



Guidelines for the Removal of Deportees

*This guidance material has been developed by the **IATA Control Authorities Working Group (CAWG)**. It is the outcome of collaborative working arrangements between governments and the airline industry to find mutually acceptable solutions for border management. For more information on the IATA CAWG: <https://www.iata.org/en/policy/consumer-pax-rights/facilitation-policy/>*

1. Introduction

- 1.1 This document provides a guide to best practice for the removal of deportees on commercial air services. Voluntary departures of deportees are not covered by these guidelines. Due regard has been given to the international Standards and Recommended Practices set forth in ICAO Annex 9 - *Facilitation*.
- 1.2 ICAO defines a Standard as 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. ICAO defines a Recommended Practice as 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.
- 1.3 In these guidelines, the IATA CAWG seeks to address the legitimate needs of both the departing State and the aircraft operator concerning the removal of deportees. These guidelines specifically recognize the right of the pilot-in-command to determine, for reasons of safety, which deportees will be accepted for transportation.

2. Terms and Definitions

For the purposes of this document, the following definitions are applied unless otherwise indicated:

- 2.1 **Admission:** The permission granted to a person to enter a State by the public authorities of that State in accordance with its national laws. (ICAO)
- 2.2 **Aircraft operator:** A person, organization or enterprise engaged in or offering to engage in an aircraft operation. (ICAO)
- 2.3 **Deportee:** A person who had legally been admitted to a State by its authorities or who had entered a State illegally, and who at some later time is formally ordered by the competent authorities to leave that State. (ICAO)
- 2.4 **DEPA:** The industry-approved code for a deportee who is escorted by qualified authorized personnel during the removal.

- 2.5 **Deportation order:** A written order, issued by the competent authorities of a State and served upon a deportee, directing him to leave that State. (ICAO)
- 2.6 **DEPU:** The industry-approved code for an unescorted deportee.
- 2.7 **Departing State:** The State that has organized a deportee's removal from its territory.
- 2.8 **Escort:** An individual authorized by a Contracting State or an aircraft operator to accompany inadmissible persons or deportees being removed from that Contracting State. (ICAO)
- 2.9 **Marketing carrier:** The carrier that sells with its own code as part of a code-share agreement on a flight actually operated by another carrier.
- 2.10 **MEDA:** The industry-approved code for a person who requires medical assistance.
- 2.11 **Other Service Information (OSI):** Used to advise the aircraft operator of the names and the PNR's of the escorts.
- 2.12 **Pilot-in-command:** The pilot responsible for the operation and safety of the aircraft during flight time. (ICAO)
- 2.13 **Passenger Name Record (PNR):** The generic name given to records created by aircraft operators or their authorized agents for each journey booked by or on behalf of any passenger. The data is used by operators for their own commercial and operational purposes in providing air transportation services. (ICAO)
- 2.14 **Removal of a person:** Action by the public authorities of a State, in accordance with its laws, to direct a person to leave that State. (ICAO)
- 2.15 **Risk Assessment:** An assessment by a departing State of a deportee's suitability for escorted or unescorted removal via commercial air services. The assessment should take into account all pertinent factors, including medical, mental, and physical fitness for carriage on a commercial flight, willingness or unwillingness to travel, behavioral patterns and any history of violence. (ICAO)
- 2.16 **Special Service Request (SSR):** A procedural requirement for the aircraft operator to take action.

3. Notification Requirements and Travel Documents

- 3.1 "Contracting States and aircraft operators should, where practicable, exchange information as to the appropriate 24-hour point(s) of contact(s) to whom deportee inquiries should be directed." (Recommended Practice 5.18.1 of Annex 9)
- 3.2 The departing State should share with other governments the contact details for the desk or department to which notification of inbound removals should be directed.
- 3.3 "Contracting States, when making arrangements with an aircraft operator for the removal of a deportee, shall make available the following information as soon as possible, but in any case not later than 24 hours before the scheduled time of departure of the flight:
- a) A copy of the deportation order, if legislation of the Contracting State allows it;
 - b) A risk assessment by the State and/or any pertinent information that would help the aircraft operator assess the risk to the security of the flight; and,
 - c) The names and nationalities of any escorts." (Standard 5.19 of Annex 9)
- 3.5 The departing State should inform authorities in transit States and destination States of the deportee's movement and the details surrounding that movement.
- 3.6 The originating aircraft operator should ensure that any other aircraft operator involved in the itinerary is informed of the deportee's movement via the operator's reservation system by using the required SSR for deportee and OSI data element for the names and PNR's of the eventual escorts.
- 3.7 The departing State should arrange the correct travel documents for deportees and escorts for the complete itinerary.
- 3.8 "A Contracting State, when presenting a deportee for removal, shall ensure that all official travel documentation required by any transit and/or destination State is provided to the aircraft operator." (Standard 5.21 of Annex 9) The travel documents of the DEPA remain with the escorts.
- 3.9 "Where the removal of a deportee relates to an unaccompanied minor, the departing State shall take appropriate measures to ensure that suitable arrangements are in place for the minor at point of departure, transit and point of destination, taking into particular consideration his best interests." (Standard 5.18.2 of Annex 9)

4. Requirements for Escorts

- 4.1 When the removal of a deportee is under consideration, the departing State should conduct a risk assessment of that deportee to determine whether the use of an escort is required, and if so, the number of escorts required.
- 4.2 The departing State should inform the aircraft operator of the results of its risk assessment to facilitate the aircraft operator's internal evaluation and notification process.
- 4.3 "Contracting States, when determining that a deportee must be escorted and the itinerary involves a transit stop in an intermediate State, shall ensure that the escort(s) remain(s) with the deportee to his final destination, unless suitable alternative arrangements are agreed, in advance of arrival, by the authorities and the aircraft operator involved at the transit location." (Standard 5.24 of Annex 9)
- 4.4 Any limitation on the number of deportees that can be carried on a specific aircraft is subject to the aircraft operator's policy, and to consultation between the departing State and the aircraft operator.
- 4.5 The departing State should use authorized escorts for its removals.
- 4.6 Neither escorts nor deportees are allowed to drink alcohol during the removal.

5. Reservation and Ticketing

- 5.1 "Contracting States, in making arrangements for the removal of a deportee to a destination State, shall use direct non-stop flights whenever practicable." (Standard 5.20 of Annex 9)
- 5.2 The departing State is responsible for flight reservations on the operating carrier, specifying whether it is a DEPU, DEPA, and/or MEDA.
- 5.3 The reservation made for the escorts should clearly indicate their status as well as the name and PNR of the deportee they escort. The aircraft operator's reservation and ticketing policy applies.

6. Check-In, Boarding and Security Processes

- 6.1 Check-in and boarding processes should be adapted to fit the specific removal situation and airport infrastructure.
- 6.2 The handling of baggage of deportees and escorts should not delay the flight's departure in the event that the deportee does not travel.

- 6.3 The aircraft operator's procedures apply regarding pre-boarding of deportees. Alternative arrangements may be necessary depending on the situation at hand.
- 6.4 The aircraft operator should advise the pilot-in-command about the presence and status of the deportee.
- 6.5 The Pilot-in-command can request additional information concerning the deportee. "The aircraft operator and/or the pilot-in-command shall have the option to refuse to transport a deportee on a specific flight when reasonable concerns relating to the safety and security of the flight in question exist." (Standard 5.19.1 of Annex 9)
- 6.8 The aircraft operator's policy defines the physical seating of deportees and escorts on the aircraft.
- 6.9 Where deportees board the aircraft via direct ramp-side transfer, State and airport screening personnel should cooperate with the aircraft operator to ensure that alternative arrangements are available which allow all applicable government-mandated security-screening requirements prior to embarking the deportee.
- 6.10 The aircraft operator's policy defines the use of restraining devices, including sedatives or other drugs, with regard to deportees on the aircraft.
- 6.11 Escorts should be trained in the safe use of restraint devices, subject to government regulation and the transporting aircraft operator's policy and have access to such appropriate devices when accompanying a deportee.
- 6.12 States that administer sedatives or other drugs to deportees should ensure that the deportee is accompanied to the final destination by a medical attendant, or by an escort authorized to administer the medication during travel.

7. Security Issues

- 7.1 "Contracting States removing deportees from their territories shall assume all obligations, responsibilities and costs associated with the removal" (Standard 5.18 of Annex 9).
- 7.2 If the destination State refuses entry for any reason, the departing State is responsible and liable for all penalties, obligations or liabilities associated with the return of the deportee.
- 7.3 The delivering aircraft operator should not be held liable for the refusal by a receiving connecting aircraft operator or the authorities of either transit or destination State.

- 7.4 "Contracting States shall not prevent the departure of an operator's aircraft pending a determination of admissibility of any of its arriving passengers." (Standard 5.16 of Annex 9)
- 7.5 The pilot-in-command assumes full authority with respect to the deportee and escorts at the point of the deportee's boarding. That authority may extend to refusing to accept an escorted or unescorted deportee for transportation when the pilot-in-command considers that action to be in the best interest of flight safety. Such refusal should relate to the deportee's actions and behavior at the time of boarding or at a subsequent time.
- 7.6 The aircraft operator should, when so requested by the departing State, provide reasons in writing for such refusals.
- 7.7 "A Contracting State shall give special consideration to the admission of a person, deported from another State, who holds evidence of valid and authorized residence within its territory." (Standard 5.23 of Annex 9)

8. Arrival Procedure: DEPU

- 8.1 In case the pilot-in-command is asked by the appropriate authorities to keep the travel documents of a DEPU in the care of the crew, (e.g. on flight deck, during the flight) such documentation should be handed over to the police/warden meeting the DEPU if so has been agreed, otherwise to the DEPU himself/herself when disembarking.
- 8.2. If a preannounced meeting arrangement at a transit or final station fails, (e.g. there is no one there to meet), the pilot-in-command should have no obligations but may hand over whatever documentation there is to the disembarking DEPU.