



### **AD HOC QUERY ON 2019.46 Venezuelans with expired passports**

**Requested by EMN NCP Spain on 26 March 2019**

**Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Germany, Greece, Hungary, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, United Kingdom plus Norway (24 in Total)**

#### Disclaimer:

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## **1. Background information**

As a rule, a valid national passport is necessary in Spain as a requirement for granting or renewing a residence permit, as well as for obtaining a residence card (it is the way for identifying themselves).

Problems for Venezuelan citizens obtaining or renewing their passports have been detected during last months. Due to that, Venezuelans run the risk of not being able to identify themselves with a valid national passport and as a consequence are facing problems to collect their residence cards or to apply (or renew) their stay or residence in Spain.

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As a way to provide with a specific solution for this specific situation, a joint instruction has been released. According to this, migration authorities will not temporarily apply the requirement of having a valid passport to Venezuelans who apply or renew their stay or residence in Spain or to Venezuelans who want to collect their residence cards.

In these cases, it will be required that the applicant hands over his expired passport.

In this regard, we would like to ask the MS the following questions:

## **2. Questions**

**1. Has your country identified difficulties for Venezuelans due to the impossibility of obtaining or renewing their passport?**

**2. If yes, has your country designed any specific measure to cope with this situation? Please, describe briefly the measure/s adopted as well as how it/they work (eg. If there is some kind of limitations)**

**3. Since when is your country implementing such measure?**



We would very much appreciate your responses by **26 April 2019**.

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### **3. Responses**

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		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	<p>1. No. In Belgium, currently no problems were detected about difficulties for Venezuelans to obtain or renew a passport. Remark: Venezuelans who were issued a residence permit in the past and presented a valid national passport at that point, do not need to provide a passport at the moment of the renewal of their residence card. They will therefore probably encounter less administrative issues. However, they do need to provide a national passport when there is an administrative documentary check.</p> <p>2. Not applicable</p> <p>3. Not applicable</p>

<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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	<p>EMN NCP Bulgaria</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. Yes, only one case up to now.</li> <li>2. Not yet.</li> <li>3. N/A.</li> </ol>
	<p>EMN NCP Croatia</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. No.</li> <li>2. The Law on Foreigners ("Official Gazette", No: 130/11, 74/13, 69/17 and 46/18), Article 52, paragraph 3. proscribes that to a third-country national who does not have a valid foreign travel document and submits the request for a temporary stay to the Republic of Croatia, a decision on the approval of the temporary stay is issued. It is important to underline that article 56a of the same Law stipulates that a member of the immediate family of a Croatian citizen does not necessarily have to fulfil the condition referred to in article 54., paragraph 1., Point 2. (have a valid travel document) when the valid travel documents cannot be obtained in the diplomatic-consular representation of a foreign State in the Republic of Croatia, but his identity can be undoubtedly determined in a different way.</li> <li>3. The Law on Foreigners ("Official Gazette", No: 130/11, 74/13, 69/17 and 46/18), that proscribes issuing of the decision on the approval of the temporary stay (as mentioned in answer 2) is in force from 01.01.2012. (the date when the Law on Foreigners ("Official Gazette", No: 130/11) entered into force).</li> </ol>
	<p>EMN NCP Cyprus</p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. No.</li> <li>2. N/A</li> <li>3. N/A</li> </ol>



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	EMN NCP Estonia	Yes	<ol style="list-style-type: none"> <li>1. No. The community of Venezuelans in Estonia is small and up to now we have not identified difficulties for Venezuelans due to the impossibility of obtaining or renewing their passport. Estonia does not impose a rule that a person needs to have a valid passport for renewing the residence permit. In case a person has been issued a residence permit in Estonia, it is possible to identify him or her in the following residence permit proceedings with the residence permit card issued by Estonia.</li> <li>2. N/A</li> <li>3. N/A</li> </ol>
	EMN NCP Finland	Yes	<ol style="list-style-type: none"> <li>1. No, Finland has experienced no such difficulties and the number of Venezuelan residence permit applicants is very low.</li> <li>2. N/a</li> <li>3. N/a</li> </ol>
	EMN NCP France	Yes	<ol style="list-style-type: none"> <li>1. France has also identified such difficulties for visa and residence permit applications. However France has not implemented any specific measure so far. Competent departments have been considering this situation but no decision has been taken yet.</li> <li>2. n/a</li> <li>3. n/a</li> </ol>
	EMN NCP	Yes	<ol style="list-style-type: none"> <li>1. Yes, there are indications.</li> </ol>



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	Germany		<p>2. The German right of residence generally provides for the possibility of granting an exception to the passport duty if the identity of the foreigner is, for example, proven by an expired travel document. If a foreigner can not obtain a travel document from his home state in a reasonable manner, he may also be issued with a German passport replacement paper, provided that there is a well-founded interest.</p> <p>3. These are long-standing regulations that have not been specifically implemented with regard to the situation in Venezuela.</p>
	EMN NCP Greece	Yes	<p>1. The right of residence of third-country nationals legally entering Greece is subject among others preconditions to the requirement of obtaining a passport or a valid travel document. Specifically, in the cases where a third-country national fails to present a valid passport or other travel document, the right of residence may be recognised to them as persons deprived of passport, where these third-country nationals claim and reason their objective temporary or permanent inability due to particular conditions or circumstances examined by a competent Committee. If third-country nationals are recognized as objectively deprived of passports according to the above procedure, they have the right to transact with the public agencies. Regarding the case of third-country nationals of Venezuela, the Greek Ministry for Migration Policy has not officially been informed on such incidents. Currently, the competent Directorates of Aliens and Migration, according to relevant data, have granted two residence permits to citizens of Venezuela as deprived of passport.</p> <p>2. See Q1</p> <p>3. See Q1</p>
	EMN NCP Hungary	Yes	<p>1. Yes, the Immigration and Asylum Office of Hungary is aware of the issue, as the Venezuelan Embassy in Budapest has officially communicated it.</p> <p>2. Hungary hasn't adopted any special measures to cope with the difficulties, because there is not such a populous</p>




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			<p>Venezuelan community in our country, and the relevant legislation sets out the solution. Since the Hungarian authority was duly informed that it takes more time than usual, in case a Venezuelan citizen proves with a certificate issued by the Embassy that the prolongation of the passport is in progress, the Immigration and Asylum Office shall suspend the decision-making process. In case of applications for renewal of residence permits, according to Section (1) a) of Article 30 of Act No. II of 2007 on the Admission and Right of Residence of Third-Country Nationals a certificate will be issued by the immigration authority entitling its holder for temporary stay for the length of the decision making process.</p> <p>3. N/A</p>
	EMN NCP Latvia	Yes	<p>1. Latvia has not identified this problem yet as there is not very large Venezuelan diaspora in Latvia (only 13 citizens of Venezuela resided in Latvia with valid residence permits on 31st December 2018). There have been difficulties to receive a passport from country of citizenship in other cases (for example, Syria). Every case is considered individually and a decision on tolerated stay could be taken but without issuing/renewing the residence permit.</p> <p>2. N/A</p> <p>3. N/A</p>
	EMN NCP Lithuania	Yes	<p>1. So far, there was only one case when a Venezuelan citizen stated that he is not able to renew his passport. However, this person's passport was stamped by the Venezuelan Embassy, stating that the validity of the passport was extended for one year, so it was decided to allow this Venezuelan citizen to submit documents and apply for the temporary residence permit.</p> <p>2. N/A</p> <p>3. N/A</p>

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	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. Yes</p> <p>2. As a general rule a valid national passport is necessary in Luxembourg as a requirement for granting or renewing a residence permit. In accordance with article 1 (1) and (2) of the amended grand ducal regulation of 26 January 2005 establishing the modalities for obtaining a travel document for foreigners, a travel document for foreigners can be granted to a TCN legally residing in Luxembourg, whose identity and nationality are duly established and who are unable to obtain a national passport from the authorities of their country of origin or for whom it is impossible to request the issuance or renewal of a travel document due to exceptional circumstances (i.e. when the procedure for the issuance of a national passport is excessively long or difficult to the point considered exceeding the limits of what is reasonable). This article can be applied to Venezuelan residing in Luxembourg who can prove that they are unable to obtain or renew a Venezuelan passport when obtaining or renewing their residence permits. In concrete, the Luxembourgish authorities have issued a travel document for foreigners in two cases concerning children born in Luxembourg of Venezuelan parents residing legally in Luxembourg. In each case, the parents presented the application form for a national Venezuelan passport ("solicitud de pasaporte en el extranjero") for the child which contains the date of the passport application. The parents explained that they did not get any answer from the Venezuelan authorities. As the passport application dated in these two cases since more than 7/8 months and because of the actual situation in Venezuela, the Luxembourgish immigration authorities decided to grant a travel document for foreigners to the children as the procedure for the issuance of a national passport is considered as excessively long and difficult. These travel documents for foreigners had been issued for only one year and until the issuance of a national passport. The travel document for foreigners is accepted as a valid passport for the granting of a residence permit.</p> <p>3. Since January 2019.</p>
	<p>EMN NCP Malta</p>	<p>No</p>	<p>This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.</p>
	<p>EMN NCP</p>	<p>Yes</p>	<p>1. Yes. If necessary, additional information could be requested.</p>






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	Netherlands		<p>2. The Immigration and Naturalisation Service (IND) offers two, temporary solutions to Venezuelan citizens who have difficulties identifying themselves with a valid national passport:• Venezuelans who want to collect their residence permit or having their biometric data taken at the IND-desk, can identify themselves with their expired passport and a copy of their application for (renewal of) a passport.• The IND will temporarily not apply the requirement of a valid passport to Venezuelans with an application for renewed stay or an application for changing their purpose of residence. However, for this it is required that the applicant hands over his expired passport with a copy of the application for (renewal of) a passport and still meets all other conditions of the residence permit. At the next renewal the IND will require a valid national passport again.</p> <p>3. Since November 2017.</p>
	EMN NCP Poland	Yes	<p>1. In recent years Poland has not reported any cases nor carried out activities in the field of obtaining travel documents for the citizens of Venezuela.</p> <p>2. n/a</p> <p>3. n/a</p>
	EMN NCP Portugal	Yes	<p>1. No. There are no reports of such situations.</p> <p>2. NA</p> <p>3. NA</p>
	EMN NCP	Yes	<p>1. No.</p>



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	Slovakia		<p>2. N/A</p> <p>3. N/A</p>
	EMN NCP Slovenia	Yes	<p>1. By now we have not identified any difficulties. The number of Venezuelan citizens is negligible in our country.</p> <p>2. n.a.</p> <p>3. n.a.</p>
	EMN NCP Spain	Yes	<p>1. Yes.</p> <p>2. Migration authorities will temporarily not apply the requirement of a valid passport to Venezuelans. So, Venezuelans who want to collect their residence card or who apply for a residence permit or its renewal can identify themselves with their expired passport. For more info:  <a href="http://extranjeros.mitramiss.gob.es/es/normativa/nacional/instrucciones_sgje/documentos/2019/InstruccionVenezolanos.pdf">http://extranjeros.mitramiss.gob.es/es/normativa/nacional/instrucciones_sgje/documentos/2019/InstruccionVenezolanos.pdf</a></p> <p>3. March 2019.</p>
	EMN NCP Sweden	Yes	<p>1. Not to the best of our knowledge</p> <p>2. Not applicable</p> <p>3. Not applicable</p>

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	EMN NCP United Kingdom	Yes	1. The UK has not received any queries from asylum decision makers regarding this issue.  2. N/A  3. N/A
	EMN NCP Norway	Yes	1. In Norway we are aware that various reports indicate that Venezuelans have trouble getting passports not only because of break-downs in the system, but also because of lack of suitable paper supplies in the country. However, our expert staff working on travel documents have not actually run up against this problem with Venezuelans as yet. So it seems that we have not had to trouble-shoot this situation in any of the cases from V. which we have processed up to this point in time.  2. N/A  3. N/A

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