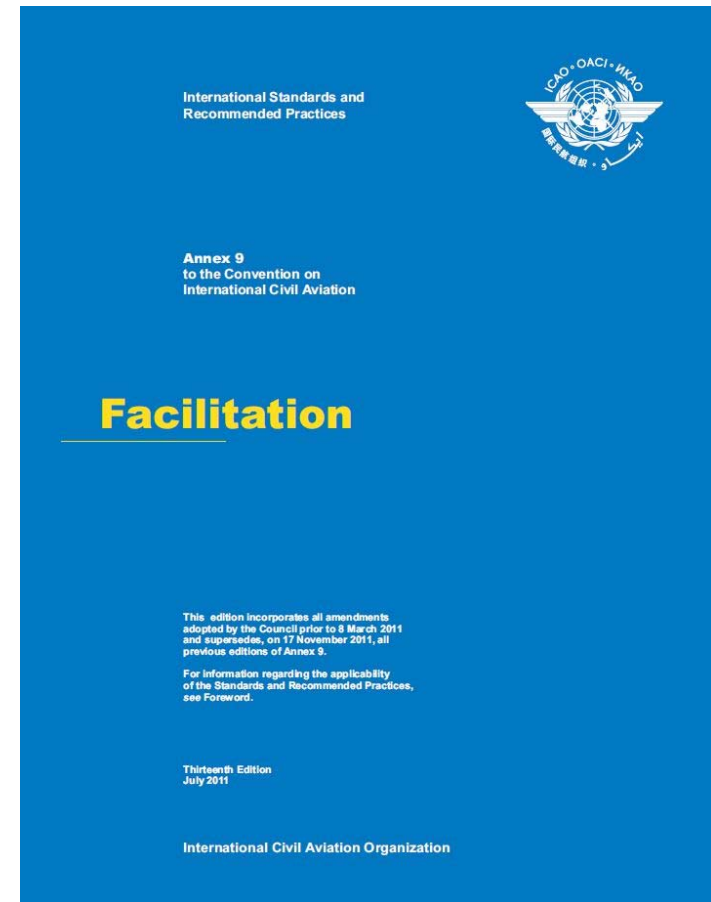


- **Annex 9 and SARPs**
- **Standard 3.10.1 provisions --- and obligations of Member States**
- **Estimated levels of compliance**
- **Consequences of non-compliance**
- **Managing non-compliance in practice: legal requirements and good practices**
- **Contacts and resources**

ANNEX 9 – Facilitation



- Coordinates functions of agencies related to border controls – **travel documents, immigration, customs, quarantine, law enforcement, transport operators, etc.**
- Requires inter-agency (and cross-border) cooperation to implement Annex 9 obligations
- Contains SARPs: **Standards** and **Recommended Practices**



SARPs MEANING



Standard

- Any specification, the **uniform observance** of which has been recognized as **practicable** and as **necessary** to facilitate and improve some aspect of international air navigation, which has been adopted by the Council pursuant to Article 54 (I) . . . , and **in respect of which non-compliance must be notified by Contracting States . . . in accordance with Article 38.**

Recommended Practice

- Any specification, the **observance** of which has been recognized as **generally practicable** and as **highly desirable** to facilitate and improve some aspect of international air navigation, which has been adopted by the Council pursuant to Article 54 (I) . . . , and to which **Contracting States will endeavour to conform in accordance with the Convention.**

SARPs MEANING



STANDARD	RECOMMENDED PRACTICE
SPECIFICATION	SPECIFICATION
UNIFORM OBSERVANCE	OBSERVANCE
PRACTICABLE & NECESSARY	GENERALLY PRACTICABLE & HIGHLY DESIRABLE
FACILITATE & IMPROVE . . .	FACILITATE & IMPROVE . . .
ADOPTED BY COUNCIL: ART. 54 (I)	ADOPTED BY COUNCIL: ART. 54 (I)
IN TEXT: X.XX Contracting States shall ...	IN TEXT: X.XX Recommended Practice. - Contracting States should ...
NON-COMPLIANCE MUST BE NOTIFIED IN ACCORDANCE WITH ART. 38 ('filing a difference')	CONTRACTING STATES WILL ENDEAVOUR TO CONFORM

Standard 3.10.1 provisions



What the Standard says:

→ Standard 3.10.1: “For passports issued after 24 November 2005 and which are not machine readable, Contracting States shall ensure the expiration date falls before 24 November 2015.”

What the Standard means:

→ **No current non-MRPs to be in circulation after 24 November 2015. (All non-MRPs should have expired by the deadline).**

Related to Standard 3.10: 1 April 2010 deadline on issuance of MRPs

Defining a non-MRP



Defining a non-MRP



- Non-MRPs – not compliant with the provisions of Doc 9303 Part 1 Vol 1

Scope of Standard 3.10.1 – applies to:

- *all* types of passports (Ordinary, Diplomatic Service, etc.)
- Does not apply to “passports or temporary travel documents of limited validity in cases of emergency”

Is Standard 3.10.1 relevant to ePassports?



- No!
- The 24 NOV 2015 is *not* a deadline for ePassports!
(No eMRP Standard exists so far)
- Some States and industry partners mistakenly believe that the 2015 date is a deadline for the introduction of ePassports. It is a misconception that needs to be dispelled.
- A Standard on obligatory ePassport may appear some day in the future if ICAO Member States agree to it. But nothing in the immediate future

Level of compliance with Standard 3.10.1



- Universal compliance likely? Alas
- Anecdotal evidence (from the industry and ICAO TAG/MRTD working groups suggests a “considerable” number of non-MRPs in circulation that expire after 24 NOV 2015
- Official figures needed

STATE LETTER EC6/3-12/70



- ICBWG/TAG-MRTD:

- a) raise awareness; b) ensure States have adequate time to comply with Standard

- State Letter dated 31 December 2012

- Brief background of issue

- Governments urged to invite citizens holding non-MRPs to apply for MRPs

- Questionnaire: gather information on worldwide application of 3.10.1 – determine action to promote implementation

STATE LETTER EC6/3-12/70



QUESTIONNAIRE

NAME OF STATE: _____

Please circle the appropriate response.

1. All *non-machine readable passports* have expired, or are due to expire, before 24 November 2015 **Yes/No**

If the answer is “**Yes**”, please skip to Question 3.

2. If the answer to Question 1 is “**No**”, please respond to the following questions:

- 2.1 The number of non-machine readable passports in circulation beyond 24 November 2015 will be approximately
- 2.2 All non-machine readable passports are due to expire by (date)

STATUS OF RESPONSES (as of 1/9/2014)



REGION	TOTAL RESPONSES	Q1: YES	Q1: NO	REMARKS Q. 2.1/2.2
APAC	17/38	14	3	217/2016 1.5m/2020 60000/2017
ESAF	6/24	6	—	—
EURNAT	33/56	32	1	300,000/2017
MID	9/15	9	—	—
NACC	10/21	9	1	—/2017
SAM	5/13	4	1	2m/—
WACAF	5/24	5	—	—
TOTALS	85/191	79	6	

Potential consequences of non-compliance



TAG/MRTD ICBWG has identified the following potential consequences of non-compliance with Standard 3.10.1:

- For the non-complying State -- some embarrassment and loss of face in the international community
- Other Member States *may* apply bilateral sanctions after 24 NOV 2015, eg:
 - Refuse the admittance to holders of non-MRPs , or
 - Make visa processing more onerous and costly because of associated risks
- (No official info received by ICAO yet – but anecdotal evidence suggests that a few major States are considering such approach)
- Potential costs to holders of non-MRPs after the deadline: financial loss – increased costs – delays – cancelled trips - disappointment

Managing the challenge



If difficulties with meeting the deadline ---

Recommended practical steps:

- **Assess the extent of the problem** (how many passports in your State expire after 24 NOV 2015, and when)
- Inform ICAO **responding to the Questionnaire** in the State Letter EC6/3-12/70
- **File a difference** with ICAO concerning Standard 3.10.1 as required by Art 38 of the Chicago Convention (form available upon request)

Managing the challenge – Contd.



- **Most important** - carry out **an information campaign** to inform your citizens about the 24 NOV 2015 deadline! **Encourage them to renew their passports.**
- If practicable, apply facilitated processing of such applications (a separate counter with shorter waiting times, reduced renewal fee, or similar). At the issuing authority's discretion!
- Keep an eye for any updates on the **24 NOV 2015 Deadline Webpage** on the TRIP Programme website at <http://www.icao.int/Security/mrtd/Pages/24-NOV-2015.aspx>

Contacts and Resources



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Inquiries related to filing a difference for Standard 3.10.1; responses to the Questionnaire in the State Letter EC6/3-12/70

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Any other inquiries or information and assistance requests related to the implementation of Standard 3.10.1, incl. requests for copies of the State Letter or filing a difference form

The 24 NOV 2015 Deadline Webpage on the TRIP Programme website at

<http://www.icao.int/Security/mrtd/Pages/24-NOV-2015.aspx>

Document 9303 and Supplement - free download at

<http://www.icao.int/Security/mrtd/Pages/Document9303.aspx>



THANK YOU!

Questions? Comments?

<http://www.icao.int/Security/mrtd/Pages/default.aspx>

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