



St. Gallen, 14 July 2023

Press Release

regarding judgment F-2067/2022 of 3 July 2022

Travel documents for Afghan citizens without identification documents

It is currently impossible for Afghan citizens without identification documents to obtain passports from their home country. The Federal Administrative Court instructs the State Secretariat for Migration to check whether the requirements for issuing travel documents are met in such cases.

An Afghan citizen applied for a passport for foreign nationals, as he did not possess an Afghan travel document. The State Secretariat for Migration (SEM) rejected the request in March 2022. In justification, it explained that because of the current political situation in Afghanistan, the Representation of Afghanistan in Geneva has indeed been unable to issue travel documents since August 2021 and that it was impossible to predict how the balance of power and collaboration between Switzerland and the new government in Afghanistan would develop. Nevertheless, it was not proven that it would be impossible to issue a passport in the future as well. For the SEM, the appellant is therefore not without identification documents.

New passports cannot be obtained

Following an analysis of the current situation in Afghanistan, the Federal Administrative Court (FAC) has concluded that Afghan citizens in Switzerland cannot be expected to travel to Afghanistan to obtain a passport. Moreover, the issue of new passports is neither possible in Switzerland nor in other European countries, whereas an existing travel document can be extended. Given the developments in Afghanistan, it is impossible to predict when travel documents will be once more obtainable.

In the present case, the appellant is without identification documents. The FAC consequently upholds his appeal and refers the case back to the SEM. It must check whether the other requirements for issuing a travel document to foreign persons are met.

This judgment is final and may not be appealed to the Federal Supreme Court.

Contact

Rocco R. Maglio

Press secretary

+41 (0)58 465 29 86

+41 (0)79 619 04 83

medien@bvger.admin.ch

About the Federal Administrative Court

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 351 employees (296.1 FTE) and its 73 judges (65 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 6,500 judgments every year.