



Ad-Hoc Query on biometric passports issued by Somalia

Requested by FI EMN NCP on 20th January 2015

Compilation produced on 23rd March 2015

Responses from Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Latvia, Lithuania, Luxembourg, Netherlands, Slovak Republic, Slovenia, Sweden plus Norway (15 in Total)

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1. Background Information

In the last few years, according to the information available, the Government of Somalia has been trying to improve the practices related to the issuance of biometric passports and identity documents. Therefore, the Finnish Immigration Service would like to find out whether other Member States (and Norway) have modified their view of biometric passports issued by Somalia and partly update the information received through the ad hoc-query made by the FI EMN NCP on 8 September 2010. The Finnish Immigration Service would also like to know whether Member States have been applying Article 29, Section 2 of the Visa Code (Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas) according to which a separate sheet for affixing a visa shall be used where the issuing Member State does not recognise the applicant's travel document.

Questions:

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1. Does your Member State consider biometric passports issued by Somalia to be valid travel documents?

If yes, please specify why, since when, and to which types of passports this policy applies (e.g. diplomatic passport, ordinary passport). If no, please specify why.


2. Does your Member State accept biometric passport issued by Somalia as a basis for establishing identity? If yes/no, please specify why.

3. What other documents, if any, does your Member State accept as a valid document establishing identity (driving license, birth certificate, ID card, other)?






4. Has your Member State issued visas for individuals holding Somali biometric passport which is not recognised by your Member State on the basis of Article 29, Section 2 of the Visa Code by using a separate sheet for affixing the visa? If yes, please specify under what conditions, in which types of concrete cases?

We would very much appreciate your responses by **20 February 2015**.



2. Responses

		Wider Dissemination?	
	Austria	Yes	<p>1. Austria recognises Ordinary passports, Duty passports and Diplomatic passports as well as Refugee's travel documents which were issued by Somali authorities (within their country and abroad) before 31.01.1991. This no longer covers passports or documents in lieu of passports, issued or extended by a Somali diplomatic or consular authority or post after 31.01.1991, however, in practice these documents are no longer valid because the validity ends after 10 years. Biometric passports are issued since 01.02.2007 and are therefore not accepted.</p> <p>2. Biometric passports are used for the establishment of identity, if no other documents are available to prove the identity.</p> <p>3. Other documents (driving license, birth certificate, etc.) are accepted in the procedure, according to the principle of the "free consideration of evidence" by the authorities. Within this framework the documents are subjected to a document checking and a personal verification procedure.</p> <p>4. Somali nationals can get a separate sheet for affixing the visa, a so-called "Formblatt für die Anbringung eines Visum" through the embassy, whereby their identity is checked with a non-recognized travel document. Source: Federal Ministry of the Interior</p>





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	Belgium	Yes	<p>1. to 3. Belgium does not have any experience with biometric passports from Somalia. Identification is always via the embassy in Brussels. Identification is performed by an interview (language and knowledge of the region where they pretend to come from). Travel documents have already been issued, but only for voluntary return.</p> <p>4. Concerning visa: only very few cases, but if Belgium authorities issue visa via a visa declaration, it concerns high officials who have to attend conferences in Brussels or humanitarian cases.</p>
	Czech Republic	Yes	<p>1. The Czech Republic does not recognize biometric passports issued by Somalia. There are no guarantees that Somalia issues such documents to the people who are entitled to that.</p> <p>2. Yes.</p> <p>3. The Czech Republic uses all the documents available – as well as a self-declaration of a foreign national – to establish his/her identity.</p> <p>4. N/A</p>
	Estonia	Yes	<p>1.3 No, Estonia does not recognize Somali travel documents.</p> <p>4. Yes, Estonian Embassy's has issued one visa in 2010, to Somali citizen.</p>
	Finland	Yes	<p>1.-3. Finland does not recognize any Somali travel documents mentioned on the list of recognized or non-recognized travel documents published by the Commission. Notwithstanding some passports which were issued before the collapse of the Siad Barre government, the Finnish Immigration Service does not consider any Somali documents credible in its decision making when establishing identity.</p> <p>- The administrations of the previous and current government have been more or less nonexistent and their ability to issue official documents has been - and still is extremely limited. There are still vast areas which are not controlled by the government and even in those areas which are controlled by the government, the functionality of the government and administration is questionable. Some local/government officials may issue some types of documents which may or may not be authentic. But as there are no functioning authorities which could control the issuance of documents and which could be consulted, the authenticity of any document is difficult to verify. Verification is difficult as most of the records, which are relevant when official documents are issued, have been destroyed during the war.</p> <p>- Corruption is also a huge problem. It seems that anyone can purchase whatever “official” documents.</p> <p>4. Yes, the embassies of Finland may issue visas for individuals holding Somali biometric passports for exceptionally weighty reasons. Issuing visas by using a separate sheet for affixing the visa is always based on case by case consideration.</p>
	France	Yes	<p>1. France is not aware of the issuance of such biometric passports by Somalia and has never received one. As a consequence, there is no possible answer to this question.</p>




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			<p>2. See above Q1. There is no possible answer to this question.</p> <p>3. The other documents can generally be an ID card, a birth or nationality certificate or a certificate delivered by the consular representation of the country in France as long as these documents are authentic.</p> <p>4. No.</p>
	Germany	Yes	<p>1. Somali passports are in general not recognised as valid travel documents which may be endorsed with a visa and which can be used for the entry into and the residence in Germany, as we cannot assume a reliable system for the issuance of official documents according to the rules of a functioning administration in Somalia.</p> <p>2. Therefore, Somali passports cannot have any evidential value regarding the identity of the passport's holder, even if the personal data are in general used for official purposes. If a German document is issued on the basis of such a document (e. g. a document in lieu of passport), a note can be included in that document that the personal data rely on information given by the holder himself or herself.</p> <p>3. Other Somali certificates such as birth certificates or marriage certificates do neither have any evidential value as an official document for the reason mentioned under number 1 and can only be considered in the frame of a credibility and plausibility examination.</p> <p>4. Visas on a separate sheet are issued to holders of Somali passports mainly for the purpose of family reunification with family members who in Germany have been granted refugee status. In addition, in such a case, an exception from the passport obligation must be admitted in order to grant entry into Germany. On entry into the country, the person concerned is obliged to be able to show the order on the exception from the passport obligation together with the visa on the separate sheet and his or her passport.</p>
	Latvia	Yes	<p>1. The Latvian Ministry of Foreign Affairs by decision of 11. January 2013, recognized biometric passports issued by Somalia (modification of the year 2007) as valid travel documents. The following types of passport are: ordinary passport, diplomatic passports and service passport.</p> <p>2. Latvia accepts biometric passport issued by Somalia as a basis for establishing identity.</p> <p>3. In accordance with the Law on Person Identity Documents only a passport and identity card are accepted as valid identity documents. Banks and other private institutions sometimes accept driver's licences. Birth certificate does not contain a photo, therefore, it cannot prove identity of a person.</p> <p>4. Since the Somali passport has been recognized by the Republic of Latvia, Latvian Embassy can issue visas for individuals holding Somalia biometric passport where reasonable grounds for entry into Latvia are found.</p>

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	Lithuania	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Luxembourg	Yes	<ol style="list-style-type: none"> 1. No. 2. No. Since 2011, the Directorate of Immigration of the Ministry for Foreign and European Affairs received instructions to not recognise any document issued by the Somalian authorities (passport, identity card, birth certificate, etc.) because their authenticity cannot be established with certainty. 3. None. See answer to Q.2. 4. No.
	Netherlands	Yes	<ol style="list-style-type: none"> 1. No, The Netherlands do not recognise biometric passports -or any other passports - issued by the Somalian authorities as valid travel documents. Since the Somalian authorities are not internationally recognized, we do not accept any passports issued by these authorities. 2. In line with the answer above, we neither accept Somalian biometric passports as a valid document for establishing identity. 3. In immigration procedures, we only accept a passport as a valid document establishing identity. 4. Yes. We issue visas for individuals holding Somali biometric passport on the basis of Article 29, Section 2 of the Visa Code by using a separate sheet for affixing the visa in the following cases: <ul style="list-style-type: none"> • when a provisional residence permit is issued for family reunification of family members of aliens who hold an asylum residence permit in The Netherlands and • in exceptional cases, e.g. on humanitarian grounds.
	Slovak Republic	Yes	<ol style="list-style-type: none"> 1. The Bureau of Border and Alien Police of the Police Force Presidium records examples of biometric passports only in the electronic version. However, Slovak Republic still does not accept all kinds of travel documents issued by Somalia. 2. This depends on a case by case basis. If a Somali national enters the territory of the Slovak Republic e.g. with separately issued visa and consequently comes to the respective Alien Police department where he/she applies for a residence permit, neither his/her identity document nor his/her residence permit application is accepted. If a Somali national is apprehended in the territory of the Slovak Republic and holds a document issued by Somalia, it is accepted as a document proving his/her identity, i.e. he/she is considered as a Somali national. 3. Slovak Republic does not accept any documents issued by Somalia. For specific cases see 2. 4. Slovak Republic has implemented Article 29 (2) of the Visa Code and in these cases issues visa on a separate sheet for affixing visa.

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	Slovenia	Yes	We accept travel documents in accordance with Annex 5 Part I of Schengen Practical Handbook.
	Sweden	Yes	See earlier answer from 22nd December 2010. 1. No 2. No 3. It's just indicators for identity 4. No.
	Norway	Yes	1. - 3. No. 4. Somali citizens have in exceptional cases been granted a national visitor's visa. We have then used <i>Uniform format for forms for affixing the visa -Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognized by the Member State drawing up the form.</i>
