

No. 24371

**IRELAND
and
UNITED STATES OF AMERICA**

**Agreement on preinspection. Signed at Dublin on 25 June
1986**

Authentic text: English.

Registered by Ireland on 17 October 1986.

**IRLANDE
et
ÉTATS-UNIS D'AMÉRIQUE**

**Accord relatif à la préinspection. Signé à Dublin le 25 juin
1986**

Texte authentique : anglais.

Enregistré par l'Irlande le 17 octobre 1986.

AGREEMENT¹ BETWEEN IRELAND AND THE UNITED STATES OF AMERICA ON PREINSPECTION

The Government of Ireland and the Government of the United States of America,

Considering that preinspection in Ireland of passengers and aircraft crew required by United States immigration and public health laws and regulations may facilitate travel between the two countries,

Agree as follows:

Article I. (1) “Preinspection” is the procedure whereby the United States Immigration and Naturalization Service (“INS”) conducts, in Ireland, inspection of passengers and aircraft crew required by United States immigration and public health laws and regulations for entry into the United States. It does not include inspections required by other United States laws and regulations, such as customs inspections.

(2) For the purposes of this Agreement, the competent Authorities shall be:

- (a) For the Government of the United States of America: the Immigration and Naturalization Service;
- (b) For the Government of Ireland: the Minister for Communications, Kildare Street, Dublin 2, or any authority nominated by him.

Article II. Any flight by an authorised scheduled or charter air carrier destined non-stop from Ireland to the United States shall be eligible for preinspection.

Article III. Preinspection shall be conducted at Shannon Airport for a test period of four months commencing on a date to be agreed by both Governments. Thereafter, if both Governments notify each other by diplomatic note that they wish preinspection to continue it shall recommence at a date agreed by both Governments and shall continue for so long as this Agreement shall remain in force.

Article IV. Preinspection may be conducted at additional locations in Ireland by agreement, expressed in writing, of both Governments.

Article V. In accordance with United States immigration and public health laws and regulations, the INS may refuse passage onwards to the United States to any passenger or aircraft crew member on a flight subject to preinspection who refuses to answer questions of an INS officer relevant to his immigration status or refuses to submit to search by an INS officer or is found or deemed by the INS to be inadmissible to the United States; provided always that, except in circumstances arising under Article VI (5) of this Agreement, no citizen of the United States or alien lawfully resident in the US may be refused passage onwards to the United States.

Article VI. The Government of Ireland shall:

- (1) Permit the INS to carry out preinspection of passengers and aircraft crew on flights subject to preinspection and to determine the procedures for carrying out preinspection and the use of INS personnel;

¹ Came into force on 25 June 1986 by signature, in accordance with article XII.

- (2) Arrange for the provision of the preinspection facilities agreed by the competent authorities of both countries;
- (3) Permit the installation and operation of such communications and inspection aids and equipment as the INS requires and as are agreed by the competent authority of Ireland as being necessary for preinspection;
- (4) When a passenger or aircraft crew member on a preinspected flight is refused passage onwards because of refusal to answer questions of an INS officer relevant to his immigration status or refusal to submit to search or is found or deemed by the INS to be inadmissible to the United States, upon request of the INS, provide appropriate law enforcement assistance to prevent such person from boarding the aircraft;
- (5) Upon request of the INS, provide appropriate medical assistance and, where necessary, access to medical isolation facilities for persons subject to preinspection who are suspected of having an infectious disease prescribed under Irish laws and regulations.

Article VII. The Government of the United States of America shall:

- (1) Provide, in agreement with the competent authority of Ireland, an appropriate number of INS officers to carry out with reasonable speed and efficiency preinspection for eligible flights of carriers to which preinspection has been extended in accordance with Article VIII;
- (2) Conduct preinspection in accordance with this Agreement, except that preinspection may be denied in the case of any flight where there is likely to be commingling of passengers or aircraft crew who have and who have not been preinspected or where, after consultation with the competent airport authority and with the air carrier(s) concerned, the INS determines that there is an insufficient number of INS officers to carry out preinspection with reasonable speed and efficiency or that preinspection facilities would be overtaxed;
- (3) Have the INS (and, as appropriate, other United States authorities) consult regularly with the competent authority of Ireland, with the competent airport authority and with the air carriers concerned on matters relating to the implementation of this Agreement;
- (4) Have the right to defer INS inspection onward as it deems necessary of any individual passenger or aircraft crew member;
- (5) Where a person is refused passage onwards to the United States in accordance with Article V, arrange that the INS will immediately inform the Irish Immigration Service of the refusal and supply all data relevant to that decision.

Article VIII. Each air carrier having flights eligible for preinspection shall have the option to use preinspection subject to the following conditions:

- (1) An air carrier may apply to the competent authorities of both countries for preinspection for any or all of its eligible flights; prior to extending preinspection, the INS may require a reasonable period to make suitable arrangements;
- (2) Except during the test period, an air carrier desiring to withdraw entirely from preinspection shall give six months' notice to the competent authorities

of both countries, but if neither competent authority objects, it may withdraw sooner; if, however, an air carrier can demonstrate to the satisfaction of both competent authorities that preinspection is resulting in delay or cost, not foreseen in the prevailing agreements between the air carriers and the competent authorities, it may withdraw on 30 days' notice;

- (3) An air carrier desiring to withdraw from preinspection in respect of certain flights only must give reasonable notice to the INS; while it is recognised that the final decision in every case must rest with the INS, it is accepted that, in the case of last minute flight disruptions for reasons arising beyond the carrier's control, such notice period could be very short;
- (4) The INS shall decline to conduct preinspection in respect of any air carrier until that carrier:
 - (a) Has taken the necessary steps to enable it to deny carriage onwards to the United States to anyone found ineligible in accordance with Article V to travel on a preinspected flight; and
 - (b) Has undertaken to be responsible for the removal of any such person to his point of embarkation or the country of which he is a national and to bear any costs (including, where necessary, accommodation and maintenance costs) arising therefrom.

Article IX. (1) United States citizens who are permanent employees of the Government of the United States, assigned to INS duties in Ireland under this Agreement, shall not be amenable to the jurisdiction of the judicial or administrative authorities of Ireland in respect of acts performed by them in the exercise of their duties under this Agreement. Such duties are: (a) as provided for by Article V, taking and processing applications for entry into the United States, asking for and examining travel documents, asking questions relevant to admissibility to the United States, asking for and examining supporting documentation, requesting a search, with the individual's consent carrying out the search, and refusing onward passage to any person found or deemed by the INS to be inadmissible to the United States; and (b) as provided for by Article VII, deferring for onward inspection to the United States, informing the Irish Immigration Service of any refusal of onward passage to the United States by the INS, and providing all relevant data relating to such refusal to that service.

(2) The immunity accorded under paragraph (1) may be waived by the Government of the United States.

(3) The Government of Ireland shall take all appropriate steps to protect the facilities used by the INS for the purposes of carrying out preinspection against intrusion or damage and to protect the official archives and documents maintained by INS at such facilities.

(4) US citizens who are permanent employees of the Government of the United States, assigned to INS duties in Ireland pursuant to this Agreement, shall enjoy such privileges as shall be agreed by both Governments by an exchange of notes.

Article X. (1) The cost of preinspection during the test period shall be borne as follows:

- (a) The INS shall be responsible for the cost of posting necessary officers at Shannon Airport for a temporary tour of duty not exceeding four months;

(b) The competent airport authority shall be responsible for providing adequate and secure inspection facilities at Shannon Airport.

(2) The costs of preinspection continued after the test period shall be allocated in accordance with the following principles:

- (a) The Government of the United States of America shall, pursuant to standard US regulations governing preclearance/preinspection, be responsible for the cost of the INS preinspection officers other than the additional costs of providing preinspection at the place of departure from Ireland compared with the cost of INS inspection upon arrival in the United States;
- (b) In accordance with the provisions of Article VIII (4)(b) of this Agreement, the air carrier concerned shall be responsible for any costs, including where necessary accommodation and maintenance costs, arising from the removal to his point of embarkation or the country of which he is a national of any person refused passage onwards by the INS;
- (c) Except as provided in subparagraph (d) hereunder, any additional costs attributable to the operation of preinspection, including the provision of the necessary preinspection facilities, shall be the responsibility of the competent airport authority, but such costs may be recouped from the air carriers using preinspection;
- (d) The US Public Health Service shall be responsible for any prediagnostic and diagnostic medical (including hospital) costs arising from the application of Article VI (5) of this Agreement; any post-diagnostic medical (including hospital) costs shall be the responsibility of the competent Irish health authority except that they may be recouped by that authority from the person concerned;
- (e) Any charges related to preinspection levied upon participating air carriers shall be assessed in a fair and reasonable manner.

Article XI. Either Government may at any time request consultations concerning the interpretation, application, or amendment of this Agreement. Such consultations shall begin within 60 days from the date the other Government receives the request.

Article XII. This Agreement shall enter into force upon signature. If within three months of the date of termination of the test period, both Governments have not notified each other pursuant to Article III that they wish preinspection to continue, this Agreement shall terminate at the end of that three-month period. If, however, both Governments have agreed that preinspection shall recommence at a date mutually agreed, the Agreement shall continue in force indefinitely unless it is terminated by either Government giving twelve months' notice thereof to the other Government. Such notice may however be withdrawn before the end of the twelve-month period by agreement between the two Governments.

DONE in duplicate at Dublin this twenty-fifth day of June 1986.

[Signed — Signé]¹

For the Government
of Ireland

[Signed — Signé]²

For the Government
of the United States of America

¹ Signed by Jim Mitchell — Signé par Jim Mitchell.

² Signed by Margaret M. Heckler — Signé par Margaret M. Heckler.