



EMN Ad-Hoc Query on 2019.46 Venezuelans with expired passports

Requested by Gladys Roy Chicharro on 26 March 2019

Protection

Responses from EMN NCP Spain, EMN NCP Estonia, EMN NCP Latvia , EMN NCP Netherlands, EMN NCP Portugal, EMN NCP Luxembourg, EMN NCP Germany, EMN NCP Slovakia, EMN NCP Lithuania, EMN NCP Greece, EMN NCP Finland, EMN NCP Austria, EMN NCP Belgium
(13 in total)

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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. 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:

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?**

Responses

EMN NCP Spain

Wider Dissemination: Yes

Gladys Roy Chicharro, EMN NCP Spain

1. Yes.
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:
http://extranjeros.mitramiss.gob.es/es/normativa/nacional/instrucciones_sgje/documentos/2019/InstruccionVenezolanos.pdf
3. March 2019.

EMN NCP Estonia

Wider Dissemination: Yes

Barbara ORLOFF, EMN NCP Estonia

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.

2. N/A

3. N/A

EMN NCP Latvia

Wider Dissemination: Yes

Stanislavs LOPATINSKIS, EMN NCP Latvia

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.

2. N/A

3. N/A

EMN NCP Netherlands

Wider Dissemination: Yes

Linda Burger, EMN NCP Netherlands

1. Yes. If necessary, additional information could be requested.

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.

3. Since November 2017.

EMN NCP Portugal

Wider Dissemination: Yes

Ilda RODRIGUES, EMN NCP Portugal

1. No. There are no reports of such situations.
2. NA
3. NA

EMN NCP Luxembourg

Wider Dissemination: Yes

Adolfo SOMMARRIBAS, EMN statelessness platform

1. Yes
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.
3. Since January 2019.

EMN NCP Germany

Wider Dissemination: Yes

Heiko HECHT, EMN NCP Germany

1. Yes, there are indications.

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.

3. These are long-standing regulations that have not been specifically implemented with regard to the situation in Venezuela.

EMN NCP Slovakia

Wider Dissemination: Yes

Simona MESZAROSOVA, EMN NCP Slovakia

1. No.

2. N/A

3. N/A

EMN NCP Lithuania

Wider Dissemination: Yes

Vytautas EŽERSKIS, EMN NCP Lithuania

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.

2. N/A

3. N/A

EMN NCP Greece

Wider Dissemination: Yes

Athena BALOPOULOU, Practitioners (Government Officials only)

1. The right of residence of third-country nationals legally entering Greece is subject among others 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.

2. See Q1

3. See Q1

EMN NCP Finland

Wider Dissemination: Yes

Rafael BÄRLUND, Practitioners (Government Officials only)

1. No, Finland has experienced no such difficulties and the number of Venezuelan residence permit applicants is very low.

2. N/a

3. N/a

EMN NCP Austria

Wider Dissemination: No

EMN NCP Belgium

Wider Dissemination: Yes

Ina VANDENBERGHE,

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.

2. Not applicable

3. Not applicable