



# Guidelines for the Removal of Inadmissible Persons

*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 inadmissible persons. Due regard has been given to the Standards and Recommended Practices (SARPs) 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.
- 1.2 In these guidelines, the IATA CAWG seeks to address the legitimate needs of States and aircraft operator's responsibility concerning the removal of inadmissible person(s). These guidelines specifically recognize the right of the pilot-in-command to determine, for reasons of safety, which inadmissible person(s) will be accepted for transportation. The pilot-in-command not accepting an inadmissible person for transportation, for safety reasons, does not remove the aircraft operator's liability to make arrangements for the removal of the inadmissible person on a later flight, when the removal can be conducted in a safe manner.
- 1.3 In seeking to interdict the travel of inadmissible persons, and to facilitate their removal and return, States and aircraft operators are encouraged to jointly develop and implement initiatives, which seek to ensure that all international passengers and crew hold the required travel documents at the time of embarkation.
- 1.4 States and aircraft operators are urged to develop greater levels of cooperation to enhance security, flexibility, and, ultimately, border integrity.

## 2. Terms and Definitions

For the purposes of this document, the following definitions shall be 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 **Border integrity:** The enforcement, by a State, of its laws and/or regulations concerning the movement of goods and/or persons across its borders. (ICAO)
- 2.4 **Commencement of journey:** The point at which the person began their journey, without taking into account any airport at which they stopped in direct transit, either on a through-flight or a connecting flight, if he did not leave the direct transit area of the airport in question. (ICAO)
- 2.5 **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)
- 2.6 **Inadmissible person:** A person who is or will be refused admission to a State by its authorities. (ICAO)
- 2.7 **Pilot-in-command:** The pilot responsible for the operation and safety of the aircraft during flight time. (ICAO)
- 2.8 **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)
- 2.9 **Removal order:** A written order served by a State on the operator on whose flight an inadmissible person travelled into that State, directing the operator to remove that person from its territory. (ICAO)
- 2.10 **Travel document:** A passport or other official document of identity issued by a State or organization, which may be used by the rightful holder for international travel. (ICAO)

### 3. Notification Concerning Findings of Inadmissibility

- 3.1 "Contracting States shall not prevent the departure of an operator's aircraft pending the determination of admissibility of any of its arriving passengers." (Standard 5.16 of Annex 9)
- 3.2 "Contracting States shall without delay notify the aircraft operator, confirming this as soon as possible in writing, when a person is found inadmissible, pursuant to 3.45 [of Annex 9]." (Standard 5.3 of Annex 9)
- 3.3 The aircraft operator should provide primary contact names at the port level to the authorities with regard to notifications.
- 3.4 "Contracting States shall ensure that a removal order is issued to the aircraft operator in respect of a person found inadmissible. The removal order shall include information regarding the inbound (arriving) flight carrying such person and, if known, the name, age, gender and citizenship of the person in question." (Standard 5.5 of Annex 9)

### 4. Arrangements for Removal After Determination of Inadmissibility

- 4.1 "The aircraft operator shall remove the inadmissible person to a) the point where he commenced his journey b) to any place where he is admissible" (Standard 5.11 of Annex 9)
- 4.2 States should consult with the aircraft operator with regard to the most practicable itinerary of the removal.
- 4.2 "Contracting States, through their public authorities, shall consult the aircraft operator on the time frame for removal of the person found inadmissible, in order to allow the aircraft operator a reasonable amount of time during which to effect the person's removal via its own services or to make alternative removal arrangements." (Standard 5.4 of Annex 9)
- 4.3 "Contracting States ordering the removal of an inadmissible person who has lost or destroyed his travel documents shall deliver a covering letter in the format set forth in Appendix 9 (1) in order to give information to the authorities of the State(s) of transit and/or the commencement of journey. The covering letter, the removal order and any relevant information shall be handed over to the aircraft operator or, in the case of escorted persons, the escort, who shall be responsible for delivering them to the public authorities at the State of destination." (Standard 5.6 of Annex 9)
- 4.4 In the event that removal with an ICAO covering letter is not feasible, the State should organize replacement travel documents, or organize suitable alternate arrangements with the destination State.

- 4.5 "Contracting States that have reason to believe that an inadmissible person might offer resistance to his removal shall inform the aircraft operator concerned as far in advance as possible of scheduled departure so that the aircraft operator can take precautions to ensure the security of the flight." (Standard 5.8 of Annex 9)
- 4.6 The decision to use escorts in supporting an inadmissible person's removal remains with the aircraft operator.

## 5. Assistance and Cooperation in The Removal Process

- 5.1 States should cooperate with the aircraft operator and other states (where applicable) to facilitate the removal of inadmissible persons.
- 5.2 "A Contracting State shall accept for examination a person removed from a State where he was found inadmissible, if this person commenced his journey from its territory. A Contracting State shall not return such a person to the country where he was earlier found inadmissible." (Standard 5.12 of Annex 9)
- 5.3 "Contracting States shall accept the covering letter and other papers delivered pursuant to 5.6 or 5.7 (of Annex 9) as sufficient documentation to carry out the examination of the person referred to in the letter." (Standard 5.13 of Annex 9)