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Responses to Information Requests

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23 May 2018

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Colombia and Venezuela: Whether a Venezuelan national who was born to a Colombian parent has the right to Colombian nationality; requirements and procedures for a Venezuelan national to access Colombian nationality (2016-May 2018)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Acquiring Colombian Nationality

For information on the ability to acquire Colombian nationality by a person who was born to a Colombian parent, see Response to Information Request COL104916 of July 2014.

The Political Constitution of Colombia (*Constitución Política de Colombia*) indicates the following:

[translation]

Colombian nationals are:

1. By birth:
 - a. The natives [*naturales*] of Colombia, with one of two conditions: that the father or the mother have been natives or Colombian nationals or that, being children of aliens, any of their parents should have been domiciled in the Republic at the moment of birth.
 - b. The children of a Colombian father or mother who were born in a foreign land and later domiciled in Colombian territory or registered in a consular office of the Republic.
2. By adoption:
 - a. Aliens who apply for and obtain [a] card of naturalization, in accordance with the law, which will establish the cases in which Colombian nationality is lost through adoption.
 - b. Latin Americans and Caribbeans by birth domiciled in Colombia, who, with the authorization of the Government and in accordance with the law and the principle of reciprocity, request to be registered as Colombians before the municipality where they are established.
 - c. Members of the indigenous peoples who share frontier territories, with application of the principle of reciprocity according to public treaties.

No Colombian by birth may be deprived of their nationality.

The quality of Colombian nationality is not lost by the act of acquiring another nationality. Nationals by adoption will not be obligated to renounce their nationality of origin or adoption.

Those who have renounced their Colombian nationality may recover it in accordance with the law. (Colombia 1991, Art. 96, italics in original translation)

Sources indicate that a Venezuelan born to a Colombian parent has the right to Colombian nationality [translation] "by birth" (Colombia 16 May 2018a; Senior Attorney 11 May 2018; Lawyer 11 May 2018). Sources indicate that Venezuela also allows dual citizenship (Venezuela 1999, Art. 34; Senior Attorney 11 May 2018).

Sources indicated that, in order to obtain Colombian nationality, the person must obtain a civil birth registration (*registro civil de nacimiento*) (Colombia 16 May 2018a; Senior Attorney 11 May 2018). The website of the Office of the National Civil Registry (Registraduría Nacional del Estado Civil) indicates that the civil birth registration is the document that [translation] "recognizes the rights and responsibilities of a person as a Colombian national" (Colombia 16 May 2018b).

2. Requirements and Procedures for Foreigners Born to a Colombian Parent

Article 2.2.6.12.3.1 of Decree 1069 of 2015, as amended by Decree 356 of 2017, indicates that a civil birth registration can be obtained at a branch of the Office of the National Civil Registry (Registraduría Nacional del Estado Civil) or at a Colombian consulate abroad, by the foreign-born national or his or her legal representative if the foreign-born national is a minor [under the age of 18] (Colombia 2015). The same Decree indicates that the applicant must produce the foreign birth registration [translation] "duly legalized [*apostillado*] and translated" into Spanish (Colombia 2015 Art. 2.2.6.12.3.1). Sources indicate that the foreign birth registration must show that one of the parents is a Colombian national (Senior Attorney 11 May 2018; Lawyer 11 May 2018), even if that parent has dual citizenship (Lawyer 11 May 2018). In correspondence with the Research Directorate, a Bogotá-based lawyer who specializes in immigration law indicated that, in the experience of her law firm, Colombian authorities have refused foreign birth registrations that do not show that a parent is a Colombian national, [translation] "even if other documents are provided that show that the parent is indeed a Colombian national" (Lawyer 17 May 2018). The lawyer explained that, in these cases, Colombian authorities ask the applicant to request the foreign issuing entity a [translation] "correction" on the foreign birth registration (Lawyer 17 May 2018). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources indicate that, in addition to the legalized foreign birth registration, the applicant must provide the following:

- Identity documents of the Colombian parent(s) (Colombia 16 May 2018b; Lawyer 11 May 2018; Senior Attorney 11 May 2018), one of which must be the Colombian national identity card (*cédula de*

ciudadanía) (Senior Attorney 11 May 2018; Lawyer 11 May 2018), passport or the Colombian civil birth registration (Lawyer 11 May 2018);

- The blood type of the foreign-born national (Colombia 16 May 2018b; Senior Attorney 11 May 2018);
- Identity document of the foreign-born national (Senior Attorney 11 May 2018);
- A witness (Lawyer 11 May 2018).

In another correspondence with the Research Directorate, the lawyer indicated that the process to obtain the civil birth registration takes approximately three business days at a public notary in Bogotá (Lawyer 11 May 2018). In correspondence with the Research Directorate, a representative from the Office of the National Civil Registry indicated that the process takes about 40 minutes (Colombia 16 May 2018a). In correspondence with the Research Directorate, a Bogotá-based senior attorney who specializes in labour and immigration law indicated that the process takes approximately one month at Colombian consulates abroad (Senior Attorney 11 May 2018). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. The same source further explained that once the applicant has obtained the civil birth registration, they can apply for a *cédula de ciudadanía* (for individuals above the age of 18) or identity card (*tarjeta de identidad*) (for those between 7 and 17 years of age) (Senior Attorney 11 May 2018).

2.1 Exceptions for Venezuelan Nationals Born to a Colombian Parent

Sources indicate that, in order for a Venezuelan national born to a Colombian parent to apply for a Colombian civil birth registration, he or she requires their Venezuelan civil birth registration, which must be legalized (Colombia 16 May 2018a; Senior Attorney 11 May 2018; Lawyer 11 May 2018) in Venezuela (Senior Attorney 11 May 2018; Lawyer 11 May 2018). The website of Venezuela's embassy in Colombia indicates that Venezuelan civil birth registrations, along with marriage, death, and single status certificates, can only be requested from within Venezuela in person or through a representative with a power-of-attorney (Venezuela n.d.). The same source also indicates that Venezuelan documents cannot be legalized in a

consulate; they must be legalized in Venezuela by the Ministry of People's Power for Foreign Affairs (Ministerio del Poder Popular para Relaciones Exteriores) (Venezuela n.d.).

The representative of the Office of the National Civil Registry indicated that, [translation] "due to the problems that [Venezuela] is experiencing," the Office of the National Civil Registry issued Notice 145 (*Circular 145*) of 2017, which established a "special procedure" for Venezuelan nationals born to Colombian parents to obtain a Colombian civil birth registration (Colombia 16 May 2018a). Notice 145 of 17 November 2017 indicates that the [translation] "special procedure" was established on 18 May 2017, and was valid for six months, in order to address the "difficulty" in obtaining the legalization of documents in Venezuela (Colombia 17 Nov. 2017). Notice 087 (*Circular 087*) of 17 May 2018 extended the "special procedure" until 16 November 2018 (Colombia 17 May 2018). Notice 087 outlines the following requirements and procedures for individuals under the age of seven, born in Venezuela to Colombian parents, who wish to obtain a Colombian civil birth registration:

- Venezuelan civil birth registration;
- In the absence of an apostille on the Venezuelan birth registration, produce two witnesses who, under oath, attest that they were present at, attended, or had direct knowledge of the birth;
- Colombian identification cards of the Colombian parent(s): the *cédula de ciudadanía* for parents over the age of 18, or the *tarjeta de identidad* for parents under the age of 18;
- The registration can take place at any branch of the Office of the National Civil Registry in Colombia, one of the 15 Colombian consulates in Venezuela, Police inspectors, governing officers (*Corregidores*), and at the Unit for the Assistance of Vulnerable Populations (*Unidad de Atención a Población Vulnerable, UDAPV*) [1] (Colombia 17 May 2018).

The representative of the Office of the National Civil Registry indicated that the requirements for individuals over the age of seven, born in Venezuela to Colombian parents, are the same as those for minors under the age of seven, with the exception of the designated places to register (Colombia 16 May 2018a). Notice 087 indicates that people seven years or older obtain the civil birth registration at Special Registry Offices (*Registradores Especiales*) of each department, the UDAPV, and at the following municipal branches of the Office of the National Civil Registry: department of Norte del Santander (Villa del Rosario, Los Patios, El Zulia, Herrán, Puerto Santander, Ragonvalia, San Cayetano, and Tibú), department of Atlántico (Registry

Office No. 4 in Barranquilla), and the department of Bolívar (Registry Office No. 2 in Cartagena), and in Bogotá (Chapinero, Teusaquillo, Suba Niza, Antonio Nariño, and Ciudad Bolívar) (Colombia 17 May 2018). Notice 087 also indicates that applicants who live in other municipalities can apply for the civil birth registry by mail (Colombia 17 May 2018). Further information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. According to Article 2.2.6.12.3.1 of Decree 1069 of 2015, as amended by Decree 356 of 2017, individuals who do not have a civil birth registry from the country of their birth can apply, in writing, for a Colombian civil birth registry, and must provide two witnesses who, under oath, attest that they were present at, assisted with, or had direct knowledge of the birth and who must provide information including their address and contact information, identification cards, and fingerprints (Colombia 2015). Additional information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Volume of Requests

A November 2017 article in *Vanguardia*, a Bucaramanga-based newspaper, indicates that the Civil Registry of Cúcuta was [translation] "overwhelmed" by Venezuelans seeking services, particularly requests for Colombian citizenship, noting a "critical situation" of line-ups of around 800 to 900 people, of which almost 80 percent are Venezuelan (*Vanguardia* 27 Nov. 2017). The same source cites a representative from the Office of the National Civil Registry as indicating that the volume of requestors is growing and that it is also the case across the department of Norte de Santander (*Vanguardia* 27 Nov. 2017). A February 2018 article by *El Tiempo*, a Bogotá-based newspaper, similarly indicates that the Office of the National Civil Registry in Cúcuta is [translation] "congested" due to the "high demand" of requests of cédulas de ciudadanía by Venezuelans who are legally considered Colombians, either by blood or naturalization (*El Tiempo* 22 Feb. 2018). CE Noticias Financieras indicates that, as of March 2018, the Special Registry of Cúcuta is "attending 480 daily appointments, and approximately another 20 with differential focus," with 800 people waiting outside on a daily basis (CE Noticias Financieras 31 Mar. 2018).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Note

[1] The UDAPV is a branch of the Office of the National Civil Registry that carries out registration sessions in remote places in Colombia for people who are in conditions of "vulnerability," disabled or displaced (Colombia 18 May 2018).

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Additional Sources Consulted

Oral sources: Canadian Venezuelan Engagement Foundation; Colombia – Migración Colombia; International Organization for Migration; law firm in Medellín; law firms (4) in Bogotá; researcher who studies Colombian-Venezuelan binational relations; researcher who studies the Venezuelan diaspora; researcher who studies migration and citizenship in Colombia.

Internet sites, including: *Americas Quarterly*; Amnesty International; BBC; Colombia – Consulate in Valencia (Venezuela), Migración Colombia; Council on Foreign Relations; eoi.net; *El Colombiano*; European University Institute; *Forbes*; *Forced Migration Review*; Freedom House; Human Rights Watch; International Crisis Group; Latin Post; *Miami Herald*; Migration Policy Institute; NBC; PanAm Post; Reuters; UN – ReliefWeb; US – Department of State; Venezuela – embassy in Colombia; Washington Office on Latin America.

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