

**ECRE**

EUROPEAN COUNCIL  
ON REFUGEES AND EXILES

CONSEIL EUROPEEN  
SUR LES REFUGIES  
ET LES EXILES

**SURVEY OF PROVISIONS ON TRAVEL DOCUMENTS  
AND VISAS FOR REFUGEES  
IN THE EUROPEAN UNION**

**October 2000**

# **Survey of Provisions on Travel Documents and Visas for Refugees in the European Union**

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## **INTRODUCTION**

The European Council on Refugees and Exiles (ECRE) is an umbrella organisation for co-operation between European non-governmental organisations concerned with refugees.

ECRE campaigns on behalf of its pan-European membership for humane and fair asylum policies. It also works towards establishing the highest standards of refugee protection and assistance in Europe and to promote these good practices. ECRE is concerned with the needs of individuals who seek protection in Europe and contributes to the development of a comprehensive response to the global refugee problem.

The present survey provides an overview of legal and procedural arrangements in relation to the issuing of travel documents and visas to refugees and other people in need of international protection in the fifteen EU Member States.

The survey has been compiled with the assistance of a number of ECRE member agencies and other refugee organisations including: Protestant Refugee Service Austria; Overlegcentrum voor Integratie van Vluchtelingen (OCIV), Belgium; Danish Refugee Council, Finnish Refugee Advice Centre; Forum Refugees, France; Caritas-Germany; Greek Refugee Council; Refugee Legal Service, Ireland; Italian Refugee Council; Caritas-Luxembourg; Dutch Refugee Council, Netherlands; Portuguese Refugee Council; Asociacion Comision Catolica Espanola de Migracion (ACCEM); ELENA Co-ordinator for Sweden; British Refugee Council. For further information, please contact:

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# AUSTRIA\*

## A: TRAVEL DOCUMENTS

### **1.National legislation on travel documents issued to Convention refugees and people granted other forms of international protection**

The issuing of travel documents is regulated in part 7 of the Austrian Aliens Law (*Fremdengesetz* 1997), §76-§83. In general, only Convention refugees have the right to access to travel documents.

People granted other forms of international protection do not normally have access to travel documents. There are a few exceptions. By law, there is the possibility of making an application for a passport for foreigners ("*Fremdenpaß*") if the applicant has either: a) no citizenship; b) an unlimited residence permit in Austria; c) the permission to emigrate to another country; or d) the issuing of the travel document is in the interest of the Republic of Austria.

It is practically impossible for people granted non-Convention forms of international protection to fulfil these conditions. Only people who want to leave Austria because they have the possibility to emigrate to another country or people who have made exceptional contributions to sports, science, etc. can be issued with a passport for foreigners.

### **2. Statuses and corresponding rights to travel documents**

<b>Status</b>	<b>Right to travel documents</b>		<b>Conditions attached to the issuing of travel documents</b>
	<b>Y</b>	<b>N</b>	
<b>Convention refugee</b>	✓		When a refugee is granted asylum in Austria, he has unconditional access to travel documents unless there are compelling reasons that the person will use the travel document to flee criminal prosecution, for smuggling or drug selling or his/her stay abroad would threaten national security and public order (§81; Aliens Act 1997, entered into force 1 January 1998).
<b>Temporary residence permit on the basis of the <i>non-refoulement</i> principle (Article 15 , Asylum Law, 1997)</b>		✓	Practically impossible, see question 1
<b>Abschiebungsaufschub Suspension of Deportation (Art. 56 (2), Aliens Act</b>		✓	Practically impossible, see question 1
<b>Asylum seekers</b>		✓	Practically impossible, see question 1
<b>Temporary protection in situation of mass influx</b>		✓	Practically impossible, see question 1

\* This section has been compiled with the assistance of the Protestant Refugee Service-Austria.

**(Article 29, Aliens Law)****3. Reasons for refusing to issue a travel document**

<b>Status</b>	<b>Main reasons for refusal</b>
<b>Convention refugee</b>	<p>In the case that the asylum authorities have started a procedure of withdrawal of refugee status (i.e. the refugee has been sentenced for a serious crime either by an Austrian or a foreign court, or s/he is considered to be a danger for the security of the country or for the society, Article 14, par. 1,5, Asylum Law).</p> <p>If a person granted refugee status, was initially prohibited to enter and stay in Austria ("Aufenthaltsverbot") there can be a delay in issuing travel documents. This was the case with Kosovars that entered Austria illegally and were to be repatriated, but due to changing circumstances in Kosovo, they were granted Convention status.<sup>1</sup></p>

**4. Appeal right in the case of refusal**

An appeal right is foreseen in the case of refusal.

**5. Validity of travel documents for Convention refugees**

Normally two to five years.

**6. Necessary documentary evidence in order to be issued a Convention refugee travel document**

Evidence of the decision of the asylum authorities that the applicant has been granted refugee status and proof of address "Meldezettel".

**7. Restrictions attached to travel documents issued to Convention refugees**

There are geographical limitations to the validity of the document which apply to the country of origin and sometimes to other countries.

**8. Authorities' power to renew or extend the validity of travel documents to refugees no longer resident in their territory**

The authorities can issue travel documents to Convention refugees who are residents of another country and have been granted refugee status in another country, if they have no valid travel documents and they have entered Austria legally. They are obliged to apply within the Austrian territory (§83 Abs. 2).

**9. Responsible authorities for the issuing of travel document**

The responsible authority is the Foreigner Police (*Fremdenpolizei*), based either with the

<sup>1</sup> Up to 2000 Kosovar refugees received refugee Convention status in Austria between April and June 1999.

Federal Police Authority (*Bundespolizeibehörde*) or the District Administration Authority (*Bezirksverwaltungsbehörde*).

## **10. Maximum time a refugee can be absent from the Austrian territory**

In principle, there are no time limitations for staying abroad. However, if the Austrian authorities find out that a refugee has a permanent residence permit in another country or the focus of his/her life is in another country, they will start a procedure of withdrawal of refugee status.

## **11. Time Austrian authorities take to issue a travel document**

Three to four weeks up to a maximum of six months.

## **12. Fees charged for issuing travel documents**

490 Austrian Schilling (about 35 Euro). This amount is the same as that charged for national passports.

## **B: VISAS**

### **13. Exemption from visa requirements of Convention refugees or refugees with a complementary protection status coming from another Schengen country**

These two categories are exempted from visa requirements.

### **14. Exemption from visa requirements of Convention refugees, or refugees with a complementary protection status, coming from a non-Schengen country, whose nationals are exempted from visa requirements**

These two categories are not exempted from visa requirements. The conditions to obtain a visa are the same as for all foreigners. S/he must not threaten public interests. S/he needs to have sufficient financial means to support him/herself and there should be no risk that s/he will become a financial burden to Austrian authorities. In many cases, foreigners need a “*Verpflichtungserklärung*”, that is an official guarantee from a resident of Austria that s/he will be responsible for all costs, as well as a valid health insurance. Additionally, there must be no doubt that the person will leave Austria upon the expiry of his/her visa and return to his/her country of residence.

### **15. Cases under the provision for transfer of responsibility (European Agreement on Transfer of Responsibility for Refugees) whereby the Austrian authorities have granted a residence visa to a Convention refugee or a person with a complementary protection status lawfully resident in another country on certain grounds**

No information provided.

## **16. Appeal rights and main reasons for refusing a visa**

There is no appeal right in the case of visa refusal. The main reasons will be that the

applicant: a) is not considered to be financially self-sufficient; b) s/he does not have valid health insurance and therefore could risk being a financial burden for Austria; or c) the authorities consider that the applicant might overstay his/her visa and not return to the country of residence.

Case-study: A refugee granted status in Switzerland was invited to a seminar in Vienna. The Austrian Embassy in Switzerland told the refugee that the invitation letter was not sufficient and that he needed to bring an official guarantee by a resident of Austria (certified by a notary) declaring that s/he will be responsible for all costs in connection with the refugee's stay in Vienna ("Verpflichtungserklärung"), health insurance etc. The embassy stated that it could not issue the visa and sent the refugee's file to the Federal Police Authority in Vienna. The procedure took a long time resulting in the refugee missing the Vienna seminar.

## **17. Fees charged for issuing entry or transit visas**

There is a charge for issuing entry or transit visas to refugees; this is at the same level as that charged for foreign passports.

## **C: IDENTITY PAPERS**

### **18. Conditions under which relevant authorities issue ID papers**

All foreigners who have any kind of permission to stay in Austria have the right to make an application for an ID paper for foreigners (*Lichtbildausweis für Fremde*). The only condition is, that they have a type of permission to stay in Austria (residence permit, protection status, etc.).

### **19. Validity, for travel purposes, of ID documents granted to Convention refugees or people holding a complementary protection status**

ID documents are not considered valid for travel purposes.

# **BELGIUM\***

## **A: TRAVEL DOCUMENTS**

### **1. National legislation on travel documents issued to Convention refugees and people granted other forms of international protection**

There is no specific national legal framework. Much depends on administrative practice. The Royal Decree (*Arrêté Royal*) of 8 October 1981 contains some general provisions, but does not provide for a comprehensive arrangement.

### **2. Statuses and corresponding rights to travel documents**

<b>Status</b>	<b>Right to travel documents</b>		<b>Conditions attached to the issuing of travel documents</b>
	<b>Y</b>	<b>N</b>	
<b>Convention refugee</b>	✓		No conditions attached (within the Schengen area). Outside the Schengen, conditions depend on the legislation of the country concerned.
<b>Residence permit issued under exceptional circumstances (Section 9,3 Aliens Act)</b>	✓		Only when residence for an unlimited period has been granted is the Belgian residence permit accepted as a valid travel document by other Schengen member states. For travel outside the Schengen area, no specific travel document is available.
<b>Suspension of deportation</b>		✓	
<b>Asylum seekers</b>		✓	Asylum seekers do not have access to travel documents. When the asylum request has been declared admissible, however, the person can ask for special permission to travel stating where and why s/he wants to travel. Even though the special permission might be issued, it is not a right available to all asylum seekers.
<b>Temporary protection in a situation of mass influx</b>		✓	

### **3. Reasons for refusing to issue a travel document**

<b>Status</b>	<b>Main reasons for refusal</b>
<b>Convention refugee</b>	Travel documents are granted to Convention refugees automatically.

### **4. Appeal rights in the case of refusal**

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\* This section has been compiled with the assistance of Overlegcentrum voor Integratie van Vluchtelingen (OCIV).

An appeal right is not foreseen in the case of refusal.

## 5. Validity of travel documents

Status	Validity of travel document
Convention refugee	Travel documents can be issued for one, two or five years. They can be renewed upon request. The period of validity is linked to the fees a refugee is able to pay in order to obtain a travel document.
Residence permit issued under exceptional circumstances (Aliens Act)	No specific travel document is available. The special residence permit ( <i>white card</i> ) is accepted as a travel document within the Schengen area (see question 2).

## 6. Necessary documentary evidence in order to be issued a travel document

Status	Documentary evidence
Convention refugee	<ul style="list-style-type: none"><li>- the refugee card issued to refugees once they are registered with UNHCR</li><li>- the residence permit issued by the commune (foreigners registration)</li></ul>

## 7. Restrictions attached to travel documents issued to Convention refugees

There are geographical restrictions relating to travel to the country of origin of individual refugees.

## 8. Authorities' power to renew or extend the validity of travel documents to refugees no longer resident in their territory

Belgian authorities do not have this power. A refugee can obtain permission to return to Belgium which is valid for three days. Within that short period, the person must report his presence to the local authorities.

## 9. Responsible authorities for issuing travel documents

The competent authority is the *Provinciebestuur*, which is a provincial authority (10 provinces exist in Belgium). The General Commissioner for Refugees and Stateless Persons (CGRA) is contacted before the issuing of travel documents to Convention refugees.

## 10. Maximum time a refugee can be absent from the Belgian territory

No information is available.

## 11. Time Belgian authorities take to issue a travel document

Travel documents are issued usually within a week although differences may appear between various provinces.

## **12. Fees charged for issuing travel documents**

Fees are charged for issuing travel documents and are lower than those charged for national passports.

## **B: VISAS**

### **13. Exemption from visa requirements of Convention refugees or refugees with a complementary protection status coming from another Schengen country**

These two categories are not exempted from visa requirements. No visa is required for Convention refugees residing in Germany, France, Greece, Italy, Portugal and Spain.

### **14. Exemption from visa requirements of Convention refugees, or refugees with a complementary protection status, coming from a non-Schengen country, whose nationals are exempted from visa requirements.**

At the time of the study (May 2000) no specific information is available. Also, it is very difficult to provide an answer given that the current Schengen-list of countries, whose nationals are exempted from visa requirements, is not public.

### **15. Cases under the provision for transfer of responsibility (European Agreement on Transfer of Responsibility for Refugees) whereby the Belgian authorities have granted a residence visa to a Convention refugee or a person with a complementary protection status lawfully resident in another country.**

No information available.

### **16. Appeal right and main reasons to be refused a visa**

There is no appeal right in case of a visa refusal. The main reason a refugee can be refused a visa is that s/he does not have sufficient financial resources for the period of his/her stay in Belgium.

## **17. Fees charged for issuing entry or transit visas**

No fees are charged.

## **C: IDENTITY PAPERS**

### **19. Conditions under which relevant authorities issue ID papers**

The local authority (commune) must register Convention refugees and people with other forms of protection who are issued a *white card* (as all foreigners are). The card has to be renewed on an annual basis. After five years of residence, refugees, like other foreigners, are entitled to indefinite stay. In this case, the local authority (commune) issues the refugee an "identity card for foreigners", which is valid for a period of five years. This is also renewable.

It should be mentioned that because of the new legislation on Belgian nationality introduced on 1 March 2000, more and more refugees choose to apply for Belgian nationality. According to this law, a foreigner can apply for a Belgian nationality after three years of residence. Convention refugees can apply after two years.

**19. Validity, for travel purposes, of ID documents granted to Convention refugees or people holding a complementary protection status**

ID documents are not considered valid for travel purposes. Convention refugees must obtain a special refugee travel passport from the local authority (Provinciebestuur) in order to travel to non-Schengen countries.

# **DENMARK\***

## **A: TRAVEL DOCUMENTS**

### **1. National legislation on travel documents issued to Convention refugees and people granted other forms of international protection**

Section 39(5) of the Danish Aliens Act No. 226 of 8 June 1983 with subsequent amendments provides the Minister of Interior with the power to lay down rules on the issue of special travel documents.

This has been done in Sections 6 and 7 of the Aliens Decree No. 19 of 18 January 1984 and subsequent amendments.

### **2. Statuses and corresponding rights to travel documents**

<b><u>Status</u></b>	<b>Right to travel documents</b>		<b>Conditions attached to the issuing of travel documents</b>
	<b>Y</b>	<b>N</b>	
<b>Convention refugee</b>	✓		According to Section 6(1) of the Aliens Decree, a Convention refugee with a residence permit according to Section 7(1) or Section 8 (quota refugees) of the Aliens Act, upon application, is issued a Danish travel document for refugees in accordance with Article 28 of the Geneva Convention.
<b>De facto refugee status under Section 7(2) of the Aliens Act</b>	✓		According to Section 6(2) of the Aliens Decree, an alien with a residence permit under Section 7(2) of the Aliens Act can be issued a Danish aliens passport upon application.

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\* This section has been compiled with the assistance of the Danish Refugee Council.

<b>Residence on humanitarian grounds under Section 9(2)(2) of Aliens Act</b>			<p>According to Section 11(1) of the Aliens Act, a residence permit is issued either for the purpose of temporary stay or for the purpose of permanent residence in Denmark.</p> <p>Usually, a residence permit on humanitarian grounds issued for the purpose of temporary stay does not entitle its holder to a travel document.</p> <p>If the residence permit is issued for the purpose of permanent residence, it is possible to obtain a travel document.</p> <p>Once aliens with a residence permit on humanitarian grounds are granted permanent residence, they are entitled to receive a Danish alien passport according to Section 6(3) of the Aliens Decree, provided that it is not possible for them to otherwise obtain a national passport or another kind of travel document.</p>
<b>Residence permit on exceptional grounds under Section 9(2)(4) of the Aliens Act</b>	✓		As above
<b>Asylum seekers</b>		✓	
<b>Temporary protection in a situation of mass influx</b>			<p>There is no general rule in relation to the issue of travel documents to persons under temporary protection. Under Law No. 933 of 28 November 1992 on temporary residence to certain persons from the former Yugoslavia, for example, no travel documents were available. On the other hand, under Law No. 251 of 28 April 1999 applying to persons from Kosovo, travel documents were issued upon application.</p>

### 3. Reasons for refusing to issue a travel document

<b>Status</b>	<b>Main reasons for refusal</b>
<b>Convention refugee</b>	According to Section 6(5) of the Aliens Decree, refusal is possible for security reasons.
<b>De facto refugee status under Section 7(2) of the Aliens Act</b>	According to Section 6(5) of the Aliens Decree, the issuing of a travel document – in this case a Danish alien passport – may be refused for security reasons.

<b>Residence on humanitarian grounds under Section 9(2)(2), Aliens Act</b>	As above
<b>Residence permit on exceptional grounds under Section 9(2)(4), Aliens Act</b>	As above

#### 4. Appeal right in the case of refusal

Yes, according to Section 53 a(1)(3) of the Aliens Act, an appeal against a refusal to issue a refugee travel document may be made to the Refugee Appeals Board.

According to the Danish Immigration Service, an appeal against a refusal to issue a Danish alien passport may be made to the Ministry of Interior. It is not clear, however, how this could be done in practice.

#### 5. Validity of travel documents

<b>Status</b>	<b>Validity of travel document</b>
<b>Convention refugee</b>	<p>Refugees and other aliens with time limited residence permits issued for the purpose of permanent residence (Section 11(1), Aliens Act) have access to either a refugee travel document or a Danish aliens passport. According to Section 7(2) of the Aliens Decree, these are issued for a period of five years. The period of their validity can not exceed six months from the expiry date of their residence permit.</p> <p>In accordance with Section 11(3) of the Aliens Act, it is possible to obtain permanent residence in Denmark after three years of lawful stay. Refugees and other aliens granted permanent residency permits are issued with either a refugee travel document or a Danish aliens passport valid for a period of ten years.</p> <p>If the alien is between five and eighteen years-of-age, the respective travel documents are issued for a period of five years only. If the alien is under five years-of-age, s/he is issued with a travel document with a two year validity (Section 7 (2) of the Aliens Decree).</p>
<b>De facto refugee status under Section 7(2) of the Aliens Act</b>	As above
<b>Residence on humanitarian grounds</b>	As above
<b>Residence permit on exceptional grounds</b>	As above
<b>Temporary protection in a situation of mass influx</b>	This varies from group to group.

## **6. Necessary documentary evidence in order to be issued a travel document**

<b>Status</b>	<b>Documentary evidence</b>
<b>Convention refugee</b>	No documentary evidence is necessary in order to be issued a travel document.
<b>De facto refugee status under Section 7(2) of the Aliens Act</b>	As above
<b>Residence on Humanitarian grounds</b>	Must be able to demonstrate that it is not possible for him/her to obtain a national passport or another kind of travel document (Section 6(3), Aliens Decree).
<b>Residence permit on exceptional grounds</b>	As above
<b>Temporary protection in a situation of mass influx</b>	As for Convention refugees

## **7. Restrictions attached to travel documents issued to Convention refugees**

Yes, with regard to travel to the country of origin of Convention refugees.

## **8. Authorities' power to renew or extend the validity of travel documents to refugees no longer resident in their territory**

Yes, if all requirements are still met.

## **9. How long are consular travel documents issued for, please state?**

According to practice, laissez-passer travel documents are issued to aliens applying for asylum or family reunification at a Danish representation abroad and who are able to demonstrate that it is not possible for them to obtain a national passport or another kind of travel document. The Danish Immigration Service has to authorise the issue of laissez-passer on a case-by-case basis.

A laissez-passer will be withdrawn once the alien has been admitted to Danish territory.

## **10. Responsible authorities for the issuing of travel document**

According to Section 7(1) of the Aliens Decree, the Danish Immigration Service is responsible for issuing travel documents.

## **11. Maximum time a refugee can be absent from Denmark**

According to Section 17 of the Aliens Act, a residence permit is no longer valid when the alien has renounced his/her residence in Denmark. The permit is also cancelled if the alien has stayed outside Denmark for more than six consecutive months.

Where, for the purpose of permanent residence, the alien has lawfully lived for more than two years in Denmark, the residence permit may only be cancelled if the alien has stayed outside Denmark for more than twelve consecutive months. As a result, an alien may be absent for no

more than six consecutive months during the first two years and, provided that s/he holds a residence permit issued for the purpose of permanent residence, no more than twelve consecutive months after this initial two-year period.

In the case of Convention or de facto refugees, an additional condition applies according to which the refugee must have voluntarily taken up residence in his/her home country or been granted protection in a third country prior to his residence permit in Denmark being cancelled due to absence from the Danish territory.

## **12. Time taken to issue a travel document**

The average time taken for travel documents to be issued is between one and two months.

## **13. Fees charged for issuing travel documents**

DKr. 600. The same amount is charged for national passports. Renewals are free of charge.

## **B: VISAS**

### **14. Exemption from visa requirements of Convention refugees or refugees with a complementary protection status coming from another Schengen country**

At the time of this study, the Schengen Agreement has not entered into force in Denmark.

With regard to Convention refugees holding a valid travel document issued in accordance with the Geneva Convention, an exemption from general visa requirements is conditioned on the travel document being issued by the following countries: Belgium, Cyprus, Denmark, Finland, the Netherlands, Ireland, Iceland, Italy, Liechtenstein, Luxembourg, Malta, Norway, Portugal, Switzerland, Spain, the UK, Sweden, the Czech Republic and Germany. It is also conditioned on the refugee being a legal resident in the country that issued the travel document. This follows from Section III (10) of Decree of 17 December 1999 issued annually by the Ministry of Interior in accordance with Section 14(2) of the Aliens Decree.

Refugees with valid aliens passports issued by Finland, Iceland, Latvia, Norway and Sweden are exempt from visa requirements, provided that the passport is stamped with a re-entry permit to the country that has issued the aliens passport. If the refugee is coming directly from any of these countries, it is sufficient for the aliens passport to demonstrate that its holder has a valid residence permit for the country that has issued the travel document. This follows from Section III (12) of the above-mentioned annual decree.

Convention refugees with a residence permit issued by other countries than the ones mentioned above are not exempted from visa requirements. The same applies to aliens holding an aliens passport from a country not included in the aforementioned list. However, guidelines issued by the Ministry of Interior on 4 May 1998 provide that all aliens having a valid residence permit in one of the EU Member States as well as Iceland and Norway will be granted a visa upon application regardless of their nationality.

### **15. Exemption from visa requirements of Convention refugees, or refugees with a complementary protection status, coming from a non-Schengen country, whose nationals are exempted from visa requirements.**

Since the Schengen Agreement has not yet entered into force in Denmark, no distinction as such is made between Schengen and non-Schengen countries.

The Danish Immigration Service is responsible for making decisions on applications for visas, in accordance with Section 46(1) and (2) of the Aliens Act. According to Section 47(2) of the Aliens Act, by agreement between the Minister of Interior and the Minister of Foreign Affairs, Danish diplomatic or consular representatives abroad may be empowered to issue visas and residence permits. Guidelines on this issue are included in the "Visa Instructions" for the Foreign Service (1994).

Each visa application is individually assessed. Consideration is given to the probability of the applicant taking permanent residence or residence of a long duration in Denmark or qualifying as a security risk. The authorities also look at how established the applicant is in his/her home country, i.e. whether s/he has steady employment, his/her marital status, family links, whether his/her whole family applies for a visa and so on.

A visa is required for nationals of the following four categories of countries:

1. *"The asylum group"*: this includes Afghanistan, Algeria, Armenia, Bosnia-Herzegovina, the Ivory Coast, Eritrea, Ethiopia, the Federal Republic of Yugoslavia, Gambia, Ghana, Iraq (in relation to Iraqi citizens outside Iraq), Sierra Leone, Somalia, Sri Lanka, Sudan, Togo and Uganda.

As a rule, nationals of the countries included in this group will only be granted a visa if they are eligible for family reunification according to Section 9(1) of the Aliens Act (i.e. spouses, minor children and parents over 60 years of age). The same applies to stateless Palestinians, Lebanese and Yemeni citizens except that parents are granted a visa regardless of their age.

2. *"The immigration group"*: this includes Albania, Bangladesh, Benin, Iran, Jordan, Kenya, China, Macedonia, Morocco, Niger, Pakistan, Syria, Tanzania, Tunis, Turkey and Vietnam.

Visas are granted to spouses, children and parents (regardless of age) and also to siblings.

3. The third group is comprised of Bulgaria, Romania, Ukraine, Azerbaijan, Croatia and Slovakia.

Visas are usually granted to applicants from these countries if they have some kind of reference in Denmark. Tourist visas are not granted to this group.

4. The fourth group comprises all other countries with visa requirements than the ones mentioned in the three groups above. Citizens from these countries will usually be granted a tourist visa.

A visa will be granted to all nationalities – regardless of which group they belong to - for business purposes, providing that this can be demonstrated. Furthermore, a visa will be granted for participation in sporting events, cultural events, and scientific events as well as in order to attend "family events" such as funerals, weddings and baptisms. In the latter case, the granting of a visa will depend on the probability of the applicant deciding to take permanent residence in Denmark.

It should be noted that the aforementioned division into different country groups is of an

indicative character. Each applicant receives an individual assessment of his/her application.

**16. Cases under the provision for transfer of responsibility (European Agreement on Transfer of Responsibility for Refugees) whereby the Danish authorities have granted a residence visa to a Convention refugee or a person with a complementary protection status lawfully resident in another country**

No information provided.

**17. Right of appeal and main reasons to be refused a visa**

A refugee can appeal against a refusal by the Danish Immigration Service to issue a visa with the Ministry of Interior (Section 46 (2), Aliens Act).

**18. Fees charged for issuing entry/transit visas**

DKr. 225 is charged. The same amount applies is charged for foreign passports. The following categories are exempted from paying this fee:

1. Persons coming from an EU Member State or a country with which Denmark has concluded a “visa-exemption” agreement (the person might still have to have a visa but s/he will not be charged);
2. According to the Ministry for Foreign Affairs, aliens with a valid residence permit in one of the EU Member States, Iceland and Norway (see also last paragraph of question 15).

**C: IDENTITY PAPERS**

**19. Conditions under which relevant authorities issue ID papers**

Refugees must hold a “residence card”. As it is a statutory requirement, there are no conditions attached to it other than the refugee having been granted a residence permit in Denmark.

**20. Validity, for travel purposes, of ID documents granted to Convention refugees or people holding a Complementary protection status**

ID documents are not considered valid for travel purposes.

# **FINLAND\***

## **A: TRAVEL DOCUMENTS**

### **1. National legislation on travel documents issued to Convention refugees and people granted other forms of international protection**

Section 6 of the Finnish Aliens Act of 22 February 1991 (latest amendments came into force 10/7/2000).

Section 5 of the Finnish Aliens Decree of 18 February 1994 (last amendment came into force 1/3/2000).

### **2. Statuses and corresponding rights to travel documents**

<b><u>Status</u></b>	<b>Right to travel documents</b>	<b>Conditions attached to the issuing of travel documents</b>
	<b>Y</b>	<b>N</b>
<b>Convention refugee</b>	✓	A Refugee Travel Document may include a clause stating that it has proven impossible to verify the identity of its holder. Before a Refugee Travel Document is issued to a refugee, s/he must surrender any travel document in his/her possession to the Directorate of Immigration.
<b>Residence permits based on the need for protection (Section 30 of the Aliens Act)</b>	✓	Persons granted this type of permit can be issued with a Finnish Alien's Passport. A clause might be included in this document stating that it has proven impossible to verify the identity of its holder. Before a Finnish Alien's Passport is issued, the holder must surrender any travel documents in his/her possession to the Directorate of Immigration.
<b>Residence permits issued if "refusing a residence permit would be clearly unreasonable" (Section 20 of the Aliens Act)</b>		No automatic access to an Alien's Passport. Applicants should be able to prove that they cannot get a passport from their own embassy. This creates difficulties for persons who are in fear approaching their embassy. An exception is made for Iraqi and Somali nationals who can have automatic access to an Alien's Passport.
<b>Temporary protection in a situation of mass influx</b>	✓	The same arrangements applied for Kosovar evacuees under the Humanitarian Evacuation Programme (HEP) as for persons with a residence permit based on the need for protection.

\* This section has been compiled with the assistance of the Finnish Refugee Advice Centre.

<b>Asylum seekers</b>		✓	
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### 3. Reasons for refusing to issue a travel document

<b>Status</b>	<b>Main reasons for refusal</b>
<b>Convention refugee</b>	<p>Convention refugees are normally issued travel documents.</p> <p>According to Section 7 of the Aliens Act, "an Alien's Passport or a Refugee Travel Document is revoked when the holder has:</p> <ul style="list-style-type: none"> <li>1) received another travel document or if it has been demonstrated that he has another travel document;</li> <li>2) ceased to be a refugee;</li> <li>3) returned permanently to his country of origin;</li> <li>4) moved permanently to another country or lost his right to reside in Finland".</li> </ul> <p>The same section also states that "an Alien's Passport or Refugee Travel Document may be revoked if:</p> <ul style="list-style-type: none"> <li>1) it has been damaged or if entries in it have been altered;</li> <li>2) it has been lost;</li> <li>3) after the document was issued, facts have come to light which would manifestly have led to refusal when issuance of the document was under consideration; or</li> <li>4) the document is used by someone other than the person to whom it was issued or if it is in the possession of someone other than the person to whom it was issued".</li> </ul>
<b>Residence permits based on the need for protection</b>	Same regulations as for Convention refugees (see above)
<b>Temporary protection in a situation of mass influx</b>	Same regulations as for Convention refugees (see above)

### 4. Appeal rights in the case of refusal

There is an appeal right in the case of refusal.
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### 5. Validity of travel documents

Status	Validity of travel document
<b>Convention refugee</b>	<p>Following status recognition, a Refugee Travel Document is issued for a period of two years. After a permanent residence permit has been granted, the travel document can be issued for a maximum period of ten years; in practice, it is usually issued for five years.</p> <p>A refugee can have a Refugee Travel Document as long as s/he holds refugee status and/or until s/he is granted Finnish nationality. It is possible to apply for Finnish citizenship after five years of holding a permanent residence permit.</p>
<b>Residence permits based on the need for protection</b>	<p>Almost the same as for Convention refugees with the exception that an Alien's Passport is first issued for one year, then for a second year and following that for a five-year period.</p>
<b>Temporary protection in a situation of mass influx</b>	<p>The alien's passport has the same validity as the residence permit granted to persons with a temporary protection status. In the case of Kosovar refugees under HEP, this was eleven months.</p>

## 6. Necessary documentary evidence in order to be issued a travel document

Status	Documentary evidence
<b>Convention refugee</b>	<p>Refugee status can be granted even if a person is unable to provide any evidence of his/her identity. The same applies in the case of granting a Refugee Travel Document. (See also question 12). It should, however, be mentioned that if a person does not have any documentary evidence of his/her identity, this can affect the credibility of his/her refugee claim.</p>
<b>Residence permits based on the need for protection</b>	<p>No evidence of the identity of the applicant is necessary.</p> <p>It should, however, be mentioned that if a person does not have any documentary evidence of his/her identity, this can affect the credibility of his/her claim for protection.</p>
<b>Temporary protection in a situation of mass influx</b>	<p>No evidence of the identity of the applicant is necessary.</p> <p>It should, however, be mentioned that if a person does not have any documentary evidence of his/her identity, this can affect the credibility of his/her claim for protection.</p>

## 7. Restrictions attached to travel documents issued to Convention refugees

The residence permit is stamped on the travel document, which allows re-entry to Finland at any time.

## 8. Authorities' power to renew or extend the validity of travel documents of refugees no longer resident in their territory

The Finnish authorities cannot renew or extend the validity of travel documents of refugees no longer resident in their territory

#### **9. How long are consular travel documents issued for, please state?**

Finnish consulates normally issue laissez-passer documents valid for one journey only.

#### **10. Responsible authorities for issuing travel documents**

The Directorate of Immigration.

#### **11. Maximum time a refugee can be absent from the Finnish territory**

Following status determination, refugees are initially granted a one year residence permit which is subsequently extended for a second year. After two years, a permanent residence permit is granted. The initial residence permit is not temporary even if it is only issued for a year at a time; it is called a residence permit "meant for permanent stay" and normally means that a permanent permit will be granted after two years. If the refugee has a residence permit for one year then s/he can only be absent for one year. If, however, the refugee has a permanent residence permit then s/he can be absent for two years.

#### **12. Time Finnish authorities take to issue a travel document**

If the Directorate of Immigration grants refugee status to an applicant at first instance, then a Refugee Travel Document is issued at the same time the police notifies the applicant of the decision. If, however, refugee status is granted after an appeal, then it usually takes some weeks after the appeal decision has been notified to the refugee to issue a Refugee Travel Document.

The same applies to persons who are granted a residence permit on the basis of a need for protection and thus an Alien's Passport.

#### **13. Fees charged for issuing travel documents**

Same level of fees as for national passports.

#### **B: VISAS**

#### **14. Exemption from visa requirements of Convention refugees or refugees with a complementary protection status coming from another Schengen country**

These two categories are not exempted from visa requirements.

Finland has yet to implement the Schengen Agreement. Finland has, however, ratified the Council of Europe Agreement on the Abolition of Visas for Refugees (1959), which allows Convention refugees with a valid Refugee Travel Document and subject to reciprocity to be exempted from the obligation to obtain a visa for entering and leaving the territory of Member States of the Council of Europe. France, however, does not apply this Agreement, which

means that refugees having a Refugee Travel Document issued by France need a visa to enter Finland and also refugees with a Refugee Travel Document issued by Finland cannot travel to France without a visa.

Finland does not require a visa for persons with an Alien's Passport issued by another Nordic state and vice versa.

**15. Exemption from visa requirements of Convention refugees, or refugees with a complementary protection status, coming from a non-Schengen country, whose nationals are exempted from visa requirements.**

These two categories are not exempted from visa requirements.

In accordance with Section 13a of the Aliens Act, the preconditions for entering Finland are laid down in Section 8 which states that "an alien who enters the country: 1) shall have a valid travel document entitling him to cross the border;...3) shall, where necessary, present documents which indicate the purpose of and preconditions for his planned stay, and the fact that he has the necessary funds to support himself, taking into consideration both the length of his planned stay and his return to his country of departure or a transit journey to a third country to which his entry has been secured, or the fact that he can legally obtain these funds; 4) may not have been prohibited entry into Finland; 5) may not be deemed to jeopardize public order, safety, public health or the international relations of Finland."

Section 13a also prescribes that "the applicant may be required to have taken insurance issued by a reliable and solvent company or institution covering the costs incurred by an illness or an accident as further decided by the competent ministry unless otherwise provided for by a bilateral social security agreement or another international agreement binding on Finland."

**16. Cases under the provision for transfer of responsibility (European Agreement on Transfer of Responsibility for Refugees) whereby the Finnish authorities have granted a residence visa to a Convention refugee or a person with a complementary protection status lawfully resident in another country**

No precise information on such cases is available but all refugees could be granted a residence permit because of family links or an employment offer if they fulfil the requirements of the Aliens Act.

**17. Appeal right and main reasons for refusing a visa**

There is no appeal right in the case of visa refusal. A visa decision does not have to be justified which means that it is difficult to know the reasons why a visa application has been rejected. It is, however, common that persons coming from refugee-producing countries have difficulties in getting a visa.

Please also see the answer on question 15 on requirement for obtaining a visa.

**18. Fees charged for the issue of entry or transit visa**

Fees are charged; they are as high as for foreign passports.

## **C: IDENTITY PAPERS**

### **19. Conditions under which relevant authorities issue ID papers**

The person has to be registered as a resident of a municipality which is possible when a residence permit for a minimum period of one year has been granted.

### **20. Validity, for travel purposes, of ID documents granted to Convention refugees or people holding a complementary protection status**

ID documents are not normally considered valid for travel purposes.

According to Section 2 of the Aliens Decree, "identification certificates may be accepted in lieu of passports if they in essence meet the requirements set for a passport. Following consultations with the Ministry of Interior, the Ministry of Foreign Affairs will decide whether such documents may be accepted in lieu of passports. If there is a special reason for doing so in an individual case, an identification certificate or corresponding document that does not meet the requirements set for a passport may be accepted as a temporary passport. Guidelines on acceptance are issued by the Ministry of Interior".

# **FRANCE\***

## **A: TRAVEL DOCUMENTS**

### **1. National legislation on travel documents issued to Convention refugees and people granted other forms of international protection**

In accordance with the 1951 Refugee Convention, refugees can be issued with a travel document by the local authority (*Préfecture*) of their place of residence.

Case by case decisions are made in relation to applications by persons with other forms of protection. If the applicant does not have access to a national passport from his/her country of origin, the *préfecture* can issue him/her with a *titre de voyage* providing for safe conduct.

### **2. Statuses and corresponding rights to travel documents**

<b>Status</b>	<b>Right to travel documents</b>		<b>Conditions attached to the issuing of travel documents</b>
	<b>Y</b>	<b>N</b>	
<b>Convention refugee</b>	✓		- refugee certificate issued by the French Office for the Protection of Refugees and Stateless Persons (OFPRA) (art. 26 <i>Décret du mai 1953</i> ) - residence permit issued by the <i>préfecture</i> and valid for ten years.
<b>Constitutional Asylum</b>	✓		- As above
<b>Territorial Asylum (asile territorial)</b>		✓	People granted territorial asylum are usually in possession of passports from their country of origin. If, however, they do not have a passport or are unable to obtain one from a diplomatic post of their country of origin, the <i>préfecture</i> can issue them with a <i>titre de voyage</i> .
<b>Temporary protection in situation of mass influx</b>	✓		The <i>préfecture</i> can issue a safe conduct.
<b>Asylum seekers</b>		✓	
<b>Others (persons with a temporary residence permit)</b>		✓	

### **3. Reasons for refusing to issue a travel document**

<b>Status</b>	<b>Main reasons for refusal</b>
<b>Convention refugee</b>	Public order and security considerations
<b>Constitutional asylum</b>	As above

\* This section has been compiled with the assistance of Forum Réfugiés.

<b>Territorial asylum</b>	If the applicant is unable to provide evidence of refusal by the authorities of his/her country of origin to issue or renew a national passport.
<b>Temporary protection in situation of mass influx</b>	In theory, none. In practice however, the <i>préfecture</i> can ask the applicant to justify why they are in need of a " <i>titre de voyage</i> " (i.e. family reasons).

#### 4. Appeal rights in the case of refusal

There is a right of appeal in the case of refusal.

#### 5. Validity of travel documents

Status	Validity of travel document
<b>Convention refugee</b>	Two years
<b>Constitutional asylum</b>	Two years
<b>Territorial asylum</b>	For one return journey only.
<b>Temporary protection in a situation of mass influx</b>	For one return journey only.

#### 6. Necessary documentary evidence in order to be issued a travel document

Status	Documentary evidence
<b>Convention refugee</b>	Copy of refugee certificate
<b>Constitutional asylum</b>	As above
<b>Territorial asylum</b>	Evidence of refusal by the country of origin to issue a national passport (i.e. a letter from an Embassy).
<b>Temporary protection in a situation of mass influx</b>	Copy of a temporary residence card.

#### 7. Restrictions attached to travel documents issued to Convention refugees

A geographical limitation applying to the country of origin of the holder and temporal limitation (pending on the validity of the document).

#### 8. Authorities' power to renew or extend the validity of travel documents of refugees no longer resident in the French territory

Yes, although they should normally apply for a transfer of responsibility for protection to the state of their current residence.

#### 9. Authorities responsible for issuing travel documents

The *préfecture* of the place of residence.

#### 10. Maximum time a refugee can be absent from the French territory

For as long as his/her travel document is valid.

## **11. Time French authorities take to issue a travel document**

A few weeks.

## **12. Fees charged for issuing travel documents**

Fees are charged for issuing travel documents; the fees are lower than those applied to national passports.

## **B: VISAS**

### **13. Exemption from visa requirements of Convention refugees or persons with a complementary protection status coming from another Schengen country**

Convention refugees are exempted from visa requirements. People with other forms of protection are not exempted.

### **14. Exemption from visa requirements of Convention refugees, or persons with a complementary protection status, coming from a non-Schengen country, whose nationals are exempted from visa requirements.**

No information available.

## **16. Right of appeal and main reasons to be refused a visa**

No information available as to whether there is a right of appeal against a refusal to issue a visa by the French authorities. In terms of the main reasons to be refused a visa, these might relate to inability to provide one of the following:

- documentary evidence of socio-professional situation: professional card, pay slip, certificate of school or university attendance, student card, pension book, evidence of retirement pension or *pension de reversion* (survivor's pension), etc;
- documentary evidence of accommodation: *attestation d' accueil* (official proof of residence or projected residence), title deeds or rental agreement, or any documentary evidence of ownership or rental of a dwelling;
- documentary evidence of financial resources for the duration of the stay, of 3,000 FF per month of stay.

## **17. Fees charged for issuing entry or transit visas**

Fees are charged pending on the type of visa requested. For airport transit and other transit visas, the fees are FF 65. For short stay visas they can range from FF 165 to FF 325. For long stay visas (over 90 days) they are FF 650.

## **C: IDENTITY PAPERS**

### **18. Conditions under which relevant authorities issue ID papers**

The refugee certificate, issued to Convention refugees and persons granted constitutional asylum and the residence card issued by the *prefecture* can be used as ID documents.

**19. Validity, for travel purposes, of ID documents granted to Convention refugees or people holding a complementary protection status**

ID documents granted to Convention refugees are not considered valid for travel purposes.

# **GERMANY\***

## **A: TRAVEL DOCUMENTS**

### **1. National legislation on travel documents issued to Convention refugees and people granted other forms of international protection**

No
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### **2. Statuses and corresponding rights to travel documents**

<b>Status</b>	<b>Right to Travel documents</b>		<b>Conditions attached to the issuing of travel documents</b>
	<b>Y</b>	<b>N</b>	
<b>Refugees recognised under Art. 16a of the German Constitution</b>	✓		
<b>Refugees recognised under Art. 51(1) of the Aliens Act (Convention Refugees)</b>	✓		
<b>Quota refugees (<i>Kontingentflüchtlinge</i>)</b>	✓		
<b>Beneficiaries of longstayers regulations (<i>Altfallregelungen</i>) in accordance with Section 100 of the Aliens Act 1993 and based on special decrees of the Federal States (<i>Länder</i>) in 1996 and 1999</b>	✓		Statelessness or very long stay.
<b>Tolerated residence status (<i>Duldung</i>)</b>		✓	<i>Duldung</i> does not carry real legal status since it only means that the state agrees not to implement a deportation order which nevertheless remains valid.
<b>Temporary protection in a situation of mass influx</b>			Depends on status and duration. Given that most people are only granted <i>Duldung</i> or a temporary residence permit ( <i>Aufenthaltsbefugnis</i> ) of short duration, it is unlikely that they have access to travel documents.
<b>Asylum seekers</b>		✓	Very exceptionally by discretionary decision.

\* This section has been compiled with the assistance of Caritas Germany.

### 3. Reasons for refusing to issue a travel document

Status	Main reasons for refusal
<b>Refugees recognised under Art. 16a of the German Constitution</b>	<ul style="list-style-type: none"> <li>- danger to public security</li> <li>- existing national passport</li> </ul> <p>These reasons are not frequently evoked.</p>
<b>Refugees recognised under Art. 51(1) of the Aliens Act (Convention refugees)</b>	<ul style="list-style-type: none"> <li>- danger to public security</li> <li>- existing national passport</li> </ul> <p>These reasons are not frequently evoked.</p>
<b>Quota refugees (<i>Kontingentflüchtlinge</i>)</b>	<ul style="list-style-type: none"> <li>- danger to public security</li> <li>- existing national passport</li> </ul> <p>These reasons are not frequently evoked.</p>
<b>Beneficiaries of longstayers regulations (<i>Altfallregelungen</i>) in accordance with Section 100 of the Aliens Act 1993 and based on special decrees of the Federal States (<i>Länder</i>)</b>	<ul style="list-style-type: none"> <li>- existing national passport</li> </ul>
<b>Temporary protection in a situation of mass influx</b>	See question 2.

### 4. Appeal rights in the case of refusal

An appeal right is foreseen in the case of refusal.

### 5. Validity of travel documents

Status	Validity of travel document
<b>Refugees recognised under Art. 16a of the German Constitution</b>	Minimum two years; five years, if the alien has not reached the age of 18 years at the time when travel documents are issued; ten years maximum
<b>Refugees recognised under Art. 51(1) of the Aliens Act (Convention Refugees)</b>	Minimum two years; five years, if the alien has not reached the age of 18 years at the time when travel documents are issued; 10 years maximum
<b>Quota refugees (<i>Kontingentflüchtlinge</i>)</b>	Minimum two years; five years, if the alien has not reached the age of 18 years at the time when travel documents are issued; ten years maximum
<b>Beneficiaries of longstayers regulations (<i>Altfallregelungen</i>) in accordance with Section 100 of the Aliens Act 1993 and based on special decrees of</b>	Minimum two years; five years, if the alien has not reached the age of 18 years at the time when travel documents are issued; ten years maximum

<b>the Federal States (<i>Länder</i>)</b>	
<b>Asylum seekers</b>	One month maximum

## 6. Necessary documentary evidence in order to be issued a travel document

Status	Documentary evidence
<b>Refugees recognised under Art. 16a of the German Constitution</b>	None (in principle)
<b>Refugees recognised under Art. 51(1) of the Aliens Act (Convention refugees)</b>	None
<b>Quota refugees (<i>Kontingentflüchtlinge</i>)</b>	None
<b>Beneficiaries of longstayers regulations (<i>Altfallregelungen</i>) in accordance with Art 100 of the Aliens Act 1993 and based on special decrees of the Federal States (<i>Länder</i>)</b>	Depends on the country of origin, availability of documentation and willingness of the country of origin to issue a national passport.

## 7. Restrictions attached to travel documents issued to Convention refugees

Geographical limitation: normally the travel document is valid for all countries, except the country of origin. A geographical limitation on certain countries or continents is possible  
 Temporal limitation: in general, the travel document may not be issued for a longer period than the period for which the alien's residence permit is valid.

## 8. Authorities' power to renew or extend the validity of travel documents of refugees no longer resident in their territory

If the holder of a travel document which is issued by a German authority stays lawfully in a country which is signatory to the Geneva Convention or of the Protocol of 31 January 1967, or to the London Agreement Concerning Travel Documents for Refugees of 1946, then the responsibility for issuing a new travel document is with the authorities of the country in which the refugee is entitled to file an application (§ 11 of the Appendix of the Geneva Convention, Art. 13 of the London Agreement). This is the reason why the German authorities normally cannot extend the period of validity of the travel document. A travel document may only be issued abroad with the consent of the Foreign Affairs Office and the Ministry of Interior. The travel document's validity can only be extended by the German consulate, if the holder of the travel document does not obtain a travel document from the authorities of the country of his/her residence, and if the authorities of this country only give permission to further stay under the condition that the travel document's validity is prolonged. If the holder of the travel document wants to extend the validity of his/her travel document for more than six months, the consent of the authority that issued the travel documents or prolonged it the last time is required. The consent has to be obtained directly from the Aliens authority.

## **9. How long are consular travel documents issued for, please state?**

Provided that the Aliens authority has given its consent, the embassy/consulate can issue a travel document for three months for Germany (one journey only), in the case that the responsibility for issuing a travel document has not shifted to another country and the alien in question has no documents at all. If the holder of the travel document wants to extend the validity of his/her travel document for more than six months, the consent of the authority that which issued the travel documents or prolonged it the last time is required. The consent has to be obtained directly from the Aliens authority.

## **10. Responsible authorities for issuing travel documents**

Local authorities (aliens' offices) of the Federal States (Länder), German embassies and consulates

## **11. Maximum time a refugee can be absent from Germany**

No specific information is available. The refugee has to avoid giving the impression that s/he has given up his/her regular residence in Germany.

## **12. Time German authorities take to issue a travel document**

If there is no legal dispute, it can take some weeks. If there is a dispute, it can take up to eight years. Reasons that give rise to a legal dispute include whether there are serious reasons to believe that the alien poses a threat to national security or a danger to the public because the alien in question has been found guilty by a court of an especially serious crime (felony).

## **13. Fees charged for issuing travel documents**

Fees are charged: for a travel document: 50.- DM; for a prolongation: 30.-DM; for quota-refugees: free of charge; for national passports: 50.- DM

## **B: VISAS**

### **14. Exemption from visa requirements of Convention refugees or refugees with a complementary protection status coming from another Schengen country**

Only when foreseen by an international convention. Germany is a signatory to the European Agreement on the Abolition of Visas for Refugees

### **15. Exemption from visa requirements of Convention refugees, or refugees with a complementary protection status, coming from a non-Schengen country, whose nationals are exempted from visa requirements**

As above.

In order to obtain a visa, consideration is given to:

- likelihood of the declared intention of the journey (business, family links, political activities etc) being true or false

- availability of financial means to support one's self while in Germany
- previous record of illegal entry to or forcible return from Germany

It is probable that consideration might also be given to whether the person has a criminal record or not.

**16. Cases under the provision for transfer of responsibility (European Agreement on Transfer of Responsibility for Refugees) whereby the German authorities have granted a residence visa to a Convention refugee or a person with a complementary protection status lawfully resident in another country**

No specific information is available. Probably yes on the basis of family links (this is the case also in Bavaria).

**17. Appeal right and main reasons for refusing a visa**

There is a right of appeal. See also question 15 on requirement for obtaining a visa.

**18. Fees charged for the issue of entry or transit visa**

Fees are charged; they are probably at the same level as for foreign passports.

**C: IDENTITY PAPERS**

**19. Conditions under which relevant authorities issue ID papers**

It is sometimes possible to issue a document with a photograph stating the status of a person, especially if s/he does not have a German or other passport. This, however, is not a regular ID card.

**20. Validity, for travel purposes, of ID documents granted to Convention refugees or people holding a complementary protection status**

ID documents are normally not granted for travel purposes.

# **GREECE\***

## **A: TRAVEL DOCUMENTS**

### **1. National legislation on travel documents issued to Convention refugees and people granted other forms of international protection**

Presidential Decree 61/99.

### **2. Statuses and corresponding rights to travel documents**

<b>Status</b>	<b>Right to travel documents</b>		<b>Conditions attached to the issuing of travel documents</b>
	<b>Y</b>	<b>N</b>	
<b>Convention refugee</b>	✓		
<b>Residence permit for humanitarian reasons (Section 8, Presidential Decree No. 61/99)</b>		✓	
<b>Temporary protection in a situation of mass influx</b>		✓	Current Greek legislation does not include any general provisions for temporary protection. According to Section 25(6) of the Aliens Act, a special regime of temporary protection for specific groups of aliens can be established by a joint ministerial decision.
<b>Asylum seekers</b>		✓	

### **3. Reasons for refusing to issue a travel document**

<b>Status</b>	<b>Main reasons for refusal</b>
<b>Convention refugee</b>	No known cases of refusal.

### **4. Appeal right in the case of refusal**

No appeal right is foreseen in case of refusal. Convention refugees have automatic access to travel documents.

### **5. Validity of travel documents**

<b>Status</b>	<b>Validity of travel document</b>
<b>Convention refugees</b>	five years

\* This section has been compiled with the assistance of the Greek Refugee Council.

## **6. Necessary documentary evidence in order to be issued a travel document**

Status	Documentary evidence
<b>Convention refugees</b>	Refugee Convention identity card and residence permit.

## **7. Restrictions attached to travel documents issued to Convention refugees**

Geographical limitations applying to the country of origin and temporal limitations (five years).

## **8. Authorities' power to renew or extend the validity of travel documents to refugees no longer resident in their territory**

The authorities cannot renew or extend travel documents to refugees who are no longer resident in Greece.

## **9. Responsible authorities for issuing of travel documents**

Aliens Police, Ministry of Public Order (MPO).

## **10. Maximum time a refugee can be absent from the Greek territory**

A Convention refugee can be absent from Greek territory for as long as his/her travel document is valid (five years).

## **11. Time Greek authorities take to issue a travel document**

It usually takes about from 2 to 4 weeks.

## **12. Fees charged for issuing travel documents**

No fees are charged .

## **B: VISA**

### **13. Exemption from visa requirements of Convention refugees or people with a complementary protection status coming from another Schengen country**

These two categories are exempted from visa requirements.

### **14. Exemption from visa requirements of Convention refugees, or people with a complementary protection status, coming from a non-Schengen country, whose nationals are exempted from visa requirements.**

These two categories are not exempted from visa requirements. The requirements are the same as for people coming from a country whose nationals are not exempted from visa regulations. In considering a visa application, the authorities might take into account relevant evidence provided by the applicant such as proof of an invitation to Greece for business or family reasons or an employment offer. Consideration is also given to the likelihood of the

applicant overstaying his visa as well as security concerns.

**15. Appeal rights and main reasons to be refused a visa**

No appeal right is foreseen.

**16. Fees charged for issuing entry or transit visas**

Fees to issue entry or transit visa are charged; the fees are as high as for foreign passports.

**C: IDENTITY PAPERS**

**17. Conditions under which relevant authorities issue ID papers**

Convention refugees are issued with a refugee identity card which enables them to receive a residence permit which is valid for five years. This permit is renewable on a five year basis.

**18. Validity, for travel purposes, of ID documents granted to Convention refugees or people holding a complementary protection status**

ID documents issued to refugees are not valid for travel purposes.

# **IRELAND\***

## **A: TRAVEL DOCUMENTS**

### **1. National legislation on travel documents issued to Convention refugees and people granted other forms of international protection**

There is no specific legislative framework. Travel documents are issued on the basis of administrative procedures.

### **2. Statuses and corresponding rights to travel documents<sup>2</sup>**

Status	Right to travel documents		Conditions attached to the issuing of travel documents
	Y	N	
<b>Convention refugee</b>	✓		<ul style="list-style-type: none"> <li>- If absent for more than three months, the holder needs an Irish re-entry visa;</li> <li>- No permission to travel to the country of origin.</li> </ul>
<b>Leave to remain (granted <i>inter alia</i> for humanitarian reasons)</b>	✓		<ul style="list-style-type: none"> <li>- Needs an Irish re-entry visa;</li> <li>- Evidence from the embassy of the country of origin that reasonable efforts have been made to obtain a national passport.</li> </ul>
<b>Temporary permission to remain</b>	✓		<ul style="list-style-type: none"> <li>- Needs an Irish re-entry visa;</li> <li>- Evidence from the embassy of the country of origin that reasonable efforts have been made to obtain a national passport.</li> </ul>
<b>Temporary protection in situation of mass influx</b>	✓		Same as Irish citizens' travel documents
<b>Asylum seekers</b>		✓	Only granted in very exceptional circumstances (i.e. in the case of a parent's death). The applicant has to provide evidence to justify request.

### **3. Reasons for refusing to issue a travel document**

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\* This section has been compiled with the assistance of the Refugee Legal Service.

<sup>2</sup> There are two types of travel documents issued by the Department of Justice, Equality and Law Reform: 1) a "Hard Cover" which is issued to persons with full refugee status and has the same privileges attached to an Irish passport, i.e. the ability to travel freely within the EU; 2) the "Soft Cover" – this is issued by the Immigration Division of the Department of Justice, Equality and Law Reform to those granted temporary protection, humanitarian leave to remain and stateless persons.

<b>Status</b>	<b>Main reasons for refusal</b>
<b>Convention refugee</b>	No permission to travel to the country of origin/country of persecution.
<b>Leave to remain (granted <i>inter alia</i> for humanitarian reasons)</b>	If the applicant cannot provide evidence of inability to obtain a passport from the embassy of his/her country of origin despite efforts to do so.
<b>Temporary permission to remain</b>	If the applicant cannot provide evidence of inability to obtain a passport from the embassy of his/her country of origin despite efforts to do so.
<b>Temporary protection in situation of mass influx</b>	If the applicant cannot provide evidence from the Refugee Agency that s/he has tried to obtain a national passport. The Refugee Agency is a government body established in 1991 to co-ordinate arrangements for the admission, reception and resettlement of refugees invited into Ireland by Government Decision.
<b>Asylum seekers</b>	No permission to travel until claim for refugee status is determined.

#### **4. Appeal rights in the case of refusal**

There is not a right of appeal in the case of refusal.

#### **5. Validity of travel documents**

<b>Status</b>	<b>Validity of travel document</b>
<b>Convention refugee</b>	The time period for which the travel document is valid is linked to evidence of legal residency in the state. This residence evidence is renewed annually by the Department of Justice, Equality and Law Reform by a stamp in the Registration Certificate ("Green book")
<b>Leave to remain (granted <i>inter alia</i> for humanitarian reasons)</b>	For the period of validity of the green book, usually for one year
<b>Temporary permission to remain</b>	For the period of validity of the green book, usually for one year

## **6. Necessary documentary evidence in order to be issued a travel document**

<b>Status</b>	<b>Documentary evidence</b>
<b>Convention refugee</b>	Registration Certificate (“Green book”) and letter from Asylum Division, Department of Justice, Equality and Law Reform, confirming that the person has refugee status
<b>Leave to remain (granted <i>inter alia</i> for humanitarian reasons)</b>	Registration Certificate (“Green book”) and letter from the Repatriation Division, Department of Justice, Equality and Law Reform
<b>Temporary permission to remain</b>	If in making an application for a travel document, the applicant produces the required Registration Certificate (“Green book”), then the travel document is issued, once the Immigration Division of the Department of Justice Equality and Law Reform have given the necessary stamps.
<b>Temporary protection in situation of mass influx</b>	Letter from the Refugee Agency confirming that the person was admitted into Ireland under a Government Decision.
<b>Asylum seekers</b>	In exceptional circumstances, Asylum ID card and proof of urgency for travel

## **7. Restrictions attached to travel documents issued to Convention refugees**

There is a geographical limitation to the validity of a travel document that applies to travel to the country of origin/persecution of the holder. If a refugee is away from Ireland for three months, s/he needs to obtain an Irish re-entry visa.

## **8. Authorities' power to renew or extend the validity of travel documents of refugees no longer resident in their territory**

Not applicable

## **9. Authorities responsible for issuing travel documents**

Department of Justice, Equality and Law Reform

## **10. Maximum time a refugee can be absent from the Irish territory**

If absent for more than three months, the refugee needs to have an Irish re-entry visa.

## **11. Time Irish authorities take to issue a travel document**

Approximately four weeks.

## **12. Fees charged for issuing travel documents**

Fees are charged for issuing travel documents; they are lower than the charges for national passports.

## **B: VISAS**

**13. Exemption from visa requirements of Convention refugees or persons with a complementary protection status coming from another Schengen country**

These two categories are exempted from visa requirements

**14. Exemption from visa requirements of Convention refugees, or persons with a complementary protection status, coming from a non-Schengen country, whose nationals are exempted from visa requirements.**

These two categories are not exempted from visa requirements. Their visa application to the Department of Foreign Affairs needs to be supported by documentary evidence demonstrating that they are bona fide applicants.

**15. Right of appeal and main reasons to be refused a visa**

An applicant might be refused a visa if s/he cannot satisfy the Department of Foreign Affairs that s/he is bona fide. There is a right of appeal.

**16. Fees charged for issuing entry or transit visas**

Fees are charged; If 20 for a single visa, If 40 for a multiple entry visa.

**17. Cases under the provision for transfer of responsibility (European Agreement on Transfer of Responsibility for Refugees) whereby the Irish authorities have granted a residence visa to a Convention refugee or a person with a complementary protection status lawfully resident in another country**

This provision has yet to be implemented in Ireland.

**C: IDENTITY PAPERS**

**18. Conditions under which relevant authorities issue ID papers**

No form of ID papers are issued to either convention Refugees or those with leave to remain, and travel documents are never intended by the government to serve as a form of identity verification

**19. Validity, for travel purposes, of ID documents granted to Convention refugees or people holding a complementary protection status**

ID documents are not considered valid for travel purposes.

# **ITALY<sup>\*</sup>**

## **A: TRAVEL DOCUMENTS**

### **1. National legislation on travel documents issued to Convention refugees and people granted other forms of international protection**

The legal framework applying to Convention refugees is the 1951 Geneva Convention as ratified by Italy in 1954 (Law No 722). Convention refugees can apply directly for a Convention Travel document (CTD) at the local police headquarters (*Questura*) by showing copies of the refugee recognition certificate and the “foreigners permit to stay”. CTDs are valid for one year or a maximum of two years.

There are no legal provisions applying to persons granted other forms of international protection. Aliens, including people granted a permit of stay on humanitarian grounds, can apply for and obtain a “Travel document for foreigners” in accordance with an internal Circular of the Ministry of the Interior and the Ministry of Foreign Affairs that entered into force in 1961. This is normally issued to aliens whose country of origin refuses to give them a national passport. Travel documents for foreigners are issued by the police on the basis of discretion of the Ministry of Interior.<sup>3</sup>

### **2. Statuses and corresponding rights to travel documents**

<b>Status</b>	<b>Right to travel documents</b>		<b>Conditions attached to the issuing of travel Documents</b>
	<b>Y</b>	<b>N</b>	
<b>Convention refugee</b>	✓		- status recognition by the Central Commission for the Recognition of Refugee Status; - a residence permit; - documentary evidence proving that the refugee has no previous or pending criminal charges.
<b>Aliens including persons granted a residence permit on humanitarian grounds (Section 5(6), 1998 Aliens Act)</b>	✓		People can apply for and obtain a Travel Document for Foreigners from the Police Headquarters according to internal circulars of the Ministries of Interior and Foreign Affairs (see also footnote 3)
<b>Temporary protection in situation of mass influx</b>		✓	

<sup>\*</sup> This section has been compiled with the assistance of the Italian Refugee Council.

<sup>3</sup> According to the Police Headquarters in Rome, a recent explanatory note of the Ministry of Interior states that "travel documents for foreigners" can now only be used for travel to the country of origin of the document holder. Once the holder reaches his/her destination, the travel document is no longer valid. Somalis granted a permit to stay on humanitarian grounds are excepted from the provisions of this note and can obtain a travel document valid within the Schengen area (Foreign Affairs Decree of 1/2/1999 and 1/9/2000). It is to be noted that the provisions of the aforementioned explanatory note of the Ministry of Interior do not apply throughout Italy, therefore there is variance in administrative practice from region to region.

<b>Asylum seekers</b>		✓	Asylum seekers cannot leave Italy until their application for asylum has been processed.
<b>Temporary Deportation Waiver {Asylum and Temporary Protection Bill approved by the Senate on 5 November 1998 though still pending in the Lower House (<i>Commissione Affari Costituzionali della Camera dei Deputati</i>)</b>		✓	

### 3. Reasons for refusing to issue a travel document

Status	Main reasons for refusal
<b>Convention refugee</b>	The police authorities may refuse to issue the CTD to Convention refugees because of previous or pending criminal charges.
<b>Aliens including persons granted a residence permit on humanitarian grounds</b>	No legal provisions are in place. Travel documents for foreigners are issued on the basis of discretion by the Ministry of the Interior.

### 4. Appeal right in the case of refusal

An appeal right is foreseen in the case of refusal.

### 5. Validity of travel documents

Status	Validity of travel document
<b>Convention refugee</b>	One or two years renewable
<b>Aliens including persons granted a residence permit on humanitarian grounds</b>	Valid for one journey to the country of origin of the document holder (see also footnote 2)

### 6. Necessary documentary evidence in order to be issued a travel document

Status	Documentary evidence
<b>Convention refugee</b>	Status determination certificate and residence permit. Evidence of receipt of payment of government charges and documentary evidence that the refugee has no previous or pending criminal charges.
<b>Aliens including persons granted a residence permit on humanitarian grounds</b>	Evidence of willingness by the applicant to return to country of origin (for example, in the form of a written declaration)

### 7. Restrictions attached to travel documents issued to Convention refugees

There are temporal limitations (two years) and geographical limitations (country of origin) to the validity of CTD documents.

**8. Authorities' power to renew or extend the validity of travel documents to refugees no longer resident in their territory**

No available information.

**9. Authorities responsible for issuing travel documents**

The authority responsible for issuing travel documents is the “*Questura*” (Local Police Headquarters).

People granted other forms of protection can apply for a travel document directly at the Local Police Headquarters. The document, however, is released at the discretion of the Ministry of Interior (see also footnote 2).

**10. Maximum time a refugee can be absent from the Italian territory**

Refugees can stay outside Italy until the expiry of their CTD and their permit of stay.

**11. Time Italian authorities take to issue a travel document**

The law does not provide for a specific time frame. In practice, it usually takes about four weeks.

**12. Fees charged for issuing travel documents**

The fees for CTF are Lira 60,000 a year (approximately EURO 31). Convention refugees can renew their travel documents every two years. The fees charged for national passports are Lira 60,000 for five years. If an Italian passport holder needs to use his/her passport and travel, s/he has to pay an additional Lira 60,000 (*marca da bollo*) per year.

**B: VISAS**

**13. Exemption from visa requirements of Convention refugees or refugees with a complementary protection status coming from another Schengen country**

These two categories are generally exempted from visa requirements for travel up to three months.

**14. Exemption from visa requirements of Convention refugees, or refugees with a complementary protection status, coming from a non-Schengen country, whose nationals are exempted from visa requirements**

According to the Border Police, visas are generally issued on a nationality basis. Visa requirements differ depending on the type of visa requested. In the case of a request for a tourist-visa, the competent authority normally asks for evidence of availability of financial means and accommodation while in Italy. There are some exceptions made based on bilateral agreements between Italy and third countries.

**15. Cases under the provision for transfer of responsibility (European Agreement on Transfer of Responsibility for Refugees) whereby the Italian authorities have granted a**

## **residence visa to a Convention refugee or a person with a complementary protection status lawfully resident in another country**

On the basis of Italian law, it is possible for a Convention refugee residing in another country to obtain a residence permit in Italy for work, family or study purposes.

### **16. Appeal rights and main reasons for a visa refusal**

The main reasons for a visa refusal include: a) inability to meet legal requirements; b) inadmissibility on the basis of the Schengen Agreement; and c) inadmissibility on the basis of information in the national data system (the Police computerised information system) indicating that the person faces criminal charges, an expulsion order or is considered to be a threat to public security in Italy.

There is normally a right of appeal. Appeals can be lodged before the Administrative Court. In the case of a refusal of a visa for family reunification purposes, an appeal may be lodged before the Civil Court.

### **17. Fees charged for issuing entry or transit visas**

Fees are charged at the same level as those charged on foreign passports.

## **C: IDENTITY PAPERS**

### **18. Conditions under which relevant authorities issue ID papers**

The City Hall issues ID cards valid for five years to both Convention refugees and persons granted protection on humanitarian grounds provided that they hold a permit to stay valid for at least one year.<sup>3</sup>

### **19. Validity, for travel purposes, of ID documents granted to Convention refugees or people holding a complementary protection status**

ID documents are not considered valid for travel purposes.

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<sup>3</sup> The residence permit initially issued to Convention refugees is valid for two years and then renewed for a period of four years. The permit of stay for humanitarian reasons is valid for one year; it can be renewed for an additional period of two years if the holder has been able to obtain employment.

# LUXEMBOURG\*

## A: TRAVEL DOCUMENTS

### 1. National legislation on travel documents issued to Convention refugees and people granted other forms of international protection

The Ministry of Justice issues travel documents to Convention refugees on the basis of administrative practice rather than legislation.

Convention refugees granted a residence visa by the Luxembourg authorities under the European Agreement on Transfer of Responsibility for Refugees are also granted a Luxemburgish travel document.

### 2. Statuses and corresponding rights to travel documents

Status	Right to travel documents Y      N	Conditions attached to the issuing of travel documents
Convention refugee	✓	- status recognition by the Ministry of Justice - residence permit
Authorisation for residence on humanitarian grounds	✓	- residence permit - normally a written proof that the country of origin has refused to issue a passport
Tolerated residence	✓	
Asylum seekers	✓	

### 3. Reasons for refusing to issue a travel document

Status	Main reasons for refusal
Convention refugee	Not applicable.
Authorisation to remain on humanitarian grounds	Inability to provide written evidence that the country of origin has refused to issue a national passport.
Tolerated residence	Not applicable.
Asylum seekers	Asylum seekers are not considered to be “normal residents” of Luxemburg; they have no permit to stay, just a document renewed on a monthly basis affirming their asylum claim and stating the municipality they are registered with.

### 4. Appeal rights in the case of refusal

There is no special appeals procedure; in general there is a right to appeal against all administrative decisions at the “tribunal administratif”.

\* This section has been compiled with the assistance of Caritas Luxembourg.

## **5. Validity of travel documents**

Status	Validity of travel documents
<b>Convention refugee</b>	Two years
<b>Authorisation to remain on humanitarian grounds</b>	Two years (if granted, they are generally based on the Convention relating to the Status of Stateless Persons of 28 September 1954)

## **6. Necessary documentary evidence in order to be issued a travel document**

Status	Documentary evidence
<b>Convention refugee</b>	- Letter from the Ministry of Justice acknowledging the applicant's refugee status under the 1951 Convention and granting authorisation for indefinite leave to remain in Luxembourg.
<b>Authorisation to remain on humanitarian grounds</b>	- Letter from the Ministry of Justice indicating that a permit to remain has been granted on humanitarian grounds. This is normally issued for a period of one year. There is the possibility of extension or, if the holder finds employment, of being granted a work permit. - documentary proof that the country of origin has refused to issue a national passport (exceptions are possible).

## **7. Restrictions attached to travel documents issued to Convention refugees**

Geographical limitation to the validity of the travel document with regard to the country of origin of the holder.

## **8. Authorities' power to renew or extend the validity of travel documents to refugees no longer resident in their territory**

The authorities cannot extend the validity of travel documents of refugees no longer resident in Luxembourg.

## **9. Authorities responsible for issuing travel documents**

Ministry of Foreign Affairs, Visa and Passport Department.

## **10. Maximum time a refugee can be absent from Luxembourg**

Luxembourg legislation does not include a provision regulating this issue.

## **11. Time Luxembourg authorities take to issue a travel document**

One or two weeks.

## **12. Fees charged**

EURO 5; the same amount is charged for national passports.

## **B: VISAS**

### **13. Exemption from visa requirements of Convention refugees or persons with a complementary protection status coming from another Schengen country**

These two categories are exempted from visa requirements if they are in possession of a travel document and a foreigner's identity card. In the case of countries not issuing aliens' ID cards, the visa stamped on the travel document is considered equivalent to an ID document.

### **14. Exemption from visa requirements of Convention refugees, or persons with a complementary protection status, coming from a non-Schengen country, whose nationals are exempted from visa requirements**

Exemptions are made for Convention refugees and persons with a complementary protection status holding travel documents issued by Norway, Liechtenstein, Iceland, Ireland, Switzerland and United Kingdom.

### **15. Cases under the provision for transfer of responsibility (European Agreement on Transfer of Responsibility for Refugees) whereby the Luxembourg authorities have granted a residence visa to a Convention Refugee or a person with a complementary protection status lawfully resident in another country**

There have been cases granted on the basis of an employment offer, family links, study/ or /humanitarian reasons. In the case of persons granted complementary protection, they are considered as third-country nationals who can be granted residence if they have "*moyens personnels de subsistance*".

### **16. Main reasons for a visa refusal and appeal rights**

If a working permit for Luxembourg has been refused and there is no other proof of personal income.

There is a right of appeal.

### **17. Fees charged for issuing entry or transit visas**

Fees are charged.

## **C: IDENTITY PAPERS**

### **18. Conditions under which relevant authorities issue ID papers**

Convention refugees receive ID papers automatically; other categories of aliens normally receive ID papers after one year if they are in a stable financial situation. This is in the form of a working permit that is initially issued for one year and then for an additional three years. After a total of four years, aliens are normally issued with an indefinite leave to remain. It is to be noted, though, that in practice, certain groups of aliens might be issued with renewable one-year permits over a number of years (e. g. Cape Verdians).

**19. Validity, for travel purposes, of ID documents granted to Convention refugees or people holding a complementary protection status**

ID documents are not valid for travel purposes unless accompanied by a travel document.

# **NETHERLANDS<sup>\*</sup>**

## **A: TRAVEL DOCUMENTS**

### **1. National legislation on travel documents issued to Convention refugees and people granted other forms of international protection**

Article 11, Passport Law (*Paspoortwet*) (1991) confers the right to a refugee passport to Convention refugees.

Under Article 14 of the same law, foreigners who are lawfully resident in the Netherlands have a right to an alien's passport if they cannot obtain a passport from another country or if it cannot be reasonably expected for them to obtain a passport from another country.

Stateless persons also have a right to an alien's passport if they have a valid permit as stateless persons in the Netherlands (Article 13).

### **2. Statuses and corresponding rights to travel documents**

<b>Status</b>	<b>Right to travel documents</b>		<b>Conditions attached to the issuing of travel documents</b>
	<b>Y</b>	<b>N</b>	
<b>Convention refugee</b>	✓		<ul style="list-style-type: none"><li>- Refugee status recognition under the 1951 Convention in the Netherlands or</li><li>- UNHCR mandate-declaration in combination with a long term residence permit (valid for five years) for the Netherlands.</li></ul>
<b>Residence permit for humanitarian reasons</b>	✓		<ul style="list-style-type: none"><li>- Applicants need to provide evidence that the authorities of their country of origin are not able/willing to issue them with a passport. Alternatively, they need to demonstrate that it is not reasonable to expect that they can obtain a passport from the authorities of their country of origin.</li><li>- The aforementioned conditions do not apply if an applicant has been in the Netherlands for more than five years and holds a valid permit issued by the Ministry of Justice (there are different types of permit i.e. student, family visit etc).</li><li>- Nationals of Somalia, Iraq, Sierra Leone, Liberia and Guinea holding a</li></ul>

\* This section has been compiled with the assistance of the Dutch Refugee Council.

			residence permit for humanitarian reasons are also exempted from meeting the above mentioned conditions.
<b>Provisional residence permit</b>	✓		Same conditions as for holders of a residence permit for humanitarian reasons.
<b>Temporary protection in situation of mass influx</b>	✓		Same conditions as for holders of a residence permit for humanitarian reasons.
<b>Asylum seekers</b>			It is possible to obtain a laissez-passer in the case of an emergency (severe illness or a funeral of a close family member).

### 3. Reasons for refusing to issue a travel document

Status	Main reasons for refusal
<b>Convention refugee</b>	An application for a refugee passport is seldom refused. The main reasons might include a breach of national security or public order or a presumption that, being suspected or convicted of a serious crime, the holder will use his/her refugee passport to evade punishment.
<b>Residence permit for humanitarian reasons</b>	If it is presumed that issuing an alien's passport might have a "negative effect" <sup>4</sup> on Dutch foreign policy as determined by the Ministry of Foreign Affairs. This is the case, when in the opinion of the Ministry of Foreign Affairs, the applicant is able to obtain a passport from the authorities of his/her country of origin. <sup>5</sup>
<b>Provisional residence permit</b>	Same reasons as for holders of a residence permit for humanitarian reasons.
<b>Temporary protection in situation of mass influx</b>	Same reasons as for holders of a residence permit for humanitarian reasons.
<b>Asylum seekers</b>	If the reason for applying for a laissez-passer is not considered urgent enough.

### 4. Appeal rights in the case of refusal

There is a right of appeal in the case of refusal.

### 5. Validity of travel documents

Status	Validity of travel document
<b>Convention refugee</b>	Five years
<b>Residence permit for humanitarian reasons</b>	Three years (one year for nationals of Liberia and Guinea)

<sup>4</sup> The expression "negative effect" refers to an act that could affect the diplomatic relations of Netherlands with the country of origin of the applicant.

<sup>5</sup> In 1999, there were 6,207 requests for an alien's passport of which 477 were turned down.

<b>Provisional residence permit</b>	Equivalent to the validity of the residence permit held by the applicant. This is granted on a yearly basis and is renewable.
<b>Temporary protection in situation of mass influx</b>	Equivalent to the validity of the residence permit held by the applicant. In the case of Kosovar refugees, they were all granted provisional residence permits of one year duration.
<b>Asylum seekers</b>	A laissez-passer can be issued for a maximum period of one year. Its validity is linked to the expected duration of the journey and any requirements for minimum travel document validity laid down by the countries of transit and final destination.

## 6. Necessary documentary evidence in order to be issued a travel document

Status	Documentary evidence
<b>Convention refugee</b>	<ul style="list-style-type: none"> <li>- Complete standard application form</li> <li>- ID-card (B-document: recognition of Convention status)</li> <li>- Two black and white passport photos</li> </ul>
<b>Residence permit for humanitarian reasons</b>	<ul style="list-style-type: none"> <li>- Complete standard application form</li> <li>- ID-card (C-document: residence permit)</li> <li>- Expired, if any, travel documents/national passports</li> <li>- 2 black and white passport photos</li> <li>- if the applicant has resided in the Netherlands for less than five years and is not a national of Somalia, Iraq, Sierra Leone or Liberia: <ul style="list-style-type: none"> <li>• a description of the reasons why it cannot be expected from the applicant to apply to his/her own authorities for a national passport (preferably supported with documentary evidence) or</li> <li>• evidence that the applicant has attempted to obtain a passport from his/her own authorities. This could be in the form of a refusal letter, a copy of a passport application, or, if the embassy of the country of origin is outside the Benelux region (Belgium, Netherlands, Luxembourg), copies of at least two registered letters requesting a passport.</li> </ul> </li> </ul>
<b>Provisional residence permit</b>	Same as for holders of a residence permit for humanitarian reasons.
<b>Temporary protection in situation of mass influx</b>	Same as for holders of a residence permit for humanitarian reasons.
<b>Asylum seekers</b>	Evidence of emergency and therefore urgency to travel.

## 7. Restrictions attached to travel documents issued to Convention refugees

A geographical limitation applying to the country of origin of the holder and temporal limitations (five years).

## **8. Authorities' power to renew or extend the validity of travel documents of refugees no longer resident in their territory**

Yes, but the refugee must still be registered as a resident of the Netherlands. If the Dutch authorities consider that s/he has settled in another country, then it is not possible to renew or extend his/her travel documents.

## **9. Conditions for issuing consular travel documents**

An emergency travel document or laissez-passer can be issued for a maximum period of one year. Its validity is linked to the expected duration of the journey and any requirements for minimum travel document validity laid down by the countries of transit or destination.

## **10. Authorities responsible for issuing travel documents**

- a) Refugee passport: the mayor of the applicant's place of residence. S/he has to verify the applicant's particulars (name, date and place of birth etc.) with the Aliens Police.

In the case of a lost or expired refugee passport, the head of the relevant Dutch diplomatic post can issue a travel document following verification of the applicant's particulars by the Aliens Police and approval by the Ministry of Foreign Affairs.

- b) Alien's passport: the mayor of the applicant's place of residence following approval by the Ministry of Foreign Affairs.

In the case of a lost or expired alien's passport, the head of the relevant Dutch diplomatic post can issue a travel document following verification of the applicant's particulars by the Aliens Police and approval by the Ministry of Foreign Affairs.

- c) Emergency passport or laissez-passer for refugees: the mayor of The Hague and most heads of Dutch diplomatic posts.

- d) Emergency passport or laissez-passer for other aliens (including asylum seekers): the Ministry of Foreign Affairs and most heads of Dutch diplomatic posts.

## **11. Maximum time a refugee can be absent from the Dutch territory**

If a person stays for a long time in a third country, s/he might risk being considered by the Dutch authorities to have found protection in that country resulting in the withdrawal of protection granted by the Dutch state. If a refugee notifies the Aliens Police prior to leaving the Netherlands, s/he is allowed to stay in another country for a maximum period of nine months.

## **12. Time Dutch authorities take to issue a travel document**

A Convention refugee travel document usually takes two weeks to be issued. As for an alien's passport, it takes six weeks.

## **13. Fees charged for issuing travel documents**

Fees are charged for issuing travel documents; the fees are lower than those applied to national passports.

## **B: VISAS**

### **14. Exemption from visa requirements of Convention refugees or persons with a complementary protection status coming from another Schengen country**

These two categories are exempted from visa requirements, if they have a residence permit for that country and a valid travel document.

### **15. Exemption from visa requirements of Convention refugees, or persons with a complementary protection status, coming from a non-Schengen country, whose nationals are exempted from visa requirements.**

An exemption is made for refugees coming from countries that are part of the European Agreement on the Abolition of Visas for Refugees (1959).

The requirements for obtaining a visa include:

- a valid travel document
- documentary evidence about the reasons for the journey and the conditions of stay
- evidence of sufficient financial means for subsistence
- a return guarantee
- four passport photos.

### **16. Right of appeal and main reasons to be refused a visa**

There is an appeal right in the case of a visa refusal. A main reason for refusal can be a perceived ‘danger of settlement’: i.e. in the case of a person asking for a long permit to stay (for example, for the purposes of a family visit), the visa application could be turned down if there is a risk that the applicant would settle in Dutch territory.

### **17. Fees charged for issuing entry or transit visas**

Fees are charged; they are as high as those applying to foreign passports.

## **C: IDENTITY PAPERS**

### **18. Conditions under which relevant authorities issue ID papers**

ID papers are issued to Convention refugees upon presentation of their residence permit/letter of status recognition.

Other aliens receive a residence permit which is also valid as an identity card.

Asylum seekers receive an ID document as soon as they are admitted to the asylum procedure (W-document).

**19. Validity, for travel purposes, of ID documents granted to Convention refugees or people holding a complementary protection status**

ID documents are considered valid for travel purposes but only in Belgium and Luxembourg (Benelux) and in combination with a valid residence permit. ID documents issued to asylum seekers are not considered to be a valid travel document.

# **PORUGAL\***

## **A: TRAVEL DOCUMENTS**

### **1. National legislation on travel documents issued to Convention refugees and people granted other forms of international protection**

The Act of 15/98 of 26 March 1998 (Asylum Law) does not include any provisions relating to travel document for Convention refugees. This matter is addressed in the Decree Law No. 244/98 of 8 August 1998 (the Aliens Act), Chapter VI, articles 60-71, that provides the possibility to Convention refugees to obtain a "titre de voyage".

People granted other forms of protection can ask for a Portuguese Passport for Foreigners as provided in the Decree Law 244/98, Regulatory Decree 5A/2000 of 26 April and in the Decree Law No. 433/88 of 29 November and Decree Law No 267/99 of 18 August 1999.

### **2. Statuses and corresponding rights to travel documents**

Status	Right to travel documents		Conditions attached to the issuing of travel documents
	Y	N	
Convention refugee	✓		
Residence permit for Humanitarian Reasons (Section 8, Asylum Act)	✓		
Exceptional residence permit for national interest or humanitarian reasons (Section 88, Aliens Act)	✓		
Temporary protection in situations of mass influx		✓	
Asylum seekers		✓	

### **3. Reasons for refusing to issue a travel document**

Status	Main reasons for refusal
Convention refugee	Inability to meet relevant requirements as related to provision of necessary documentary evidence (see also question 6).
Residence permit for humanitarian Reasons (Section 8, Asylum Act)	Inability to meet relevant requirements as related to provision of necessary documentary evidence (see also question 6).
Exceptional residence permit for national interest or humanitarian reasons	Inability to meet relevant requirements as related to provision of necessary documentary evidence (see also question 6).

\* This section has been compiled with the assistance of the Portuguese Refugee Council.

**(Section 88, Aliens Act)****4. Appeal rights in the case of refusal**

There is a right of appeal.

**5. Validity of travel documents**

Status	Validity of travel documents
<b>Convention refugee</b>	One year; possibility of extension
<b>Residence permit for humanitarian Reasons (Section 8, Asylum Act)</b>	Maximum two years; no possibility of extension
<b>Exceptional residence permit for national interest or humanitarian reasons (Section 88, Aliens Act)</b>	Maximum two years; no possibility of extension

**6. Necessary documentary evidence in order to be issued a travel document**

Status	Documentary evidence
<b>Convention refugee</b>	- Proof of Convention refugee status (e.g. valid refugee card)
<b>Residence Permit for Humanitarian Reasons (Section 8, Asylum Act)</b>	- Valid residence permit for humanitarian reasons; this is issued for a maximum period of five years and may be renewed depending on the situation in the country of origin. - Proof of means of subsistence sufficient for independent living in Portugal (e.g. an employment contract).
<b>Exceptional residence permit for national interest or humanitarian reasons (Section 88, Aliens Act)</b>	- Valid exceptional residence permit for national interest or humanitarian reasons; this is usually issued for a period of two years and is renewable. - Proof of means of subsistence sufficient for independent living in Portugal (e.g. an employment contract).

**7. Restrictions attached to travel documents issued to Convention refugees**

No restrictions are applied.

**8. Authorities' power to renew or extend the validity of travel documents to refugees no longer resident in their territory**

The authorities can extend the validity of travel documents of refugees no longer resident in Portugal.

**9. Authorities responsible for issuing travel documents**

In Portugal: the Aliens and Borders Service (*Serviço de Estrangeiros e Fronteiras*).

Outside the Portuguese territory: consular and diplomatic authorities with the approval of the Aliens and Borders Service.

## **10. Maximum time a refugee can be absent from Portugal**

There are no limitations for Convention refugees within the period of validity of their travel documents.

People granted other forms of protection can only be absent from Portugal for 24 months.

## **11. Time Portuguese authorities take to issue a travel document**

Up to three months. An applicant can ask for an expeditious decision if s/he can provide evidence of an emergency.

## **12. Fees charged**

Convention refugees are exempted from paying any fees.

The fees for issuing a Portuguese Passport for Foreigners are higher than the charges for national passports (£32 and £12.5 respectively).

## **B: VISAS**

### **13. Exemption from visa requirements of Convention refugees or persons with a complementary protection status coming from another Schengen country**

These two categories are not exempted from visa requirements (see also question 14).

### **14. Exemption from visa requirements of Convention refugees, or persons with a complementary protection status, coming from a non-Schengen country, whose nationals are exempted from visa requirements**

These two categories are not exempted from visa requirements. In the case of persons with a complementary protection status, the requirements for obtaining a visa are the same as for nationals coming from their country of nationality. For example, if a person with complementary protection coming from a Schengen or non-Schengen country and holding a Nigerian nationality wants to visit Portugal, s/he has to meet the requirements for obtaining a visa applying to all Nigerian citizens.

Among the necessary requirements for the entry and stay of a foreigner in Portugal are included:

- a) evidence of means of subsistence for the length of stay in Portugal and for return to the country of residence (Article 14 of the Aliens' Act). These should amount to £35 per entry to Portugal and £28 per day while in Portuguese territory.  
Under the Regulatory Decree No 5A/2000 of 26 April, an exception from this requirement can be made in cases where a Portuguese citizen or resident undertakes to issue a "declaration of responsibility" assuming responsibility for providing food and lodging to a foreigner wishing to visit Portugal.
- b) health insurance or a copy of a medical certificate
- c) copy of the criminal record of the visa applicant

**15. Cases under the provision for transfer of responsibility (European Agreement on Transfer of Responsibility for Refugees) whereby the Portuguese authorities have granted a residence visa to a Convention refugee or a person with a complementary protection status lawfully resident in another country**

There has only been one case of a Convention refugee lawfully resident in another country asking for a transfer of responsibility to Portugal. This request was made on the basis of family links. The Aliens and Borders Service has yet to issue a decision.

**16. Main reasons for a visa refusal and appeal rights**

When the applicant is unable to meet all the requirements outlined in question 14 or when the authorities suspect that economic migration is the primary motivation of the visa applicant.

There is a right of appeal.

**17. Fees charged for issuing entry or transit visas**

Fees are charged. No information is available as to whether they exceed the lowest scale of charges for visas on foreign passports.

**C: IDENTITY PAPERS**

**18. Conditions under which relevant authorities issue ID papers**

A refugee card is issued to Convention refugees. In the case of persons granted residence for humanitarian or exceptional reasons of public interest, a permit is issued affirming the status, identity and nationality of the permit holder. In Portugal, no ID papers are issued.

**19. Validity, for travel purposes, of ID documents granted to Convention refugees or people holding a complementary protection status**

Not applicable.

# **SPAIN\***

## **A: TRAVEL DOCUMENTS**

### **1. National laws on travel documents issued to Convention refugees and people granted other forms of international protection**

There is no specific national legal framework relating to the issuing of travel documents for Convention refugees and people granted other forms of international protection. The issue is regulated by:

- the Act No. 5/84 of 26 March 1984 on the Right of Asylum and Refugee Status, as amended by Act No. 9/1994 of 19 May 1994 (the Asylum Act);
- the Law 30/1992, of 26 November 1992;
- the Asylum Regulation approved by Royal Decree No 203/1995 of 10 February 1995;
- the Aliens Act 4/2000 of 11 January 2000 on Rights and Freedoms of Foreigners in Spain and their Social Integration;
- the Aliens Regulation approved by Royal Decree No. 155/1996 of 2 February 1996;
- the Law 6/1997, of 14 April 1997.

### **2. Statuses and corresponding rights to travel documents**

<b>Status</b>	<b>Right to travel documents</b> Y      N	<b>Conditions attached to the issuing of travel documents</b>
<b>Convention refugees</b>	✓	Refugees have access to Convention Travel Documents (CTD). CTD holders are not allowed to travel to their country of origin.
<b>Leave to remain on humanitarian grounds or for reasons of public interest (Section 17(2), Asylum Act)</b>	✓	People granted leave to remain on humanitarian/public interest reasons can apply for an Ordinary Travel Document if they cannot obtain a national passport from their country of origin and are entitled to an Aliens Identification Card (AIC). <sup>6</sup>
<b>Temporary protection for "groups of displaced persons" (Paragraph 1 of the First Additional Provision of the Asylum Regulation)</b>	✓	Persons can apply for an Ordinary Travel Document if they do not hold a national passport and are entitled to an Aliens Identification Card.
<b>Suspension of removal (Section 17(3), Asylum Act)</b>	✓	Persons can apply for an Ordinary Travel Document if they do not hold a national passport and are entitled to an AIC.

\* This section has been compiled with the assistance of the Asociacion Comision Catolica Espanola de Migracion (ACCEM).

<sup>6</sup> No specific legislation exists for issuing an Aliens Identification Card. Generally, those entitled include stateless persons or people coming from a country whose authorities are unable to issue them with a national passport. In order to apply for an Aliens Identification Card, the applicant must provide a declaration from his/her embassy stating its inability to issue a national passport to the applicant.

<b>Asylum seekers</b>		✓	
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### 3. Reasons for refusing to issue a travel document

<b>Status</b>	<b>Main reasons for refusal</b>
<b>Convention Refugee</b>	Automatic access to travel documents.
<b>Leave to remain on humanitarian grounds or for reasons of public interest (Section 17(2), Asylum Act)</b>	Once an applicant has been issued with an Aliens Identification Card, s/he is usually able to get a travel document
<b>Temporary protection for "groups of displaced persons" (Paragraph 1 of the First Additional Provision of the Asylum Regulation)</b>	Once an applicant has been issued with an Aliens Identification Card, s/he is usually able to get a travel document
<b>Suspension of removal (Section 17(3), Asylum Act)</b>	Not having access to an Aliens Identification Card. <sup>7</sup>
<b>Asylum seekers</b>	They are not allowed to leave Spain until a final decision on their asylum application has been made.

### 4. Appeal rights in the case of refusal

An appeals right is foreseen in the case of refusal.

### 5. Validity of travel documents

<b>Status</b>	<b>Validity of travel document</b>
<b>Convention refugee</b>	At present, two years. It is expected that in the near future, Convention Travel Documents will be issued for a period of five years.
<b>Leave to remain on humanitarian grounds or for reasons of public interest (Section 17(2), Asylum Act)</b>	One year or less. Renewal is not automatic, the applicant has to apply for renewal of his/her Aliens Identification Card.
<b>Temporary protection for "groups of displaced persons" (Paragraph 1 of the First Additional Provision of the Asylum Regulation)</b>	One year or less. Renewal is not automatic, the applicant has to apply for renewal of his/her Aliens Identification Card.
<b>Suspension of removal (Section 17(3), Asylum Act)</b>	One year or less. Renewal is not automatic, the applicant has to apply for renewal of his/her Aliens Identification Card.

<sup>7</sup> The requirements for obtaining an AIC seem to be the same all categories, except Convention refugees, however, persons with leave to remain appear to get the AIC easier than persons who have been granted a suspension of removal.

## **6 Necessary documentary evidence in order to be issued a travel document**

Status	Documentary evidence
<b>Convention refugee</b>	Evidence of recognition of refugee status under the 1951 Convention Relating to the Status of Refugee.
<b>Leave to remain on humanitarian grounds or for reasons of public interest (Section 17(2), Asylum Act)</b>	Entitlement to an Aliens Identification Card
<b>Temporary protection for "groups of displaced persons" (Paragraph 1 of the First Additional Provision of the Asylum Regulation)</b>	Entitlement to an Aliens Identification Card
<b>Suspension of removal (Section 17(3), Asylum Act)</b>	Entitlement to an Aliens Identification Card

## **7. Restrictions attached to travel documents issued to Convention refugees**

In case of travel documents issued to Convention refugees, there are geographical limitations to their validity relating to travel to the country of origin of the CTD holder. There is no requirement for a re-entry visa to Spain.

## **8. Authorities' power to renew or extend the validity of travel documents to refugees no longer resident in their territory**

Competent authorities, linked to the Ministry of External Affairs, can renew or extend the validity of travel documents of refugees no longer resident in the Spanish territory.

## **9. Responsible authorities for issuing travel document**

The *Comisaría General de Extranjería y Documentación (Dirección General de la Policía)*, Ministry of Internal Affairs is responsible for issuing Convention and Ordinary Travel Documents.

## **10. Maximum time a refugee can be absent from the Spanish territory**

Two years.

## **12. Time Spanish authorities take to issue a travel document**

It takes approximately two days for applications submitted in Madrid and ten days for applications from outside Madrid.

## **12. Fees charged for issuing travel documents**

Fees are charged and are lower than those applying to national passports.

## **B: VISAS**

### **13. Exemption from visa requirements of Convention refugees or people with a complementary protection status coming from another Schengen country**

These two categories are exempted from visa requirements.

### **14. Exemption from visa requirements of Convention refugees, or people with a complementary protection status, coming from a non-Schengen country, whose nationals are exempted from visa requirements.**

These categories are not exempted from visa requirements.

### **15. Cases under the provision for transfer of responsibility (European Agreement on Transfer of Responsibility for Refugees) whereby the Spanish authorities have granted a residence visa to a Convention refugee or a person with a complementary protection status lawfully resident in another country**

There have been such cases on the basis of an employment offer and/or family links.

### **16. Appeal right and main reasons to be refused a visa**

An appeal right is provided within the legal framework that regulates this issue.

### **17. Fees charged for issuing an entry or transit visa**

Fees are charged; they are as high as those charged for foreign passports.

## **C: IDENTITY PAPERS**

### **18. Conditions under which relevant authorities issue ID papers**

When a person is recognised as a Convention refugee, s/he is issued with a Refugee Identification Card. Persons granted temporary protection or suspension of removal do not receive an ID, save they are entitled to an Aliens Identification Card. As per footnote 1, stateless persons or people coming from a country whose authorities are unable to issue them with a national passport, can be granted an Aliens Identification Card.

### **19. Validity, for travel purposes, of ID documents granted to Convention refugees or people holding a complementary protection status**

ID documents are not considered valid for travel purposes.

# **SWEDEN\***

## **A: TRAVEL DOCUMENTS**

### **1. National legislation on travel documents issued to Convention refugees and people granted other forms of international protection**

Chapter 3 Section 7 of the Aliens Act gives the Migration Board the right to issue travel documents. Chapter 1 section 10 of the Swedish Aliens Ordinance refers to the 1951 Convention and entitles the authority to issue travel documents for a limited time and also permits the authority to make a note in the travel document that the bearer's identity is not proven or confirmed.

### **2. Statuses and corresponding rights to travel documents**

Status	Right to travel documents		Conditions attached to the issuing of travel documents
	Y	N	
Convention refugee	✓		Convention status
Residence permit for humanitarian reasons		✓	
Temporary protection in situation of mass influx		✓	
Asylum seekers		✓	

### **3. Reasons for refusing to issue a travel document**

Status	Main reasons for refusal
Convention refugee	If applicant does not have Convention status.
Residence permit for humanitarian reasons	Not applicable
Temporary protection in situation of mass influx	Not applicable
Asylum seekers	Not applicable

### **4. Appeal rights in the case of refusal**

There is a right of appeal in the case of refusal.

### **5. Validity of travel documents**

Status	Validity of travel document
Convention refugee	Normally for a period of two years, maximum of nine years

\* This section has been compiled with the assistance of the ELENA Co-ordinator for Sweden.

**6. Necessary documentary evidence in order to be issued a travel document**

Status	Documentary evidence
Convention refugee	Permanent residence permit

**7. Restrictions attached to travel documents issued to Convention refugees**

A return clause is included, i.e. the travel document is not valid for travelling to the country of origin

**8. Authorities' power to renew or extend the validity of travel documents of refugees no longer resident in their territory**

Not applicable.

**9. Conditions for issuing consular travel documents**

No information provided.

**10. Authorities responsible for issuing travel documents**

The Swedish Migration Board (new name since 1 July 2000)

**11. Maximum time a refugee can be absent from the Swedish territory**

One year.

**12. Time Swedish authorities take to issue a travel document**

Approx. 10-14 days after the positive decision regarding residence permit and status

**13. Fees charged for issuing travel documents**

Fees are charged for issuing travel documents. The cost of issuing a Swedish passport is SEK 220.- compared to SEK 150.- for issuing a travel document.

**B: VISAS****14. Exemption from visa requirements of Convention refugees or persons with a complementary protection status coming from another Schengen country**

Visas are still required. When Sweden becomes a full member of the Schengen co-operation, visas will not be required. Sweden will probably become a member in April 2001.

**15. Exemption from visa requirements of Convention refugees, or persons with a complementary protection status, coming from a non-Schengen country, whose nationals are exempted from visa requirements.**

Visas are normally issued for family visits, tourism, guest students and business matters.

**16. Right of appeal and main reasons to be refused a visa**

An applicant might be refused a visa if there is a suspicion that s/he will "defect", i.e. s/he will apply for asylum in Sweden. There is a right of appeal of a negative decision given by the Swedish Migration Board.

**17. Fees charged for issuing entry or transit visas**

No fees are charged.

**C: IDENTITY PAPERS****18. Conditions under which relevant authorities issue ID papers**

ID papers are issued to Convention refugees, persons in need of protection and persons granted a residence permit on humanitarian grounds if the identity they claim is considered to be genuine by the Swedish authorities, i.e. if supported by evidence in the form of an ID card with a photo issued by the competent authority of the country of origin of the applicant.

**19. Validity, for travel purposes, of ID documents granted to Convention refugees or people holding a complementary protection status**

ID documents are not considered valid for travel purposes. The TD is considered to be an ID

## **UNITED KINGDOM\***

### **A: TRAVEL DOCUMENTS**

#### **1. National legislation on travel documents issued to Convention refugees and people granted other forms of international protection**

There are five types of Home Office travel documents:

1. Travel documents issued to refugees pursuant to Article 28 (1) of the Convention relating to the Status of Refugees of 1951
2. Travel documents issued to stateless persons pursuant to the Convention relating to the Status of Stateless Persons of 1954 (the 1954 Convention)
3. Travel documents known as Documents of Identity. These are issued on request to any foreign national in the United Kingdom regardless of status and allow the holder to make one journey only. They do not allow the holder to return to the United Kingdom. Very few applications for these travel documents are made.
4. Travel documents (known as Certificates of Identity) issued to non-refugees/stateless persons who fall into the following categories:
  - i. those granted exceptional leave to remain after 26 July 1993 (which is the date the Asylum and Immigration Appeals Act 1993 came into force) who do not have a valid passport;
  - ii. those granted exceptional leave to remain prior to 26 July 1993 who are unable to obtain a passport from their own national authorities;
  - iii. those who are settled in the United Kingdom who initially entered the United Kingdom using a non-UK travel document (i.e. not a passport) which has expired; and
  - iv. those who are settled in the United Kingdom who are unable to obtain a passport from their own national authorities.
5. A GV3 document can be issued to a person who is lawfully resident in the UK but is abroad and has lost or had stolen his/her travel document or has been granted entry clearance and cannot obtain a valid passport to travel. This document is issued by British Consulates and is valid for one journey only.

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\* This section has been compiled with the assistance of the British Refugee Council and the Immigration Law Practitioners' Association.

## 2. Statuses and corresponding rights to travel documents

Status	Right to travel documents Y                    N		Conditions attached to the issuing of travel documents
<b>Convention refugee</b>	<input checked="" type="checkbox"/>		Holders of Convention travel documents must comply with the immigration/visa requirements of the country to which they want to travel. They cannot return to their country of origin.
<b>Exceptional leave to remain (ELR)</b>	<input checked="" type="checkbox"/>		Applicants whose initial grant of exceptional leave to enter/remain was made before the implementation of the Asylum and Immigration Appeals Act 1993 (26 July 1993), must be able to demonstrate that they have been formally and unreasonably refused a passport by their own national authorities. Applicants who were granted exceptional leave to remain after the implementation of the Asylum and Immigration Appeals Act 1993, can be issued with a travel document if they are not in possession of a valid passport or a foreign travel document.
<b>Temporary protection in situation of mass influx</b>		<input checked="" type="checkbox"/>	
<b>Asylum seekers</b>		<input checked="" type="checkbox"/>	

## 3. Reasons for refusing to issue a travel document

Status	Main reasons for refusal
<b>Convention refugee</b>	Not known cases of Convention refugees being refused travel documents.
<b>Exceptional leave to remain</b>	<p>Inability to provide evidence of refusal by the authorities of the country of origin to issue a national passport in the case of people granted exceptional leave before the implementation of the 1993 Asylum and Immigration Appeals Act.</p> <p>There are not known cases regarding refusal to issue travel documents to people granted exceptional leave to remain after the implementation of the 1993 Asylum and Immigration Appeals Act. Refusal might be possible if the applicant is able to obtain, renew or travel on his/her national passport.</p>

## 4. Appeal rights in the case of refusal

There is no right of appeal but it is possible to ask for reconsideration or review. In case of
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refusal following a review, it is possible to request a judicial review.

## 5. Validity of travel documents

Status	Validity of travel document
Convention refugee	No information available.
Exceptional Leave to Remain	For the same period as the exceptional leave to remain (to, three or four years). If the applicant has indefinite leave to remain (ILR), then s/he is issued with a travel document valid for five years.

## 6. Necessary documentary evidence in order to be issued a travel document

Status	Documentary evidence
Convention refugee	<ul style="list-style-type: none"><li>- Evidence of Convention status (i.e. copy of the letter from the Home Office)</li><li>- National passport used to travel to the UK, if any;</li><li>- Photos</li></ul>
Exceptional leave to remain	<ul style="list-style-type: none"><li>- Evidence of status (i.e. copy of the letter from the Home Office granting exceptional leave to remain)</li><li>- National passport used to travel to the UK, if any</li><li>- Photos</li></ul>

## 7. Restrictions attached to travel documents issued to Convention refugees

A geographical limitation applying to the country of origin of the holder or the country s/he has sought asylum from (if different from country of origin).

## 8. Authorities' power to renew or extend the validity of travel documents of refugees no longer resident in their territory

None

## 9. Authorities responsible for issuing travel documents

Travel Document Section, Immigration and Nationality Directorate, Home Office.

## 10. Maximum time a refugee can be absent from the British territory

Three months if travel is to a Member State of the European Union on a Convention travel document. Otherwise, it depends on the validity of the travel document. If the period of absence from the UK exceeds two years, refugees and people with exceptional leave to remain would more than likely have problems accessing welfare benefits in the UK. They might also have problems in terms of obtaining indefinite leave to remain and permanent settlement in the United Kingdom.

## 12. Time British authorities take to issue a travel document

Several months, sometimes up to a year.

### **13. Fees charged for issuing travel documents**

Fees are charged. Convention refugees and stateless are charged £21. For all other applicants, £67 - this amount larger than the amount charged for national passports.

The Home Secretary decided in early 1999 not to charge for the issue of Home Office travel documents for a short time and, until relevant regulations were passed, to enable charges to be lawfully levied (prior to these changes, the Home Office realised it was unlawful to levy charges). The Home Office also decided to refund charges to certain applicants. The time limit for applying for a refund has now passed and applications are now being processed. It is expected that this will take several months to complete.

## **B: VISAS**

### **14. Exemption from visa requirements of Convention refugees or persons with a complementary protection status coming from another Schengen country**

Under the Council of Europe Agreement on the Abolition of Visas for Refugees, a person travelling on a Convention travel document can travel to an EU country - with the exception of France - without a visa provided that the duration of his/her travel is for less than three months.

### **15. Exemption from visa requirements of Convention refugees, or persons with a complementary protection status, coming from a non-Schengen country, whose nationals are exempted from visa requirements**

No information available.

### **16. Right of appeal and main reasons to be refused a visa**

The reasons for visa refusals and rights of appeal are set out in the Immigration Rules. In terms of granting a visa, consideration is given to availability of a sponsor, age, lack of funds and so on. People with Certificates of Identity (CID) often face considerable problems obtaining visas to travel to other European countries.

### **17. Fees charged for issuing entry or transit visas**

Fees are charged. In the case of family reunion, fees can be waived for family members if the principal applicant for family reunion is on social security benefits.

## **C: IDENTITY PAPERS**

### **18. Conditions under which relevant authorities issue ID papers**

No ID cards are issued.

### **19. Validity, for travel purposes, of ID documents granted to Convention refugees or people holding a complementary protection status**

Certificates of Identity (CID) granted to persons with exceptional leave to remain are not valid for travel throughout Europe.