



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 Ludmila Touskova on 8 January 2019

Compilation produced on 25 September 2019

Responses from Croatia, Estonia, Germany, Hungary, Italy, Latvia, Lithuania, Netherlands, Slovakia (9 in Total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

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**.

3. Responses

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

		Wider Dissemination ²	
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¹ 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.

² 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 Croatia</p>	<p>Yes</p>	<ol style="list-style-type: none"> 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. 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. 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 Estonia</p>	<p>Yes</p>	<ol style="list-style-type: none"> 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). 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. 3. No.



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	<p>EMN NCP Germany</p>	<p>Yes</p>	<ol style="list-style-type: none"> 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 al-so 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. 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. 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 Hungary</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. The immigration authority orders a warrant for the visa sticker in the SIS. 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. 3. In the frame of application for visa prolongation according to the Article 33 of the Visa Code, the



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			problem can be solved.
	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 issuing a visa for remaining 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>


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	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<ol style="list-style-type: none"> 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. 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. 3. Please refer to the answer to question 1.
	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<ol style="list-style-type: none"> 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 third country national lost his identification document where the visa was in, it is necessary to regain an identification document first. 2. Yes. See question 1. 3. No.

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	EMN NCP Slovakia	Yes	<ol style="list-style-type: none">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.2. See Q13. There are no other solutions in the SR in such cases.
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