



AD HOC QUERY ON 2020.21 Update on information from Member States in regards to Venezuelans with expired passports

Requested by Dylano de Wilde on 23 March 2020

Compilation produced on 20 May 2020

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Estonia, France, Hungary, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden plus Norway (19 in Total)

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1. Background information

A valid national passport is necessary in the Netherlands as a requirement (the so-called 'passport requirement') for granting or renewing a residence permit in legal migration cases (e.g. work, study and family purposes). Problems for Venezuelan citizens obtaining or renewing their passports have been detected during the last years in the Netherlands. Due to this, Venezuelans run the risk of not being able to show a valid national passport, in order to renew or collect their residence permits or to apply for their stay or residence in the Netherlands.

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Following these developments, the Netherlands is currently rethinking their approach to the passport requirement for Venezuelans with expired passports. The Netherlands is aware that similar questions have been asked under the European Migration Network through ad-hoc query 2019.46 'Venezuelans with expired passports', in order to check whether other Member States have changed their policy of how to handle this situation related to Venezuelan passport. The Netherlands would like to see whether other Member States have since then started to recognize any difficulties and adopted any changes.

2. Questions

- 1. Has your Member State identified difficulties for Venezuelans due to the impossibility of obtaining or renewing their passport? Yes/No. Please explain.**
- 2. If yes, has your Member State implemented any specific measures to cope with this situation? Yes/No. Please describe briefly the measures adopted and how they are implemented (e.g. the passport requirement is temporarily dropped).**
- 3. Since when is your Member State implementing such measures?**

We would very much appreciate your responses by **4 May 2020**.

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

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


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	EMN NCP Austria	No	
	EMN NCP Belgium	Yes	<p>1. No. In Belgium, no problems were detected regarding difficulties for Venezuelans who can't obtain or renew their passports. A lot of the Venezuelans who are in Belgium have applied for international protection. When applying for international protection, it's not necessary to present a valid passport. And Venezuelans who have already been granted a residence permit don't have to present a valid passport to renew their residence permit (with the exception of students). It's possible that Venezuelans face difficulties obtaining a new passport, but to our knowledge this doesn't have a big impact on their stay, residence application, or application for international protection.</p> <p>2. NA</p> <p>3. NA</p>
	EMN NCP Bulgaria	Yes	<p>1. Yes, we have two cases. No measures have been taken. We have given the opportunity to the Venezuelans to wait for their valid national passport.</p> <p>2.</p>

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"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>No, we do not have concrete measures.</p> <p>3. N/A</p>
	EMN NCP Croatia	Yes	<p>1. No.</p> <p>2. N/A</p> <p>3. N/A</p>
	EMN NCP Cyprus	Yes	<p>1. No.</p> <p>2. N/A</p> <p>3. N/A</p>
	EMN NCP Estonia	Yes	<p>1. Yes, there have been a few cases where Venezuelans wished to receive a travel document from Estonia as they were not able to renew their Venezuelan passport.</p> <p>2. No.</p> <p>3. N/A</p>



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	EMN NCP France	No	
	EMN NCP Hungary	Yes	<ol style="list-style-type: none"> 1. Yes, the National Directorate-General for Aliens Policing has information about the difficulties, since the Venezuelan Embassy officially signaled the office. 2. Hungary hasn't accepted any special measures to cope with the situation, however, there is not such a huge Venezuelan community in Hungary, and the relevant legislation contains solution to solve the problem. Since the Venezuelan Embassy informed us about the prolongation of the passports and the fact that it takes longer time, if a Venezuelan citizen proves with a certificate issued by the Embassy that the prolongation of the passport is in progress, the National Directorate-General for Aliens Policing suspends the decision making process, which is allowed by the legislation. For the time of the decision making process, according to Point a) Section (1) of Article 30 of Act No. II of 2007 on the Admission and Right of Residence of Third-Country Nationals, a certificate that entitles its owner for temporary stay will be issued by the immigration authority for those Venezuelan citizens, who applied for the renewal of their residence permits. 3. N/A


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	<p>EMN NCP Latvia</p>	<p>Yes</p>	<p>1. Latvia has not identified this problem yet as there is not very large Venezuelan diaspora in Latvia (only 18 citizens of Venezuela resided in Latvia with valid residence permits on 31st December 2019). 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>
	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. Situation in Lithuania did not change compared to the time answering AHQ 2019.46. There was a 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. There is one more ongoing case with a Venezuelan citizen's passporting to be expired, but she informed Lithuanian Migration authorities of the foreseen difficulties and is currently putting efforts to renew it.</p> <p>2. No.</p> <p>3. N/a</p>



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	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. Yes. There are Venezuelan nationals residing in Luxembourg territory who have difficulties to obtain a national passport from the Venezuelan diplomatic authorities.</p> <p>2. Luxembourg continues applying the same rules described in the answer to ad-hoc query 2019.46.</p> <p>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).</p> <p>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.</p> <p>In concrete, the Luxembourgish authorities issued the travel document once that the applicant has presented the application form for a national Venezuelan passport (“solicitud de pasaporte en el extranjero”) which contains the date of the passport application. The applicant has to explain that s/he has not got any answer from the Venezuelan authorities. As there were cases where the passport’s application dated 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 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>
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			3. January 2019.
	EMN NCP Netherlands	Yes	<p>1. Yes, several cases of Venezuelans with expired passports have been seen by the Immigration- and Naturalisation Service in the Netherlands.</p> <p>2. Yes, measures have been taken. 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 could also decide to – based on an case-by-case basis - 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. No difficulties were observed in legalizing the stay of the citizens of Venezuela due to their inability to obtain or extend their travel document. In accordance with art. 106 section 2 and 3 of the Act on Foreigners, the foreigner submitting an application to the voivode for temporary residence permit presents a valid travel document. In particularly justified cases, if the foreigner does not have a valid travel document and it is not possible to obtain it, s/he may present another document confirming his/her identity. Similar solutions are envisaged for the permanent residence</p>



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			<p>permit and EU long-term residence permit (Article 203 (2) and (3) and Article 219 (2) and (4) of the Act on Foreigners. The scale of the described phenomenon is small, as at present 104 Venezuelans apply for a temporary residence permit, 5 Venezuelan citizens and 1 Venezuelan citizen resident in the EU for permanent residence.</p> <p>2. N/A.</p> <p>3. N/A.</p>
	EMN NCP Portugal	Yes	<p>1. Yes. The Portuguese Immigration and Borders Service (SEF) is aware of such difficulties both because of the daily interaction with Venezuelan citizens and officially, through the Portuguese Ministry of Foreign Affairs.</p> <p>2. Portugal acknowledges and acts accordingly to the Verbal Note issued by the National Assembly of the Bolivarian Republic of Venezuela DERI/208/18, dated of September 4th 2018, informing on the Agreement for the prorogation of expired Venezuelan passports, for a period of five years, starting on August 29th 2018. Therefore, all Venezuelan passports expired from that date until August 29th 2023 are considered valid for Portuguese authorities. entrada_sgdoc_109785dn2018.pdf</p> <p>3. Portuguese authorities started accepting expired passports on October 17th 2018, which is the date of the Portuguese Ministry of Foreign Affairs official notification on the prorogation Agreement.</p>
	EMN NCP Slovakia	Yes	<p>1. No.</p> <p>2. N/A</p>



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	EMN NCP Slovenia	Yes	<p>1. No.</p> <p>2. In accordance with the Foreigners Act (Official Gazette of RS, no. 1/18 - official consolidated text, 9/18 - corr. and 62/19 - odl. US) a residence permit, with the exception of a first temporary residence permit, may be issued to a foreigner who does not hold or is unable to obtain a travel document (e. g. passport) of his or her country of origin, provided that his or her identity has been established.</p> <p>A foreigner who holds a permit to reside in the Republic of Slovenia may also be issued a passport for foreigners if the foreigner does not have and cannot acquire a valid travel document from his or her country of citizenship. A passport for foreigners may be issued with a validity of two years, unless the following circumstances apply:</p> <ul style="list-style-type: none"> - a foreigner applies for a passport with a shorter period of validity; or - a shorter period of validity is sufficient for achieving the purpose for which the passport was issued. <p>3. Solutions explained above are part of the Foreigners Act since its adoption in 2011.</p>
	EMN NCP Spain	Yes	<p>1. Yes, we have. The main issue was the impossibility to present a valid passport to get or renew a residence permit, and/or to get an ID. Many Venezuelans handed expired passports, due to the impossibility of their renewal in Spain (they had to go to Venezuela to renew it).</p> <p>2. Yes, we did. We adopted new guidelines to comply with the UNHCR recommendation, issued on the 18th of March 2018, to not to deny a residence permit to Venezuelans based solely on the lack of valid</p>

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			<p>documents or on their irregular status, and to comply also with a Spanish court judgement of June 2018 that resolved to grant Venezuelans a residence permit on humanitarian grounds.</p> <p>The new guidelines state that expired passports will be accepted to grant and renew residence permits and IDs requested by Venezuelans, till the situation improves.</p> <p>3. Since March 2019.</p>
	EMN NCP Sweden	Yes	<p>1. Venezuela has no embassy in Sweden. The closest embassy is in Norway and we have no information that there should be any problems with renewing passports.</p> <p>2. NA</p> <p>3. NA</p>
	EMN NCP Norway	Yes	<p>1. Not really, though we do know that Venezuelan refugees can have problems with this issue. Most asylum seekers from Venezuela came to Norway during 2017 - 2019 and had valid passports. One of the applicants said that he/she had had problems getting a new passport because they didn't have enough resources to pay for it and instead had managed to get the old passport renewed. Norway considered this passport valid because his/her explanation was in keeping with information Norway has obtained from experts in the field. In asylum cases there is no absolute requirement for documentation, except when considering residence permits based on utl. § 38, jf. Utl § 8-12. At the moment, the Norwegian Directorate of Immigration has not taken a stand on whether we can make an exception to the requirement for documentation based on utl. § 8-12 for applicants from Venezuela, but we assume we will have to take a stand on this in one concrete case which will soon be processed.</p>

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			2. N/A 3. N/A
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