International Carrier Responsibilities

Section 3.4

Topics:

Carrier Responsibilities
International Organizations
Mechanisms for Carrier Compliance
Carriers and Migration Issues

Essentials of Migration Management
Volume Three: Managing Migration
International Carrier Responsibilities

Section 3.4

Transportation carriers play a significant role in migration. They facilitate the movement of legitimate travellers while at the same time exercising controls to limit illegal migration as required by State authorities. The content of this Section will apply to both airline and marine sectors, although, in most jurisdictions, the airline sector has the major role.

This Section provides information on the obligations of international carriers, and reviews current models for encouraging and ensuring carrier compliance.

Topic One describes the responsibilities of carriers, Topic Two discusses the role of major international organizations responsible for developing standards and practices, Topic Three outlines mechanisms that ensure carrier compliance with their obligations, and Topic Four discusses the issues that arise for carriers when migrants and asylum-seekers without appropriate documentation attempt to board.

Learning Objectives

• identify carrier obligations and liabilities under international conventions

• understand the important role of carrier compliance in managing irregular and illegal migration

• improve your ability to identify the appropriate approach for ensuring carrier compliance in your setting
Section 3.4

Background

The relationship between governments and carriers is complex and has potential for misunderstanding and conflict. A number of issues must be addressed in order to develop an effective relationship. These include: the role of the industry; how to deal with improperly documented travellers; the denial of boarding to potential asylum-seekers; and arrangements in regard to inadmissible passengers who are in transit.

The legal responsibilities of carriers are found in the migration laws and regulations of the State that grants them landing rights. International carriers must therefore be familiar with, and comply with, a wide range of legislation and regulations.

Guiding Questions

1. To what extent are the provisions and obligations of Annex 9 of the Convention on International Civil Aviation reflected in your State’s legislation and/or practice?

2. What is the most appropriate model for your State to follow in its interaction with carriers? Is this model in place?

3. To what extent are the migration management concerns of your State represented at various international bodies established for this purpose?

Key Message

A balance between an enforcement approach and a cooperative approach is the most effective way to build a partnership with carriers. The partnership between the carrier and the government should be managed at both the executive and local levels to ensure carrier compliance with State expectations for migration management. This is essential for a successful programme.
Terms and Concepts

Carriers
Transportation companies engaged in the carriage of travellers by land, sea, or air

Compliance mechanisms
Institutional and administrative arrangements that encourage and ensure compliance with established requirements

Control authorities
The administrative and organizational units within a national government that are responsible for managing the orderly movement of regular migrants, and for control of irregular and illegal migration

IATA
The International Air Transport Association, established in 1919 as the trade association for the airline industry

IATA/CAWG
The International Air Transport Association/Control Authorities Working Group (IATA/CAWG) brings together airlines and immigration control authorities from 19 countries to develop and pursue a cooperative programme for the facilitation and processing of air passengers, while ensuring effective action against illegitimate traffic.

ICAO
The International Civil Aviation Organization, established in 1947 to give expression to the terms of the International Convention on Civil Aviation (The Chicago Convention)

IMO
The International Maritime Organization, established in 1958 as the United Nations’ specialized agency responsible for improving maritime safety and preventing pollution from ships
Carrier Responsibilities

The legal responsibilities of carriers are found in the individual immigration laws and regulations of the State that grants them landing rights. International carriers must therefore be familiar with, and comply with, a wide range of legislation and regulations from various authorities.

States are expected to follow standards and recommended practices set out in Annex 9 to the Convention on International Civil Aviation, also referred to as the Chicago Convention, in order to achieve some degree of international consistency when developing carrier obligations in their legislation. Further information on the mandate of the International Civil Aviation Organization (ICAO), and details concerning Annex 9, are provided Resources for this Section.

The International Maritime Organization (IMO) is responsible for more than 40 international conventions. The most relevant in the context of carrier responsibilities are the Convention on Facilitation of International Maritime Traffic (FAL Convention), the International Convention for the Safety of Life at Sea (SOLAS), the International Convention on Maritime Search and Rescue (SAR), and the United Nations Convention on the Law of the Sea (UNCLOS), which acts as more of a framework convention.

A balance between an enforcement approach and a cooperative approach is the most effective approach for dealing with carriers. The key is striking the right balance point. Some carriers will respond more positively to incentives, while others respond to the threat of sanctions and penalties for non-compliance. When a carrier is uncooperative, it is advisable to explore the issue with senior industry representatives before taking enforcement action.

Important Points

1. A major impediment to a successful government/carrier programme can be the lack of acceptance by individual carriers of the role that the government has given them. While the industry may generally acknowledge that it has a role to play in controlling irregular migration, the extent of that role, and the manner in which it should be exercised, can become issues of contention between individual carriers and control authorities.
This potential for conflict can be minimized if a clear understanding on roles and responsibilities is established by senior representatives at the outset and, preferably, formalized in writing.

What You Need To Know About...

**Airline Responsibilities**

The most important responsibilities for the airline sector as outlined in the *Convention on International Civil Aviation* are:

- to provide facilities for the holding and examination of persons
- to hold travel documents in certain circumstances and to present those documents to the control authorities at ports of entry
- to arrange for the medical examination of a passenger at the port of entry when the inspecting officer determines that the passenger may present a threat to public health
- to provide travel information, including a copy of the person’s ticket, itinerary (including the place of embarkation) and dates of travel, document number and type of passport, travel document or identity document carried by the person, the country of issue of the document, and the name of the person to whom it was issued
- upon departure from the last point of embarkation and before arrival at the port of entry, to provide specific information on each passenger or all reservation information on that passenger
- upon request, to provide access to its reservation system
- where the airline has been advised by the control authority that a person is inadmissible, not to carry that person
- to examine passengers and ensure that they have the correct documentation (passport/travel document and visa where required) and to deny boarding to improperly documented passengers
- to copy travel documents at the point of embarkation in certain circumstances
- to present passengers for examination and hold them until examination is completed
- to ensure return conveyance of persons who are refused admission, within a prescribed time frame, and to advise the authorities of the travel arrangements
- when returning a person under removal order, to provide any escorts that may be required
- to pay the costs of returning an inadmissible person that may include accommodation, transport, costs of escorts including travel and accommodation costs, fees to obtain travel documents and visas for the passenger and escorts, meals, wages paid to escorts, expenses incurred for interpreters, and medical and other personnel who may be involved in the removal.
What You Need To Know About...

**Marine Carrier Responsibilities**

The most important responsibilities for the marine sector are:

- to notify the authorities of the presence of a stowaway upon arrival at the port of entry
- upon request, to provide a written report concerning the stowaway
- to hold a stowaway on board until he can be presented to the authorities for examination
- to provide a crew list to the authorities upon arrival
- to maintain a current crew list while in the State’s territory and to provide the authorities with a copy of the crew list upon departure
- to advise the authorities as soon as a crew member ceases to be a crew member
- to advise the authorities whenever a person allowed entry to become a member of a crew fails to become a member of the crew
- to provide facilities aboard the vessel so that examinations may be conducted
- to convey crew members or persons intending to become members of a crew who are inadmissible
- to confirm the crew with the authorities upon departure
- to notify the authorities when a crew member deserts, is hospitalized, or fails to rejoin the vessel.

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**Apply What You Have Learned**

1. What sources of potential conflict between carriers and your government are of greatest concern?

2. Identify a requirement that your government expects carriers to be aware of and comply with.

3. Which of the responsibilities identified in this topic for carriers can be supported by government initiatives? What would you recommend?
To what extent are the provisions and obligations of Annex 9 of the Chicago Convention reflected in your State’s legislation and/or practice?
Topic Two

International Organizations

The relationship between control authorities and carriers is governed by a number of international conventions and is framed by a number of international organizations or agencies. The key organizations are the International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO), and the International Air Transport Association (IATA).

National governments should contribute in a meaningful way to the Facilitation Programs of the ICAO and the IMO and should ensure that ICAO and IMO standards and recommended practices are implemented and understood by relevant officials. The role and responsibility of each organization is discussed in the need to know points that follow.

What You Need To Know About...

The International Civil Aviation Organization (ICAO)

ICAO was created by a meeting of 52 countries in Chicago, USA in November 1944. ICAO’s Headquarters are now located in Montreal, Canada. The result of that meeting was the Convention on International Civil Aviation (referred to as the Chicago Convention) created to ensure that international civil aviation was developed in a safe and orderly manner. The body charged with the administration of the Convention is the International Civil Aviation Organization, which was formally created in April 1947 under the authority of section 37 of the Convention. The headquarters of ICAO is located in Montreal, Canada.

The mandate of ICAO is to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to ensure the safe and orderly growth of international civil aviation throughout the world.

ICAO consists of the Assembly and the Council.

The Assembly consists of one or more delegates from contracting States and meets at least once every three years. Each signatory State is entitled to one vote and decisions are taken by majority. At these sessions, the complete work of ICAO is reviewed and guidance given to the other bodies of ICAO.
These include the Air Navigation Commission, the Air Transport Committee, the Legal Committee, the Finance Committee, the Committee on Unlawful Interference, the Committee on Joint Support of Air Navigation Services, the Personnel Committee, and the Technical Cooperation Committee.

The Council is a permanent body, responsible to the Assembly; it consists of 33 members elected by the Assembly for a three-year term. One of the major responsibilities of the Council is to adopt international standards and recommended practices (SARPs) and to incorporate them into the 18 Annexes to the Convention. A Standard is a specification the uniform application of which is necessary for the safety or regularity of international air travel. A Recommended Practice is a specification the uniform application of which is desirable in the interest of safety, regularity, or efficiency of international civil aviation.

The Council may also resolve differences between States on the implementation of the Convention and may take any steps necessary to maintain the safety and evolution of international air transport.

Contracting States are expected to comply with ICAO standards and recommended practices. In some instances, this may require review of policy and/or amendments to domestic legislation and therefore ICAO will provide sufficient time before new standards and recommended practices become effective. Where contracting States cannot comply with an ICAO standard or recommended practice, they must file a difference with ICAO before the effective date. In addition, to facilitate the implementation of standards and recommended practices, ICAO issues technical manuals and guidance material on a variety of topics.

ICAO has no powers to enforce compliance with its standards and recommended practices. Rather, it is the responsibility of each contracting State to ensure its individual compliance.

The key instrument governing the obligations of States and carriers is Annex 9 to the Convention. Annex 9 - Facilitation deals with migration matters and comes under the authority of the Air Transport Committee. In order to review and update standards and recommended practices, all contracting States are invited to attend a meeting of the Facilitation Division (FAL) approximately every seven years, and to submit working papers to discuss proposed recommendations for new and amended standards and recommended practices. In addition, a smaller number of States may be invited to attend FAL panels, which are held on a more frequent basis. Proposed modifications to standards and recommended practices will be finalized by the Air Transport Committee and submitted to Council where a two-thirds majority is required. Following their adoption, the standards and recommended practices become applicable at dates set by Council.
To ensure compliance with Annex 9, contracting States are required to develop a national air transport facilitation programme based on the facilitation requirements of the Convention and of Annex 9. Standards and recommended practices outlining the requirements to establish this programme can be found in sections 8.17 – 8.21 of Annex 9. Guidance material to organize the programme and its committees is provided in Appendices 11 and 12 to the Annex.

What You Need To Know About...
The International Maritime Organization (IMO)

The IMO, with Headquarters in London, UK, is the United Nations’ specialized agency responsible for improving maritime safety and preventing pollution from ships. It was created in 1958 and was given the mandate of ensuring that existing conventions were kept up to date and of developing new conventions when the need arose. The IMO is now responsible for more than 40 international conventions.

The mandate of the IMO is:
• “to provide machinery for cooperation among governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation, and prevention and control of marine pollution from ships.”

The structure and working methods of the IMO are very similar to those of ICAO. The Assembly and Council are the main bodies, with committees for maritime safety, marine environment protection, legal matters, and facilitation.

The document of interest to control authorities is the Convention on Facilitation of International Maritime Traffic (FAL Convention). This Convention is designed to prevent unnecessary delays in maritime traffic, to aid cooperation between governments, and to secure the highest practicable degree of uniformity in formalities and other procedures.

The FAL Convention defines standards as measures that are “necessary and practicable in order to facilitate international maritime traffic” and recommended practices are defined as “measures the application of which is desirable.” The body responsible for the FAL Convention is the Facilitation Committee.
The Annex to the FAL Convention contains standards and recommended practices dealing with stowaways. The standards recognize the right of stowaways to fair and humane treatment. Contracting States should require masters of ships entitled to fly their flag to take measures to ensure the security, general health, welfare, and safety of stowaways including provisions, accommodation, medical attention, and sanitary facilities. Lastly, the standards and recommended practices provide a number of requirements for the disembarkation of stowaways.

In addition, the standards and recommended practices include a list of security requirements that should be put in place by ships when calling at high-risk ports. In order to consider new or amended standards or recommended practices, member States are invited to attend meetings of the Facilitation Committee approximately every two years and to submit working papers for review by the Committee. Following the recommendations of the Committee, new or revised standards and recommended practices are sent to governments, which may file objections. Unless a specified number of objections are filed, the changes to the Convention are adopted.

Contracting States are expected to comply with IMO standards and recommended practices. In some instances, this may require a review of policy and amendments to domestic legislation and therefore the IMO will provide sufficient time before implementation. The IMO has no authority to enforce compliance with its standards and recommended practices. It is the responsibility of each contracting State to ensure their individual compliance with IMO standards and recommended practices, and to set penalties for infringements where applicable.

What You Need To Know About...

*The International Air Transport Association (IATA)*

IATA, with Headquarters in Montreal, Canada, and main office in Geneva, Switzerland, is the trade association for the international airline industry. It was founded in 1919 and represents approximately 270 airlines. IATA's mission is to “represent and serve the airline industry.” As IATA represents airlines, which carry over 95 per cent of all international scheduled traffic, it has an important voice in representing the position of the industry. IATA's head office is in Montreal with its main executive office in Geneva. In addition, there are 10 regional offices and more than 90 local offices worldwide, which are responsible for training and product distribution.

IATA maintains a comprehensive facilitation programme, which works to reduce unnecessary regulation and to improve inspection procedures to expedite the movement of people and goods over international boundaries.
IATA's principle goal is to encourage universal acceptance of the standards and recommended practices contained in Annex 9 to the Chicago Convention. The Facilitation Section accomplishes its work through a number of panels and working groups. It also produces a Facilitation Guide, a Facilitation Directory, and a Document Guide to assist front-line staff on the inspection of travel documents.

The International Air Transport Association/Control Authorities Working Group (IATA/CAWG) brings together airlines and immigration control authorities from 19 countries to develop and pursue a cooperative programme for the facilitation and processing of air passengers, while ensuring effective action against illegitimate traffic. Facilitation is concerned with reducing unnecessary regulation and with improving inspection procedures to expedite the movement of people and goods over international boundaries. Its goal is to encourage universal acceptance of ICAO's *Annex 9* Standards and Recommended Practices.

### Apply What You Have Learned

1. Identify one way that each international organization discussed in this Topic could assist your State in developing effective relationships with carriers.

2. To what extent are the migration management concerns of your State represented at the international bodies described in this Topic?
Topic Three

Mechanisms for Carrier Compliance

Control authorities can provide support to carriers to assist them in fulfilling their legal obligations. For example, by:

- designing online carrier guides that outline legal requirements and procedures
- creating an overseas network of officers attached to diplomatic missions whose function is to support the carriers
- providing regular training on documentation requirements and detection of fraudulent documents, possibly including self-instruction manuals and CDs
- creating a hotline, 24 hours a day, 7 days a week, that carriers can call for assistance
- providing timely trends and alerts to appropriate personnel.

At a minimum, an annual meeting with senior industry representatives should be held to review the performance of the industry, discuss problematic issues, and provide indications of future plans that could impact on the industry. In addition to supportive measures, a number of mechanisms have been found to be effective in encouraging carrier compliance. They are fines, administration fees, security deposits, and memoranda of understanding. What you need to know about each is described next.

Important Points

1. Most countries have moved away from the litigation model in favour of a cooperative administrative model where administrative penalties are the consequence of non-compliance.

2. Measures may be invoked by the control authority to ensure compliance if provision is made for this in national migration management legislation. Some of these measures may include:
   - suspension of the memorandum of understanding with the carrier
   - request for a higher level of security deposit
   - partial or total seizure of security deposits
   - seizure of a vehicle/aircraft for a temporary period pending compliance by the carrier
   - seizure and sale of a vehicle in order to recover monies owed
   - cancellation of landing rights.
Fines, penalties, or fees should only be set at levels required to achieve compliance. Imposing undue financial hardship may have the effect of reducing cooperation and ultimately raise travel costs for the travelling public.

What You Need To Know About...

Financial Penalties

Under this mechanism, carriers may be liable for a penalty for any violation of their obligations under law. In practice, fines for violations other than disembarking improperly documented passengers are not common.

The term “improperly documented” applies to the following situations:

- lacking a passport or acceptable travel document
- lacking a visa if one is required
- using a counterfeit passport or visa
- using an altered passport or visa
- using valid documents not held by rightful owner
- having no documents

Once a passenger is determined by a control authority to be improperly documented, two notifications are usually provided. The first notification advises the airline of the person’s inadmissibility and puts the airline on notice that it may be required to make arrangements to return the person at some point in the future. The second notification advises the airline of an improperly documented arrival. The latter action must be done quickly so that queries concerning the passenger can be conveyed to airline staff at the point of embarkation and an investigation conducted while information concerning the boarding of that passenger is still available.

To avoid a penalty, the airline must demonstrate that it applied due diligence and was not negligent in examining the documents of the individual.

Control authorities may decide not to assess a financial penalty in the following circumstances:

- The alteration or counterfeit is not reasonably apparent
- The alteration or counterfeit is of such a high quality that specialized equipment is required
- Where documents are valid but the passenger is not the rightful holder, the difference between the photograph and the passenger is not reasonably apparent
The carrier acted on the advice of an agent of the control authority at the point of embarkation.

In the case of a passenger with no documents, the carrier produces a passenger manifest that does not contain the name of the passenger or the alias used. In this situation, there is no proof that the passenger arrived on that flight or airline. This recognizes the fact that, on the advice of smugglers, passengers will often “forget” or misrepresent the flight used.

Carriers will normally have a specified period of time (usually 30 days) to provide a defence as to why a financial penalty should not be imposed.

What You Need To Know About...

Administration Fees

The application of Administration Fees to a carrier is a different concept in law to the regime of financial penalties, although its implementation is similar.

The rationale for administration fees is based on the fact that improperly documented arrivals cause significant costs to the control authorities, and the airline that brought the arriving persons should assume a portion of the cost. The administration fee is not therefore a penalty, but is the airline’s portion of processing costs.

Since the applicable principle is cost recovery, due diligence does not apply. There is no defence except where it can be demonstrated that the airline did not carry the passenger.

What You Need To Know About...

Security Deposits

To ensure compliance with financial obligations, carriers are requested to deposit security to ensure that their financial obligations can be met. There are two types of security. General security will normally be required of all carriers with regular passenger service.

The amount of security is an estimate of potential financial liabilities. This will be determined by the nature and frequency of flights. The carrier’s payment record may also be taken into account. Payment may be in cash or by the establishment of a line of credit. Interest may be paid on cash deposits.
Case-specific security may be requested on a case-by-case basis. This type of security is more applicable in the marine sector, specifically to inadmissible crew members and stowaways.

What You Need To Know About...

**Memoranda of Understanding**

Control authorities and carriers may enter into agreements, also known as memoranda of understanding (MOUs), to clarify their roles and responsibilities, particularly with respect to document screening and improperly documented passengers. This provides a framework for managing the relationship and may help to prevent the need for ongoing clarification of contentious issues.

Within the memoranda of understanding, the responsibilities of the carrier are generally to:

- ensure that all agents who will be examining travel documents have been trained on the documentation requirements of the relevant control authority and the detection of fraudulent documents
- ensure that all travel documents are screened by trained personnel at the point of embarkation
- make use of basic technological aids in checking travel documents
- conduct a gate check, i.e., a final check of travel documents at the gate to the aircraft to ensure that the person who checked in is the same person appearing at the gate
- deny carriage to any person who is improperly documented
- photocopy or hold travel documents in certain specified situations
- examine the travel documents of passengers pre-boarded at other airports
- provide Advance Passenger Information (API) as required
- provide information on all interdicted passengers
- request assistance from the mission of the control authority when required.

Within the memoranda of understanding, the responsibilities of the control authority are generally to:

- provide training to carrier personnel on a regular basis
- provide assistance in obtaining appropriate technological aids
- provide ongoing support and assistance to the carrier through a designated diplomatic mission
- provide fraud prevention information (alerts and trends) on a regular and timely basis
- provide timely information to carriers concerning improperly documented passengers who have been conveyed by carriers
- provide financial relief to operators by mitigating financial penalties or fees where the operator is in compliance with the memorandum of understanding.
Apply What You Have Learned

1. What support programmes for carriers would you recommend in your setting?

2. How can financial penalties and administration fees be used to improve control in your setting?

3. What are the most appropriate mechanisms for your State to follow in managing carrier compliance?
Topic Four

Carriers and Migration Issues

Irregular migration by persons using improper documentation brings significant costs to control authorities in terms of enforcement processing. These include the costs of examination, detention, administrative tribunals, legal assistance, investigations, and removal activities. Significant costs may also be incurred by other levels of government involving welfare, education, and medical costs.

Security and criminality are also major concerns, as the identity of the majority of improperly documented passengers who arrive at international airports cannot easily be determined due to fraudulent documentation or the complete absence of any travel or identity documents.

Important Points

1. Irregular migration also has a significant impact on carriers. In most jurisdictions, fines or penalties are assessed for such arrivals. In some jurisdictions, carriers may also be required to pay detention costs, as well as the medical expenses, of persons not admitted.

2. It is consistent with international practice that the carrier that originally conveyed the inadmissible passenger is liable for the removal.

3. Irregular migration cannot be controlled in isolation by either carriers or control authorities. Rather, there are legitimate roles and responsibilities for each party in the development and implementation of “best practices” that can assist in reducing this movement.

4. Communication and cooperation are essential requirements of a successful carrier compliance programme. A formal mechanism that sets out best practices and the roles and responsibilities of the carrier, and the control authority in implementing these practices, should be clearly established and agreed upon.
What You Need To Know About...

Denying Passage to Asylum-seekers

International law does not provide for a right of passage to a specific country. The rights of a person to seek asylum on a specific territory only commence when the person is present in that territory.

Experience shows that many travellers make a claim for refugee protection on arrival at their intended destination. In many cases, the individuals concerned could have pursued the option of claiming asylum in the State of embarkation or in a neighbouring country that is a signatory to the UN Convention.

Allowing such persons to embark, notwithstanding improper documentation, would render passport and visa requirements meaningless and further increase irregular migration. Irregular migration erodes the integrity of refugee determination systems, ultimately penalizing the legitimate refugee.

A carrier who knowingly carries an improperly documented passenger could risk a criminal prosecution for aiding and abetting in migrant smuggling. Carriers are required by law to interdict improperly documented passengers and must pay fines for conveying improperly documented passengers.

What You Need To Know About...

Inadmissible Passengers in Transit

A situation can arise where a check conducted at a transit point identifies an improperly documented passenger who then seeks admission to the country of transit without proper documentation. In this circumstance, the concerned airline is liable to a financial penalty in the transit country. Control authorities encourage carriers to conduct thorough checks of documents and to offload improperly documented passengers.

What Do You Think?

To facilitate carrier compliance and in the interest of reducing international illegal migration, it has been suggested that where a passenger in transit, or being transferred to another flight, is found to be improperly documented and offloaded, the airline should not be assessed a fine or penalty by the local control authority.
Apply What You Have Learned

1. Identify a migration issue involving carriers that is important in your setting.

2. What would you recommend for a successful carrier compliance programme?

3. How can carriers be assisted in preventing illegal migration?
Concluding Remarks

This Section reviewed the international conventions governing the inter-relationship between carriers and the migration management authorities of individual States. A number of mechanisms are identified to ensure that carriers fulfill their obligations and that necessary support for compliance is provided. Effective identification and interdiction of improperly documented passengers, and prevention of stowaways, requires that State authorities be willing to expend considerable resources to support the travel industry.

Resources

The most useful sources for further information on the obligations of carriers, and on the international conventions and practices that support these, are the following Web sites:

International Civil Aviation Organization:
http://www.ICAO.org

International Maritime Organization:
http://www.IMO.org

International Air Transport Association:
http://www.IATA.org

Addendum on Annex 9 to the International Civil Aviation Convention

Article 37 of the Convention provides that “the International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with ….customs and immigration procedures….and such other matters concerned with the safety, regularity, and efficiency of air navigation as may from time to time appear appropriate.”

Article 22 of the Convention expresses the obligation of each contracting State concerning the implementation of these standards and recommended practices stating that it is the obligation of each contracting State “to adopt all practicable measures, through the issuance of special regulations or otherwise to facilitate and expedite …and to prevent unnecessary delays to aircraft, crews, passen-
gers, and cargo, especially in the administration of the laws relating to immigration, quarantine, customs and clearance.”

Article 23 of the Convention outlines the requirement of each contracting State “so far as it may find practicable, to establish customs and immigration procedures affecting international air navigation in accordance with the practices which may be established or recommended from time to time…”

Under the authority of the above articles, Annex 9 to the Convention sets out standards and recommended practices regarding facilitation. The relevant chapters for control authorities is Chapter 3 entitled “Entry and departure of persons and their baggage” and Chapter 9 entitled “Other Facilitation Provisions.” Due to copyright restrictions, these requirements will not be duplicated or summarized in this Manual. Chapter 3 provides standards and recommended practices under the following headings:

- Documents required for travel
- Passports
- Exit, entry and re-entry visas
- Embarkation/disembarkation cards
- Certificates of vaccination
- Entry and departure procedures
- Transit procedures and requirements
- Custody and care of passengers and crew
- Inspection and control of persons (Inspection of documents, inadmissible persons, deportees, procurement of a replacement travel document)
- Crew and other operators’ personnel
- Civil aviation flight operations and cabin safety personnel

Chapter 8 provides standards and recommended practices under the following headings:

- Bonds and exemption from requisition or seizure
- Facilitation of search, rescue, accident investigation and salvage
- Relief flights involving natural and man-made disasters
- Marine pollution and safety emergency operations
- Implementation of international health regulations
- Establishment of national facilitation programmes
- Facilitation of persons requiring special assistance
Endnotes

1 http://www.icao.int/index.html

2 http://www.imo.org/home.asp

3 http://www.iata.org/index.htm

4 Refer to ICAO Recommended Practice 3.54.1