

SECTION CONTENTS

**CHAPTER 22 SECTION 4
THE CHICAGO CONVENTION**

- 1. INTRODUCTION**
- 2. BACKGROUND TO THE CHICAGO CONVENTION AND THE INTERNATIONAL CIVIL AVIATION ORGANISATION**
 - 2.1. Annex 9 to the Chicago Convention
- 3. EFFECT OF THE CHICAGO CONVENTION ON IMMIGRATION SERVICE PROCEDURES**
- 4. SEIZURE OF DOCUMENTS**
 - 4.1. Issue of a proforma letter for the removal of passengers who arrived on forged or improperly held documents
 - 4.2. Procedure for use of the proforma letter
 - 4.3. Procedure where the State to which a passenger is to be removed does not accept proforma letters
- 5. REMOVAL OF INADMISSIBLE PASSENGERS**
- 6. REMOVAL OF PERSONS WHO ARRIVE WITHOUT DOCUMENTATION**
- 7. REMOVAL OF DEPORTEES**
 - 7.1. Notification to carriers of persons deported
 - 7.2. Notification to countries of destination or transit
- 8. CHECK LIST TO ASSIST OFFICERS IN "CHICAGO CONVENTION" REMOVALS**
- 9. LIST OF SIGNATORIES TO THE CHICAGO CONVENTION**

**CHAPTER 22
SECTION 4****THE CHICAGO CONVENTION****1. INTRODUCTION**

This section sets out the background to the Chicago Convention and its provisions and recommended practices, which affect the work of the Immigration Service relating to:

- * the seizure of forged (fraudulent, falsified or counterfeit) documents and genuine documents improperly held by impostors;
- * the issue of proforma letters for the removal of holders of such documents);
- * the removal of inadmissible passengers;
- * the issue of proforma letters for the removal of persons who arrive without documentation; and
- * the notification of removal to Contracting States of transit and destination.

It should be noted that this advice relates only to Contracting States. Guidance relating to the removal of undocumented persons to non-contracting States is provided in **Chapter 9, Section 8** to these instructions.

2. BACKGROUND TO THE CHICAGO CONVENTION AND THE INTERNATIONAL CIVIL AVIATION ORGANISATION

Following a great increase in the use of air transport during the Second World War, in November 1944 representatives of fifty-two allied and neutral States met in Chicago to discuss the arrangements needed when hostilities ceased, to deal with international civil aviation problems. The outcome was the Convention on International Civil Aviation - commonly called the Chicago Convention.

The Convention is still the main instrument governing international civil aviation. It provided, inter alia, for the setting up of an International Civil Aviation Organisation (ICAO), which officially came into existence on 4 April 1947 and has the status of a United Nations specialised agency. ICAO Headquarters are in Montreal. It has seven regional offices and there are currently 187 Contracting States.

ICAO and its machinery exist to promote the safe and orderly development of commercial and private international civil aviation and include as an objective the reduction in immigration and health control formalities. These issues are dealt with in Annex 9 to the Chicago Convention, which concerns the facilitation of passengers, mail and cargo between States and through airports.

2.1. **Annex 9 to the Chicago Convention**

Annex 9 sets out standard and recommended practices for the operation of immigration controls by the participating States. These are reviewed from time to time in order to reflect changing circumstances. Where, however, domestic law and practice differ significantly from the standard and recommended practices of Annex 9, "differences" are registered. These are published and warn other countries of national requirements which differ from the relevant Annex 9 provision.

3. **EFFECT OF THE CHICAGO CONVENTION ON IMMIGRATION SERVICE PROCEDURES**

In common with most countries, the United Kingdom has registered a number of "differences" concerning, for example, visa requirements and the treatment of transit passengers. Where, however, the practices set out within Annex 9 either confirm, reinforce or add positively to current UK practice, these have been accepted.

4. **SEIZURE OF DOCUMENTS**

The purpose of Standard 3.56 of Annex 9 is to seek to reduce the number of forged documents in circulation by requiring States to seize them and, **as soon as practicable**, return them to the claimed issuing State. The same standard now applies to documents used by impersonators of the rightful holder.

United Kingdom passports and Home Office Travel Documents forged or improperly held should therefore be impounded and the circumstances reported.

Forged or improperly held documents issued by other States should also be impounded **unless** this would inhibit the removal of the passenger presenting the document.

4.1. **Issue of a proforma letter for the removal of passengers who arrived on forged or improperly held documents**

Wherever possible, removal to another Contracting State of a person who arrived on a forged or improperly held document should be effected with the use of the proforma letter shown at **Annex D**, which is based on a format recommended by ICAO. The procedure to be followed is set out in paragraph 4.2 below. Some States are not prepared regularly to accept proforma letters attesting to the circumstances of departure, however, and where this is the case the procedure set out in paragraph 4.3 below should be followed.

Ports are often aware of which States fall into the latter category. In some cases, however, it may be necessary to make enquiries of other ports for up-to-date information as to whether or not and under what circumstances proforma letters will be accepted.

4.2. Procedure for use of the proforma letter

When removing a passenger who arrived on a forged document, or as an imposter, and where there is no reason to believe that the State from which the passenger embarked does not accept proforma letters, the passport should be impounded and the proforma letter issued.

A copy of the impounded document may be attached as evidence of the passport held on arrival if it is believed that this would facilitate acceptance of the passenger by the receiving State.

Stocks of the proforma should be reproduced locally.

Documents that are impounded should be forwarded to the CIO, ISNFS, together with a copy of the proforma letter.

4.3. Procedure where the State to which a passenger is to be removed does not accept proforma letters

In cases where there is reason to believe that the State will not accept a proforma letter and it is anticipated that the removal of a passenger who arrived with a forged document or as an imposter could be hindered without evidence of the documentation presented on arrival in the United Kingdom, forged passports may need to be returned to the authorities at the point of embarkation with a covering letter.

5. REMOVAL OF INADMISSIBLE PASSENGERS

Annex 9, Standard 3.63 requires Contracting States to accept for examination any person found inadmissible at the point of destination if that person previously stayed in their territory before embarkation, other than in direct transit.

This is intended to prevent inadmissible passengers being locked into a pattern of successive removals between two contracting states.

Persons refused entry at an airport abroad and returned to the United Kingdom should not be removed to the point of the original refusal without reference to OASIS.

Annex 9, Recommended Practice 3.59.1 asks that each Contracting State should, where practicable, ensure that the public authorities issuing a removal order give notice to the public authorities of the countries of transit and, where advisable, final destination of the trip planned. The United Kingdom has lodged a difference to this which states that we will notify where practicable except where an inadmissible person is to be removed by the same route as arrival and not under escort. Where escorts are used the proforma letter at **Annex F** may be used to inform the carriers and **Annex G** to inform the public authorities.

6. REMOVAL OF PERSONS WHO ARRIVE WITHOUT DOCUMENTATION

Annex 9, Standard 3.63.1 states, inter alia:

"Where a person who has been found inadmissible has lost or destroyed his travel document, Contracting States shall accept instead a document attesting to the circumstances of embarkation and arrival issued by the public authorities of the Contracting State where the person was found to be inadmissible".

Any person without a travel document who has been refused entry and is returnable to the point of embarkation may therefore be removed on a proforma letter at **Annex E**.

7. REMOVAL OF DEPORTEES

7.1. Notification to carriers of persons deported

Annex 9, Standard 3.66, requires carriers to be notified of all persons formally ordered to leave a State and, subject to national privacy legislation, the reasons for their removal and details of any escorts.

The United Kingdom has registered a "difference" by indicating that full reasons for deportation may not be disclosed for reasons of privacy and other considerations.

The United Kingdom already notifies carriers of a removal through the service of removal directions. Where escorts nominated by IS or the airline are required to effect a removal of a deportee, the details of the escorts, whether medical or otherwise, should be provided to the carrier by letter. The opportunity should also be taken at this stage to provide, where it is considered appropriate, the reasons for the employment of escorts.

A letter, along the lines of the specimen provided at **Annex F**, should be given to carriers with, or as soon as practicable after, the service of removal directions.

7.2. Notification to countries of destination or transit

To comply with Annex 9, Standard 3.67 Contracting States are asked to ensure that the public authorities in States of transit and, if advisable, destination are informed of deportation removals.

The United Kingdom has lodged a difference to this Standard which states that we will notify the public authorities in States of transit and destination of a deportation where an escort is required.

A specimen letter is attached at **Annex G**. In cases where there is an imminent opportunity to remove a potentially disruptive passenger it may be appropriate to notify the Embassy/High Commission by telephone or fax.

8. CHECK LIST TO ASSIST OFFICERS IN "CHICAGO CONVENTION" REMOVALS

A check list to assist caseworking officers dealing with any of the situations detailed above is provided at ***Annex H***.

9. LIST OF SIGNATORIES TO THE CHICAGO CONVENTION

OASIS, ISHQ, holds a list of signatory countries to the Chicago Convention and their registered "differences" to the Convention.