

Venezuelans with expired passports

Summary EMN Ad-Hoc Query No. 2020.21

Launched on 23 March 2020 by EMN Netherlands. Answered by AT, BE, BG, CY, EE, ES, FR, HR, HU, LV, LT, LU, NL, PL, PT, SE, SI, SK and NO.

Background

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.

Following these developments, the Netherlands is currently rethinking their approach to the passport requirement for Venezuelans with expired passports. The Netherlands would like to see whether other Member States have started to recognize any difficulties and adopted any changes.

Questions

The following questions have been asked in this ad-hoc query:

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?

Introduction

Similarly as in the Netherlands, half the Member States (**BG, EE, ES, HU, LT, LU, PT and NO**) are confronted with cases of Venezuelans with expired passports, while the other half of the Member States have not (**BE, CY, HR, LV, PL, SE, SI, SK**). Measures to tackle this issue have only been taken in **Hungary, Luxembourg, the Netherlands, Portugal and Spain**, which are taken between November 2017 and March 2019.

Main findings

Cases of Venezuelans with expired passports

- Just as in **the Netherlands, Bulgaria, Estonia, Hungary, Lithuania, Luxemburg, Portugal and Spain** are confronted with cases of Venezuelans with expired passports who have difficulties renewing their passports. **Norway** is only confronted with this issue in regards to asylum seekers from Venezuela.
- The problem is different in eight other Member States (**Belgium, Cyprus, Croatia, Latvia, Poland, Slovenia, Slovakia, Sweden**). In these Member States no problems were detected regarding difficulties for Venezuelans who can't obtain or renew their passports. Reasons for these Member States to not witnessing this issue include that only a small number of Venezuelan citizens are in these Member State and/or that there is no passport requirement (e.g. in applications for international protection).

Measures taken by Member States

Adopted measures differ across Member States.

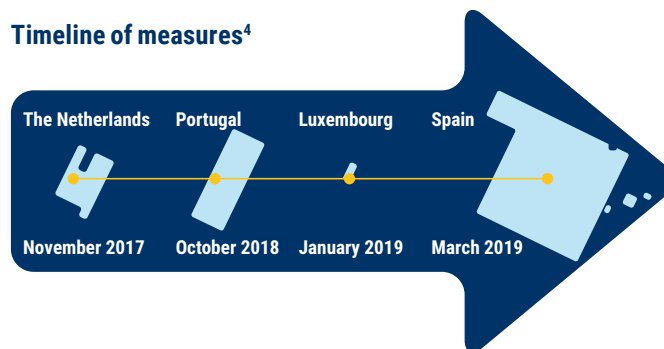
- **Similar approaches** have been adopted by **the Netherlands and Hungary**. **The Netherlands** offers two, temporary solutions to Venezuelan citizens who have difficulties identifying themselves with a valid national passport: Venezuelans who want to collect their residence permit or having their biometric data taken at the desk of the Immigration- and Naturalisation Service (IND), can identify themselves with their expired passport and a copy of their

application for (renewal of) a passport. The IND could also decide to 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.¹

A similar approach has been adopted in **Hungary**. In Hungary the Venezuelan Embassy informed the Hungarian authorities 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 Hungarian National Directorate-General for Aliens Policing suspends the decision making process, which is allowed by the legislation.

- **Different approaches** were adopted in other Member States. In **Luxembourg** the Luxembourgish authorities issued the travel document once that the applicant has presented the application form for a national Venezuelan passport 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. Additionally, **Portugal** acknowledges and acts accordingly to the Agreement for the prorogation² 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. **Spain** adopted new guidelines not to deny a residence permit to Venezuelans based solely on the lack of valid documents or on their irregular status, and to comply also with a Spanish court judgement that resolved to grant Venezuelans a residence permit on humanitarian grounds.³
- No measures have been taken in **Bulgaria, Estonia, Lithuania**, even though these Member States are confronted with the issue of Venezuelans with expired passports.

Timeline of measures⁴



EMN NCPs PARTICIPATING • 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). The answers from Austria and France are not for wider dissemination and therefore not included in this summary.

DISCLAIMER • The responses of the Member States regarding this ad-hoc query have been provided primarily for the purpose of information exchange among the EMN National Contact Points (NCPs) in the framework of the EMN. The contributing EMN NCPs have provided information that is to the best of their knowledge up-to-date, objective and reliable. However, the information provided in the present summary is produced under the exclusive responsibility of the EMN The Netherlands and does not necessarily represent the official policy of an EMN NCPs' Member State. The responses are interpreted by EMN The Netherlands to write this summary.

1 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.
 2 Verbal Note issued by the National Assembly of the Bolivarian Republic of

Venezuela DERI/208/18, dated of September 4th 2018
 3 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.
 4 For Hungary it is unknown when the measure came into effect.