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ZZZ200112.E

1 May 2020

Colombia and Venezuela: Whether Colombian citizenship is transmitted through both parents and whether both parents are required to provide identification documents; alternative application procedures when one parent is estranged from the child; special procedures for Venezuelan children born to a Colombian parent (2018-February 2020)

Research Directorate, Immigration and Refugee Board of Canada

1. Colombian Citizenship by Descent

For information on acquiring Colombian nationality, including a translation of article 96 of the Political Constitution of Colombia (Constitución Política de Colombia), which establishes the criteria for nationality by birth or by adoption, see Response to Information Request ZZZ106114 of May 2018.
In correspondence with the Research Directorate, a representative of the National Civil Registry (Registraduría Nacional del Estado Civil) of Colombia, the government agency that manages the civil registry (Registro civil) detailing "the identity, filiation and civil status of persons, from their birth to their death" (Colombia 7 Feb. 2020), indicated that, per article 96 of the Political Constitution of Colombia, "children born on foreign soil to a Colombian father or mother are Colombian citizens" (Colombia 3 Feb. 2020, emphasis in original). The same source emphasized that it is sufficient for one of the parents to be Colombian (Colombia 3 Feb. 2020).

### 1.1 Required Documents

The representative of the National Civil Registry stated that in order to register the foreign-born child as a Colombian, the "Colombian nationality of the father and/or mother [1] must be verified" through one of the following documents:

- National identity card (cédula de ciudadanía) for those [parents] above the age of 18;
- Identity card (tarjeta de identidad) for those [parents] who are older than 14 but younger than 18; or
- Civil birth registration (registro civil de nacimiento) for those [parents] under the age of 14 (Colombia 3 Feb. 2020).

The same source stated that the foreign birth registry [of the foreign-born child being registered] must be presented, in Spanish, "duly apostilled (apostillado) or legalized," as applicable (Colombia 3 Feb. 2020).

In May 2018 correspondence with the Research Directorate, sources indicated that the foreign birth registration of the applicant 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, "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 "correction" on the foreign birth registration.
registration (Lawyer 17 May 2018). Corroborating and more recent information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Deceased Colombian Parent

The representative of the National Civil Registry indicated that when the Colombian father [and/or] mother is deceased and did not acquire their own national identity card, the documents that must be provided [to prove Colombian citizenship for registration purposes of a foreign-born child of Colombian parents] are as follows:

- for parents born before 15 June 1938, the [translation] "baptismal certificate issued by the Catholic Church … with certification of competence [of the parish priest] or the civil birth registration"; or
- for parents born on or after 26 May 1938, the civil birth registration [2], or [translation] "a copy of the national identity card or the certificate of good standing (certificado de vigencia) of the [national identity] card"; and
- the death certificate (registro civil de defunción) of the parent, which must be registered in the Colombian civil registry, whether it has been issued in Colombia or in another country, if the Colombian parent(s) died outside Colombia (Colombia 3 Feb. 2020).

3. Applicants Who Are Estranged from Their Colombian Parent(s)

Information on application procedures for individuals born outside Colombia to a Colombian parent or parents, but who are estranged from their Colombian parent(s), could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Special Procedures for Venezuelan Children Born to a Colombian Father and/or Mother

The representative of the National Civil Registry indicated that [translation] "for humanitarian reasons and to facilitate the registration" of "children of Colombians born in Venezuela," to a Colombian father and/or mother, the National Civil Registry enacted an "exceptional measure" whereby the requirement of the apostille on the Venezuelan birth certificate may be replaced by the presentation of
two competent witnesses (testigos hábiles) who, under oath, declare that they either "witnessed, attended or had direct and reliable knowledge of the birth of the applicant" (Colombia 3 Feb. 2020, emphasis in original).

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.

Notes

[1] In follow-up correspondence with the Research Directorate, another representative of the National Civil Registry (Registraduría Nacional del Estado Civil) explained that, according to article 2.2.6.12.3.2 of Decree 356 of 2017 (Decreto 356 de 2017), the nationality of "either" parent must be demonstrated, but that the identification presented must be that of a parent who is a Colombian national (Colombia 13 Apr. 2020). The same source added the following: "On the other hand, it is important to mention that the documents presented for registration in the civil registry of birth as the preceding document and copies of the parents' identification documents, must rest in the physical file of the registry office regardless of the nationality of the other parent" (Colombia 13 Apr. 2020).

[2] The representative of the National Civil Registry mentioned article 105 of Decree Law 1260 of 1970 (Decreto Ley 1260 de 1970), which provides the following:

Art. 105.- The events related to the civil status of persons, occurred after the effective date of Law 92 of 1938, shall be proved with a copy of the corresponding certificate or page, or with certificates issued on the basis thereof. If lost or destroyed, the events shall be proved with the reconstructed certificates or pages or with the page resulting from the new registration, in accordance with Article 100.

Amended subs. 3, art. 9, D. 2158 of 1970: "And in the absence of such certificates or pages, the competent civil status employee, having made a summary check thereof, shall make the appropriate entries, opening pages, on the basis of his order: with
public instruments or copies of certificates from a religious order, or on legal decision based on either statements by eyewitnesses of the events constituting the civil status at issue or the recognized possession of that civil status." (Colombia 1970)

References

Colombia. 13 April 2020. Registraduría Nacional del Estado Civil. Correspondence from a representative to the Research Directorate.


Colombia. 3 February 2020. Registraduría Nacional del Estado Civil. Correspondence from a representative to the Research Directorate.


Lawyer, Bogotá. 17 May 2018. Correspondence with the Research Directorate.

Lawyer, Bogotá. 11 May 2018. Correspondence with the Research Directorate.

Senior Attorney, Bogotá. 11 May 2018. Correspondence with the Research Directorate.

Additional Sources Consulted

Internet sites, including: Colombia – Migración Colombia, Ministerio de Justicia y del Derecho, Superintendencia de Notariado y Registro; El Colombiano; El Espectador; Semana; UN – Office for the Coordination of Humanitarian Affairs, UNHCR; US – Department of State, embassy in Bogotá.