



EMN Ad-Hoc Query on AHQ on travel documents for asylum seekers

Requested by Barbara ORLOFF on 10th July 2017

Protection

Responses from Austria, Belgium, Croatia, Czech Republic, Estonia, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Sweden, United Kingdom (21 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.


Background information:



According to Article 6 (5) of the Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection Member States may provide applicants with a travel document when serious humanitarian reasons arise that require their presence in another State. With reference to the processing of asylum reform proposals, the Estonian Ministry of the Interior would like to know more about your MS's practice regarding this type of travel documents.




Questions


1. Does your MS's legislation foresee the possibility to provide applicants for international protection with a travel document when serious humanitarian reasons arise that require their presence in another State?
2. If yes, what is the period of validity of this travel document? Does the travel document enable to cross the border one time or many times during a certain time period?
3. Has your MS issued this type of travel documents in practice? If yes, how many travel documents has your MS issued to the applicants in years 2012-2016?
4. If yes, what have been the main reasons why the travel document has been issued to the applicants?
5. If yes, has your MS come across with cases of misuse of this type of travel documents?



Responses



	Country	Wider Dissemination	Response
	Austria	Yes	<ol style="list-style-type: none">1. No (see Art. 88–97 Aliens Police Act; Art. 50–53 Asylum Act).2. N/A.3. N/A.4. N/A.




			5. N/A.
	Belgium	Yes	<p>1. No. Belgium did not transpose this ‘may’-clause in national legislation. Asylum applicants cannot get a travel document. As a general rule, a travel document will only be issued to non-Belgian who have a residence permit of unlimited duration. As an exception, recognized refugees and persons with subsidiary protection status with a residence permit of limited duration (electronic residence card A) can receive a travel document. Moreover, a travel document will only be if there is no doubt concerning his/her identity and nationality, if he /she cannot get a travel document from his/her country and if he/she is not subject to judicial or legal measures limiting his/her freedom (of movement).</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	Croatia	Yes	<p>1. 1. Article 52. Section 3 of the Act of international and temporary protection states that applicants are obliged to remain within the territory of the Republic of Croatia throughout the entire procedure of approval of international protection. A special travel document can only be issued to a foreigner who has a temporary residence, permanent residence or international protection granted in the Republic of Croatia.</p> <p>2. 2. N/A</p> <p>3. 3. N/A</p> <p>4. 4. N/A</p>




			5. 5. N/A
	Czech Republic	Yes	<p>1. CZ does not issue such kind of documents and does not plan to introduce so.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	Estonia	Yes	<p>1. No, Estonian legislation does not foresee the possibility to provide applicants for international protection with a travel document when serious humanitarian reasons arise that require their presence in another State.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	France	Yes	<p>1. If the person benefits from an international protection and wants to travel outside France, he may obtain a travel document which will be issued by administrative authorities (prefecture territorially competent). These travel documents do not allow them to travel to their country of origin. However, due to exceptional circumstances (death or serious illness of a relative, for example), the person concerned may, if he applies to the prefecture, obtain a safe-conduct with a validity period of three months maximum authorizing him to visit his country of origin. These travel documents cannot be renewed at French diplomatic and consular posts. Before traveling, the</p>



			<p>person concerned must therefore be sure that his travel document is valid for the duration of his stay.</p> <p>2. - If the person concerned has a refugee status, he will be granted a travel document dedicated to refugee, valid for two years. - If the person concerned is a beneficiary of subsidiary protection, he will receive an identity and travel document valid for one year. - If the person concerned is a stateless person, he will receive a stateless travel document authorizing him to travel to any country, valid for one year if he holds a temporary residence permit or two years if he holds a permanent residence permit.</p> <p>3. Yes. The data are only available for 2016-2017 because these travel documents have been implemented at the end of October 2016. At the present time, the data provided are provisional. 2016 Travel document for beneficiary of subsidiary protection: 530 Travel document for stateless person: 9 Travel document for refugee: 2,062 2017 Travel document for beneficiary of subsidiary protection: 7,880 Travel document for stateless person: 129 Travel document for refugee: 34,976 Source: Ministry of the interior - DGEF - DSED</p> <p>4. See Q1.</p> <p>5. N/A</p>
	Germany	Yes	<p>1. A travel document for foreigners may be issued in Germany if there is an urgent public interest in issuance of the travel document for foreigners, it is necessary for compelling reasons, or if refusing permission would constitute undue hardship and the asylum procedure is not jeopardised. The document is issued without an electronic storage and processing medium (electronic chip). The issuing authority may approve exceptions to the otherwise reasonable requirements to obtain a passport or substitute passport from the country of origin (Section 6 subsection 1 sentence 1 (1) 4 and sentences 2 und 3 of the Ordinance governing Residence (Aufenthaltsverordnung).</p> <p>2. The validity of travel documents for foreigners corresponds to the recognised travel purpose. The travel document may only be issued for a period of validity of no more than one month, may not exceed the period of validity of the foreigner's residence title or permission to reside and may</p>


			<p>not be extended (Section 8 of the Ordinance governing Residence). The territorial scope of the travel document is restricted to Germany and the individual transit states pertaining to the planned journey; extension of the territorial scope to include the country of origin is not permissible; other restrictions can be entered in the travel documents for foreigners (for instance, the name of the person by whom the foreigner must be accompanied), Section 9 subsection 2 and Section 10 of the Ordinance governing Residence.</p> <p>3. From 01.January 2012 until 30.June 2016 in total 122.606 of the before mentioned travel documents were issued.</p> <p>4. The reasons why travel documents have been issued are not recorded centrally and therefore cannot be provided reliably.</p> <p>5. Cases involving misuse of this type of travel document would in any case only be known to the local foreigner's authorities, they are not recorded centrally. A travel document for foreigners should not be issued if the foreigner concerned has already misused a travel document for foreigners or if concrete indications of an intention to misuse the travel document for foreigners exist (Section 5 subsection 4 of the Ordinance governing Residence).</p>
	Hungary	Yes	<p>1. No. Regarding asylum cases, passports are only issued to recognized refugees or persons granted subsidiary protection.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	Ireland	No	

	Italy	Yes	<ol style="list-style-type: none"> 1. Yes. Italy has foreseen the above-mentioned possibility by means of the decree n. 142, 18th August 2015. 2. Italian legislation does not provide a specific period of validity of the travel document, as well as information about the number of crossing border's possibilities. 3. Travel documents have been issued in practice. Data concerning the number of travel documents issued and applicants in years 2012-2016 has been requested to the competent Authority, but it has not yet been received. 4. Data has been requested to the competent Authority, but it has not yet been received. 5. Data has been requested to the competent Authority, but it has not yet been received.
	Latvia	Yes	<ol style="list-style-type: none"> 1. Latvian legislation does not foresee the possibility to provide applicants for international protection with travel documents when their presence is required in another State. So far Latvia has not faced with the situation when applicants need to travel to another state during asylum procedure, but according to the Asylum Law an asylum seeker shall hand his or her personal identity and travel documents over to the State Border Guard until the time when the final decision is taken regarding granting or refusal to grant refugee or alternative status, except the case where the asylum seeker has another legal basis to reside in the Republic of Latvia. An asylum seeker in the Republic of Latvia shall be issued a personal document of an asylum seeker, which gives the right to stay only in the Republic of Latvia during asylum procedure. Accordingly, it is possible for applicants to travel only when they have another legal basis to reside in the Republic of Latvia and travel out of that, e.g., valid visa or residence permit. 2. N/A 3. N/A 4. N/A

			5. N/A
	Lithuania	Yes	<p>1. No, Lithuanian legislation does not foresee the possibility to provide applicants for international protection with a travel document when serious humanitarian reasons arise that require their presence in another State.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	Luxembourg	Yes	<p>1. No. Luxembourg has not transposed article 6 (5) of the Directive 2013/33/EU.</p> <p>2. N/A.</p> <p>3. N/A.</p> <p>4. N/A.</p> <p>5. N/A.</p>
	Malta	Yes	<p>1. It is our policy to consider such requests on a case by case basis, and may as necessary issue such travel documents.</p> <p>2. Malta issues three types of travel documents to non EU nationals. These are a Document of Identity (one way travel document), or an Aliens passport for persons holding temporary humanitarian protection, or a Convention Travel Document to persons enjoying refugee status.</p>

			<p>The validity depends upon the type of document issued, and may vary from days to a maximum of three years.</p> <p>3. As per attached.</p> <p>4. The main reasons for issue have been to allow applicants to return back to their country of residence or to provide a travel document for 3rd country nationals enjoying temporary humanitarian protection, subsidiary protection or refugee status.</p> <p>5. Malta has occasionally come across misuse of this type of travel document, especially the Alien's passport.</p>
	Netherlands	No	
	Poland	Yes	<p>1. No, Polish legislation does not foresee the possibility to provide applicants for international protection with a travel document when serious humanitarian reasons arise that require their presence in another State.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	Portugal	Yes	<p>1. No. Applicants must stay in Portugal while their requests are being processed and no travel documents are issued.</p> <p>2. N/a</p>

			<p>3. N/a</p> <p>4. N/a</p> <p>5. N/a</p>
	Slovak Republic	Yes	<p>1. No. Asylum seekers are not issued any travel document when serious humanitarian reasons arise.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	Slovenia	Yes	<p>1. No.</p> <p>2. /</p> <p>3. /</p> <p>4. /</p> <p>5. /</p>
	Sweden	Yes	<p>1. Swedish legislation has no provision governing the possibility of providing applicants for international protection with travel documents. When serious humanitarian reasons arise they require their presence in another state.</p>

			<p>2. NA</p> <p>3. NA</p> <p>4. NA</p> <p>5. NA</p>
	United Kingdom	Yes	<p>1. The UK is not a signatory of the 2013/33/EU Reception Conditions Directive. People granted refugee status are entitled to a travel document if they cannot get a passport from their own country, but applicants for asylum are not. If applicants for asylum leave the UK without authorisation before a decision on their applications is made, then their applications will be treated as withdrawn (under paragraph 333C of the Immigration Rules). Requests to leave the UK whilst continuing to pursue an asylum claim will only be accepted in the most exceptional circumstances. Where a written request for permission to travel is received, we will consider the individual circumstances of the request. The length of time that the claimant wants to spend away from the UK must be consistent with the purpose of the request. For example, a request for the return of a passport to visit friends would be rejected but a request to travel to a third country to visit a seriously ill close relative may be accepted. See Withdrawing asylum applications (in particular sections on Travel abroad and requests for passports, and Considering requests for permission to travel): https://www.gov.uk/government/publications/withdrawing-asylum-applications For more information on travel documents issued by the Home Office please see the link below: https://www.gov.uk/apply-home-office-travel-document/overview</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>

