Ad-hoc query on residence permits to TCNs, who do not have surnames

Requested by LT EMN NCP on 30th November 2010

Compilation produced on 18th January 2011

Responses from Austria, Cyprus, Estonia, Finland, Hungary, Italy, Latvia, Lithuania, Luxembourg, Portugal, Slovak Republic, Spain, Sweden, United Kingdom (14 in Total)

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

1. Background Information

Recently Lithuanian authorities received several applications to issue residence permits from third country nationals who do not have surnames (family names). Lithuanian legal acts do not foresee for a possibility to issue residence permits to people who have names without surnames, therefore Lithuanian authorities have a problem in finding the best solution for such situation.
We would like to learn if other Member States have any experience in such situations, and how they solve such problem.

As this is an outstanding case, we would appreciate receiving your answers as soon as possible.

2. Responses

		Wider Dissemination?[1]	*What does your MS do if a third country national who applies for a residence permit doesn't have a surname (family name)?*
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Cyprus	Yes	Cyprus receives often applications from third country nationals (Bangladesh, India, Indonesia) who do not have surnames. Those applicants are issued residence permits
	Estonia	Yes	If according to the travel document or birth certificate held by an alien said alien does not have a family name, then Estonian authorities mark a hyphen ("–") in the field of the family name when issuing a residence permit.
	Finland	Yes	Finnish register for aliens requires an alien to have a surname. In case TCN does not have a surname his or her first name is added to the surname's field in the register. Question of surname becomes essential once TCN resides permanently in Finland. TCN is then required to choose a surname in compliance with Finnish Act on Names.
	Hungary	Yes	Hungary does not issue a residence permit for persons without a surname. *According to Act II. of 2007 on the Admission and Right of Residence of Third-Country Nationals* Chapter III. Section 13.: For entry into the territory of the Republic of Hungary and for stays in the territory of the Republic of Hungary for a period of longer than three months the entry conditions for third-country nationals shall be the following: they are in possession of a valid travel document; …….. (….) Third-country nationals are therefore obligated to identify themselves with a valid travel document and presumably they have at least two names written in the travel document: a given name and a surname. There is only one exception for that situation: the *Asylum Authority* can issue residence permit for humanitarian reasons for third-country nationals with just one name (it can be either surname or given name).
	Italy	Yes	In these cases, according to established practice, the Italian police headquarters are used to issue a stay permit by entering the personal name in place of the family name of the TCN in question.
	Latvia	Yes	Latvia issues a residence permit, typing a symbol "-" in the entry of family name.
	Lithuania	Yes	Lithuania does not issue a residence permit.

🇱🇺	**Luxembourg**	**Yes**	The name which is stated in the passport is generally used for the issuance of residence permits. In some cases, it is not apparent what the given name (first name) and what the surname (last name) is. Oftentimes, the name in the passport is considered as surname which means that the respective person may be regarded by the Directorate of Immigration, which issues residence permits, as not having a given name.
🇵🇹	**Portugal**	**Yes**	The national procedure is to "duplicate" the first name in "family name" field (ex Peter, Peter). When the new resident is registered in the system a remark on that situation may be added in the field "observations".
🇸🇰	**Slovak Republic**	**Yes**	In case that the foreigner submits together with the application for residence permit a travel document (it is not possible to register the application without the submitted travel document) which does not contain the surname of the foreigner, the police will check via the foreigners embassy or by other means (e.g. Ministry of Foreign Affairs) the authenticity of this document. If the authenticity is confirmed the application for residence permit is registered.
🇪🇸	**Spain**	**Yes**	**To date, this situation has not occurred in Spain. Nevertheless, legislation sets forth the following:** **Entry to our country requires, in accordance with the provisions of** Articles 5.1 and 5.2 of Royal Decree 2393/2004, which approves the Regulations of Organic Law 4/2000 of 11 January on the rights and freedoms of foreigners in Spain and their social integration, the certification of one's identity by any of the following documents: Passport (individual, family or collective). Travel document. National identification card, identification registration document or any other document in effect which certifies one's identity, considered valid for entry to Spain by virtue of international agreements ratified by Spain. **Passports, travel documents or other documentation must fulfil the following requirements:** Have been issued by competent authorities. **Contain sufficient information to determine the identification and nationality of the holders.** Must permit return to the country in which it has been issued. **Furthermore, a visa must be presented in accordance with the regulations, formats and standards set forth in EU legislation for third country nationals required to present the aforementioned visa.** **On another hand, the residence permit** is granted on the condition of presenting, amongst fulfilling other requirements, a valid passport or travel document considered valid in Spain and of the visa, in those cases which require it. Therefore, **data included in the application for the residence permit must be coherent with that contained in the passport.**
🇸🇪	**Sweden**	**Yes**	Sweden is not familiar with that problem. Even if different cultures have different systems concerning names, using family names, name of father, name of clans etcetera, normally it is always possible to sort out one name which corresponds to what we call surname.
🇬🇧	**United Kingdom**	**Yes**	**Single name applicants**

			Applicants with a single name should have that name entered in both the Full Name field and the Family Name field, e.g.
			Full Name: **SIRHAN**
			Family Name: **SIRHAN**
			The print out on the vignette in the MRZ part will only include one name, i.e. MRZ: **SIRHAN**

****