

Considerations on the progress and barriers regarding access to Colombian nationality for refugees, migrants and returnees from Venezuela



Colombia - July 2021



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INTRODUCTION

The right to nationality is the gateway to other rights, especially for children, because it allows every person the recognition as a legal personality before the law. In the context of migratory flows from Venezuela to Colombia there are certain groups at risk of statelessness because of the difficulty of obtaining civil registration documents in Venezuela and barriers in Colombia mainly related to regulatory gaps, operational problems of the current legal framework, and discrimination and documentary requirements not stipulated by law.

This report aims to analyze the gaps and barriers in regards of access to nationality and provide technical inputs and recommendations how these can be addressed and overcome.

First it presents the international, regional and national legal framework in Colombia on the right to nationality, specifically on the protection of the right to nationality and prevention of statelessness. The report then outlines the gaps and barriers to access nationality by birth identified by the Danish Refugee Council (DRC) in Colombia through its protection monitoring and legal assistance program in Bogotá, Medellín,

Barranquilla and Riohacha. It identifies the main findings from each field office and elements that are observed at the country level. Finally, it concludes with recommendations and suggestions on how to overcome the challenges and barriers encountered.

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The Danish Refugee Council DRC is a Non-Governmental Organization (NGO), founded in Denmark, with more than 7,000 employees and 8,000 volunteers worldwide. Our vision includes assistance to guarantee a dignified life for refugees, migrants and people displaced by conflict and violence. DRC provides assistance to people fleeing their home country or forced to leave their hometown within their own nation, as well as to the host communities. In collaboration with local communities, we seek responsible and sustainable solutions.



SUMMARY

In 2019 The Colombian State issued Resolution 8470 of the National Civil Registry and Law 1997 of 2019 that establishes exceptional measures for access to nationality of children born in Colombia to Venezuelan parents who did not meet the residency requirement in the ordinary regime for access to nationality by birth. These measures, together with those contained in The Single Registration Notice,¹ allowed thousands of children who were at risk of statelessness to access Colombian nationality.

However, DRC has through protection monitoring and its legal aid program, identified barriers for the Venezuelan refugee and migrant population as well as Colombian returnees in accessing Colombian nationality. These barriers are related to operational problems in the implementation of the legal framework that regulates exceptional measures to access Colombian nationality by birth for refugee and migrant children from Venezuela and children of Colombian returnees. DRC has identified certain profiles at risk that are not covered by the aforementioned legal framework and these profiles are therefore face insurmountable barriers in accessing a nationality.

Among the main profiles at risk are children born in Colombia to Venezuelan parents who do not meet the requirements of Law 1997 of 2019 and Children born in Venezuela who are now residing in Colombia.

The main operational problems identified are related to access to registration authorities, absence of a protection and age, gender and diversity mainstreaming, xenophobia and asking for requirements that are not stipulated by law.

The barriers exposed in this report shows that the current legal framework that must be adjusted or a new one must be implemented to comply with international and regional standard human rights standards on the right to nationality and avoid children becoming at risk of statelessness.

To address these barriers and gaps DRC recommends:

- **Modify the current legal framework regarding nationality by birth removing any type of barrier or obstacle to guarantee this right or issue a new law that is inclusive of all profiles at risk and international human rights standards and is not limited in time.**
- **Construction of a procedure to identify cases at risk of statelessness and stateless persons, whose purpose is the application of the protections established in the American Convention on Human Rights.**
- **The GIFMM and national human rights organizations should work together with the National Civil Registry and the Notaries to establish constant accompaniment and coordinate actions in order to identify operational problems or obstacles and to jointly find solutions to complex cases and barriers to access nationality.**



1. This document issued by the National Registry Civil Registry contains the regulation relating to access to nationality by birth in Colombia. The latest version of the notice was issued in May 2020 and was valid until November 2020 and up to the date of the publication of this report no extension or renewal had been issued.

1. International and regional standards on the right to nationality

The right to nationality establishes a guarantee so that everyone can access a nationality at the time of birth, or as soon as possible after birth. The 1954 Convention relating to the Status of Stateless Persons (1954 Statelessness Convention) and the 1961 Convention on the Reduction of Statelessness (1961 Convention) together with provisions of International Human Rights Law, establish the key international obligations that address the right to nationality and statelessness, that are binding for the Colombian State.²

The 1954 Convention on the Status of Stateless Persons is the primary international instrument for the protection of stateless persons, and it provides the legal definition of who is stateless and establishes minimum standards to guarantee the human rights of stateless persons as per the principles of equality and non-discrimination.

The 1961 Convention establishes an international framework to prevent and reduce statelessness in order to guarantee the right of a nationality to everyone. It requires states to establish guarantees in their nationality laws to prevent statelessness at birth and later in life. One of the most important provisions of the Convention is that children must acquire the nationality of the country in which they are born if they do not acquire any other nationality. This protection, in addition to being presented as a right, also constitutes a duty of the State to take positive measures to prevent that people born in their territory find themselves in a scenario where they have no protection, as well as for people whose nationality cannot be automatically determined and acquired at birth.

Article 20 of The American Convention on Human Rights guarantees the right to nationality and provides for a safeguard that ensures that persons born in the territory of the State party must have access to the nationality of the State if the otherwise would be stateless.³

On the basis of this international standard States must establish procedures to identify and determine cases at risk of statelessness through a mixed assessment of fact and law on the profiles that could be in this condition. Cases cannot be identified and resolved solely through the analysis of the internal nationality laws of a State, as the definition of a person at risk of statelessness requires an evaluation of the application of these laws in practice. This includes analyzing the operational procedures to acquire nationality, the registration authorities' human resource and institutional capacity as well the scope of the judicial decisions that define access to the right to nationality.



2. Ratified by Law 1588 of 2012.

3. Article 20 (1) :

1. Every person has the right to a nationality.

2. Every person has the right to the nationality of the state in whose territory they were born if they do not have the right to any other nationality.

3. No one shall be arbitrarily deprived of their nationality or of the right to change it.

1.1 Considerations of the Inter-American Court of Human Rights on the right to nationality⁴

The Inter-American Court of Human Rights (I/A Court H.R.) has on various occasions ruled on the importance of the right to nationality and on the responsibility that States have to guarantee that right. The procedures regulated by local laws must be in accordance with the relevant international human rights instruments. Through different cases the I/A Court H.R. has highlighted the responsibility of States as guarantors of the right to nationality of all persons who inhabit the national territory, even those who are not considered nationals of that country.

The importance of the I/A Court H.R.'s decisions lies mainly in the interpretation it has made of the scope of Article 20 of the American Convention on Human Rights. The I/A Court H.R. interprets several dimensions of that protection that guarantee the right to nationality:

- the guarantee that people have to establish a formal relationship with a specific State.
- the importance of a nationality to access other rights such as political and civil rights that arise from this relationship and
- the obligation of the State to protect individuals against the possibility of arbitrarily losing their nationality⁵

The interpretation of the I/A Court H.R. has been nourished by a series of decisions that the I/A Court H.R. itself has issued on cases that presented barriers or protection gaps regarding access to nationality. In these decisions it has set out the guarantee that people have from international instruments and the limits to the power of the State regarding the access to the right to nationality.

In the case of *Gelman v. Uruguay*, the I/A Court H.R. considers that the arbitrary deprivation of nationality may be due both to a process or formal procedure contemplated in the national laws that regulate the acquisition of nationality and the denial of the right to nationality for a person that would have the right nationality but have not yet accessed the internal procedures to acquire it.

A scenario of illegality or irregularity is not exclusively necessary for the denial of the right to nationality, but there may be formal and legal procedures that, when executed, present barriers for accessing nationality and generate cases that are at risk of statelessness.⁶ For this reason, international human rights law limits the powers of States to grant or deny nationality to a person. The I/A Court H.R. has stated that:

*"international law does impose certain limits on the broad powers enjoyed by the states" and that nationality is today perceived as not only involving the jurisdiction of the state, but also the requirements of the integral protection of human rights", since nationality "is inherent to being a human being", a sense that has not only been reflected at the regional level, but also in article 15 of the Universal Declaration.*⁷

The I/A Court H.R. has also stated that States have the obligation to ensure the principle of material equality before the law and avoid discrimination in its normative provisions, regardless of the conditions in which the individuals find themselves in the state territory, particularly when it comes to migrants, asylum seekers or refugees, because the migratory status of a person should not affect the access and effective enjoyment of rights to subjects of special protection.⁸

Regarding the legal gaps in the profiles that do not comply with the internal regulations to access nationality by birth, the Court in the judgment of the *Girls Yean and Bosico* determined that in accordance with the provisions of Article 20 of the American Convention on Human Rights, the only requirement to grant

4. The IACHR is the principal and autonomous body of the Organization of American States (OAS) responsible for the promotion and protection of human rights in the American continent.

5. INTER-AMERICAN COURT OF HUMAN RIGHTS. Advisory Opinion OC-4/84, January 19, 1984, Inter-Am. Ct HR (Ser. A) No. 4 (1984) para. 34

6. INTER-AMERICAN COURT OF HUMAN RIGHTS. *Gelman vs. Uruguay* case. Judgment of February 24, 2011, para. 128 et seq.

7. INTER-AMERICAN COURT OF HUMAN RIGHTS. *Castillo Petruzzi et al. V. Peru* case. Paragraph 101

8. "Regarding the right to nationality, the Court reiterates that the *jus cogens* principle of equal and effective protection of the law and non-discrimination³⁰⁵ requires States, when regulating the mechanisms for granting nationality, to abstain from establishing discriminatory regulations or regulations that have discriminatory effects on different groups of a population when they exercise their rights.³⁰⁶ In addition, States must combat discriminatory practices at all their levels, especially in public entities and, lastly, they must adopt the necessary affirmative measures to ensure that everyone is truly equal before the law.³⁰⁷ The Court has also established that States have the obligation to guarantee the principle of equality before the law and non-discrimination irrespective of a person's migratory status, and this obligation extends to the sphere of the right to nationality". (Inter-American Court of Human Rights. *CASE OF EXPELLED DOMINICANS AND HAITIANS v. DOMINICAN REPUBLIC*. Judgment of August 28, 2014. Paragraph 265).

nationality by birth to a person of foreign parents is to be born in the national territory of a State when this person would otherwise not have the right to a different nationality, and, on the contrary, would not have any guarantee or possibility of acquiring a specific nationality, which would mean that that person would be stateless.

The I/A Court H.R in the case of *Case of the Girls Yean and Bosico v. Dominican Republic* determines that:

a) The migratory status of a person should not be a condition for the State to grant nationality, because migratory status can never constitute a justification for depriving a person of the right to nationality or the enjoyment and exercise of their rights;

b) The migratory status of a person is not transmitted to the children, and

c) The fact that a person has been born on the territory of a State is the only fact that needs to be proved for the acquisition of nationality, in the case of those persons who would not have the right to another nationality if they did not acquire that of the State where they were born.⁹

In conclusion, when the State is not certain that the child born in its territory will obtain the nationality of another State, for example the nationality of one of its parents through *ius sanguinis* in accordance with the rules and procedures of their national State, the State where the minor was born has an international obligation to automatically grant them nationality in order to avoid statelessness in accordance with Article 20 of the American Convention on Human Rights in accordance with Article 7 of the Convention of the Rights of the Child¹⁰ and Article 1 of the Convention 1961 Convention.¹¹ This guarantee also applies even when parents are unable to register their children in the State of their nationality due to factual obstacles.¹²

The implementation of the safeguards established in the American Convention on Human Rights regarding the right to nationality does not specifically require an internal rule that develops it, but rather requires the immediate application of a guarantee, prevailing before any procedure to access nationality.

9. Inter-American Court of Human rights. *Case of the Girls Yean and Bosico v. Dominican Republic*. Judgment of September 12, 2005. Paragraph 156

10. Art. 7: 1. The child has the right to a name at birth. The child also has the right to acquire a nationality and, as far as possible, to know his or her parents and be cared for by them. 2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

11. Art. 1: 1. A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless. Such nationality will be granted: a) at birth, by operation of law, or b) upon an application being lodged with the appropriate authority, by or on behalf of the person concerned, in the manner prescribed by the national law. Subject to the provisions of paragraph of this Article, no such application may be rejected. A Contracting State which provides for the grant of its nationality in accordance with sub-paragraph (b) of this paragraph may also provide for the grant of its nationality by operation of law at such age and subject to such conditions as may be prescribed by the national law.

12. Inter-American Court of Human rights. *Case of expelled Dominicans and Haitians v. Dominican Republic*. Judgment of August 28, 2014. Paragraph 261

1.2 Legal framework in Colombia

The 1991 Colombian Constitution establishes the forms of acquisition of Colombian nationality, by birth and by adoption. Article 96 provides that persons who meet the following requirements are Colombian nationals by birth:

- a) That the father or mother were Colombian nationals or nationals or that, being the children of foreigners, one of their parents was living in the Republic at the time of birth.
- b) Any child of a Colombian mother or father who was born abroad and subsequently became resident in Colombian territory or registered with one of the Republic's consular offices.

For the cases of children of foreigners born in Colombia, the registration authorities require that the parents present the residence visa as the only valid document to demonstrate the residency requirement.



This requirement was found in the Single Registry Notice¹³ and was based on Resolution No. 6045 of August 2, 2017, issued by the Ministry of Foreign Affairs. This last law indicates in its article 21 that foreigners who wish to enter Colombian territory with the intention of establishing their domicile there must apply for a residence visa.

The interpretation of the registration authorities on the domicile requirement is directly related to the immigration status of the people and is different from the same definition in Law 43, that regulates the acquisition, resignation, loss and recovery of Colombian nationality. Law 43 states that the domicile is the spirit of permanence in the territory and does not subject this definition to the migratory status of the person.

The vast majority of Venezuelans who entered Colombia did not have a residency visa¹⁴ and faced legal obstacles to access Colombian nationality for their children who were born in Colombian territory. Most were people in an irregular immigration situation, with problems to regularize their immigration status due to the difficulty of going through procedures and obtaining identification documents and passports in Venezuela, as well as to the high costs of the procedures of acquiring a visa.

In this context, the Colombian State, in 2019, created an exceptional measure that modified the rules on access to nationality by birth for children of Venezuelan parents born in Colombia who did not meet the residence requirement. Resolution 8470¹⁵ of 2019 established the exceptional rules on the acquisition of nationality by birth for children born in Colombia to Venezuelan parents to prevent these children from being at risk of statelessness.

The resolution overcame the gaps presented by the Single Notice regarding access to nationality and one month after its implementation, the Congress issued and promulgated Law 1997 of 2019, whose object of regulation is the same as the resolution.¹⁶

13. Number 3.11.1. Nationality by birth when, being a Colombian natural child of foreigners, one of their parents was domiciled in the republic at the time of birth.

14. According to Migración Colombia there are 1,742,000 Venezuelans in Colombia as of January 31, 2021, of which 54% are irregularly, equivalent to 940,000 people: <https://www.migracioncolombia.gov.co/noticias/mas-de-un-millon-742-mil-venezolanos-se-encontrarian-en-colombia-para-el-31-de-enero-de-2021-y-podrian-acogerse-al-estatuto-temporal-de-proteccion>

15. "by which an administrative measure of a temporary and exceptional nature is adopted, to include ex officio the note "Valid to demonstrate nationality" in the Civil Registry of Birth of children born in Colombia, who are at risk of statelessness, children of Venezuelan parents, who do not meet the residence requirement" Measure known as childhood first

16. The objective of the law is to guarantee access to nationality for children born in Colombia to Venezuelan parents who did not meet the legal requirements for their children to gain Colombian nationality. This norm added a paragraph to article 2 of Law 43 of 1993 on the concept of domicile: Exceptionally, the residence and spirit of permanence in Colombia will be presumed for Venezuelans in regular or irregular migratory situation, or asylum seekers, whose children were born in Colombian territory from January 1 2015, and up to 2 years after the promulgation of this law

Law 1997 law expands the scope of the temporary regulation of the measure and retroactively applies to children born in Colombia from January 2015 until two years after the Law was promulgated. The Law includes asylum seeking parents within the profiles that could access Colombian nationality.

The exceptional measures on access to nationality have allowed thousands of children to access Colombian nationality by birth, overcoming the risk of statelessness in which they found themselves. The scope of the legal framework on nationality was fully disseminated throughout the national territory and humanitarian organizations accompanied the process by offering technical and operational support of the National Civil Registry O.¹⁷ Local authorities and government institutions such as the Institute for the Family Well Being (ICBF) were also involved in the preparation and implementation phases of the measures. However, the law does not yet have a regulatory framework.

2. Main challenges regarding access to nationality by birth

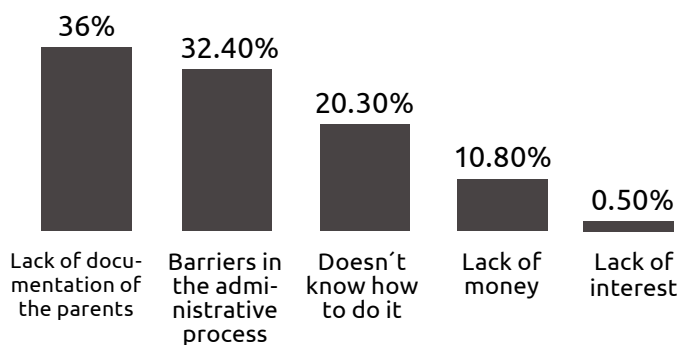
However, DRC has through its protection monitoring and the legal assistance aid in Riohacha, Barranquilla, Medellín and Bogotá, identified barriers in accessing these measures. These are related to legal aspects that the law does not contemplate for some profiles. Operational problems are also found in the application of the legal framework on access to nationality, that eventually lead to cases at of risk of statelessness because the barriers are very difficult for the affected population to overcome.

Through its protection monitoring conducted from November 2019 to May 2021, DRC has identified at least 222 cases of children of Venezuelan parents and Colombian returnees whose births were not registered. Of these, 36% affirm that they have not been able to access the birth registration at the civil registry due to lack of documentation of the parents or the child to be registered, and 32.4% of these cases did not obtain the civil registry due to barriers in the process.

The rest of the monitored cases affirm that they do not know how the registration procedure works (20.3%) or they lack money to complete the procedure (10.8%).

Bearing in mind that most of the cases monitored present barriers related to legal requirements and operational problems, below are some of the findings identified by DRC on access to nationality.

Barriers to birth registration



17. See: Childhood first systematization report. Available in: https://www.registraduria.gov.co/IMG/pdf/20210503_sistematizacion_primer_la_ninez_vf.pdf

2.1 Profiles at risk

Although there is currently a broad legal framework in place for the acquisition of nationality by birth in Colombia, DRC has identified cases that could be at risk of statelessness, and these are children born in Colombia to Venezuelan parents who do not meet the requirements demanded by the RNEC and contemplated under in Law 1997 of 2019. Also, cases have been identified of children born in Venezuela, of Venezuelan parents or Colombian returnees, who do not have the original birth certificates and currently there are no measures in place to include these profiles.

2.1.2 Children born in Colombia to Venezuelan parents who do not meet the requirements of the law that regulate exceptional measures for the acquisition of nationality by birth¹⁸

DRC has identified cases where parents do not have the identification documents that allow the registration process to be made. There are also cases where there are difficulties related to the inadmissibility of the identity documents of the parents of the minor to be registered because the registry officials demand documents in perfect condition, ignoring their conditions of vulnerability.

The absence of a procedure or a law whose application leads to determine the identity of the parents and the relationship with their child constitutes an insurmountable barrier for these children to access Colombian nationality.¹⁹

2.1.3 Children born in Venezuela who reside in Colombian territory

DRC's legal teams have identified, that there are two types of profiles that are not covered by the general legal framework to access nationality, nor are they subject to of exceptional measures such as that contemplated in Law 1997 of 2019: 1) Children born in Venezuela to returned Colombian parents who do not have a original live certificate or 2) Those that have but the documents are are not legible because they are in poor condition or they were not apostilled in Venezuela.

Currently, this constitutes a legal gap in the procedure, and it is inferred that the registry officials will demand the apostilled documents as a requirement to generate the civil registration of birth and the recognition of Colombian nationality by birth. Since November 2020,²⁰ the Single Registry Notice issued by the RNEC that allowed for exemptions to this measure by presenting two witnesses has not been extended, nor are there any rules that allows for the continuity of the special and exceptional registration process in the civil registry for these profiles.²¹

18. Resolution 8470 of 2019 issued by the RNEC and Law 1997 of 2019.

19. Live birth certificates in Colombia have data on the mother and this constitutes proof of relationship at the time of registration, the issue is that for the registration authorities there is no form or procedure that allows verifying that the data of the mother in the live birth certificate correspond to her identity. In addition, the live birth certificate is not a document that can be presented as identification to replace those required by Law 1997 of 2019.

20. In May 2020 The National Civil Registry (RNEC) extended the validity of this procedure for a period of six months until November 14, 2020.

21. The Single Registry Notice allowed the presentation of abled witnesses and the presentation of the birth certificate in Venezuela, when the cases did not have the document of the birth duly apostilled, when people born in Venezuela, children of Colombian father and/or mother did not have the apostilled documents.



This scenario could result in unattainable obstacles to access Colombian nationality because to apostille documents depends on, among other things, the state of current diplomatic relations between Venezuela and Colombia. Currently it is impossible in Colombian territory due to the absence of Venezuelan consular services. Obtaining the apostille in Venezuela would require the parents of the child to return Venezuela, which would lead to further protection risks and high economic costs.

The profiles described are at risk of statelessness but overcoming this risk could be solved with regulation that includes specific procedures for these cases, or regulation that allows the automatic application of the guarantees on nationality contemplated in international human rights law.

2.2 Operational obstacles in the registration procedure

Through its legal case management DRC has identified problems related to the operation of the RNEC appointment system.

2.2.1 Problems in accessing services of the registration authorities

Three barriers have been encountered in the process to access appointments at the RNEC:

1. Appointments can only be booked online, and the most vulnerable population does not have easy access to a computer, tablet or mobile nor do they have access to and are therefore not able to schedule appointments.
2. The online page for scheduling appointments is not always functioning and this makes it difficult to schedule an appointment.
3. When persons of concern manage access to the platform, there are still obstacles that prevent them from completing the procedures. For example, there is a limit of the number of persons that can be attended per day, and this also makes it difficult to schedule an appointment. In some places the offices also lack supplies such as registration forms as there are subsequent system failures of the Civil Registry Office's systems.²²

2.2.2 Lack of an AGD and protection approach and xenophobia

The refugees, migrants and returns are diverse and have different characteristics and needs. Through its protection monitoring and legal aid management, DRC found that the civil registry officials do not always apply an AGD focus for separated minors who are not with their biological parents but are in the care of a member of the close family, such as an aunt, grandmother, sister etc.

Registry officials are sometimes unaware of the possibilities of cooperation with other State entities that could support or accompany certain population profiles, such as in children, for example, in cooperation with the ICBF.

On repeated occasions, discriminatory and xenophobic treatment has also been evidenced based on the socioeconomic situation of the persons of concern and their gender identity. Consequently, the population of interest may distrust the authorities and therefore do not approach them to complete the registration procedures.

Regarding the xenophobic behaviors that some registry officials present, various factors were identified:

- Lack of knowledge of the conditions of the Venezuelan population in Colombia.
- Lack of knowledge about country-of-origin information that allows the officials to understand the needs of the population.
- Lack of technical support to registry officials by institutions or organizations that are experts in working with specific population groups.
- Absence of awareness campaigns and training on AGD and other topics to overcome xenophobia and discriminatory behavior.

22. These problems of access to services lead to the congestion of notaries' offices which perform registry functions.

2.2.3 Requirements not contemplated by law

Through its protection monitoring and legal aid case management, DRC found that registry officials lack clear answers when doing processes in places such as Notaries and Registrars. There also appears to be a lack of consistency in the technical criteria applied for the exceptional measures to access nationality that results in registry officials asking for documents and procedures that are not expressly established by law 1997 of 2019.

DRC identified different types of additional requirements in the areas where it implements protection monitoring and legal aid. These are some of the findings of the teams in the field:

Riohacha

During case management, unjustified administrative barriers were applied by registry officials (notaries and registrars). In practice, it was evidenced that beyond the lack of diligence of the officials in the registration process, the registration authorities did actions aimed at delaying and hindering the registrations, such as:

- Unjustified and illegal charges justified as costs of stationery or authentication.
- Wrong or incomplete indications or explanations by registry officials; for example, it is very common for single mothers to be told that it is not possible to make the registry unless the father of the child is present).

Barranquilla

Since the beginning of the COVID 19 pandemic, the National Civil Registry has not provided face-to-face services related to the civil registration process and instead, these services were provided by the Notaries. This situation led to the congestion of some notaries in the city and added to the lack of coordination with the registration authorities. In addition, some requirements were demanded from the population that are not regulated in the legal framework, such as:

- Rejecting documents that are presented dirty or in poor condition and requiring persons of concern to present documents in optimal physical condition to avoid “contamination” of the entity's physical file
- Demand the presence of children or witnesses to make the registration process during the pandemic.
- Demand a stamped passport from applicants as evidence of regular migration status without taking into consideration the legal framework established by Resolution 0872 of 2019.²³
- Demand prior revision of the documents by the District Attorney.
- Charges by the Notary for operations such as biometrics or printing of the duplicate of the live birth certificate, even the person presents the original certificate. This is done even though this procedure is completely free.

Medellín

- Illegal charges at notaries
- Misleading orientations by Registry officials, telling persons of concern that they had to pay middlemen to complete the procedure or in some cases suggesting that a child had to be registered with a person with a regular document, for example, the grandmother of the child as if they were the child's mother.

Bogotá

- When the mother of the child is Venezuelan and the father is Colombian, the Registry officers require the Colombian parent to be present in order to carry out the registration.
- Demanding that the persons of concern provide the official gazette of Venezuelan nationalization of the Colombian father.
- Certification of data from the Administrative Service for Identification, Migration and Immigration (SAIME)
- Requiring that the Venezuelan birth registration contained the exact address, municipality and other information that would allow locating the exact place of birth.
- When registering persons with the help of two witnesses the Registry officers asked for an additional person to declare the birth.
- Asking for a stamp on the live birth certificate or a sworn statement before the Notary Public, to allow children to access to Colombian nationality.
- Requiring a Venezuelan identity card for Venezuelan parents, for the purposes of the Civil Registry under Resolution 8470 of 2019.

The presence of middlemen and misleading information and guidance and putting in to place additional requirements constitute protection serious barriers for the population interested in accessing the civil birth registration and Colombian nationality.



3. RECOMMENDATIONS

Profiles at risk (legal gaps).



The Congress, the National Civil Registry and the National Government should modify the legal framework on nationality in Colombia and generate new laws and norms that enable access to Colombian nationality on a permanent basis for all nationalities.



Strengthen the guarantees to access the right to nationality through the consolidation of a single legal framework that permanently condenses all the rules concerning civil registration and access to nationality.



The National Civil Registry and the Ministry of Foreign Affairs should jointly design a route for the identification of cases at risk of statelessness leading to the direct and automatic application of the Inter-American standard on the right to nationality for cases that are categorized as such.

Operational obstacles in the registration procedure.



The GIFMM and national human rights organizations should carry out training sessions, constant awareness sessions, and technical working groups with the National Civil Registry s and Notary officials focusing on an AGD and protection approach as well international standards on the right to nationality.



The GIFMM and national human rights organizations should provide capacity building and create joint workspaces with the National Civil Registry and Notaries, using a territorial approach to solve complex cases.



The GIFMM and national human rights organizations should strengthen initiatives on community-based protection and communication with communities to improve access to information for the refugee, migrant and returnee population on procedures for the civil registration and the right to nationality in Colombia.



The GIFMM and national human rights organizations should work together with the National Civil Registry and the Notaries to establish constant accompaniment and coordinate actions in order to identify operational problems or obstacles and be able to jointly find solutions, taking into account the needs and capacities of the institutions in each territory.



The National Civil Registry should carry out continuous information sessions and awareness raising campaigns on the right to nationality by birth to the affected populations and Registry officials at the local level to ensure that the rules, procedures and requirements are followed.



The National Civil Registry should collaborate, using a territorial approach, with entities from the Public Ministry (Ombudsman's Office, Attorney General's Office, and Municipal Authorities), to identify and manage complex cases that have barriers or obstacles to access nationality.

