



Ad-Hoc Query EU Laissez-Passer

Requested by SE EMN NCP on 24 August 2010

Compilation produced on 14th October

Responses from Austria, Belgium, Cyprus, Czech Republic, Estonia, Finland, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom (20 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

In most cases involving the return of third-country nationals Sweden issues a national Aliens passport in cases where the third-country national does not hold a valid travel document. Sweden would like to make better use of the EU Laissez-Passer, but in our experience the recognition and acceptance by third-countries of this document is quite poor. Sweden would therefore like to know the extent of the issuance of the document by other Member States and their experiences of its use for return of third-country nationals. Answers would be appreciated before the 13th of September 2010.

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2. Responses

	Query	Wider Dissemination? ¹	1. Do you issue EU Laissez-Passer for return of third country nationals and if so in which volumes? 2. Have you experienced any problems with the document, e.g. lack of recognition for travel or transit by third-countries? 3. Could the document in your view be improved and hence better fulfill its intended purpose?
	Austria	NO	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that their response is not disseminated further.
	Belgium	NO	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that their response is not disseminated further.
	Cyprus	YES	Cyprus does not issue EU Laissez-Passer
	Czech Republic	YES	1. No, the Czech Republic does not issue EU Laissez-Passer to third country nationals for their return. 2. Not applicable. 3. Not applicable.
	Estonia	YES	1. No. 2. N/A 3. Even if the document is safer, there is still the matter of recognition of the document by third countries. The problem is especially faced when the country of destination of the third country national does not recognize the document.
	Finland	YES	1. Yes. Issuing Laissez-Passer for return of third country nationals is rather rare in Finland. The Ministry of Foreign Affairs confirmed that it has issued laissez –passer only in 2-3 cases during last three years. This is when a third country national with a residence permit in Finland has lost his or her national passport and gaining a new one would be factually impossible. Transfer of residence permit to another travel document takes place after the Immigration Service has given its opinion on the case. 2 + 3. See above. Since the Ministry of Foreign Affairs lacks experience in issuing laissez-passer in the above mentioned cases, common problems or improvements would be impossible to determine. Moreover, the Ministry of Foreign Affairs is unable to follow, whether the third country national returns successfully. If the third country national has lost his or her aliens passport or refugee travel document, he or she is issued with temporary aliens passport (duration max 30 days). This happens in 3-5 cases per year. Correspondingly, several tens of Finnish national passports are lost in the traditional refugee countries of origin yearly. The document is called laissez-passer instead of EU laissez-passer.
	Germany	YES	The EU readmission agreements only make provision for EU Laissez-Passer to be issued in certain cases. In the past 6 years, not a single EU Laissez-Passer has been issued for forced returns to third countries with which the Commission has concluded readmission agreements.

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			<p>Generally speaking, it can be said that there is very little acceptance of EU Laissez-Passer among third countries which explains why this document is only issued in a few isolated cases.</p> <p>The issuing of an EU Laissez-Passer ultimately requires the identification of a person's nationality. However, it is precisely in identifying a person's nationality that third countries are frequently unwilling to cooperate because in many cases they have little or no interest in readmitting their own nationals. This explains why EU Laissez-Passer do not help much. No modification made to this document would eliminate this basic problem.</p> <p>Vice versa it can be ascertained that as a rule third countries which cooperate well in establishing people's nationality issue the relevant travel documents in a timely fashion meaning that there is no need to issue EU Laissez-Passer.</p>
	Hungary	YES	We only issue Laissez-Passer according to the Articles 19 and 20 of the Council Regulation (EC) No 343/2003 on establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.
	Ireland	NO	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that their response is not disseminated further.
	Italy	YES	Italy does not issue EU-LP to allow return, voluntary or forced, of a third country national lacking of the travel document that would normally be issued by the competent diplomatic / consular offices.
	Latvia	YES	<p>1) In accordance with the Immigration Law if a foreigner who has been issued a return decision does not have a valid travel document and it is impossible to obtain it through consular services, a departure document shall be issued to him. The form of the departure document is developed after the EU Council Recommendation of 30 November 1994 Concerning the Adoption of a Standard Travel Document for Removal/Expulsion of Third-country Nationals) [396Y0919 (06)]. The State Border Guard officials use departure document like asylum seeker identification document in order to forward asylum seeker to another EU Member State in accordance with Dublin Regulation (Issued pursuant to Articles 19 and 20 of Council Regulation (EC) No343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the member state responsible for examining an asylum application lodged in one of Member States by a third-country national.).</p> <p>2) Of course, the competent authorities of Latvia regularly face problem when third-countries don't recognise the said departure document. There have been only few exemptions when Armenia has recognized departure document, but it relates only to minors, who are born in Armenian family in Latvia, but as there is no diplomatic representation of Armenia then it is not possible to complete the needed formalities for acquisition of citizenship. In order to do that family must go to Armenia. In practice with EU Laissez-Passer the person being forwarded to the concrete EU member state by direct air flight. Travel routes through third countries are not planned.</p> <p>3) No, until now there has not been any need to improve the form of departure document. Since this document only confirms person's identity, in many cases, we check person's fingerprints in Eurodac. Improvement of this document might be problematic, since it is needed for certain procedures. In that way, we have to rate supplementary budget expenditures.</p>

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	Lithuania	NO	1. This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that their response is not disseminated further.
	Netherlands	YES	<ol style="list-style-type: none"> 1. The Netherlands, just as Sweden, do not issue EU-laissez passers to third country nationals other than in very rare cases (until now only to other European countries). The Netherlands use the EU-LP only as a travel document but it can indeed function as an addition to available identity documents in order to facilitate return. 2. The same answer as Sweden. 3. The Netherlands use the EU-LP for third country nationals only if we are sure of the acceptance of the alien at the border. Therefore the EU-LP is sufficient. Our experience is that in general the EU-LP is accepted in most of the countries, if we receive confirmation in advance that the relevant authorities will accept the alien.
	Poland	YES	<p>1. In the territory of Poland EU Laissez-Passer (EU letter) for return of third country nationals are issued by two institutions: Polish Border Guard and the Office for Foreigners (UdSC). The latest institution issues EU letter on the basis of articles 19 and 20 of the Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national. Till 8 September 2010 UdSC has already issued 43 EU Laissez-Passer documents. All documents were issued only to foreigners transferred from the territory of Poland to the country responsible for examining the application for granting refugee status. UdSC do not issue EU Laissez-Passer documents upon other circumstances not mentioned in the Council Regulation (EC) No 343/2003, such as voluntary return of foreigners or when the decision on expulsion of a foreigner had been issued. Polish Border Guard issues EU-laissez passer only in exceptional cases for third country nationals when there is no possibility to issue genuine travel document from consular office. Each time the EU letter is used, the migration services or diplomatic post of the country where a foreigner is expelled to, is informed about his/her expulsion. Moreover the copy of an EU letter is sent in the attachment. EU letter is issued only to foreigners who hold other documents like birth certificate, ID, citizenship certificate, expired passport or their copies. Expelled foreigners using EU-laissez passer are returned only with an escort of Border Guard officers. Polish Border Guard has already issued only 3 EU letters (for foreigners from: Kenia, Mali and Philipines).</p> <p>2. Use of EU letter is problematic because this document is not recognized by some third countries and usually causes problems in airport transit zones.</p> <p>3. Polish Border Guard states that the document itself should not contain any additional security features because it is used in very rare cases and aliens are always expelled with an escort. The recognition of this document should be improved as it cannot be used as a substitute of genuine travel documents issued by third country consular offices.</p>
	Portugal	NO	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that their response is not disseminated further.
	Slovak Republic	YES	The Slovak Republic has no experiences in issuing EU laissez-passer for the purposes of return of third country nationals. When it is not possible to secure an emergency travel document to the third country national who is not in a possession of his/her own travel document via his/her embassy this third country national is issued an Aliens passport according to national legislation. Aliens passport is a document

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			enabling the foreigner to leave the country.
	Slovenia	YES	<p>1. Aliens centre utilises EU-Laissez Passer in few cases. It has been used to a small number of Kosovo, Albanian, Moroccan, Iraqi and Serbian citizens, whose identity has been established beyond doubt. In such cases persons have been removed to their country of origin. They were in possession of their supporting national documents.</p> <p>2. We had no complications with utilisation of EU-Laissez Passer.</p> <p>3. Use of EU-Laissez Passer is rather limited. Essential issue is in our opinion the fact, that persons in removal procedure have their nationality proven by confirmation of citizenship, issued by their country. Way forward is possibility of EU-Laissez Passer use to be included in return agreements between EU and relevant third countries.</p>
	Spain	YES	<p>The issue and usage of the European Union's Laissez-Passer for the return of third-country nationals is progressively becoming obsolete. Currently, other means for documenting returnees which offer greater certainty of being accepted by the country of destination are used. Therefore, when a person has insufficient documentation to prove his/her nationality, procedures intend that the country of origin recognizes that person as a national prior to his/her removal, and as a result, the country of origin issues documentation, normally as a means of Laissez-Passer.</p> <p>In some cases (though with decreasing frequency), the country of destination does not issue a pass or safe-conduct upon certifying the person's nationality, but rather allows for the person to be issued an EU Laissez-Passer.</p>
	Sweden	YES	<ol style="list-style-type: none"> 1. The Swedish Migration Board does not issue EU-laissez passer to third country nationals other than in very rare cases. The EU-LP cannot, in our view, be used as a travel document but can function as an addition to available identity documents in order to facilitate return. However, in cases regarding return of third country nationals it is generally not possible to conduct a return journey unless proper travel documents are present. Therefore, the EU-LP is normally not required in these cases. 2. See above - question 1. At the moment, we use the EU-LP only once we have agreed with the airline involved or with the relevant authorities. As the EU-LP is mostly an addition to other identity documents present in the case, we usually do not have any problems when it comes to recognition of the same. 3. This is a difficult issue. Even if the document "quality" would be improved, we would still have problems when it comes to the available information about the holder's identity. However, making the document more secure in combination with efforts to improve the international status of the document would be one possible way of achieving a wider recognition, and hence usefulness, of the EU Laissez -Passer.
	United Kingdom	NO	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that their response is not disseminated further.
