



Ad-Hoc Query on travel documents for new-born baby (TCN)

Requested by EE EMN NCP on 7th August 2013

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Responses from Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Sweden, United Kingdom plus Norway (20 in Total)

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1. Background Information

In Estonia have been lately some cases, when third country nationals legally staying in Estonia, have given birth to a child during their staying in Estonia. According to Estonian legislation, every person must have legal bases to stay in Estonia and travel document to cross the border. So, in such cases the new-borns don't have any legal bases (the precept to leave shall be made) and can't leave the country, so parents should apply for travel document.




We would like to know more about other Member States practice and ask to answer the following questions:

- 1. Do you make a precept to leave to new-born child in such cases?**
- 2. Do you request a travel document for new-born baby in case when the family is leaving your country?**

We would very much appreciate your responses by **14th August 2013**.

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2. Responses¹

		Wider Dissemination? ²	
	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	<p>1. An order to leave the country is never issued to the new-born baby of a family staying in Belgium. The order will be always for the family as a whole if they are in irregular staying and are only notified to the adult family members (minor children will be put on the order to leave the country of the mother – in principle). If the parents are in legal staying, the new- born child is also considered in legal staying. The parents are however requested to register the birth at the civil registry of the municipality where they are staying and to request a travel document at their embassy in Belgium. If the family is staying irregularly, the Immigration Office will request a laissez passer for all family members who do not have their own travel document. If there is no embassy of the country of origin in Belgium and there is no possibility for the family to obtain travel documents from their national authorities, it is possible to issue a temporary Belgian “travel document for foreigners” for the new-born child.</p> <p>2. If the child is leaving together with its family, it needs a travel document (laissez-passer, passport or “travel document for foreigners”). The child can also be put in the passport of the parents, if the national legislation of the country of origin permits this; this will be carried out by the embassy of the country of origin. If the child would not have a document, there is a risk that it will be sent back (together with the parents) to Belgium by the border control authorities in the destination country.</p>
	Bulgaria	Yes	<p>1. The Services for administrative control of foreigners in Bulgaria give the new-born baby of TCN a residence permit without requesting of Visa type “D”, so it is not necessary to leave the country for applying visa outside the country.</p> <p>2. The travel document of the baby should be his/her national passport issued by the respective country.</p>



¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "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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	Cyprus	Yes	<ol style="list-style-type: none"> 1. Cyprus does not have a strict policy on the matter; such cases are examined on an ad-hoc basis. 2. In the case of a new-born child departing from Cyprus, we can allow for an entry in the parents' passport, entered by the third country nationals' embassy/consul, to substitute for a travel document.
	Czech Republic	Yes	<ol style="list-style-type: none"> 1. No. The child is considered temporary legal resident in the Czech Republic for 60 days from birth. Within this deadline the parents shall apply for the same residence title they have. 2. Yes. Alternatively, the child may be written in the passport of the parent. Actually, the travel document of the child or the alternative thereto shall be submitted already with the parent's application for residence permit/visa for the child (see answer No. 1).
	Denmark	Yes	-
	Estonia	Yes	<ol style="list-style-type: none"> 1. Estonian Police and Border Guard is issuing to person (in this case to new-born child) the precept to leave. 2. For leaving Estonia request a travel document.
	Finland	Yes	<ol style="list-style-type: none"> 1. Finland does not issue a precept to leave to a new-born child in such cases. 2. A travel document is required by everybody who crosses the border (all ages). In some cases it is, in practice, impossible to acquire a travel document, e.g. if the country in question does not have an embassy in Finland. If there are no reasons to suspect any wrong-doing, a birth certificate for a baby travelling with its parents, has also been accepted as a document when leaving the country. If the case seems suspicious or unclear, further investigations are performed. In general, parents have a birth certificate from the hospital or an attestation issued by their own embassy of the nationality of their child.
	France	Yes	<ol style="list-style-type: none"> 1. No. The third-country national who resides in France as a minor, either because he was born there or because he/she entered France before the age of 18 years, is not subject to the requirement to hold a residence permit. Therefore, he/she cannot be subject to a decision inviting or forcing him/her to leave the country. 2. Yes. The foreign parents of the new-born baby should apply to the consular authorities of their country of origin in France for declaring the birth of the child and for obtaining either a passport, or an emergency passport or a consular laissez-passer (if they directly return to their country of origin).
	Germany	Yes	<ol style="list-style-type: none"> 1. If the parents possess a visa or if they are permitted to stay in Germany without a visa, the child born in the Federal territory shall be permitted to stay here (Section 33, third sentence Residence Act). If the parents possess a






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			different residence permit, the child born in the Federal territory shall be granted a residence permit ex officio (Section 33, first and second sentence Residence Act). 2. The entry of a new-born child in the passport of one parent shall suffice in order to meet the passport obligation for new-born children (Section 2 Residence Ordinance).
	Greece	Yes	-
	Hungary	Yes	<p>1. According to the provisions on 'Registration of Birth' set out in Section 74 of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals, third-country nationals holding a visa for a validity period not exceeding three months, or a visa for a validity period of longer than three months, a residence permit, and third-country nationals with immigrant or permanent resident status shall report the birth of a child in the territory of Hungary and shall simultaneously supply the following information: a) the natural identification data of the child as specified in Section 94; b) data of the child's travel document; c) address of the child's place of residence or permanent address.</p> <p>Section 157 of Government Decree 114/2007 on the Implementation of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals further specifies that third-country nationals shall report their giving birth to a child to the regional directorate of jurisdiction by reference to the place where the parent's place of residence or permanent residence is located, submitted on a standard form, a model of which is contained in specific other legislation, and shall present the child's birth certificate within three months from the date of birth. If both parents are residing in Hungary and they have joint custody, however their legal status in Hungary differ, the child's entitlement to stay in the country shall be determined on the basis of the parents' joint statement. If the parents fail to agree on a joint statement, the child shall be given the right of residence that is more beneficial.</p> <p>According to Section 33 (3) of Act II of 2007 if a third-country national with long-term resident or immigrant status has a child born in the territory of Hungary, who is considered a third-country national, the birth of such child shall be registered and: a) an interim permanent residence permit shall be issued for him/her if the parent has an interim permanent residence permit; b) a national permanent residence permit shall be issued to him/her if the parent has an immigration permit, a permanent residence permit, national permanent residence permit or an EC permanent residence permit. The competent regional directorate shall issue an interim permanent residence permit or national permanent residence permit to the child of a third-country national with immigrant or permanent resident status born in the territory of Hungary immediately upon receipt of notice submitted on a form prescribed in specific other legislation, or maximum within five days.</p> <p>In practice lawfully residing parents of the new-born child usually ask for the recognition of the child as the citizen of the country of their origin at their embassy in Hungary right after the birth of the child, and after such</p>

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			<p>recognition they also ask for the issuance of a passport for the new-born or the placement of the details of the child into the passport of either of the parents, and as a result the passport becomes valid for the new-born child, as well. This procedure can usually easily be carried out by the parents within three months after the birth of the child and as a result the registration of birth and the issuance of residence document usually have no obstacles.</p> <p>According to Section 30 (1) d) of Act II of 2007 a certificate of temporary residence shall be issued to any third-country national who was born in the territory of Hungary and whose parent is a third-country national lawfully residing in the territory of Hungary, and whose lawful residence cannot be ensured by any other permit that may be granted under this Act. The validity period of such certificate of temporary residence shall correspond to the duration of residence of the parent.</p> <p>Nevertheless in case the new-born is the child of a third-country national under expulsion, the scope of the expulsion order of the mother extends to the child, as well. Consequently the expulsion order is modified accordingly, while the Office of Immigration always examines what effect the voluntary return or the deportation would have on the minor and the form and deadline of the return is set according to the result of such examination. According to Section 42 (4) of Act II of 2007, if justified by the personal circumstances of the person expelled - such as the length of stay in the territory of Hungary, on account of which more time is required for making preparations for departure, or the existence of other family and social links -, the immigration authority may - upon request or on its motion - extend the period for voluntary departure by a period of up to thirty days.</p> <p>2. Yes, such new-borns need to possess a passport. In case the parent and the child do not possess a passport of their country of origin, in order for the implementation of deportation the Office of Immigration does the necessary steps to obtain the needed documents. In other cases it is the duty of the parents to get the necessary travel documents for their child.</p>
	Ireland	Yes	-
	Italy	Yes	<p>1. TCNs regularly staying in Italy must be in possession of a residence permit and, in order to travel abroad, they shall use the passport issued by their countries of origin (unless unable to apply for it). The same rules apply to children of legally staying third country nationals born in Italy whose legal status is linked to the parents' condition.</p> <p>As per EU guidelines, since June 26, 2012, in order to cross the borders all minors must be provided with an individual travel document. According to the Ministry of Interior Circular Letter n. 400/A/2012/23.9, this also applies to travel documents issued by Italy to international protection status holders and stateless persons. For leaving the national territory a travel document is always required.</p>

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	Latvia	Yes	<ol style="list-style-type: none"> 1. Latvia doesn't make the precept to leave unless parents of new-born child want to leave Latvia. Usually parents, who live in Latvia with residence permit, apply for child's travel document in foreign Embassy and after having travel document submit documents for residence permit. 2. Usually travel document is requested by foreigners themselves. State Border Guard request travel document in case of forced return.
	Lithuania	Yes	<p>According to the 31 Article of the Republic of Lithuania law on the Legal status of aliens, an alien in possession of a residence permit, for whom a child is born during the period of his residence in the Republic of Lithuania, must within 3 months from the date of the birth of the child apply to the institution, authorised by the Minister of the Interior for the issue of a residence permit to a child. A child born during the period of the alien's residence in the Republic of Lithuania shall be issued a residence permit of the type held by both or one of its parents. The permit shall be valid for the period of validity of one of the child's parents.</p> <ol style="list-style-type: none"> 1. No, we do not make a precept to leave to new-born child in Lithuania. 2. Yes, a travel document for new-born child is required.
	Luxembourg	Yes	<ol style="list-style-type: none"> 1. No. If a third-country national legally staying in Luxembourg gives birth, the child will not be issued a precept to leave. The parents will have to declare the birth at the Civil Registrar of the domicile of where his/her parents live.³ The parents can apply for a residence permit for a family member for the child in accordance with the dispositions laid down in the modified law of 29 August 2008 on free movement of persons and immigration. <p>For leaving Luxembourg the child will need travel documents which must be issued by the country of nationality of his/her parents.</p>
	Malta	Yes	<ol style="list-style-type: none"> 1. If this concerns children of persons who have been granted protection in Malta, and therefore cannot obtain such documentation from their country, maintaining family unity requires that new-born children are also provided with the relevant facilities to travel with their families should such a need arise. 2. Every person needs to be in possession of a travelling document in order to leave the country.
	Netherlands	Yes	<ol style="list-style-type: none"> 1. The Netherlands is not familiar with a precept to leave for new-born children. The parents of the child should apply for a residence permit for the child and report the birth of the child with the municipality so that the child is registered in the Municipal Personal Records Database (<i>Gemeentelijke Basisadministratie</i>).

³ Articles 334 and 335 of the Civil Code.

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			2. For leaving the Netherlands, a valid travel document is required, also for new-born children. The parents of the child need to apply for this document. If the Immigration and Naturalisation Service has not yet decided upon the application for a residence permit and the parent(s) and child want to travel, return visa may be placed in the travel document of the child. This way, the child is able to return to the Netherlands. When both a residence permit and a valid travel document have been issued, the child is able to leave and return to the Netherlands.
	Poland	Yes	-
	Portugal	Yes	1. In Portugal any new-born child (TCN and national citizens as well) need to have their identification documents. These documents are issued by the Portuguese entities responsible for the register of all citizens that were born in national territory. 2. For leaving Portugal the authorities requests to all TCN a travel document.
	Romania	Yes	-
	Slovak Republic	Yes	-
	Slovenia	Yes	-
	Spain	Yes	-
	Sweden	Yes	1. No 2. Depending on the situation there is a possibility to issue a temporary aliens passport.
	United Kingdom	Yes	1. Children born to foreign nationals who are legally staying in the United Kingdom must apply to have the child's stay regularised. Responsibility for documenting the child remains with the child's national authorities unless they have been recognised as refugees under the terms of the 1951 UN Convention Relating to the Status of Refugees, or have been recognised as stateless under the terms of the 1954 UN Convention Relating to the Status of Stateless Persons. 2. One Way Travel Documents may be issued to foreign nationals regardless of their status, if they wish to leave the United Kingdom permanently and voluntarily provided the document is accepted by the country to which they are travelling. Individuals applying for any type of Home Office Travel Documents must be

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			<p>in the UK when they apply.</p> <p>Children should normally travel on a British passport if they were born in the UK:</p> <p>on or after 1 January 1983 to a parent who was a permanent resident of this country on the date of the child's birth.</p> <p>http://www.ukba.homeoffice.gov.uk/visas-immigration/while-in-uk/travel-abroad/traveldocuments/applying/</p>
	Norway	Yes	<p>1. Norwegian authorities issue an international birth certificate to children who are born in Norway to foreign parents. If the parents (or one of the parents) have a residence permit in Norway, the parent(s) may apply on behalf of the child for it also to get a residence permit. A passport is not needed to reside legally in Norway. If the parents (third country nationals) have a Norwegian travel document for foreigners, such a travel document may also be issued to the child, or the child may be included in the travel document of one of the parents. <i>(It is mostly refugees who have the right to get such a travel document, cf. § 64 of the Immigration Act).</i> If the parents do not have the right to get a Norwegian travel document for foreigners, the parents should contact the authorities/ consular services of their home country in order to get a passport/ travel document from that country covering the child.</p> <p>2. Unless otherwise provided a foreign national who comes to the realm must have a passport or other identity document that has been recognized as a travel document, cf Section 8 of the Norwegian Immigration Act. We do not request travel documents for newborn babies when the family is leaving Norway. <i>(A laissez-passer for the purpose of exit may be issued if the foreign national who is to leave the realm is unwilling or unable to obtain a passport or other identification document that is recognized as a travel document, cf Section 12-10 of the Norwegian Immigration Act.)</i></p> <p>When the National Police Immigration Service (NPIS) of Norway is returning children along with illegally staying third-country parents to their home country, what is needed for them to travel varies from country to country. Persons who themselves have acquired a travel document from their home country that is also covering their child, use this. In other instances, the NPIS may ask the home country of the child and its parents to issue a travel document for them. In other cases Norwegian authorities issue a travel document for them to use on the journey home. Some countries accept the child to travel with an international birth certificate only as long as the receiving country has accepted the identity and return of the child along with its parents.</p>

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