



Ad-Hoc Query on recognition of identification documents issued by Somalia nationals

Requested by LU EMN NCP on 3rd July 2014

Compilation produced on 15th September 2014

Responses from Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Portugal, Romania, Slovak Republic, Spain, Sweden, United Kingdom plus Norway (20 in Total)

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1. Background Information

Since 2011, the Directorate of Immigration of the Ministry of Foreign and European Affairs received instructions to no recognise any document issued by the Somalia authorities (passport, identity card, birth certificate, etc.) because their authenticity cannot be established with certainty.

In accordance with the Law of 5 May 2006 (Asylum Law), the beneficiaries who have been granted a subsidiary protection must present a national passport in order that a residence permit can be issued. In addition, article 1 (1) of the amended grand-ducal regulation of 26 January 2005 establishing the conditions for obtaining a travel document for foreigners, the travel document can only be obtained by persons residing on the territory of the Grand Duchy of Luxembourg and who are not capable of obtaining a national passport from the national authorities of their

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country of origin and whose identity and nationality have already been established. In consequence, seen that the Directorate of Immigration does not have the right to recognise the Somalia passports or any other document allowing establishing the identity or the nationality of a Somalia national, the Directorate is at an impasse.

The same problem arises when the Directorate of Immigration has to deal with family reunification of Somalia nationals as foreseen by the amended law of 29 August 2008 on free movement of persons and immigration (Immigration law). Seen that the Directorate of Immigration cannot recognise any Somalia identity documents, the Directorate cannot process the family reunification application made by a Somalia national.



The Directorate of Immigration is interested to know how other Member States deal with these issues and would like to ask the following questions:

1. Are the Somalia passports or any other identity documents presented by the beneficiaries of subsidiary protection recognised by your Member State?
2. In case your Member State does not recognise the Somalia passports or any other documents issued by the Somalia authorities, which type of travel document is issued to the Somalia national who has been granted an international protection by your Member State?
3. Can the travel document issued by the International Committee of the Red Cross be considered as a travel document allowing the Somalia national to enter into the territory of your Member State?
4. In case your Member State accepts documents issued by the Somalia authorities can you indicate which are they and from which issuing authorities?
5. Which means are used in your Member State in order to prove a family link when no document provided by the family reunification applicant can be taken into consideration? Can you describe any « best practices » used in your Member State?
6. In case your Member State does not recognise Somalia passport and in consequence any entry visa cannot be granted to a Somalia national, can you explain how your Member State allows or facilitates the entry of Somalia nationals into the territory of your Member State?



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We would very much appreciate your responses by **17th July 2014**.




2. Responses

	Austria	No	This EMN NCP has provided a response, however they have requested that this is not disseminated further.
	Belgium	Yes	<ol style="list-style-type: none"> 1. No 2. Somali nationals who have been granted an international protection can be issued a Belgian “travel document for foreigners” (also known as “blue passport”). Such passports are issued by the different provincial administrations. Additional note: All recognized refugees (who have to hand their national passports over to the Office of the Commissioner General for Refugees and Stateless Persons) can only use the above mentioned travel document. They must have this “blue passport” with them when travelling to another country of the European Union, and every member of their family who is recognized as a refugee in Belgium must also carry his/her own “blue passport”. The situation of Somali recognized refugees is therefore not different from other recognized refugees in Belgium in this matter. However beneficiaries of subsidiary protection (who may still use their national passport) can obtain a Belgian travel document upon presentation of a statement of the Office of the Commissioner General for Refugees and Stateless Persons confirming that the concerned person has been granted subsidiary protection and that he can’t obtain a national passport or travel document and that he/she must travel abroad for urgent reasons. In the case of Somali beneficiaries of subsidiary protection, this statement is not considered as necessary as it is already assumed that they can’t obtain a national passport or travel document. 3. No 4. In Belgium no document issued by the Somalia authorities is accepted (neither passport, nor identity card or birth certificate). 5. Article 12bis §5 and §6 of the Immigration Act provides that: §5: “When the family member(s) of the foreigner who is recognized as a refugee or beneficiary of subsidiary protection, whose relationship exist prior to his entry on the territory, can’t submit official documents proving that they meet the conditions relating to the relationship, referred to in Article 10, account shall be taken of other valid proofs produced on this relationship. Failing that, provisions stipulated in §6 are to be applied”. §6: “When it is found that the foreigner can’t prove the relationship invoked, through official documents in accordance with Article 30 of the Law of 16 July 2004 on the Code of International Private Law or with international conventions on this matter, the Minister or his delegate can take other valid proofs concerning this relationship into consideration. Failing that, the Minister or his delegate can carry out or have carried out interviews with the foreigner and the sponsor or any other



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			<p>investigation considered necessary, and propose additional analysis where required.”</p> <p>Based on the aforementioned Article, when no document can be taken into consideration, Belgian authorities examine the administrative record. So it is possible to look into the application for international protection from the refugee or the beneficiary of subsidiary protection to find out who has been declared as a family member (family situation). It is also possible to look into a possible application for regularization to compare and possibly confirm who has been declared as a family member. If the administrative record provides sufficient indications of this, it is possible to prove the family link.</p> <p>In addition to this, if the application involves a child, Belgian authorities use a DNA test to prove the parentage relationship. In case of a large family, DNA tests confirming the parentage relationships allow to assume that the matrimonial relationship is also proved.</p> <p>6. Because Belgium doesn't recognise Somalia passport, the entry visa cannot be inserted into a Somalia passport, but the entry visa for the Somali national can be given on a 'separate sheet for affixing a visa'. According to the Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas, a 'separate sheet for affixing a visa' means the uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form as defined by Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form.</p> <p>Sources:</p> <ul style="list-style-type: none"> - Immigration Office – Family Reunification Unit - Immigration Office – Border Control Unit - Circular of 26 September 2013 relating to the issue of travel documents to non-Belgian nationals - Brochure “You are recognized as refugee in Belgium – Your rights and Obligations”, Office of the Commissioner General for Refugees and Stateless Persons, January 2009 - 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)
	Czech Republic	No	This EMN NCP has provided a response, however they have requested that this is not disseminated further.
	Estonia	Yes	<ol style="list-style-type: none"> 1. No 2. We recognize Somalian documents and passports which lists is presented below. If Somalia national will receive a refugee status then the person will get a refugee travel document if the person applies for it. If Somalia national will receive a subsidiary protection then the person will get an aliens passport if the person applies for it. They are not mandatory. 3. In Estonia no.


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			<ol style="list-style-type: none"> 4. Estonia accepts Ordinary Passports, Diplomatic Passports and Service Passports. But there is a requirement that all the previously mentioned documents are accepted if they are issued after the 01.02.2007. 5. If the person does not have any documents then we can make a DNA test. But beside that we do not have any “best practices”. 6. Since we haven’t had cases where Somalia nationals, who have got protection, would like to apply for the family reunification and Estonia is accepting Somalian passport, we don’t have any practices to share.
	Finland	No	This EMN NCP has provided a response, however they have requested that this is not disseminated further.
	France	Yes	<ol style="list-style-type: none"> 1. Yes. 2. N/A. 3. No. 4. Ordinary, diplomatic, service passports and refugee’s travel documents delivered by the Somalian authorities are accepted. 5. N/A. 6. N/A
	Germany	Yes	<ol style="list-style-type: none"> 1. No; Somali travel documents or other documents issued by Somali authorities are not recognised as sufficient for entry into Germany or for a subsequent stay. 2. Persons who have been granted refugee status are entitled to receive a travel document according to the Geneva Convention of 28 July 1951 relating to the Status of Refugees. Beneficiaries of subsidiary protection can be provided with a travel document for aliens. 3. No; the travel document issued by the Red Cross is not recognised as sufficient for entry into or sojourn in Germany. 4. Not applicable (see answer to question 1). 5. The attention of the persons concerned is drawn to the possibility of proving family relations by providing an expert opinion




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			<p>on descent.</p> <p>6. If the other requirements for the issuance of a visa are met, the person concerned who is in possession of a document which is not recognised by the German authorities may request exemption from the passport obligation (section 3.1 Residence Act). Persons who are not in possession of any travel document at all may be issued with a travel document for aliens by the German representation abroad for a single entry into Germany (e.g. for family re-unification) (sections 7 and 11 of the German Ordinance Governing Residence).</p>
	Hungary	Yes	<p>1. According to Appendix I of Government Decree 328/2007 on the Determination of the Documents Recognized for the Purpose of Entry into the territory of Hungary, (hereinafter Government Decree), Hungary does not recognize the regular, official, diplomatic and special passport filled out by Somalia.</p> <p>2. The type of document issued to beneficiaries of international protection depends on the type of protection. Recognized refugees receive - in accordance with the Geneva Convention - bilingual travel documents, while beneficiaries of subsidiary protection receive a so-called "Travel document for person enjoying subsidiary protection".</p> <p>3. The travel document issued by the Red Cross is not a recognized travel document by Hungary according to Appendix II of the Government Decree.</p> <p>4. N/A</p> <p>5. According to Subsection (3) of Section 19 of the Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals (hereinafter RRTN) a decision rejecting an application for family reunification with a person with refugee status may not be based solely on the fact that documentary evidence of the family relationship is lacking.</p> <p>According to Subsection (2) of Section 57 of the Government Decree 114/2007 (V. 24.) on the Implementation of the RRTN, family relationship for the purpose of reunification with a person with refugee status or a beneficiary of subsidiary protection may be verified by any reliable means, specifically by DNA analysis. A sample for DNA analysis shall be taken in the presence of an officer of the regional directorate, or the competent consulate officer. If the third-country national verifies family relationship by means of a DNA analysis performed abroad, the regional directorate shall contact the Hungarian Institute for Forensic Sciences requesting an expert assessment with a view to verifying the admissibility of such proof. All costs related to such DNA analysis shall be borne by the applicant.</p> <p>6. Citizens of Somalia have the opportunity to request a visa for a period of less than 90 days, and if their application is accepted they can enter into the territory of Hungary. In their case, since the Somali regular passport is not recognized by Hungary, the visa stamp can be issued exclusively on a separate sheet according to the rules of the Community Code on Visas.</p>
	Italy	Yes	<p>1. Yes. According to the Ministerial Decree 23 March 2010, the Italian Government recognises Somalia passports as valid travel</p>


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			<p>documents. In addition, the Ministerial Order 16 November 2011 states that in case of lack of a valid passport, the diplomatic authorities may issue a specific travel document for those foreigner who did not obtain the regular passport by the somali government.</p> <p>2. See 1.</p> <p>3. The Italian government recognises as valid travel documents several types of papers issued by the competent domestic authorities, such as: general travel document, emergency travel document and laissez-passer. These additional types of documents are listed on http://www.esteri.it/MAE/IT/Ministero/Servizi/Stranieri/IngressoSoggiornoInItalia/Passaporti_documenti.htm This list doesn't include any travel document issued by International Committee of the Red Cross.</p> <p>4. For Somalia nationals Italy recognises the travel documents indicated in answer nr. 3. Moreover, they also need a particular type of visa called "Airport Transit Visa".</p> <p>5. According to the "Form S For Family Reunification" issued by the Ministry of the Interior, when the requested documentation is not available (or reliable), the diplomatic Representative of the family Country of origin grants the aforesaid documents on the basis of the necessary checks carried out at relatives' expenses. It's also possible that, in case adult dependent children, health status can be verified (at the applicant's expenses) through a certificate issued by a doctor named by diplomatic or consular authority of the relative Country of origin.</p> <p>6. See 1.</p>
	Latvia	Yes	<p>1. We have no special restrictions relating to recognition of passport issued by the Somalia authorities <i>(Our experience in examination of asylum claims of Somalia's nationals is very limited).</i></p> <p>2. Please, see the answer above.</p> <p>3. No.</p> <p>4. Till now we have not had such experience.</p> <p>5. According to the Cabinet Regulation on Procedures for Family Reunification of Persons who have been Granted International Protection if documents approved the family links had not be presented by family members the examination is made on information which is at the disposal of the Office of Citizenship and Migration Affairs (hereinafter – Office). If necessary, the</p>



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			<p>Office requests clarifying information from the State and local government institutions of Latvia, from foreign countries and from a beneficiary of international protection or family members thereof. The Office compares previously mentioned information and documents submitted by persons with information obtained during the examination of asylum application.</p> <p>6. Please, see the answer on question 1.</p>
	Lithuania	Yes	<p>1. Yes. (although recently there have been no asylum seekers from Somalia)</p> <p>2. n/a</p> <p>3. No.</p> <p>4. Passport, diplomatic passport, service passport, refugee travel document, travel document of a stateless person.</p> <p>5. Any means of proof, including, when necessary, DNA testing.</p> <p>6. n/a</p>
	Luxembourg	Yes	<p>1. No.</p> <p>2. A travel document for foreigners cannot be issued to Somalia nationals because an identity document cannot be recognised by the Directorate of Immigration and in consequence their identity and nationality cannot be established.</p> <p>3. The Luxembourgish authorities have little experience dealing with the travel documents issued by the International Committee of the Red Cross.</p> <p>4. In Luxembourg no document issued by the Somalia authorities is accepted (passport, identity card nor birth certificate).</p> <p>5. As DNA testing is not foreseen by Luxembourgish legislation the Directorate of Immigration is compelled to accept any means of proof.</p> <p>6. At the moment the Luxembourgish authorities have not find a solution to this problem.</p>
	Netherlands	Yes	<p>1. No.</p>



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			<ol style="list-style-type: none"> 2. A refugee passport. 3. No. 4. In the Netherlands no document issued by the Somalia authorities is accepted (passport, identity card nor birth certificate). All the documents of Somalis will be sent to our document experts. Of all identity documents that are issued after 2007, we can see if they are genuine or not. But it does not say much about the content of the documents. These documents cannot prove somebody's identity because there is no central recognized Somali government. All other documents (like birth certificates and marriage certificates) we can see whether they are counterfeit. But we can't say if they are genuine. We do have enough knowledge about documents from Somaliland to see whether the documents are genuine. But still we do not recognize these documents. All provided documents will be included in the decision making though and can be used to support the credibility of the identity and nationality of a Somali, but they can't prove it. If the document is found to be genuine (e.g. nationality document issued by the Somali embassy of Brussels), we do assume somebody indeed has the Somali nationality. Therefore it can support the credibility of the identity and nationality. But, if a language analysis or an interview whereby the person hasn't convinced she/he really knows something about Somalia/place of origin, a nationality document can only prove a nationality and not a country of origin. 5. DNA and if necessary an in-depth interview. We have a lot of experience with in-depth interviews; this could be considered a best-practice. 6. A 'regular Provisional Residence Permit' (mvv) will be affixed to the document.
	Portugal	Yes	<ol style="list-style-type: none"> 1. Yes. 2. If no documents, passport or any other documents issued by the authorities, is presented by the beneficiaries of subsidiary protection, the asylum seekers who have been granted a residence permit on the grounds on refugee status may be issued with a refugee travel document. The ones who are granted a residence permit on the grounds of subsidiary protection status may be issued with an alien's Portuguese passport. Both documents are issued by the Portuguese Immigration Service. Either, the refugee travel document and the Aliens Portuguese passport are issued based on data contained in the residence permit. 3. No.



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			<p>4. Ordinary passport; Diplomatic Passport; Service Passport; Refugee travel document Documents not accepted: passports or documents issued or extended in place of passports by diplomatic or consular authority of Somalia.</p> <p>5. When a beneficiary of international protection is unable to present official documents that prove the family link, other proofs of the existence of such relationship must be taken into consideration, like the former cohabitation, any register of the alleged relationship, legalized documents, a credible explanation about the reason for reunification and a credible explanation about their relationship as well as any other trustworthy means of proof.</p> <p>6. Not applicable.</p>
	Romania	Yes	<p>1. According to the Annex of the Government Decision 313/2009 approving the list of border crossing documents accepted by Romania, the following documents issued by Somali authorities are accepted: passports, diplomatic passports, service passports, seafarer identity documents and travel documents for refugees (1951 Convention)</p> <p>2. N/A</p> <p>3. According to the Annex of the Government Decision 313/2009 approving the list of border crossing documents accepted by Romania, the Laissez-Passer issued by International Committee of the Red Cross is accepted.</p> <p>4. See answer to Q1</p> <p>5. Only documents can be used as proofs of family links.</p> <p>6. N/A</p>
	Slovak Republic	Yes	<p>1. Upon entry of Somalian nationals on the territory of the Slovak Republic and when being granted visa, the Decision No. 1105/2011/EU of the European Parliament and of the Council is taken into account. It includes the list of Somalian travel documents which are (not) recognised by the Slovak Republic. In practice, the Somalian nationals are granted visa on a separate sheet for affixing a visa (not in their travel document) which is part of the Visa Codex.</p> <p>2. It is not required from a third country national to have a valid travel document for being granted a subsidiary protection. When being granted a subsidiary protection or asylum, the third country national is issued a residence document. If the third country national does not have a valid travel document (in this case a Somalian passport which the Slovak Republic does not recognize), the third country national can apply for: a) alien's passport - if it is a person with granted subsidiary protection (Article 74 of the Act No. 404/2011 on Residence of Aliens); b) Refugee Travel Document according to the Convention on</p>

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			<p>the Status of Refugees adopted on 28 July 1951 - if it is a person with granted asylum (Act No. 647/2007 Coll. on Travel Documents). Based on these documents, third country nationals have right to travel outside the Slovak Republic and return to the Slovak Republic.</p> <p>3. Yes, third country nationals with travel documents issued by the International Committee of the Red Cross can enter the Slovak territory but only if they are accompanied by e.g. doctor or other person for the purpose of medical treatment.</p> <p>4. Slovak Republic does not recognise travel documents issued by Somalian authorities. However, these documents can be recognised when submitted during the procedure according to the Act No. 404/2011 on Residence of Aliens if it meets specifications of the International Civil Aviation Organization on machine readable travel documents (Article 125 (3)).</p> <p>5. Slovak Republic does not carry out actions to prove family relations – the foreigner is obliged to do so. If a Somalian national does not have documents which would prove family relations (e.g. marriage certificate), this third country national cannot be considered as a family member.</p> <p>6. Third country nationals whose documents are not recognised by the Slovak Republic, are granted visa on a separate sheet for affixing a visa (not in their passport) in accordance with Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form.</p>
	Spain	Yes	<p>1. No.</p> <p>2. Travel document for refugees.</p> <p>3. No.</p> <p>4. N/A.</p> <p>5. There is no specific provision on how to prove a family link when the family reunification applicant is a Somalian.</p> <p>6. In case, for exceptional reasons, a Somalian national should be authorized to travel to Spain, the visa would be issued on a separate sheet.</p>
	Sweden	Yes	<p>1. No.</p> <p>2. Sweden issues Aliens passport with a note saying identity has not been confirmed. Refugee status gives travel document (RD-</p>

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			<p>51)</p> <ol style="list-style-type: none"> 3. Sweden do not recognize Red Cross passport. 4. There has for a long time not existed authorities in Somalia that have been able to issue identity documents. Sweden does not accept documents issued by any authority in Somalia. 5. Sweden uses DNA testing as a mean for recognizing identity in family reunification cases. The National Board of Forensic Medicine is the only organization that has the right to do the analysis. After receiving a written acknowledge from all parts the DNA sample is collected in Sweden and at a Swedish foreign mission. If the test confirms family ties a residence permit can be granted and also, if the applicant is outside his homeland (Somalia), an Aliens passport can be issued. 6. No entry visa is granted because of the lack of recognised identity documents.
	United Kingdom	No	This EMN NCP has provided a response, however they have requested that this is not disseminated further.
	Norway	Yes	<ol style="list-style-type: none"> 1. Travel-and identity documents issued by Somali authorities are not recognized in Norway. 2. A Somalia national who has been granted international protection in Norway will as a main rule be granted a refugee travel document. The travel document is valid for return journeys to Norway during the period of validity, and for travel to all countries other than the refugee's country of origin. The travel document's validity may be limited to single journeys or exceptions may be made for countries other than the country of origin, if called for by special reasons. <p>An applicant who has been granted a residence permit on humanitarian reasons will be granted an immigrant's passport if he/she is unable to obtain a passport or other travel document from his/her country of origin or another country, and who provides documentary evidence that he/she has applied to no avail for such a passport or other travel document. In general, Norway always considers whether Somali nationals can document genuine efforts in obtaining a passport.</p> <p>The rules for validity are mostly the same as for refugee travel documents. However if the Somali national's identity is in doubt (less than 50 per cent probable that the stated identity is correct) he or she may be refused a refugee travel document or immigrant's passport. If so, a travel document only can be issued if there are special reasons and the travel document will be limited to single journeys.</p> <ol style="list-style-type: none"> 3. N/A 4. The travel document issued by the International Committee of the Red Cross is not considered a valid travel document by Norway. 5. Not applicable

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			<ol style="list-style-type: none">6. Interviews of the applicant and the reference person, cross-reference to information given by the reference person when applying for a residence permit in Norway, DNA-tests.7. If Norwegian authorities decide to issue a visa to a Somali citizen that does not hold a valid travel document, the person will be issued a Laissez-passer.
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