



Montevideo 12 November 2024

Sr Juan Carlos Salazar
Secretary General
International Civil Aviation Organization (ICAO) Montreal, Canada.

Ref: Uruguayan passports/Follow up on the use of nationality/citizenship code in passports

Dear Secretary General

On behalf of Somos Todos Uruguayos, we would like to kindly request an update on the issue of Uruguayan passports and implementation of the conclusions of the [TAG/TRIPS4 Flimsy No02](#) of 10/12/2023 and subsequent recommendations by the NTWG. As you are aware we have been highlighting the challenges of country of birth being placed in lieu of citizenship with ICAO since 2020, leading to the Uruguayan passports issued to legal Uruguayan citizens returning “error” at migration and with airlines, and associated major challenges, costs and distress this causes.

We are very appreciative of the clarification of ICAO on the solution to errors being returned by passports and identity documents (cedulas) issued to legal (naturalized) citizens of Uruguay with the Uruguayan authorities and so were optimistic of a relatively rapid solution after seven years of seeking this. Additionally, Ambassador Abdala, as Uruguay’s Ambassador before the Organisation of American States (OAS) at a hearing held at the [Interamerican Commission for Human Rights](#) on 1st of March 2024 was able to give assurances that the passport would be solved relatively rapidly. On 16 of May of this year, the Minister of Interior, Minister Martinelli, also kindly [held a meeting with our organisation](#), noting that new passports were being procured and once issued later in the year or early 2025 and in this updated version they would no longer face the challenge of an error being returned making travel with Uruguayan passports more feasible and dependable again.

However more recently, it has come to our attention that the stock of existing passports held by the Ministry of Interior’s Civil Identification Directorate (DNIC) has led to a freeze of procuring updated passports. This means that unless the Ministry of Interior is reassured that the current passport format can be adjusted to meet ICAO and national considerations, legal Uruguayan citizens will not see a solution for at least another year and their right to freedom of circulation will remain significantly constrained. This is causing considerable angst for legal Uruguayan citizens, especially those unable to easily access alternative documentation.

Additionally, the recent closure of the Venezuelan Embassy in Uruguay has significantly increased the proportion of Uruguayan legal citizens facing significant challenges when wishing to travel without major uncertainty given the fact in recent years, people of Venezuelan origin make up the largest group obtaining Uruguayan citizenship. The weight of the impact is very different from someone who is living the reality of **statelessness** and individuals who find it **hard or very expensive to access passports of their country of origin**, from those who have relatively “strong” passports to fall back on. We estimate around a third of Uruguay’s legal citizens will be facing challenges accessing their passport of origin, and in all cases, this should not be an expense that is required, unless of course the individual also chooses to hold a passport of their country of origin where dual citizenship is permitted.



Noting the forthcoming [TRIPS Symposium](#), we wanted to kindly request that:

- **Consider providing a technical review of the three options we have attached as an annex.** As an organisation, we are lobbying for the current passports to be issued with “Uruguayan citizen” as a medium-term solution until the preferred option of a change of title in a new passport format allowing for all Uruguayan citizens to be identified as just that.
- **Understand senior decision makers need clarity to make fully informed decisions.** The Spanish version of 9303-3 section 7.1 still translating citizenship to *nacionalidad* and no public amendment has been issued in clarification that can be referred to. We understand this is a decision for the Uruguayan State, however clear and transparent clarification and communication helps enable the adjustments required.

It is a shared objective of Ministry of Interior and Ministry of Foreign Affairs to rapidly solve the issue with passports, and therefore our request is simply to help enable a rapid solution.

Yours sincerely,

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Annex

Options available to the Uruguayan authorities to be able to issue passports to naturalized citizens that are consistent with 9303-3 part 7.1.

ICAO notes that ordinary passports will return “error”, if country of birth rather than citizenship is noted in the machine-readable zone (MRZ), which in turn should be reflected in the “nationality/citizenship” field. This has been clarified by ICAO and noted by the Uruguayan national identity directorate (DNIC) and the Minister of Interior as an issue to address as soon as possible. This note highlights three options drawing on examples applied by other countries, all of which we believe would meet ICAO passport requirements and would welcome our understanding being confirmed.

1) Place “Uruguayan” in the relevant field (with additional details on page 4 if required) and associated URY in the MRZ. This is the most common approach applied internationally, where countries reflect the citizenship and/or nationality of the passport holder consistent with the country of issuance.

Benefits: consistency with ICAO and reflecting Uruguay’s own practice for currently applied to Uruguayan nationals and Uruguayan natural citizens (but currently not to Uruguayan legal citizens). Can be easily implemented without delay using the current passports.

Challenges: some constitutional legal scholars may raise concerns as not all Uruguayan citizens are legally defined as Uruguayan nationals, though there is a debate at an academic level of whether all citizens are nationals. However, this is the reason to date for why passports issued to legal citizens show country of birth in the nationality/citizenship field as country of birth has been applied as a proxy for nationality, and the Spanish version of 9303-3 section 7.1 indicates nationality (and not citizenship as expressed in English and other official translations).

2) Place “Uruguayan citizen” in the relevant field. This approach appears to be applied more usually by countries with more “complex” definitions of nationality. For example, in the United Kingdom, made up of several home nations, passports are issued with *British Citizen* placed in the nationality field.

Benefits: it is accepted that legal (naturalized) citizens of Uruguay are citizens, and it is consistent with ICAO guidance. It is also consistent with Uruguay’s own passport practise especially prior to 1994. It can be simply rectified through an administrative decree and adjustment to the relevant field. This option can also be quickly implemented using the current format of Uruguayan passports.

Challenges: given the title of the field will remain “nacionalidad / nationality” there may be some latent concerns as above, however the fact the individual is identified as a citizen should reduce this perceived risk.

3) Issue new passports, with the title of the field adjusted to “*ciudadanía* / nationality”. This is observed in countries where national identity is based on citizenship and not nationality (eg: Russia, Hungary) or there remains a conceptual debate around the definition of nationality (eg: Italy).

Benefits: this leaves no space for domestic debate or objection, as the title is clear at least in the national language (Spanish) that the passport is being issued to a citizen (not a



national). Additionally, a significant number of Uruguayans also hold Italian citizenship, making it easy to point concerned individuals to these passports.

Challenges: this will require a new passport format. Given Uruguay still has a considerable stock of its current passports, a new format is not expected for at least another year. This leaves around 16000 legal citizens with documentation that will return “error” when used, and especially reduces the ability for international mobility for many citizens unable to access the passport of origin due to economic or political reasons or are now effectively stateless having lost their nationality of origin on becoming Uruguayan citizens (but not nationals) and not able to access passports issued by their former nationality.

UK Passport example



Italian Passport example



/end/