

CIVIL AVIATION

Preclearance

**Agreement Between the
UNITED STATES OF AMERICA
and the UNITED ARAB EMIRATES**

Signed at Washington April 15, 2013

with

Annex

and

Related Exchange of Notes



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . . the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

UNITED ARAB EMIRATES

Civil Aviation: Preclearance

Agreement signed at Washington

April 15, 2013;

Entered into force December 8, 2013.

With annex and related exchange of notes.

**AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF
AMERICA AND THE GOVERNMENT OF THE UNITED ARAB EMIRATES ON AIR
TRANSPORT PRECLEARANCE**

The Government of the United States of America and the Government of the United Arab Emirates (hereinafter referred to as the "Parties"),

Considering that air transport preclearance by officials of U.S. Customs and Border Protection (CBP) of the Department of Homeland Security of the Government of the United States of America, the procedure of conducting in Abu Dhabi, United Arab Emirates, inspection of travelers, goods and aircraft, on eligible flights destined nonstop from Abu Dhabi to the United States, facilitates travel between the United Arab Emirates and the United States, and

Recognizing that the Government of the Emirate of Abu Dhabi is to serve as the implementing entity on behalf of the Government of the United Arab Emirates under this Agreement and that CBP is to serve as the implementing entity on behalf of the Government of the United States under this Agreement,

Agree as follows:

**Article I
Definitions**

1. "UAE" means the United Arab Emirates and includes the Emirate of Abu Dhabi or its Government (including any Government Department, Department official or other party authorized to act on behalf of the UAE in relation to any provision of this Agreement), as appropriate;
2. "United States" or "US" means the United States of America or its Government (including any United States agency associated with preclearance operations, and in particular CBP), as appropriate;
3. "UAE law enforcement officer" means a member of the Abu Dhabi Customs or the Abu Dhabi Police;
4. "Air carrier" means a commercial enterprise that provides public transportation by aircraft for remuneration, hire or other consideration;
5. "Aircraft store" means items in storage on aircraft, including its supplies and equipment;
6. "Airport authority" means the Abu Dhabi Airports Company, which is responsible, on behalf of the Government of the United Arab Emirates, for the management, operation and development of the Abu Dhabi International Airport at which preclearance services are provided in accordance with this Agreement;
7. "Cargo" means commercial goods, whether transported by a person or a commercial carrier;
8. "Eligible flight" means any commercial scheduled/charter flight, including ferry flights (crew only), that has requested and been approved for preclearance service but does not include flights of private aircraft or military (including military charter) flights;
9. "Goods" means personal effects, baggage, wares of any description, animals and plants and their products, currency and other monetary instruments, and any document in any form;

10. "In-Transit travelers" means the air passengers or crewmembers coming from third countries who do not formally enter the UAE;
11. "Invasive personal search" means a body cavity search or a medical x-ray search;
12. "Partial body search" means the removal of some of the clothing of a person by a preclearance officer to recover material evidence suspected to be concealed on the person's body or in the clothing itself;
13. "Preclearance" means the procedure of conducting in the territory of one Party, all or any examination, search and/or inspection required for entry/admission into the territory of the other Party;
14. "Preclearance area" means a designated, limited and operationally contiguous part of an airport within which preclearance operations are effected in respect of travelers, goods and aircraft, including:
 - a. the aircraft destined nonstop for the United States and the immediate perimeter of the aircraft;
 - b. the queuing area used exclusively for preclearance purposes clearly demarcated in front of the primary inspection area;
 - c. the baggage make up area or other area where travelers' baggage or other goods are delivered to preclearance officers for inspection and any areas in which such inspection may occur;
 - d. primary and secondary examination areas, including, among other things, any areas used for radiation detection;
 - e. the departure lounges for transportation bound for the United States;
 - f. connecting corridors and all designated conveyances for precleared travelers and goods used for transportation between sterile areas of terminals or from the terminal to the departing mode of transportation (e.g., buses). When travelers cannot board a departing mode of transportation by means of a connecting corridor or designated conveyance, the preclearance area shall also include a clearly demarcated area leading to that mode of transportation for the period of time during which boarding takes place; and
 - g. administrative areas occupied by the Inspecting Party, including areas used for risk analysis.
15. "Preclearance facility" means the physical inspection and administration infrastructure, to include any offices and examination areas as well as any equipment used for the processing of travelers and their goods;
16. "Preclearance officer" means an official of CBP (including a legal successor agency) designated by the Government of the United States to carry out preclearance in the UAE;
17. "Post-clearance" means the clearance of aircraft, travelers, and goods upon arrival in the United States;
18. "Refugee" has the same meaning as that term is used in the Convention Relating to the Status of Refugees (done at Geneva, July 28, 1951), as amended by the Protocol Relating to the Status of Refugees (done at New York, January 31, 1967);
19. "Refugee framework" means practices and procedures applicable in the UAE, with regard to asylum seekers, that provide recourse to avenues of protection from return to persecution; and
20. "Traveler" means any air passenger or crewmember seeking entry/admission to the United States using preclearance.

Article II

Scope

1. Travelers on nonstop flights to the United States who are pre-cleared at Abu Dhabi International Airport normally are not subject to further customs and immigration processing upon arrival in the United States.
2. Flights eligible for preclearance shall consist of any commercial flight (scheduled or charter, including ferry flights) of any size aircraft that is destined nonstop from UAE to the US, so long as preclearance service has been requested pursuant to procedures established by the US and approved by the US for that flight. State aircraft (not including military flights or military charter flights) will be considered for preclearance on a case-by-case basis.
3. Cargo shall not be eligible for preclearance under this Agreement.
4. Unless the Parties mutually agree otherwise, this Agreement shall be applicable only to the Abu Dhabi International Airport.
5. Activities under this Agreement are subject to the availability of appropriated funds as well as personnel resources.
6. Preclearance shall be carried out in a manner consistent with the laws and constitutions of both Parties.

Article III

United Arab Emirates' Obligations and Authorities

1. In order to preserve the integrity of the preclearance area, UAE shall:
 - a. Designate the boundaries of the preclearance area pursuant to mutual agreement with the US.
 - b. Take appropriate measures, such as supervisory notification, to promptly respond to preclearance officers when notified pursuant to subparagraph (1)(d) of Article IV regarding UAE law enforcement officer(s) who have a presence in the preclearance area and pose a concern with respect to the integrity of the preclearance area.
 - c. Permit preclearance officers to carry and use firearms, intermediate force devices (including batons, defensive spray, and tasers), and restraint devices (handcuffs) in support of their official duties at preclearance areas.
 - i. Regarding the carriage and use of firearms, the Parties will develop mutually accepted protocols that shall protect the tactics, techniques, and procedures associated with these firearms, and shall ensure the force protection, safety, and security of the Parties, travelers, and personnel authorized to enter the preclearance area.
 - d. Permit preclearance officers to wear official uniforms for the performance of their duties.
 - e. Provide a continuous presence, during hours of operation of the preclearance facility, of armed UAE law enforcement officers in the preclearance area for safety, security, and force protection.
2. In order to facilitate the effective operation of preclearance, UAE shall:

- a. Permit preclearance officers to carry out preclearance of travelers, goods, aircraft and aircraft stores on eligible flights and to determine procedures for carrying out inspections and utilization of resources.
 - b. Authorize the installation and operation of such communications and inspection aids and equipment in the preclearance area as the US determines it requires, including radiological and nuclear detection devices.
 - c. Establish with the US mutually acceptable protocols for resolution in the event of a positive alarm from an inspection aid, including as used for radiological/nuclear preclearance screening of conveyances, persons and goods.
 - d. Secure and dispose of any illicit and/or illicitly trafficked radiological/nuclear materials detected during radiological/nuclear preclearance screening of aircraft, travelers, or goods in accordance with protocols developed in consultation with the US, as appropriate.
 - e. Upon request of a preclearance officer, provide appropriate medical assistance and, where necessary, access to medical isolation facilities for persons subject to preclearance who are suspected of having an infectious disease proscribed under US public health laws and regulations or who are presenting another threat to public health.
 - f. Provide training for preclearance officers on laws, regulations, and culture of the UAE, pertaining to preclearance.
 - g. Permit preclearance officers to operate with the same authorities as they have in the preclearance area within another designated area at the preclearance location that has been mutually agreed upon by the Parties in the event of an outage or malfunction of equipment or other aid used to conduct preclearance.
 - h. Permit preclearance officers to enter the airport through staff and employee entrances. Any screening of preclearance officers will occur in a separate and private area.
3. The Parties acknowledge that under U.S. law, the US may not establish preclearance facilities or begin preclearance operations in the UAE, unless the UAE maintains a refugee framework for individuals in the country who are not citizens or nationals of the country.
 4. A statement of fundamental principles regarding a refugee framework is contained in an Annex to this Agreement. This Annex is an integral part of this Agreement and may be updated by mutual agreement.

Article IV

U.S. Obligations and Authorities

1. In order to preserve the integrity of the preclearance area, the US shall have the right:
 - a. Upon a compromise to the security or sterility of the preclearance area or any aspect of the preclearance process, to suspend preclearance processing until such time as the compromise has been resolved to the satisfaction of the US.
 - b. To operate with the same authorities as it has in the preclearance area within another designated area at the preclearance location that has been mutually agreed upon by the Parties in the event of an outage or malfunction of equipment or other aid used to conduct preclearance.

- c. To obtain biometric information to verify the identity of a person within the preclearance facility as needed by the US or as required by U.S. law.
 - d. To take appropriate measures, such as supervisory notification, regarding UAE law enforcement officer(s) who have a presence in the preclearance area and pose a concern with respect to the integrity of the preclearance area.
2. In order to facilitate the effective operation of preclearance, the US shall:
- a. Give due consideration to using flexible practices and/or operating procedures which may improve the efficiency of the preclearance facility or address temporary disruption while maintaining authority over the conduct, availability, and operations of the preclearance officers.
 - b. Use its best efforts to secure necessary resources for additional staff and/or equipment that may be required in order to maintain the efficient operation of the preclearance facility.
 - c. Provide a sufficient number of preclearance officers to carry out preclearance of travelers, goods, aircraft, and aircraft stores on eligible flights with reasonable speed and efficiency.
 - d. Require preclearance officers to consult with the competent authority of the UAE, the airport authority, and with the air carriers concerned on matters relating to the implementation of this Agreement.
 - e. Establish and continue preclearance operations within the preclearance area subject to a finding by the US regarding the availability of resources and funds and the existence of a sufficient volume of travelers to make feasible and practical the operation of the preclearance facility.
 - f. Treat air carriers in a non-discriminatory manner in considering requests for preclearance.
 - g. Establish a schedule of preclearance operations that best promotes the mutual security of the Parties and recognizes the availability of resources to effectively conduct operations.
 - h. Provide notification to the appropriate UAE authorities as to the decision to refuse passage onward to the US for a traveler, and where appropriate turn over custody of travelers and contraband to UAE authorities.
 - i. Have the right to preclear eligible flights only if the travelers, goods, aircraft, and aircraft stores are routed through the designated preclearance area.
 - j. Have the right to deny preclearance to any person and/or carrier in its discretion, including, but not limited to, situations where the airport authority fails to reimburse the US for the preclearance services the US provides pursuant to this Agreement.
 - k. Have the right to refuse admission, or otherwise prevent boarding on an air carrier, of travelers and deny entry of goods destined to or transiting through its territory, consistent with the laws of the US.
 - l. Have the right to require re-inspection or post-clearance in the US as it deems necessary of any travelers, goods, aircraft or aircraft stores that have been precleared, including to meet law enforcement concerns.
 - m. Have the right to administer its fees as well as civil fines and monetary penalties, which may be assessed in US currency, on travelers and air carriers with respect to violations identified by preclearance officers in the course of conducting preclearance

operations except when the UAE institutes criminal proceedings with respect to the same act or omission.

- n. Establish a security program for the preclearance area in a manner that is consistent with the airport security program.

Article V

Role of the Airport Authority

Preclearance is contingent upon the airport authority:

- a. Providing a high standard of security for the preclearance area;
- b. Taking all appropriate steps to protect the preclearance area and facility and the contents therein, including official archives and documents maintained and used by the US, against any intrusion or damage and to prevent any disturbance of the peace on the premises;
- c. Ensuring that it has a security program that maintains the sterility of the preclearance area and restricts access to the preclearance area to authorized personnel only;
- d. Excluding access to or observation of any portion of the preclearance area (not otherwise regularly accessed or viewed by travelers subject to the preclearance process) by any person without permission from the US, except in cases of emergency when access may be provided to emergency workers with simultaneous notification to preclearance officers;
- e. Ensuring that the preclearance area is only accessible to travelers, authorized personnel, and goods that have undergone security screening at the airport;
- f. Ensuring that intransit travelers and goods are maintained in a secure corridor from the point of arrival in Abu Dhabi until they are presented to the preclearance facility for processing, if they have not undergone security screening at the Abu Dhabi International Airport;
- g. Permitting the US to review and approve the personnel who apply for or already hold positions that will provide them with access to the preclearance area as part of their duties;
- h. Permitting the US to review and approve the goods available to persons, including for purchase, in the preclearance area;
- i. Providing a preclearance facility and preclearance area that meets the technical design standards of the US, including any amendments or updates thereto; and
- j. Providing reimbursement to the US for all costs associated with the provisions of preclearance services to the extent permitted by US law. Such costs may include, but are not limited to, salaries, expenses, and relocation costs of preclearance officers.

Article VI

UAE Obligations Regarding Abu Dhabi International Airport

The UAE shall ensure that the airport authority:

- a. Permits the installation and operation by the US of such equipment and aids as is deemed necessary by the US for the effective operation of preclearance;
- b. Ensures that there will be no public access to the preclearance area except in accordance with this agreement;

- c. Ensures that no personnel lacking current approval pursuant to subparagraph (g) of Article V are permitted to enter the preclearance area;
- d. Ensures that any goods, items, and other products not approved pursuant to subparagraph (h) of Article V are not made available in the preclearance area; and
- e. Provides, pursuant to Article X, the necessary preclearance facility.

Article VII Privileges and Immunities

1. The Preclearance Officers and their families, shall not be liable to arrest or detention except in the case of a grave crime and pursuant to a decision by the Competent Judicial Authorities.
2. The Preclearance Officers shall not be committed to prison or liable to any other form of restriction on their personal freedom save in execution of a judicial decision of final effect for the commission of a grave crime.
3. If criminal proceedings are instituted against a Preclearance Officer, the Preclearance Officer must appear before the Competent Authorities. Nevertheless the proceedings shall be conducted with respect due to the officer by reason of the officer's position and, except in the case specified in paragraph 2 of this Article, in a manner which will hamper the exercise of preclearance functions as little as possible.
4. Without prejudice to the provision of paragraph 1, acts conducted in the performance of official duties, as referenced in Article VIII, and within the preclearance area, Preclearance Officers shall not be amenable to the jurisdiction of the judicial or administrative authorities of the UAE.
5. The Preclearance Officers and their families shall be granted the privileges, financial and customs exemptions in accordance with Articles 47, 48, 49, and 50 of the Vienna Convention on Consular Relations of 1963.
6. The Preclearance Officers may be summoned to testify before the UAE Competent Authorities during investigations procedure. Should they appear, they are under no obligation to give evidence concerning matters connected with the exercise of their functions or to produce official correspondence and documents related thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of United States of America.
7. The official archives, including electronic files and documents, used by preclearance officers for the purposes of carrying out preclearance in the preclearance area shall enjoy the same inviolability as archives under the Vienna Convention on Diplomatic Relations of 1961.
8. The Government of the UAE shall ensure that Abu Dhabi shall provide to each employee of the US working in support of preclearance in Abu Dhabi, any employment authorization and identification necessary to assist in identifying him or her as an agent of the US. Likewise, the Government of the UAE shall ensure that Abu Dhabi shall provide any necessary documentation and identification cards to each employee and his/her accompanying family dependents.

Article VIII

Application of Law and Jurisdiction

1. The US may apply any of its customs, immigration, agriculture and public health laws and regulations to aircraft, travelers, goods and aircraft stores in the UAE which are subject to preclearance, for the purposes of: enforcing such laws and regulations; and establishing and enforcing penalties, forfeitures, and other sanctions for violations of these laws and regulations upon arrival in the US.
2. The UAE shall permit preclearance officers to search and examine any traveler or other person, goods, article, aircraft store, aircraft, or other conveyance within the preclearance area or with a direct nexus to the preclearance area and to conduct personal searches (including patdown searches and partial body searches) of any traveler or person in the preclearance area.
3. The US shall refer persons to the appropriate authorities of UAE for an invasive personal search where appropriate (not including partial body searches, pursuant to paragraph 2 above).
4. The UAE shall ensure that a UAE law enforcement officer is available, upon request of a preclearance officer, to escort a traveler or goods back to the preclearance area in order to facilitate compliance with the requirements of the US.
5. The UAE shall permit preclearance officers to detain any traveler or person in the preclearance area suspected of committing an offense under either the laws of the US or of the UAE, including those of the Emirate of Abu Dhabi, and to detain any such person suspected of obstructing a preclearance officer in the exercise of his or her duties. In exercising this authority, a preclearance officer may detain a person who is seeking to withdraw from the preclearance area.
6. UAE law enforcement officers shall, upon the request of a preclearance officer, seize and confiscate goods, and/or arrest the bearer of such goods (and any alleged accomplices), if such goods are falsely declared or not declared at the time of preclearance and if possession or exportation of such goods is prohibited under the laws of the UAE, including those of the Emirate of Abu Dhabi.
7. The US shall, in consultation with UAE law enforcement officers, reasonably strive to account for the proper preservation of evidence in cases related to alleged violations of laws of the UAE, including those of the Emirate of Abu Dhabi.
8. The UAE shall permit preclearance officers to expeditiously seize goods under the laws of the US, if possession or exportation of such goods is not prohibited under the laws of the UAE, including those of the Emirate of Abu Dhabi, or if UAE law enforcement officers decline to initiate enforcement action with respect to such goods. Such seizures shall be subject to the appeal procedures of the US and shall be conducted consistent with the laws of the US.
9. For criminal offenses that occur in the presence of preclearance officers, the US may take actions to suppress the offense, seek assistance of appropriate UAE law enforcement officers, and maintain the right to act in self-defense of preclearance officers and others.
10. The US will maintain the right to transfer seized goods to UAE law enforcement officers.
11. The US will provide reasonable assistance to the United Arab Emirates in relation to the detection and processing of offenses under the laws of the UAE and in the context of this agreement.

Article IX

Operations and Procedures

The Parties agree that any air carrier has the option to request either preclearance or post-clearance, with preclearance being subject to the following conditions:

- a. If an air carrier applies for preclearance, it shall use the procedure for all of its flights on a given route. Requests for preclearance service should be made as far in advance as possible, but not less than 60 days prior to the anticipated initiation of service. The US may require a reasonable period before extending preclearance to such air carrier in order to obtain personnel or facilities required by the anticipated changes in service.
- b. An air carrier desiring to withdraw entirely from preclearance must give twelve months' notice to both Parties, but, upon written consent from the Parties, it may withdraw sooner. An air carrier desiring to withdraw from preclearance only in respect to certain eligible flights must give three months' notice, but, upon written consent from the Parties, it may withdraw sooner.
- c. Preclearance officers may decline to conduct Preclearance in respect of any air carrier until the carrier:
 - i. Has taken the necessary steps to enable it to deny carriage onwards to the US to anyone found ineligible to travel on a precleared flight;
 - ii. 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; and
 - iii. Has taken the necessary steps to comply with any lawful conditions imposed by the Inspecting Party.

Article X

Costs

1. The Parties agree that the following conditions shall apply to the reimbursement of the costs referred to in subparagraph (j) of Article V of this Agreement:
 - a. The airport authority shall reimburse the US for expenses arising from the provision of preclearance services that have been requested by such authority.
 - b. Costs of inspections and services performed by individual officers shall be actualized by the US through audits on a quarterly basis and submitted via a preclearance bill to the airport authority.
 - c. The airport authority shall reimburse the US for said actualized inspections and services costs within 90 days of receipt of the preclearance bill; and, within 30 days of receipt, the airport authority may request an itemized review of a bill through local mechanisms, and, if billing issues remain unresolved, by the consultative group referred to in Article XI of this Agreement whereupon agreed costs will be due within 90 days of receipt of the original bill.
 - d. The Parties shall ensure that for any person (other than a citizen or national of the UAE) refused passage onward by a preclearance officer, the air carrier concerned shall be responsible for any costs, including, where necessary, accommodation and

maintenance costs, arising from the removal to the person's point of embarkation, or to the country of which he is a national.

- e. The provision of the necessary preclearance facilities (including construction, furniture, equipment, and ongoing maintenance) shall be the responsibility of the airport authority. The airport authority shall retain ownership of equipment purchased by the airport authority with the exception of proprietary goods (including software, services, and information reflected in paragraph 7 of Article VII).
 - f. The Parties acknowledge that nothing in this agreement infringes upon the authority of the Parties, on a non-discriminatory basis, to impose charges to travelers or air carriers consistent with their respective laws.
2. Neither Party shall be responsible for costs associated with persons obtaining advice from legal counsel during preclearance operations, if permitted.

Article XI Consultations

1. Either Party may at any time request consultations concerning the interpretation, application or amendment of this Agreement, the annex, and protocols. Such consultations shall begin within 60 days from the date the other Party receives the request unless otherwise agreed between the Parties.
2. Local mechanisms shall be used in the first instance to address issues that arise upon or as a result of implementation of the Agreement. Issues which cannot be resolved at the local level shall be referred to a consultative group co-chaired by the Parties for resolution.

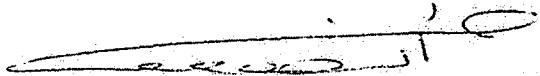
Article XII Entry into Force

1. The terms of this Agreement shall enter into force on a date to be determined in an exchange of diplomatic notes between the Parties, indicating that all necessary internal procedures for entry into force of the Agreement have been completed by the Parties.
2. The Agreement shall continue in force unless it is terminated by either Party, upon twelve months written notice thereof to the other Party, or by the US, upon one month written notice, if the US determines that the United Arab Emirates no longer meets the U.S. legal standard stipulated in Article III, paragraph 3.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

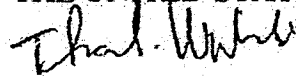
DONE at Washington, in duplicate, on this 15 day of APRIL, 2013.

FOR THE GOVERNMENT OF
UNITED ARAB EMIRATES:

A handwritten signature in black ink, appearing to read 'Anwar Gargash', written over a horizontal line.

Anwar Gargash

FOR THE GOVERNMENT OF THE
THE UNITED STATES OF AMERICA:

A handwritten signature in black ink, appearing to read 'Charles White', written in a cursive style.

Annex to Article III(3) of the Agreement

- A. If a noncitizen arriving in, transiting through, or physically present in the UAE requests protection from return to persecution, the UAE maintains the absolute authority to grant or refuse such request consistent with the Constitution of the UAE, Federal Law No. 6 for 1973 Concerning Immigration and Residence, as amended, and the refugee framework referenced in this Agreement. Nothing in this Annex shall be construed as applying to noncitizens who are outside of the territory of the UAE.
- B. Consistent with the UAE Constitution and Federal Law No. 6 for 1973 Concerning Immigration and Residence, as amended, the UAE shall maintain a refugee framework that includes:
 - (1) A meaningful opportunity for a noncitizen in the UAE, seeking to arrive in the UAE at a port of entry, or in transit through the UAE, before being deported or excluded, to express a fear of return to persecution and to seek protection from return to persecution.
 - a. The UAE shall take measures to detect whether noncitizens, before being deported or excluded, express or manifest any fear or concerns that they will be persecuted, killed, or otherwise mistreated if they are returned to their home country.
 - (2) Procedures for a determination, by the Ministry of Interior, of whether the noncitizen has established eligibility for protection from return to persecution, unless an appropriate authority initially determines that the claim for protection is manifestly unfounded.
 - (3) If it is determined that the noncitizen is eligible for protection from return to persecution, then the UAE shall not return the noncitizen to the country of persecution and shall facilitate the settlement of the noncitizen to a safe haven where there is no fear of persecution and that country shall not return the noncitizen to the country of persecution.
 - a. The noncitizen shall be permitted to remain in the UAE until an appropriate safe haven is found.
 - b. The UAE shall continue to maintain accountability for individuals with protection concerns through existing databases.
- C. The Parties acknowledge that noncitizens in the UAE may be excluded from protection if the noncitizen falls within one or more internationally-recognized exclusion grounds:
 - (1) There are reasonable grounds to believe that the refugee is a danger to the safety or security of the UAE.

- (2) There are reasonable grounds to believe that the refugee committed a serious nonpolitical offense outside of the UAE;
 - (3) The refugee has been convicted of a particularly serious criminal offense in the UAE;
 - (4) There are reasonable grounds to believe that the refugee ordered, incited, assisted, or participated in the persecution of others or committed genocide, a crime against humanity, a war crime, or terrorism;
- D. Consistent with the UAE's current practices and procedures, UAE appropriate authorities shall continue to accord noncitizens seeking refugee protection appropriate personal security protection, respect their rights, and refrain from mistreating or coercing them into providing information.
- E. Procedures.
- (1) If during the deportation or exclusion process, the noncitizen expresses a fear of persecution in the designated country of removal, the noncitizen shall be referred to an officer of the appropriate authority who is trained in refugee framework and procedure.
 - (2) The appropriate authority shall interview the noncitizen to assess the persecution claim.
 - (3) The appropriate authority may determine whether the persecution claim is manifestly unfounded. If the claim is determined to be manifestly unfounded, the noncitizen may be deported or excluded.
 - (4) If the claim is not determined to be manifestly unfounded, the merits of the persecution claim shall be considered by the appropriate authority.
 - (5) If the noncitizen is determined to be eligible for protection, a written decision shall be issued to the noncitizen, and the noncitizen shall not be subject to deportation or exclusion to the country of persecution unless and until the appropriate entity determines that the noncitizen is no longer in need of protection or that one or more of the internationally recognized exclusion grounds apply.
 - (6) UAE shall ensure that the refugee framework has appropriate procedural safeguards.
 - (7) UAE shall ensure that all relevant UAE officials are provided necessary training and guidance for the identification and processing of requests for protection, and in otherwise implementing the procedures described in this Annex.



Dip Note: 160/2013

Date: November 26, 2013

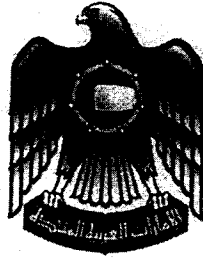
The Ministry of Foreign Affairs to the United Arab Emirates presents its compliments to the Embassy of the United States of America and refers to the Agreement between the Government of the United Arab Emirates and the Government United States of America on Air Transport Preclearance, including the Annex to article III (3)-(4) of the Agreement attached thereto, signed at Washington April 15, 2013.

In accordance with Article XII, paragraph 1 of the Agreement, the Ministry informs the Embassy that the Government of the United Arab Emirates has completed all necessary internal procedures for entry into force of the Agreement.

In connection with bringing the Agreement into force, the Ministry proposes that paragraph B(3)(a) of the Annex to article III (3)-(4) of the Agreement be amended to read as follows:

"The UAE shall permit the individual to remain in the UAE until an appropriate safe haven is found, with the intent to accomplish resettlement within 30 days."

The Ministry, on behalf of the Government of the United Arab Emirates, proposes that the Agreement, incorporating the above proposed amendment, enter into force on the date of the written notification to the Government of the United Arab Emirates by the Government of the United States of America that the latter concurs in the proposed amendment, and that the Government of the United States of America has completed all necessary internal procedures for entry into force of the Agreement.



The Ministry also notes that the two governments have engaged in further discussions regarding the implementation of the Agreement, especially in regard to the framework on persons seeking protection. In that regard, the Ministry informs the Embassy of the following procedures and expectations relating to that framework:

A. Procedures taken with regard to requests for protection from return to persecution include:

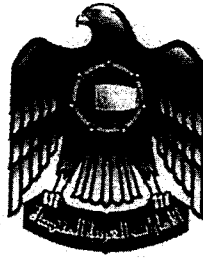
When a noncitizen in the UAE, arriving in the UAE at a port of entry, or in transit through the UAE, before being deported or excluded, expresses an unwillingness to return to his/her country based on the possibility of being persecuted, the following procedures apply:

1. The individual is interviewed by the officials of the Ministry of Interior to take his/her request and verify the claim of the individual's fear of returning to his/her country and whether the individual merits protection.
2. Concerned departments verify the identity of the individual with available documents.
3. The UAE Authority coordinates with relevant international organizations and countries, particularly in regard to securing acceptance to receive the individual.
4. In cases where an acceptance of a third country is secured to receive the individual, the UAE supports and may facilitate his/her departure.
5. The UAE permits the individual to remain in the UAE until an appropriate safe haven is found, with the intent to accomplish resettlement within 30 days.

B. The rights provided by the UAE for individuals seeking protection from return to persecution include:



1. The individual is treated with full respect regardless of his/her race, national origin, nationality, religion, political opinion or social group.
 2. The individual is provided with.
 - a. Interpreter services, if required;
 - b. An appropriate and safe place, as well as health services and necessities.
 3. The individual is allowed to:
 - a. Practice his/her religion/faith;
 - b. Communicate with his/her family members.
 4. The individual is waived of fines, if any exist.
 5. If granted protection, the UAE may facilitate the departure of the individual from the UAE to a safe haven or take other appropriate actions.
- C. Noncitizens in the UAE may be excluded from protection if the noncitizen falls within one or more internationally-recognized exclusion grounds:
1. There are reasonable grounds to believe that the person seeking protection is a danger to the safety and security of the UAE;
 2. There are reasonable grounds to believe that the person seeking protection committed a serious nonpolitical offense outside of the UAE;
 3. The person seeking protection has been convicted of a particularly serious criminal offense in the UAE;
 4. There are reasonable grounds to believe that the person seeking protection ordered, incited, assisted, or participated in the persecution of others or committed genocide, a crime against humanity, a war crime or terrorism.



The Government of the United Arab Emirates would welcome consultations with the Government of the United States regarding all aspects of the Agreement, including issues relating to the framework for persons seeking protection; such consultations could be held every six months, unless otherwise decided by the two countries. The UAE plans to also host periodic observations by joint UAE and U.S. teams.

The Government of the United Arab Emirates and the Government of the United States should provide primary points of contact on issues related to persons seeking or granted protection under this framework.

The Ministry of Foreign Affairs of the United Arab Emirates avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its high consideration.

Ministry of Foreign Affairs of the United Arab Emirates,

Abu Dhabi, [November 26, 2013].



Note No. 1453

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the United Arab Emirates and acknowledges receipt of the Ministry's note, dated November 26, 2013, which informed the Embassy that the Government of the United Arab Emirates has completed all necessary internal procedures for entry into force of the Agreement between the Government of the United States of America and the Government of the United Arab Emirates on Air Transport Preclearance, including the Annex to article III (3)-(4) of the Agreement attached thereto, signed at Washington April 15, 2013 (the "Agreement"). The Embassy is pleased to inform the Ministry that the Government of the United States of America has also completed all necessary internal procedures for entry into force of the Agreement.

The Embassy acknowledges also the amendment to paragraph B(3)(a) of the Annex to article III (3)-(4) of the Agreement proposed by the Ministry on behalf of the Government of the United Arab Emirates, and the Embassy informs the

Ministry that the Government of the United States of America concurs in the amendment proposed in the Ministry's note.

The Embassy further acknowledges the Ministry's proposal that the Agreement incorporating the amendment to paragraph B(3)(a) of the Annex to article III (3)-(4) of the Agreement enter into force on the date of the written notification from the Government of the United States of America that it concurs in the proposed amendment and that the Government of the United States of America has completed all necessary procedures for entry into force of the Agreement. Accordingly, the Agreement, as amended, enters into force on December 8, 2013, the date of this note.

Lastly, the Embassy acknowledges the information contained in the Ministry's note regarding the United Arab Emirates' procedures and expectations relating to the framework on persons seeking protection and informs the Ministry that the Government of the United States of America has taken note of the aforesaid procedures and expectations.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the United Arab Emirates the assurances of its high consideration.

Embassy of the United States of America,

Abu Dhabi, December 8, 2013.

