



## **Ad-Hoc Query on Visa regime for the family members of recognized refugees in Ireland**

**Requested by PL EMN NCP on 4<sup>th</sup> August 2014**

**Compilation produced on 6<sup>th</sup> November 2014**

**Responses from Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovak Republic, Sweden, United Kingdom plus Norway (21 in Total)**

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### **1. Background Information**

In accordance with 1959 *Council of Europe Agreement on the Abolition of Visas for Refugees* recognized refugees in Ireland enjoy visa-free movement to Poland. However, the same does not apply to their family members. The Polish authorities currently consider the possibility of abolition of visa obligation also for this group. Therefore we would like to ask the following questions:

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- 1) Does your Member State retain visa obligation for the owners of travel documents issued by Irish authorities for the family members of recognized refugees in Ireland? (YES/NO)
  
- 2) If the answer to question 1 is NO, have your MS experienced any difficulties resulting from the visa-free movement of abovementioned category of foreigners?
  
- 3) If the answer to question 1 is yes, was there any debate in your country regarding this issue? have you identified any particular obstacles which was the reason of retaining the aforementioned visa obligation?







We would very much appreciate your responses by **28<sup>th</sup> August 2014**.

**2. Responses**

|   |                | <b>Wider Dissemination?</b> |  |
|---|----------------|-----------------------------|--|
|    | <b>Austria</b> | <b>No</b>                   | This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.  |
|    | <b>Belgium</b> | <b>Yes</b>                  | <ol style="list-style-type: none"> <li>1. No. If the family member is in possession of a travel document where the 1951 Refugee Convention is mentioned, he is visa-waived (if the family member is in possession of a travel document solely mentioning “family member of Convention refugee”, he is still visa-obliged).</li> <li>2. No (also because such cases are very rare).</li> <li>3. -</li> </ol>  |
|  | <b>Croatia</b> | <b>Yes</b>                  | <ol style="list-style-type: none"> <li>1. No.</li> <li>2. Holders of valid travel documents for refugees (Geneva Convention Relating to the Status of Refugees of 28 July 1951), issued by EEA member states, Andorra, Canada, Holy See, Japan, Monaco, San Marino, Switzerland and United States of America do not require a visa for entering Croatia and for a stay of up to 3 months or for passing through the national territory of Croatia. The same also applies for holders of valid travel documents for foreigners issued by the above mentioned countries, provided that the holder is enabled to return to the country of document issuance. (Article 10 of the Regulation on the Visa Regime, Official Gazette of the Republic of Croatia, Nos. 54/2012, 38/2013)</li> </ol> |




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|   |                       |            |   |
|---|-----------------------|------------|---|
|   |                       |            | 3. No difficulties so far   |
|    | <b>Czech Republic</b> | <b>No</b>  | This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.   |
|    | <b>Estonia</b>        | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. Yes</li> <li>2. There have been no such cases and no discussion or problems have emerged</li> <li>3. There have been no such cases and no discussion or problems have emerged</li> </ol>  |
|    | <b>Finland</b>        | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. Yes</li> <li>2. –</li> <li>3. No</li> </ol>   |
|    | <b>France</b>         | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. No.</li> <li>2. No.</li> <li>3. No.</li> </ol>  |
|  | <b>Germany</b>        | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. Yes. The visa extension for short stays is effective only by the possession of a travel document for refugees under the Convention of 28 July 1951 and applies only to the owner of the document (§ 18 Ordinance on Residence).</li> <li>2. Not applicable.</li> <li>3. A particular problem is not seen herein, because it is assumed that usually for the family members of the person who has been granted refugee status, also this protection status is granted and therefore they will be in possession of a travel document for refugees.</li> </ol> |
|  | <b>Hungary</b>        | <b>No</b>  | This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.   |






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|    | <b>Italy</b>     | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. Yes.</li> <li>2. –</li> <li>3. The family members of recognized refugees in Ireland do not enjoy any privileges concerning visa obligation in Italy. The exemption from visa obligation between the States that have ratified the European Agreement on the Abolition of Visas for Refugees (1959) concerns refugees only.<br/>At the present stage of ratifications, the exemption from visa obligation applies to the owners of travel documents for refugees issued by other Schengen countries and the owners of travel documents for refugees granted by Ireland and Rumania. The matter is NOT being examined for future legislation.<br/>Generally, Italian legislation grants special safeguards to the beneficiaries of international protection (refugee and subsidiary protection statuses). As regards visas, this matter concerns family reunion applications submitted by refugees living in Italy to the benefits of their family members. This issue is regulated by Article 29-bis of the <i>Consolidated Act on Immigration</i>. Under this provision, refugees have to apply for permits for family reunifications at the Immigration Single Desk without having to prove they meet the income and accommodation requirements that are provided for all other foreign national living in Italy.<br/>Diplomatic missions or consular posts abroad will check that the family relationships are genuine, taking into account that refugees may be unable to provide official documents due to their refugee status. Consequently, other means of proof may be acceptable, including documents that may have been issued by International Organizations. At any rate, applications for family reunion may not be rejected only on grounds that there are no documents of proof.<br/>In addition, Article 5 of Presidential Decree 394/1999 (<i>Regulation containing implementation rules for the Consolidated Act on Immigration</i>) provides for specific exemptions from the basic principle whereby the responsibility for processing national visa applications lies with the diplomatic mission or consular post in the country of origin or stable residence of the applicant. In many cases, in fact, the family members of the foreign nationals who have taken refuge in Italy may have had to leave their countries of origin and seek refuge in another country, possibly temporarily or illegally.</li> </ol> |
|  | <b>Latvia</b>    | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. Yes. Latvia retain visa obligation for the holders of travel documents (“Travel document”) issued by Irish authorities. Latvia retain visa obligation for the holders of Irish travel documents for refugees (“Travel document”, 1951 Convention) and for stateless persons (“Travel document”, 1954 Convention) as well.</li> <li>2. –</li> <li>3. There has been no debate in Latvia regarding this issue in the last 1-2 years.</li> </ol>   |
|  | <b>Lithuania</b> | <b>Yes</b> | Lithuania is not a party to this agreement.   |




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|    | <b>Luxembourg</b>  | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. No. Luxembourg signed the Council of Europe Agreement on the Abolition of Visas for Refugees of 1959 and it was ratified on 24 April 1961 and entered into force of 25 May 1961. Seen that the Convention entered into force on 30 November 1969 it applies for both countries. So, a recognised refugee who holds a residence permit and who has in his/her possession a refugee travel document according to the Geneva Convention, can travel without visa to Luxembourg only for the purpose of visit. It must be a biometric travel document (with a security chip that contains the photo and the fingerprints of the holder). In case that a family member obtained the refugee status and has a travel document for refugee s/he is not required to have a visa. If it does not have a travel document for refugee s/he will be subject to the visa requirement.</li> <li>2. Until now Luxembourg has not experience about any difficulties resulting from the visa-free movement of above mentioned category of foreigners coming from Ireland.</li> <li>3. N/A</li> </ol> |
|    | <b>Netherlands</b> | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. Yes, the Netherlands still retains the visa obligation for the owners of travel documents issued by Irish authorities for the family members of recognized refugees in Ireland.</li> <li>2. No, the Netherlands, the Dublin unit in particular, have not experienced any difficulties resulting from the visa-free movement of abovementioned category of foreigners?</li> <li>3. Not applicable.</li> </ol>  |
|   | <b>Poland</b>      | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. Yes</li> <li>2. Not applicable</li> <li>3. The debate has been just initiated; this ad-hoc query is aimed at identifying possible obstacles.</li> </ol>   |
|  | <b>Portugal</b>    | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. No.</li> <li>2. No.</li> <li>3. No.</li> </ol>  |
|  | <b>Romania</b>     | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. Yes. According to the national legal provisions Romania accepts for border crossing the following “documents replacing passports for the persons who have not the citizenship of the issuing country” issued by the Irish authorities: travel document for refugees</li> </ol>  |


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|   |                        |            | <p>according to the 28<sup>th</sup> of July 1951 Convention, Passport for Aliens, Travel document for stateless persons according to the 1954 Convention.</p> <p>Entry of aliens in Romania may be done if the persons possess a visa or a residence permit issued according to the law or if they possess any authorization allowing the owner the right to enter or transit the Romanian territory.</p> <p>The citizens of the countries with which Romania concluded visa abolition agreements are exempted from the above mentioned conditions, in the conditions and for the periods set by each agreement.</p> <p>2. Not applicable</p> <p>3. Up to now, no discussions were held regarding an eventual abolition of visas for the owners of travel documents issued by the Irish authorities for the family members of recognized refugees in Ireland.</p>   |
|    | <b>Slovak Republic</b> | <b>Yes</b> | <p>1. Yes.</p> <p>2. –</p> <p>The Slovak Republic has not considered cancellation of visa obligation for this category of third-country nationals.</p>  |
|    | <b>Sweden</b>          | <b>Yes</b> | <p>Refugees with travel documents from countries that have acceded to the 1959 European Agreement on Abolition of Visas for Refugees are visa-exempt. If any family member also have the same kind of status and document, they also are exempted from the visa obligation. It is the document who determines, not the relationship.</p>  |
|  | <b>United Kingdom</b>  | <b>Yes</b> | <p>1. Yes – visas are imposed for refugees who are holders of a Convention Travel document issued by another EU MS. The requirement is wider than just convention documents. Holders of any other refugee or non national documents (including those issued by Ireland or any other member of the EU) do require a visa to enter the UK. Holders of refugee or non national documents issued by the UK do not require a visa to enter the UK</p> <p>2. N/A</p> <p>3. The UK is not part of Schengen, therefore a visa regime is maintained. Also to note, the UK suspended its participation in the European agreement for the abolition of visas for refugees in 2003. This is why the UK do not allow refugees recognised by other MS's to move freely to the UK. Most other EU MS are still part of it. The visa requirements for the United Kingdom can be found at the following website. The relevant section is at paragraph 1 c &amp; d.<br/> <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/306590/Immigration_Rules_-_Appendix_1.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/306590/Immigration Rules - Appendix 1.pdf</a></p> |

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|---|---------------|------------|---|
|   |               |            |   |
|  | <b>Norway</b> | <b>Yes</b> | <ol style="list-style-type: none"> <li>1) Yes, only if the family members also are holding travel documents as refugees according to the Norwegian Immigration Act, §3-1 first section, (f).</li> <li>2) We have no experience with this kind of case.</li> <li>3) There has been no debate about this issue that we are aware of.</li> </ol> |

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