



**Ad-Hoc Query on biometric passports issued by Somalia**

**Requested by Finnish EMN NCP on 8<sup>th</sup> September 2010**

**Compilation produced on 22<sup>nd</sup> December 2010**

**Responses from Austria, Belgium, Czech Republic, Estonia, Finland, Germany, Hungary, Italy, Latvia, Lithuania, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Sweden, United Kingdom (17 in Total)**

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**1. Background Information**

In Finland, there has been a suggestion that the Somali biometric passport should be accepted as such as a valid document for travel to Finland, and as a basis for establishing identity when processing applications for residence permits. Somalia's provisional government has issued biometric passports since 2006 (for citizens abroad since 2007).

The FI NCP has been asked to inquire, whether other EU MS accept the Somali biometric passport as a valid travel document and/or as a basis for one's identity.

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## 2. Responses

		Wider Dissemination?	1. Does your member state consider biometric passports issued by Somalia to be valid travel documents? If yes/no, please specify why. 2. Does your member state accept biometric passport issued by Somalia as a basis for establishing identity? If yes/not, please specify why. 3. What other documents, if any, does your member state accept as a valid document establishing identity (drivers license, birth certificate, other)?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further
	Belgium	Yes	According to our information, the international community does not grant any (jurisdictional) value to documents issued after 1991, since there is no register containing information which can establish the identity of citizens. As a consequence the Belgian immigration office and asylum authorities do not recognize identity documents from Somalia, considering no agencies in Somalia are mandated to issue identity or travel documents.
	Czech Republic	Yes	1. Czech Republic does not consider any passport issued by Somalia, either biometric or not, to be a valid travel document. There is no guaranty that Somalia issues the documents but to the persons who are entitled to. 2. Yes (see answer No. 3). Yes, to establish the identity of the foreign national the Czech Republic uses all the documents available as well as self-declaration of the foreign national. All the evidence is checked with the authorities of Somalia.
	Estonia	Yes	Estonia does not recognize any of Somalia's travel documents (including the biometric passport). Most important reason being the lack of samples.
	Finland	Yes	See above.
	Germany	Yes	1. + 2. Due to the confusing situation in Somalia since the end of 1991 there are no well-founded information about issuing passports. Until authorities in Somalia are not able to establish steady conditions passports are not considered to be an adequate document for entry and residence in Germany. This includes biometric passports as well as passports without biometric devices issued on 31st January 1991 or later and passports whose validity was extended after 31st January 1991.  3. Numerous documents may be purchased in Somalia itself or in enclaves where many Somalis live, for example in the Eastleigh quarter in Nairobi (Kenya). Even if a document was proved to be real it does not mean that the bearer received it from a legal authority. Therefore Somali documents like drivers licenses, birth certificates a.s.o. are not accepted as valid documents establishing identity.
	Hungary	Yes	1-2. The biometric passports issued by Somali authorities are neither accepted as valid documents nor as a basis for establishing identity. There is no problem with the quality of the document but the circumstances of issue as there is no governmental structure in Somalia. 3. The other documents are accepted only in asylum procedures conditionally until the contrary is proved.

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	<b>Italy</b>	<b>Yes</b>	<p>The Italian Minister of Foreign Affairs by decree of 23 March 2010, accepted for entry into Italy, the new passports, including biometric ones, issued by the Government of the Somali Republic from 1 February 2007 as one of four following types : ordinary passport, diplomatic passport, service passport and travel document.</p> <p>All Somali passports or other travel documents, issued or renewed after January 31 1991 until January 31 2007, are invalid for entry into national territory.</p>
	<b>Latvia</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. Latvia does not recognize and does not consider recognition of Somalian passports due to the fact that government of Somalia has not sent any specimens for recognition.</li> <li>2. Somalian passport could be valid for identification only in some specific cases (asylum application, for example) as normally only recognized passports are accepted as valid ID.</li> <li>3. Only valid travel document can be considered as valid ID in Latvia. Banks and other private institutions accept driver's licences sometimes but officially only a valid travel document can be considered as valid proof of identification. It is stipulated in the Law on Persons Identity Documents. Birth certificate does not contain a photo therefore it cannot prove identity of a person.</li> </ol>
	<b>Lithuania</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. Yes. They are considered to be secure enough. There is a special working group, composed by various experts, who meets at least every 6 months and assesses samples of new travel documents. If this group established that the new document is safe enough it recommends recognizing it.</li> <li>2. Yes. According to the general system, the travel document is also a document which establishes identity.</li> <li>3. The answer depends on the purpose of establishing the identity. Generally, in migration matters (for example, in issuing residence permits, applying for citizenship), only travel documents are considered as documents establishing identity. However, in asylum cases any document linking a person to a name is considered to be a valid document, establishing identity.</li> </ol>
	<b>Netherlands</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. No, the Netherlands do not recognise biometric passports -or any other passports - issued by the " Somalian authorities" as valid traveldocuments. Nonetheless, in exceptional cases (eg on humanitarian grounds) a holder of a Somalian (biometric) passport could be issued a visa limited to the territory of the issuing member state (art 25 Visa code). In that case the visasticker will be fixed on a separate sheet ( art 29-2 Visa code).</li> <li>2. As stated above , the Netherlands do not recognise Somalian passports. In case there are exceptional circumstances a visa will be issued as stated above. No extra documents will be required to establish the identity.</li> <li>3 . see previous answer above.</li> </ol>
	<b>Poland</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. In accordance with „Table of travel documents entitling the holder to cross the external borders and which may be endorsed with visa” Polish Border Guard had not yet notified considering biometric passports issued by Somalia to be valid travel documents. However, as the Department of Consular Affairs in the Ministry of Foreign Affairs states, on the basis of art. 12 of Regulation No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas, Polish consular sections abroad issues visas to those Somalia travel documents that were issued in the period of last 10 years before applying for Polish visa. Thus Somalia biometric passports may be understood as valid travel document.</li> <li>2. Unless biometric passport issued by Somalia do arouse suspicions, Polish Border Guard accepts abovementioned documents as a basis for establishing foreigner's identity.</li> <li>3. The list of documents that may determine a foreigner's identity in the territory of Poland is quite open. Generally, Polish provisions</li> </ol>

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			states that Border Guard Officer may determine foreigner's identity using his or her: ID card, passport, other travel document, or any other type of official document with series number that hold a foreigner's photo (eg. driving license, birth certificate, school certificate), and finally, Border Guard Officer's/third person's affirmation of a foreigner's identity (if the officer/third person personally knows the foreigner). Within documents that may determine foreigner's identity one should include also eg. permit to settle issued in another country, citizenship probation.
	<b>Portugal</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>Slovak Republic</b>	<b>Yes</b>	The Slovak Republic is not aware of the existence of such documents and is not in possession off specimens of such documents. This is why we are not able to present any opinion in this regard. The Slovak Republic recognizes the following documents: passport, service passport, diplomatic passport.
	<b>Slovenia</b>	<b>Yes</b>	Slovenia does not consider biometric passports issued by Somalia to be valid travel document, because it is not on the "Table of travel documents entitling the holder to cross the external borders and which may be endorsed with a visa - Part I" - Based on Council document 5705/10 VISA 25 COMIX 80 of 1 February 2010
	<b>Sweden</b>	<b>Yes</b>	<p>1. No. They are not considered to be issued by a competent authority in control of the area for which the passports are issued. This is a requirement in Swedish national legislation.</p> <p>2. At the moment we do not have enough information about the process under which these passports are issued and hence they cannot, on their own establish the holder's identity.</p> <p>3. In general, documents from Somalia are accorded little value when it comes to establishing the identity of the holder.</p>
	<b>United Kingdom</b>	<b>Yes</b>	<p>1) No. The document issued by Somalia meets the ICAO specifications in most respects. However there are concerns which cast doubt on its acceptability. This is mainly due to the absence of agencies mandated to issue personal documents in Somalia. Furthermore, there are no registries containing information which can establish the identity of individual citizens. In Somaliland – the breakaway republic in the north-western part of Somalia which has failed to win the recognition of any country in the world – government agencies do issue various documents. Lack of registration procedures and internal control mechanisms as well as corruption give serious cause to question the reliability of these documents.</p> <p>2) No.</p> <p>3) UK border officials need to see documents which establish identity and nationality in order for them to meet the immigration rules, therefore documents that only establish identity are regarded as insufficient. In the case of British nationals a driving licence and birth certificate can be used. However, due to the difficulties associated with the verification of such documents for TCNs – especially from high-risk countries – this would be impossible.</p>

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