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Machine-readable travel documents

Summary

This paper discusses the role of travel documents in ensuring protection and durable solutions for refugees and stateless persons and highlights the need for such documents to be issued in machine-readable format, in line with the newly adopted standard of the International Civil Aviation Organization.

It also provides an update on UNHCR's global efforts to advocate machine-readable travel documents within three key areas: (1) support for the transition to machine-readable Convention travel documents; (2) the promotion of other machine-readable travel documents for refugees and stateless persons hosted in States not parties to the 1951 Convention (and/or its 1967 Protocol) or the 1954 Convention; and (3) catalysing international cooperation and support.

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I. Introduction

1. The issuance of travel documents to refugees and stateless persons builds on a long-standing tradition, dating back 95 years, to the “Nansen passport” provided under the auspices of the League of Nations. Such documents are essential to freedom and liberty of movement, as enshrined in article 13 of the Universal Declaration of Human Rights and article 12 of the International Covenant on Civil and Political Rights, and are intricately linked to the exercise of other human rights, such as the right to work, the right to an education and the principle of family unity. Travel documents are also a vital component of civil registration and documentation, the importance of which is reiterated in the New York Declaration for Refugees and Migrants¹ and the 2030 Agenda for Sustainable Development.²

2. The right of every refugee and stateless person to a Convention travel document issued by their country of lawful stay is outlined in article 28 the 1951 Convention relating to the Status of Refugees (1951 Convention) and in article 28 of the 1954 Convention relating to the Status of Stateless Persons (1954 Convention), respectively.

3. Travel documents have concrete benefits for refugees as well as for stateless persons. Having a legal identity, including through the issuance of travel documents, is a critical component of international protection and can enable access to basic services and rights. Travel documents can further facilitate solutions, allowing refugees to take up opportunities for resettlement and voluntary repatriation and enabling them, as well as stateless persons, to access opportunities provided through complementary pathways for admission to other countries. This allows them to pursue education or work abroad, and to seek possibilities for family unity, further strengthening their self-reliance and resilience, as well as their ability to lead more independent and stable lives. With respect to refugees, this may have “protection dividends” both upon return to their country of origin, in their country of asylum, or when achieving solutions elsewhere. For stateless persons, travel documents ensures the possibility of return to their country of residence.

4. Access to travel documents further facilitates the safe and regular movement of refugees and stateless persons and thereby reduces the risk of irregular movement which potentially exposes them to exploitation, abuse, violence and human trafficking, including on dangerous land and sea routes.

II. International standards

5. International standards and specifications for travel documents have undergone significant developments since the 1951 Convention and the 1954 Convention were drafted. UNHCR notes that the effective realization of the right to access such documents as set out in these Conventions can only be achieved if refugees and stateless persons are provided with travel documents that are in line with current international standards.

6. In June 2015, the International Civil Aviation Organization (ICAO) adopted a specific standard for the issuance of Convention travel documents in machine-readable format, in accordance with the specifications of its Doc 9303.³ This standard became applicable to States parties to the 1944 Convention on International Civil Aviation (Chicago Convention)

¹ Available from <http://www.unhcr.org/57e39d987>.

² Available from http://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E.

³ Annex 9 of the Convention on International Civil Aviation on standards and recommended practices on facilitation is available from <http://www.icao.int/Security/FAL/ANNEX9/Pages/default.aspx>.

Doc 9303 is available from <http://www.icao.int/publications/pages/publication.aspx?docnum=9303>.

as of February 2016, which, with two exceptions,⁴ includes all States parties to the 1951 Convention (and/or its 1967 Protocol) and the 1954 Convention.

7. Machine readability, already an established standard for national passports, entails a multitude of benefits for States as well as document holders, including: enhanced security features which reduce the risk of document fraud and counterfeit; global uniformity and interoperability with existing systems that contribute to effective and secure border controls and travel; and reciprocal recognition of travel documents among States.

8. In line with the ICAO standard, UNHCR is committed to cooperating with and providing support to States, including those which have not yet transitioned to machine-readable travel documents. The main aim of these efforts is to work towards the transition to machine-readable Convention travel documents (MRCTDs) for refugees and stateless persons in all States parties to the 1951 Convention (and/or its 1967 Protocol) and the 1954 Convention, in line with international standards.

III. UNHCR's global efforts on machine-readable travel documents

9. The 2030 Agenda for Sustainable Development, with its promise to “leave no one behind”, and the New York Declaration have emphasized that refugees and stateless persons must be supported in an inclusive way and served through national systems. In accordance with these principles, UNHCR is promoting the inclusion of machine-readable travel documents into existing national systems to prevent the creation of parallel systems for refugees and stateless persons, on one hand, and nationals, on the other, and to ensure sustainability.

10. UNHCR's global efforts on travel documents focuses on three key areas: (1) support for the transition to MRCTDs; (2) the promotion of other machine-readable travel documents for refugees and stateless persons hosted in States that are not parties to the 1951 Convention (and/or its 1967 Protocol) or the 1954 Convention; and (3) catalysing international cooperation and support.

A. Support for the transition to machine-readable Convention travel documents

11. Over the last five years, UNHCR has noted a progressive trend towards the issuance of MRCTDs. At the end of 2016, 63 States parties to the 1951 Convention and/or its 1967 Protocol reportedly issued MRCTDs to refugees on their territory in conformity with ICAO standards, which is double the number of States when compared to 2011. At the same time, 27 States parties to the 1954 Convention issued MRCTDs to stateless persons, with steady progress noted in particular in the Americas and Europe.

12. Working closely with States, UNHCR remains committed to supporting the transition to MRCTDs through sustainable national systems. As part of its technical support, a revised version of the “Guide for issuing machine-readable Convention travel documents for refugees and stateless persons” was issued by UNHCR and ICAO in February 2017.⁵

13. Depending on the context, UNHCR may also provide technical, practical and/or legal advice during the transition period and, when appropriate, material support. By way of

⁴ All States parties to the 1951 Convention (and/or its 1967 Protocol) and the 1954 Convention are also parties to the Chicago Convention, with the exception of the Holy See and Tuvalu.

⁵ Available from <http://www.refworld.org/docid/52b166a34.html>.

example, in 2016 UNHCR supported the drafting of model legislation for the States in the Caribbean, which included requirements on MRCTDs, and in close collaboration with Chile, assisted in the development of a checklist on MRCTDs for MERCOSUR countries. Such interventions support States while at the same time enhancing the rights of and providing opportunities for persons of concern.

14. UNHCR also provides blank booklets to be used for issuing Convention travel documents to a total of 30 States parties to the 1951 Convention and/or its 1967 Protocol in exceptional circumstances. These booklets, however, are not machine-readable and can therefore serve only as a temporary solution while awaiting the transition to MRCTDs.

B. The promotion of other machine-readable travel documents for refugees and stateless persons hosted in States not parties to the 1951 Convention (and/or its 1967 Protocol) or the 1954 Convention

15. A significant proportion of the world's refugee and stateless populations are hosted in States which are not signatories to the 1951 Convention (and/or its 1967 Protocol) or the 1954 Convention and therefore are under no treaty obligation to issue travel documents to refugees and stateless persons. This may leave them with no legal means of travelling abroad.

16. UNHCR's Executive Committee has, in its previous conclusions,⁶ encouraged States that are not parties to these Conventions to issue appropriate travel documents "under conditions as similar as possible to those attaching to the Convention travel documents".

17. In line with these conclusions, UNHCR promotes inclusive and sustainable approaches to the issuance of travel documents to refugees and stateless persons in all States. These efforts build on the existing good practices of a number of States, including the issuance of machine-readable "certificates of identity", "aliens passports" or other travel documents for stateless persons in countries such as Belarus, Kazakhstan, Kuwait and the Russian Federation.

C. Catalysing international cooperation and support

18. Against a backdrop of increasing numbers of forcibly displaced people worldwide, the New York Declaration reiterated the importance of facilitating international cooperation and burden- and responsibility-sharing. The issuance of machine-readable travel documents can support such efforts by enhancing opportunities to access durable solutions and complementary pathways. Travel documents are therefore not only beneficial to refugees but also to their host societies and potentially to their countries of origin if conditions become conducive to return.

19. Faced with large-scale or protracted displacement, States may require support to strengthen and adjust national systems to bring them in line with international standards. Ongoing challenges faced by States in the issuance of travel documents include gaps in administrative and legal frameworks, including the lack of systems for registration and determination of legal status, and limited financial and material resources and technical expertise. In order to address these challenges, more predictable, comprehensive and complementary support from the international community is required, in particular to States

⁶ See Executive Committee conclusion No. 13 (XXIX) and No. 49 (XXXVIII), which are available from <http://www.unhcr.org/publications/legal/41b041534/compilation-conclusions-adopted-executive-committee-international-protection.html>.

where large numbers of refugees and stateless persons reside, often in protracted situations and with limited resources.

20. Burden- and responsibility-sharing, whether multilateral or bilateral, can bring together technical expertise and capacity and, in particular, assist States during their transition to MRCTDs.

21. To further cooperate at a global level, UNHCR is also committed to enhancing its collaboration with the ICAO. In addition to the joint development of standards, UNHCR will seek to enhance its advocacy at regional and global events and continue to provide technical support to States who wish to transition to MRCTDs.

IV. Conclusion

22. UNHCR will continue to advocate the issuance of machine-readable travel documents for refugees and stateless persons and to offer practical support and guidance to States in their transition to MRCTDs.

23. The Office will also continue to collaborate with States not parties to the 1951 Convention (and/or its 1967 Protocol) or the 1954 Convention to promote appropriate machine-readable travel documents for refugees and stateless persons based on existing good practices, with the aim of ensuring that all refugees and stateless persons have access to travel documents in accordance with international standards.

24. In working together with States and other international organizations on machine-readable travel documents, including the ICAO, UNHCR strives towards greater international cooperation and burden- and responsibility-sharing. Technical expertise and capacity-building will be crucial components in supporting States which are home to large numbers of refugees and stateless persons.
