



## **AD HOC QUERY ON 2019.1 Practices of the Member States in case of a travel document reported lost holding an issued and valid visa**

**Requested by CZ NCP on 8 January 2019**

**Responses from EMN NCP Austria, EMN NCP Belgium, EMN NCP Croatia, EMN NCP Cyprus, EMN NCP Estonia, EMN NCP Finland, EMN NCP France, EMN NCP Germany, EMN NCP Hungary, EMN NCP Italy, EMN NCP Latvia , EMN NCP Lithuania, EMN NCP Luxembourg, EMN NCP Malta, EMN NCP Netherlands, EMN NCP Poland, EMN NCP Slovakia, EMN NCP Slovenia, EMN NCP Spain, EMN NCP Sweden, EMN NCP United Kingdom plus EMN NCP Czech Republic, EMN NCP Norway (23 in Total)**

### **Disclaimer:**

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### **1. Background information**

Procedures and conditions for issuing short-stay Schengen visas are based on Regulation (EC) No. 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code). The Regulation remains silent on procedures taken in case of a third country national who has lost his/her travel document with an issued and valid visa. Such person is no longer in physical possession of a valid visa, thus no longer fulfilling the entry conditions for third country nationals as stipulated by Article 6 of the Schengen Borders Code. However, records regarding issuing of the visa may be found in the Visa Information System, giving means to competent authorities to possibly "re-issue" the visa.

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The discussed scenario is not uncommon to many short-term travellers. In the years ahead the issue of such travellers could be solved through the means of digitalization of visas (e-visas). In the meantime, striving to establish best practice, the Czech Republic kindly asks the Member States to share their practice and experience in dealing with such cases.

## **2. Questions**

- 1. Please describe the practice of your authorities regarding third country nationals, who have lost their travel document with a valid visa in it.**
- 2. Do your authorities provide for reissuance of the visa?**
- 3. Do your authorities provide other solutions that would allow the traveller to continue his/her stay in the Schengen area?**

We would very much appreciate your responses by **15 April 2019**.

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### **3. Responses**

1

		Wider Dissemination <sup>2</sup>	
	EMN NCP Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Belgium	Yes	<ol style="list-style-type: none"><li>1. The person who has lost his travel document has to report this to the police and has to apply for a new passport at the embassy of his country of origin. Subsequently he can apply for a new visa at the Immigration Office in Belgium.</li><li>2. First a new travel document need to be obtained before the Immigration Office can issue a new visa.</li><li>3. See reply to question 1 and 2</li></ol>

<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

<sup>2</sup> A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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	EMN NCP Croatia	Yes	<p>1. Person who have lost their travel document with a valid visa in it, is not considered as illegally stayed TCN and return decision will not be issued. Third country national who lost his/her passport with the valid visa has to appear in person at the Embassy/Consulate with the certificate from the local police which clearly indicates that his/her passport has been lost or stolen. After that Embassy/Consulate will revoke the visa from the lost/stolen passport in the system ( Croatian Visa Information System) so that any misuse is prevented. Third country national who lost his passport will have to apply for a new visa on the basis of the new passport.</p> <p>2. No, because visa sticker is linked to the data from the old passport which is lost/stolen and therefore person will have to apply for a new visa with new passport.</p> <p>3. N/A ( Republic of Croatia is not yet part of Schengen Area / Croatian visa for short stay is not uniform (schengen) visa).</p>
	EMN NCP Cyprus	Yes	<p>1. N/A, as Cyprus is not a full member of the Schengen area.</p> <p>2. N/A, as Cyprus is not a full member of the Schengen area.</p> <p>3. N/A, as Cyprus is not a full member of the Schengen area.</p>
	EMN NCP Czech Republic	Yes	<p>1. In case of the Czech Republic, police authorities issue a Departure Order, which entitles the third country national to a temporary stay in the territory for as long as is necessary to carry out urgent actions and to leave the territory (maximum of 60 days). The Departure Order has a form of a sticker placed in the new travel document of the person, which may also be issued outside of the travel document. The Departure Order only provides stay on the Czech territory and may not be used to travel to other Schengen Member States.</p> <p>2. No</p>

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			3. As stated in Q1, the Departure Order only entitles the third country national to a temporary stay on Czech territory.
	EMN NCP Estonia	Yes	<p>1. In this case TCN should submit an application to the Police and Border Guard Board, where he/she explains the circumstances of losing travel document and asks for revocation of visa. Police and Border Guard officials will issue certificate proving loss of document. On ground of certificate TCN should turn to the Embassy for applying temporary travel document. If there is no representation in Estonia, the Police and Border Guard officials will issue a return decision with obligation for voluntary leave (within timeperiod 7 to 30 days).</p> <p>2. No. Police and Border Guard Board will not replace short-term and other MSs long-term visas. Board will issue new visa only in case, when it was already Estonian long-term visa.</p> <p>3. No.</p>
	EMN NCP Finland	Yes	<p>1. If the travel document has been stolen, they have to report it to the Police and then we will invalidate the travel document in VIS.</p> <p>2. No. They need to apply a new one.</p> <p>3. No</p>
	EMN NCP France	Yes	<p>1. If the TCN loses his/her travel document before the travel, although there is no uniform process, most consulates should issue a new visa for free, provided the applicant provides a new passport and a loss declaration. If the travel document is lost while on the MS territory and if a residence permit has already been issued, a duplicate of the residence permit may be issued if</p>

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			<p>the residence permit is also lost upon presentation of a new passport and a loss declaration, to prove the legal entry on the territory.</p> <p>2. see Q1</p> <p>3. see Q1</p>
	EMN NCP Germany	Yes	<p>1. The person concerned must report their travel document as lost to the police and present the corresponding notice of loss to the foreigners authority. The foreigners authority can confirm that the lost Schengen visa had been issued in an official memorandum. It will additionally request the person concerned to contact their home country's competent diplomatic mission regarding the issuance of a passport or passport substitute. The foreigners authority will also point out that if the date of entry into Germany cannot be verified, the permitted duration of stay of 90 days will apply from the date of issue of the Schengen visa.</p> <p>2. No. A visa is only issued abroad or, in exceptional cases, at the time of the border entry check. The option of extending a Schengen visa as a national visa which is possible in Germany subject to stringent conditions is also ruled out on account of the loss of the visa.</p> <p>3. Issuance of a residence permit which would also enable a short-term stay in other Schengen states without a preceding visa process is only conceivable where aborting the journey would appear unconscionable on account of special circumstances pertaining to the individual case concerned (Residence Act, Section 7 (1), sentence 3 in conj. with Section 5 (2), sentence 1 and 2). Travelling to a country for tourism purposes will not generally meet such conditions. The general conditions pertaining to issuance of a residence permit, such as the passport obligation, must also be met.</p>
	EMN NCP	Yes	<p>1. The immigration authority orders a warrant for the visa sticker in the SIS.</p>

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	Hungary		<p>2. Upon written request of the visa owner, by showing the original police report in regards to the lost/stolen travel document and visa, the immigration authority provides the change or the replacement of the visa sticker. According to the relevant legal act, there is also the possibility of issuing the temporary residence certificate, which allows its owner to legally stay in Hungary and leave the country.</p> <p>3. In the frame of application for visa prolongation according to the Article 33 of the Visa Code, the problem can be solved.</p>
	EMN NCP Italy	Yes	<p>1. The third-country national who claims to have lost his/her travel document is refused entry by the Border Authorities because he is no longer fulfilling the entry conditions for third country nationals, as stipulated by Article 6 of the Schengen Borders Code. The procedures for refusing entry are those established by Part A of Annex V of the Schengen Borders Code.</p> <p>2. No.</p> <p>3. No.</p>
	EMN NCP Latvia	Yes	<p>1. In the case if third-country national lost his/her travel document with valid Schengen visa, Office of Citizenship and Migration Affairs may evaluate the possibility of issuing a visa for the remaining visa period only if the third-country national has received a new travel document while he/she is staying in the territory of Latvia and provided documents justifying the loss of the previous travel document.</p> <p>2. The Office of Citizenship and Migration Affairs may evaluate the possibility of issiung a visa for</p>

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			<p>remainign visa period only if third-country national has received a new travel document and provided documents justifying the loss of the previous travel document.</p> <p>3. LV does not intend to otherwise legalize such a person's stay in Schengen area/Latvia. If a person has lost a travel document with a valid visa, the person will address the issue to get a new travel document. If this is not possible, the Office of Citizenship and Migration Affairs may issue a return decision.</p>
	EMN NCP Lithuania	Yes	<p>1. If a third country national (TCN) does not have a valid travel document but the Visa Information System (VIS) or the Register of Foreign Nationals contains data on issued and still valid Schengen or national visa, the TCN is referred to the embassy of his / her country of origin to be issued a return certificate or new travel document. If such TCN leaves Lithuania and provides a return certificate at the external EU border, he / she is allowed to leave without a return decision. If it is determined that the Schengen or national visa has expired, the return decision shall be issued.</p> <p>2. Yes, but only in the case of having had a national visa: if a TCN has another valid travel document and applies for reissuance of national visa, a new national visa is reissued for the period of validity of the lost national visa.</p> <p>3. Please refer to the answer to question 1.</p>
	EMN NCP Luxembourg	Yes	<p>1. In Luxembourg if a third country national loses or had his/her passport stolen, s/he must declare the lost or stolen document as soon as possible to the Grand Ducal Police. With the police report, the third-country national can request a new passport before his/her diplomatic representation. The only problem is that most of the consular authorities of third-countries are</p>

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			<p>located in Brussels so the third-country national must travel to Brussels to obtain the new travel document.</p> <p>2. Once the third-country national obtains his/her new travel document, and if the TCN is present in Luxembourg, we can issue him a visa for the validity taken from the VIS or, in the case of a temporary travel document, the duration of the document in question.</p> <p>3. The visa issued with the validity taken from the VIS will logically allow the TCN to travel within the Schengen area.</p>
	EMN NCP Malta	Yes	<p>1. It all depends if the issuing member state of the Visa is alerted of the loss of the travel document. It sigma's to the country which issued the passport to issue instructions/alert on SLTD in case of a third country.</p> <p>2. The alert is in vigour and this needs to be checked by the state issuing the Visa. Also it is only for the person who lost or had his passport stolen to be issued with another visa.</p> <p>3. Concurrent of course, the Visa has to be entered in the SIS as well.</p>
	EMN NCP Netherlands	Yes	<p>1. If a third country national has lost his document with a valid visa in it, the Aliens Act states that the third country national has in principle no right to stay on the territory of the Netherlands. However, it is possible for the third country national to request a new visa in case of loss or theft. Since it can not be excluded that the visa has been stolen, the third country national must first go to the police to report theft/loss. A copy of the police report must then be send to the Immigration and Naturalisation Service (IND) when requesting a replacement of the visa. The IND will make the lost visa invalid and will replace the visa, when the visa was not yet expired. However, this is only possible when the third country national still has a valid identification document. In case the</p>

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			<p>third country national lost his identification document where the visa was in, it is necessary to regain an identification document first.</p> <p>2. Yes. See question 1.</p> <p>3. No.</p>
	EMN NCP Poland	Yes	<p>1. As a matter of rule, third country nationals who lost their Travel Document with a valid Schengen visa in it, are obliged to return to their country of origin and apply for a new visa according to the regular procedure. Polish legislation does not constitute any special rules in that regard, which means that they are charged the usual visa fee and have to provide all supplementary documents.</p> <p>2. No</p> <p>3. No</p>
	EMN NCP Slovakia	Yes	<p>1. In case travel document is lost, the applicant has to apply for a new visa only on the basis of a new completed application, after cancelling the previous visa. This is the case when SR is still his/her main country of destination. If the country of destination of the applicant has changed, the embassy/consulate is no longer competent for accepting the applications.</p> <p>2. See Q1</p> <p>3. There are no other solutions in the SR in such cases.</p>

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	EMN NCP Slovenia	Yes	<p>1. There is no particular procedure. In such cases, the TCN are appointed to the embassies in order to obtain the travel document. We have agreements in place with SRB, ALB, BIH, MNE, MDA, MKD, RUS and UKR that in such cases they are allowed to return home with the travel document without the visa.</p> <p>2. No</p> <p>3. No</p>
	EMN NCP Spain	Yes	<p>1. Loss of the travel document and the visa should be reported to the police. The visa shall be included in the SIS as a lost document. The holder must obtain a new travel document.</p> <p>2. There is no such a thing as "reissuance" of a visa. The lost visa will be revoked. If the new travel document is recognised as valid for affixing a visa, a new visa can be issued and included in the VIS, corresponding to the new travel document number and indicating the new visa sticker number.</p> <p>3. Not under normal circumstances.</p>
	EMN NCP Sweden	Yes	<p>1. Once the holder has been issued with a new passport from his or her authorities (more often than not an emergency passport) a new visa sticker, based on the previous decision and with the remaining validity is issued and inserted into the new passport. The new passport must be recognised as a valid travel document by Sweden. The lost sticker is registered in SIS and a police report is required in order to issue a new sticker.</p> <p>2. Yes, but the handling of visa issuance is centralized to one office within our authority.</p> <p>3. Not in the case of visas.</p>

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	EMN NCP United Kingdom	Yes	<p>1. Lost travel documents must be reported to the police and to UK Visas and Immigration. Once the applicant has a police report or criminal reference number, they can apply for new documents.</p> <p>2. Yes, if they have followed the steps above.</p> <p>3. N/A</p>
	EMN NCP Norway	Yes	<p>1. Should a third country national lose his/her travel document with a valid visa issued by Norway in their home country, the person would be asked to provide documents showing the passport was lost/stolen (such as a police report, application for the new passport etc) and a new valid passport. The Norwegian Embassy will check that the visa is registered in VIS (and it must still be valid). The Norwegian Embassy in the country which had issued the visa, would be able to re-issue a visa with the same rights and starting from the new date of issuing and with the same end date as the previous visa. Should the person be outside their home country when their passport is lost, he/she would have to contact the closest Norwegian Embassy with rights to issue visas to get their visa reissued. In Norway the person would contact the local police office. As a general rule, it would not be considered a new application and there would be no new fee in such cases.</p> <p>2. The authorities allow for re-issuing of a visa in these cases as long as it is sufficiently documented that the passport is lost and that a valid visa is registered in VIS.</p> <p>3. As the authorities provide for re-issuance in valid cases, Norway does not make other allowances in these cases.</p>

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