REPUBLIC OF COLOMBIA

MIGRATION SPECIAL ADMINISTRATIVE UNIT

RESOLUTION NO. 1220 OF 2016

(AUGUST 12, 2016)

*“By which Permits for Entrance and Permanence and Temporary Permanence Permits are established and Border Transit in national territory is regulated”*

THE **DIRECTOR OF THE MIGRATION SPECIAL ADMINISTRATIVE UNIT OF COLOMBIA,** in exercise of its functions conferred by Article 3, items 3, 7 and 11 of Article 4 and items 3, 4 and 14 of Article 10 of Decree Law 4062 of 2011, Article 2.2.1.11.2 of Decree 1067 of 2015 partially amended by Article 43 of Decree 1743 of 2015 and Decree 1325 of 2016, and

CONSIDERING

That Decree 4062 of 2011 in its Article 3 established that “(…) *The objective of Colombia Migration is to exercise migration and aliens surveillance and control of the Colombian State within the framework of national sovereignty, according to laws and policies defined by the National Government (…)”.*

That the same Decree, it is Article 4 establishes the following as functions to be performed by Migration Colombia*:* “*3. Keep record of the identification of aliens and verify their migration status within the national territory”. “7. Issue documents related to foreigners’ identification card, safe conduct passes, and extension periods to remain and exit the country, certificate of migration movements, entrance permits, registration of aliens and other paperwork and documents related to migration and aliens assigned to the entity, within the policy for such effect subscribed by the National Government and “11. Coordinate with the Ministry of Foreign Affairs the adoption and compliance of migration international commitments of the State”.*

That Decree 4062 of 2011 establishes in its Article 10 as the role of the Director of Migration Colombia to “*3. Design, propose and implement policies related to migration control, foreign affairs and migration verification”, “4. Establish guidelines regarding the administrative operation, migratory control, foreign affairs and migratory verification, as well as requesting management reports considered necessary (…)”* and “*14. Order expenses and payments of the entity, issue administrative communications, perform the necessary operations and subscribe contracts, agreements and covenants required to ensure the fulfillment of its objectives and functions, according to the standards in effect”.*

That as part of the established functions to be performed by the Migratory Control Vice-Directorate, according to Article 16 of Decree 4062 of 2011, are the following: “*Identify, propose and coordinate the national implementation and assessment of the guidelines, tools, management and operation systems that allow the compliance and enhancement of migratory controls in the established sites”* and “*To establish protocols to comply with requirements to enter and exit the country”.*

That Decree 1067 of 2015 was partially amended by Decree 1743 of 2015 and in its Article 43 established that “*(…)* *It is discretionary that the national Government, based on the State’s sovereignty principles, authorizes the entrance, permanence and exit of foreigners in national territory, as well as regulating the entrance and exit of Colombians in the national territory. Without prejudice of provisions in international treaties, the entrance, permanence and exit of individuals in the national territory shall be ruled by provisions in the present chapter (…)”.*

That Decree 1325 of 2016 in its Article 1 amended “*(…) the third paragraph of Article 2.2.1.11.2.1 of Section 2 of Chapter 11 under Title 1 of Part 2 of Book 2 of Decree 1067 of 2015, establishing that “The requirements, procedure and process for border transit are regulated according to administrative act issued by Migration Colombia’s Special Administrative Unit”.*

That the same Decree in its Article 2 amended “*(…) Article 2.2.1.11.2.5 of Section 2 of Chapter 11 under Title 1 of Part 2 of Book 2 of Decree 1067 of 2015, establishing that “Migration Colombia’s Special Administrative Unit will develop through an administrative act, all matters related to the types, characteristics, numbers, time and requirements to grant Entrance and Permanence Permits and Temporary Permanence Permits to foreign visitors not requiring visa who enter the national territory without intending to remain in Colombia”.*

That according to Decree 1325 of 2016, Migration Colombia is responsible for establishing the administrative matters, procedures and processes to obtain Entrance and Permanence Permits and Temporary Permanence Permits without losing its binding effect and allowing a more efficient management of migration dynamics.

That it is necessary to simplify and adapt the types, characteristics, numbers, time and requirements to grant the Entrance and Permanence Permits and Temporary Permanence Permits in order to adjust the regulations to the national human mobility dynamics, including adjustments that promote a safe and orderly migration in the national territory.

Therefore, it

**RESOLVES:**

**ARTICLE 1. *Definitions:*** The following definitions will be applied to the present Resolution:

* **Authorization of Border Transit:** Administrative action of migration authorities through which a foreign citizen from neighboring countries residing in border towns, cities or areas is allowed to occasionally mobilize, during a determined period of time, in areas designated in agreements subscribed by the National Government, whenever these individuals do not have the intention to settle or reside in the country.
* **Bi-national Document for Border Migratory Control:** Physical support of the Border Transit Authorization, through which migratory authorities control, verify, register and supervise compliance of migration requirements of border transit.
* **Entrance and Permanence Permit –** **PIP:** Administrative authorization issued by Migration Colombia in Migratory Control Points for aliens whose nationality does not require visa and do not have the intention to stay or live in Colombia. Granting this personal permit will only and exclusively be for foreigners requesting it, according to individual motivation and appraisal of multiple conditions. Its type varies according to the main activity to be developed by the aliens.
* **Temporary Permanent Permit – PTP –** Administrative authorization issued by Migration Colombia in the Migratory Service Facilitating Centers for aliens whose nationality does not require visa and desire to extend their permanence or change the type of activities that are authorized, having used an Entrance and Permanence Permit. This permit has a cost and in all cases, permanence has a limited period of time, according to provisions in the migration standards.
* **Border Resident:** This includes the national or foreign individual that lives in these areas, municipalities and/or departments of the borders or Border Integration Zones established by the National Government.
* **Foreign Transit:** Circumstantial crossing of the border by residents at existing migratory control sites and towards border areas previously established, in compliance with terms and requirements established in migratory standards in effect.
* **Crew:** This refers to indispensable technical personnel holding an enabling document issued by the national competent authority, which allows such individual to drive, maneuver, and maintain the transportation means and to provide care to passengers during their travels, as required.

**Article 2. Regarding Permits:** The Migration Colombia Special Administrative Unit can grant the Entrance and Permanence Permit, Temporary Permanence Permit and Border Transit Authorization to aliens entering the national territory without intention to stay in the country and who do not require a visa, after complying with requirements established in the present Resolution.

**CHAPTER I**

**ENTRANCE AND PERMANENCE PERMITS – PIP**

**ARTICLE 3. Entrance and Permanence Permits – PIP:** Migration Colombia may grant Entrance and Permanence Permits to foreign citizens having the intention to enter the national territory, without trying to settle and remain in Colombia, who do not require visa and intending to carry out the declared activities, in compliance with specific migration requirements.

**ARTICLE 4. *Types of Entrance and Permanence Permits -*** Migration Colombia’s Special Administrative Unit has the power to grant Entrance and Permanence Permits – PIP to foreign citizens, in the following cases:

**PIP-1:**

* Individuals whose presence represents specific importance for Colombia.
* Those who intend to enter the country to develop and comply with Cooperation and International Assistance Covenants, Agreements or Treaties.
* Individuals who intend to enter Colombia in order to support, attend or cooperate in Peacekeeping activities.

**PIP-2:**

* Individuals interested in attending informal academic education programs that do not exceed one (1) semester.
* Those interested in entering the country in virtue of an academic exchange covenant or a student internship.
* Those interested in entering the country as teachers or researchers, or as speakers to develop academic covenants or teaching activities, as well as academic transfer.
* Individuals interested in art or trade training.

**PIP-3:**

* Individuals interested in entering the country in order to receive medical care, services or treatment in institutions duly authorized by competent entities.

**PIB-4:**

* Individuals requiring to enter Colombia to clarify their personal situation in legal or administrative processes.

**PIB-5:**

* Those interested in resting or recreational tourism.
* In reciprocity, citizens of the Federal Republic of Germany, Republic of Austria, Kingdom of Belgium, Republic of Bulgaria, Republic of Cypress, Republic of Croatia, Kingdom of Denmark, Republic of Slovakia, Republic of Slovenia, Kingdom of Spain, Republic of Estonia, Republic of Finland, Republic of France, Hellenic Republic (Greece), Hungary, Italy, Republic of Latvia, Republic of Lithuania, Great Duchy of Luxembourg, Republic of Malta, Kingdom of the Netherlands, Republic of Poland, Republic of Portugal, Czech Republic, Rumania, Kingdom of Sweden, Swiss Confederation, Kingdom of Norway, Principality of Liechtenstein and the Republic of Iceland, who want to enter the national territory to perform activities considered in the PIP-2, PIP-3, PIP-5 and PIP-6, and others established in the Agreement between the European Union and the Republic of Colombia about Visa Exemption for Short Stay Visits.

**PIB-6:**

* Individuals interested in entering the country as attendees or participants in academic, scientific, artistic, cultural, sport or religious activities which do not generate any type of compensation, income or economic payment.
* Those intending to have an interview or participate in a job selection process.
* Those intending to participate in entrepreneurial or institutional training activities.
* Individual intending to perform media coverage or journalism activities.

**PIB-7:**

* Individuals who not require having a visa and that according to judgment of migration authorities, have a justifiable reason to enter the country in an urgent manner to provide specialized technical assistance.

**PIB-8:**

* Individuals who do or do not require a visa, and intend to enter the country as crew or members of an international transportation media.

**PIB-9:**

* Individuals who do or do not require a visa, and that according to the opinion of migratory or sanitation authorities, demand urgent care in order to protect their lives and personal integrity.

**PIB-10:**

* Individuals who do or do not require a visa and make par of touristic groups in maritime transit of cruise-type ships, in case they arrive in maritime or river ports, and will re-embark the same vessels. In this case, travelers are subject to migratory authorities’ control, without requiring to request a visa, migratory card or stamping a migratory seal in their Passport or Traveling Document to enter or exit the country.

**PARAGRAPH 1**. Exceptionally, by request of the Ministry of Foreign Affairs in which the reasons for request are expressed, Migration Coloring visa may authorize the entrance to an alien requiring visa, only with the use of some of the Permits mentioned herein.

**PARAGRAPH 2.** The PIP-7 permit will be effective only during the time established to carry activity and through the informed entry control point. If the specialized technical assistance represents the need for additional time and the alien has already obtained such permit during the calendar year, he/she shall process the corresponding visa application.

**ARTICLE 5. *Requirements.*** Aliens intending to enter the national territory using any of the permits mentioned in Article 4 of the present Resolution, apart from complying with requirements mentioned in Article 2.2.1.11.2.1 of Decree 1067 of 2015, shall have sufficient resources for their stay in Colombia and a return ticket or the means to exit the country.

**PARAGRAPH 1.** At its discretion, the migration authority, as part of the entrance control, may ask the alien for physical or digital support documents that demonstrate or certify the activity to be performed by the alien, such as: invitation letters, return ticket, registration or acceptance in educational institutions, medical certificates, copy of the administrative or judicial communications or decisions, etc.

**PARAGRAPH 2.** In the case of PIP-7, aliens shall in all cases send a communication to the Regional Director of Migration Colombia, who authorizes the entrance.

The above mentioned communication will be issued based on reasons exposed in the letter or certificate of the company, addressed to Migration Colombia, at least five (5) working days before the actual entrance date, indicating the activity intended to be performed.

**PARAGRAPH 3.** For PIP-8 and PIP-10 cases, for crew personnel or members of touristic groups in maritime transit, the permit will be issued depending on the General Flight Statement, Seaman Book or Crew List, Land Crew Card, Crew Permit and list of passengers or credentials of tourists issued by the agency or airline.

For migratory control in cruise ships docking in authorized sea ports, migration authorities will make the official visit in agreement with the different authorities in order to check to passenger and crew lists.

This permit will be deemed granted with the approval of the Migration Official appearing in the Official Visit Minute, so with the presentation of the credentials issued by the shipping line certifying passengers are members of a touristic group, they may remain within the geographic limits of the Regional Directorate of the location where they disembark.

**ARTICLE 6. *About the Time of Permanence.*** The Special Administrative Unit of Migration Colombia, in compliance of its functions, will keep record of the number of days of permanence of each alien holding PIP and PTP permits entering the country, to avoid exceeding more than one hundred and eighty (180) calendar days (either continuous, or interrupted) within the same calendar year, as follows:

**PIP-1, PIP-2, PIP-3, PIP-4, PIP-5 and PIP-6:** Will have a duration of ninety (90) days.

**PIP-7:** Will have a duration of thirty (30) days.

**PIP-8 and PIP-9:** Will have a duration of ten (10) days

**PIP-10:** The duration will depend on the time of permanence of the ship or touristic cruise in a Colombian port.

**PARAGRAPH:** According to international instruments and mechanisms on the reciprocity principle, entrance and permanence permits could be granted for a direct term of maximum 180 days, without the right to be extended. These measures or Agreements shall be bilaterally established in a specific administrative minute.

**CHAPER II**

**TEMPORARY PERMANENCE PERMITS – PTP**

**ARTICLE 7 – *Temporary Permanence Permits:*** The Special Administrative Unit of Migration Colombia may grant Temporary Permanence Permits in the following cases:

**PTP-1:** For aliens having the PIP-1 permit and need to remain in Colombia for a period longer than the days approved by the PIP.

**PTP-2:**  For aliens having the PIP-2 permit and need to remain in Colombia for a period longer than the days approved by the PIP.

**PTP-3:** For aliens having the PIP-3 permit and need to remain in Colombia for a period longer than the days approved by the PIP.

**PTP-4:** For aliens having the PIP-4 permit and need to remain in Colombia for a period longer than the days approved by the PIP. In this particular case, the permit will be granted for ninety (90) calendar days, extendable according to provisions in administrative minutes issued by migration authorities. This permit must be processed before the expiration of the granted PIP.

**PTP-5:** For aliens having the PIP-5 permit and need to remain in Colombia for a period longer than the days approved by the PIP.

**PTP-6:** For aliens having the PIP-6 permit and need to remain in Colombia for a period longer than the days approved by the PIP.

**PTP-9:** For aliens having the PIP-9 permit but the initial emergency or humanitarian needs continue. In that case, the permit will be granted for ten (10) calendar days, having to process it before the expiration of the granted PIP. This permit will have no cost.

**PARAGRAPH 1:** In the case of PTP1, PTP-2, PTP-3, PTP-4, PTP-5 and PTP-6, permits will be granted for a period of ninety (90) calendar days and shall be processed at least one (1) day before the expiration of the granted PIP.

The duration of PIP-7, PIP-8 and PIP-10 permits cannot be extended.

**PARAGRAPH 2:** In the case of aliens from nationalities mentioned in the second case of the PIP-5 permit, Article 4 of this Resolution regarding the Agreement subscribed by and between the European Union and the Republic of Colombia regarding Visa Exemption for Short-Stay Visits, the term can be extended by granting a no cost Entrance and Permanence Permit.

**CHAPTER III**

**GENERAL PROVISIONS FOR ENTRANCE AND PERMANENCE PERMITS – PIP AND**

**TEMPORARY PERMANENT PERMITS – PTP**

**ARTICLE 8. *Number of Permits.*** The Special Administrative Unit of Migration Colombia may grant several of the Permits mentioned in Articles 4 and 7 of the present Resolution, or change it for the same individual, as long as it does not exceed one hundred and eighty (180) calendar days within the same calendar year.

**ARTICLE 9. *Permit Changes:*** The Special Administrative Unit of Migration Colombia may change permits according to provisions in Articles 4 and 7 of this Resolution, understanding them as time extensions for aliens’ permanence in Colombia, as follows:

* Grant a PTP permit to the alien entering the national territory under one of the conditions mentioned in Article 4 of the present Resolution, who during their permanence in Colombia require to change the condition which originated such permit, given the duration terms are not exceeded.

**PARAGRAPH:** When one of the above mentioned changes are requested, the initial terms granted in the permit will not be modified. In all cases, an alien will be able to remain in the country during the calendar year a maximum amount of 180 days. Duration of permits PIP-7, PIP 8 and PIP-10 cannot be extended.

**ARTICLE 10: *Permit Cancellation.*** The Special Administrative Unit of Migration Colombia, through its Regional Directors, at any time may cancel the permits described in Articles 4 and 7 of the present Resolution, leaving written proof. This decision may not be changed in the following cases:

1. The alien is deported or expelled from the country.
2. In case there is proof of fraud or intentional acts that do not imply a crime, but are performed by the applicant to avoid compliance of legal requirements leading to an error in granting the permit.
3. When there is information from other authorities which prove alteration of social coexistence caused by the alien, therefore affecting the citizens’ security**.**

In applicable cases, the facts shall be informed to competent authorities.

**PARAGRAPH:** Once the cancelation of the permit is informed, the alien must abandon the country no later than five (5) days after the corresponding notice. If the alien does not leave the country during that period of time, he/she will incur in an illegal permanence and may be deported, according to migration legislation in effect.

**CHAPTER IV**

**BORDER TRANSIT**

**ARTICLE 11. *Border Transit Authorization.*** The Special Administrative Unit of Migration Colombia, aligned with its role and in in accordance with provisions in Article 1 of Decree 1325 of 2016, may grant Border Transit Authorizations to aliens intending to circumstantially cross the limits between border locations.

This authorization does not constitute an Entrance and Permanence Permit. It does not allow domicile or residence, and does not authorize performing activities which require a visa, PIP or PTP in Colombia. The effects of such authorization are exclusively limited to border cities/towns identified herein, or in other administrative minutes issued on this topic.

**ARTICLE 12. *Bi-national Document for Border Migration Control:*** According to mechanisms and instruments in effect and with the purpose of registering, identifying, controlling and supervision aliens who are beneficiaries of the Border Transit Authorization, the Special Administrative Unit of Migration Colombia adopts this administrative document, which will serve as documental support to the above mentioned authorization.

The general characteristics, form and fields or data of this document are attached as Annex 1 of the present Resolution.

**ARTICLE 13: *Beneficiaries.***  The benefit of the Border Transit Authorization will be granted to Colombian and foreign citizens from neighboring countries residing in the areas established by the National Government, who due to the border and neighborhood dynamics, need to transit to municipalities adjacent to the borders of Colombia, without the intention to settle or develop an activity for which a visa is required.

**ARTICLE 14. *Registration.*** In order to maintain the supervision and follow-up of border transit, Migration Colombia will implement the processes and procedures to capture personal data and document revisions required. This data will be stored and processes in institutional information systems and databases in order to generate and supervise the issuance and usage of the Bi-National Document for Border Migration Control.

**ARTICLE 15. *Border Transit Control.*** Citizens authorized for border transit, in all cases, when entering or exiting Colombia, shall be subject to control by migration authorities. As part of this control, the citizens must present their Bi-National Document for Border Migration Control at the border, as well as providing information requested by the migration authorities.

**PARAGRAPH.** Migration Colombia will establish manual or electronic mechanisms to register and control the citizens’ that enter and exit at the border using the Bi-National Document for Border Migration Control.

**ARTICLE 16. *Geographic Application.*** The Border Transit Authorization will have reciprocal application, as determined by the specific instruments or mechanisms subscribed with the competent authorities in the neighboring countries.

**PARAGRAPH.** In the case of citizens from Venezuela, the Border Transit will be authorized at the Migration Control points of Paraguachon (Guajira), Simón Bolívar (Norte de Santander), Arauca (Arauca), Puerto Carreño (Vichada) and Inírida (Guainía), in the following municipalities:

|  |  |
| --- | --- |
| **MUNICIPALITY** | **DEPARTMENT** |
| Maicao | Guajira |
| Metropolitan area of Cúcuta, municipalities of Los Patios , Villa del Rosario, El Zulia, San Cayetano and Puerto Santander | Norte de Santander |
| Arauca | Arauca |
| Puerto Carreño | Vichada |
| Inírida | Guainía |

**ARTICLE 17. *Validity of the Border Transit Authorization:*** The authorization will have a SIX (6) CALENDAR MONTHS validity, as of the date of registration of the beneficiary, which can be verified in the Bi-National Document for Border Migration Control at the border. Once this period is exceeded, the beneficiary shall proceed to renew the authorization with the migration authorities, using the same Document or its replacement.

**TRANSITIONAL PARAGRAPH:** Considering the border migration dynamics at the Venezuelan border, the Border Transit Authorization will be given through a temporary document which will be in effect during THIRTY (30) calendar days. The migration seal will be stamped by the authorities of Colombia and Venezuela. In a maximum term of NINETY (90) DAYS after the effective date of the present Resolution, the Bi-National Document for Border Migration Control will be implemented in the border, using the intelligent card mechanism.

**ARTICLE 20. *Adoption.*** In order to comply with provisions herein, the procedure for the “Border Transit Authorization at the Colombia-Venezuela Border is adopted. This will integrate with Version 4 of the Migration Control Process Manual and the Guide for Migration Control at Land Borders.

**ARTICLE 21. *Repeal.*** This Resolution repeals all contrary provisions.

**ARTICLE 22. *Validity.*** The present Resolution is effective as of its date of issue.

**TO BE PUBLISHED, COMMUNICATED AND FULFILLED**

Subscribed in Bogotá, D.C., on August 12, 2016

Signed by

**CHRISTIAN KRUGER SARMIENTO**

General Director

Special Administrative Unit – Migration Colombia

Revised by: Jairo Alejandro Casallas – Secretary General

 Winston Andres Martínez – Head of the Legal Advisory Office (in charge)

 Julio Roberto Aponte – Head of the Planning Advisory Office (in charge)

 Humberto Velasquez Ardila – 2nd Director of Migration Control

 Nelly Susana Torres – 2nd Director of Immigration

 Duberly Eduardo Murillo Barona – Head of IT Offie

Prepared by: Ruben González – 2nd Directorate of Migration Control

 Maria Rubbi Perdomo Lasso – 2nd Directorate of Control

 Alejandra Pinilla – Legal Advisory Office