Challenges and practices for establishing applicants' identity in the migration process

Common Template of EMN Focussed Study 2017

Final Version: 05/04/2017

Subject: Common Template for the EMN Focussed Study 2017 on "Challenges and practices for establishing applicants' identity in the migration process".

Action: EMN NCPs are invited to submit their completed Common Templates by 5th July 2017. If needed, further clarifications can be provided by directly contacting the EMN Service Provider (ICF) at emn@icf.com

1 STUDY AIMS AND RATIONALE

1.1 STUDY AIMS

The **overall aim** of the Study is to offer an overview of the important challenges faced by national authorities in their efforts to reliably establish and verify the identity of third-country nationals within the context of various migration procedures -namely those related to asylum, return and legal migration channels (including both short-stay and long-stay visas and residence permits)- and of national practices to address those challenges.

More specifically, the Study aims to:

⭐ Identify **common challenges** concerning the establishment and verification of a third-country national's identity when processing applications for international protection, managing return procedures and handling applications for short and long stay visas and residence permits;

⭐ Present available statistics on the **estimated scale** of the population of asylum applicants, irregular migrants and returnees lacking (reliable) identity documents, as well as the reasons why such statistics are not available or not published;

⭐ Document (Member) States' **policies and practices** in addressing identity issues (including the lack of satisfactorily documented identity) in the handling of migration procedures;

⭐ Map (Member) States' approaches to establish the identity of third-country nationals in **situations of disproportionate migratory pressure** at the external borders or on the national territory, including under the EU 'Hotspot' approach;

⭐ Gain an insight into the use of **innovative technologies and methodologies** (including e.g. biometrics, databases and language analysis) to support identification and identity verification processes;

⭐ Uncover any recent **changes in identity management policy and practice**, in particular in those (Member) States affected by the increasing number of arrivals within the context of the European migrant and asylum crisis;

⭐ Identify possible steps towards **further joint actions** in this area to make (Member) States' efforts more effective;

The Study will update and supplement the 2013 EMN Study on 'Establishing Identity for International Protection: Challenges and Practices', especially in light of the application of the recast Directives on Qualification for international protection[1] and Asylum Procedures,[2] the experiences gained by some (Member) States since 2014 from handling higher numbers of asylum seekers and irregular migrants and the use of new identity management technologies and techniques. The Study will also explore identity management issues emerging within the context of legal migration channels, a thematic area which was not addressed in the 2013 EMN Study.

1.2   TARGET AUDIENCE

The **target audience** of the Study consists of national and EU officials/practitioners concerned with asylum, return and legal migration channels, and in particular with the establishment and verification of the identity of the third-country nationals concerned.

The results of the Study will assist the target audience in taking informed decisions on the need (or not) to introduce modifications to current policies and practices used to establish and verify the identity of third-country nationals within the context of migration procedures.

1.3   RATIONALE

Identity management in migration procedures has become ever more crucial in recent years in light of the increase in the number of applications for international protection since 2014/2015 and of current security challenges. The ability to unequivocally establish the identity of a third-country national is of key importance when considering applications for visas to legally enter the Member State both for short and long stays, or for asylum following irregular entry, as well as for the return of irregular migrants to third countries. It is also essential to ensure that vulnerable persons such as unaccompanied minors have access to adequate standards of care. Moreover, effective identity management policies and practices are a prerequisite not only for the proper functioning of the migration and asylum system but also for maintaining the citizen's trust in their integrity and reliability.[3]

Many applicants for international protection cannot provide documents substantiating their identity. Those who flee persecution often do not have the possibility to take identity documents with them when leaving their country of origin. Some of those who apply for protection may not want to reveal the identity by which they are known to the authorities in the country of origin, for valid fears or other reasons. It also appears that in some cases migrants are advised to destroy their identification documents upon arriving in the EU. Moreover, when third-country nationals do provide identity documents as part of their application for international protection, these documents are sometimes considered false or otherwise invalid by the responsible authorities in the (Member) States. These issues clearly limit the authorities' ability to assess the validity of the applicant's claims and to make decisions on their asylum cases. Without establishing the identity of an asylum seeker it can be very difficult for the authorities to determine the credibility of their asylum claim, and also whether responsibility for assessing such application lies with the (Member) State where this has been lodged in accordance with the rules governing the Dublin system.

These challenges are compounded by the surge in the number of asylum applications in recent years, especially since 2014/2015. Based on statistics provided to Eurostat, the number of applications for international protection more than doubled between 2009 (287,000) and 2014 (662,000), with a sharp increase witnessed especially since 2013. In 2015, more than double the number of applications for asylum were lodged compared to 2014, reaching

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[1] Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) , OJ L 337, 20.12.2011.

[2] Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), OJ L 180, 29.6.2013.

[3] For a reflection on these issues, see the Introduction to the proceedings of the Conference 'The Establishment of Identity in the Migration Process', Vienna (Austria), 2 May 2016, available at: http://www.emn.at/en/national-emn-conference-austria-the-establishment-of-identity-in-the-migration-process/ [last accessed on 20 March 2017]

a total of 1.39 million applications. At 1.26 million, the number of asylum applications remained similar in 2016.[4] Against this background, establishing the identity of individual applicants for international protection often takes place in the face of the elevated migratory pressures manifested in very high numbers of migrants arriving in the EU irregularly. The EU has established the **'Hotspot' approach** to provide operational support to the Member States concerned, in particular in relation to the registration and identification processes.

In circumstances where the person's age is in doubt, **age assessment** constitutes an element of the identification procedure that the authorities may need to undertake. Establishing whether an individual is an adult or a child is essential to ensure that children are afforded the protection they are entitled to by law and also to prevent that adults are placed among children and have access to rights and services which are not intended for them.[5] Over 96 thousand unaccompanied minors (UAMs) applied for asylum in the EU in 2015, with Sweden receiving around 36% of them.[6] The Study will review the age assessment procedures followed by the (Member) States for UAMs when the date of birth is not credibly documented.

The Study also addresses the challenges associated with identity determination in the context of the **return of rejected applicants for international protection**, i.e. those who receive a negative decision, or who have exhausted or abandoned the asylum procedure. This group will be referred to in short as "rejected applicants" for international protection or "rejected asylum seekers". It is widely recognised that an efficient return policy is needed to safeguard the integrity of the common asylum procedure. However, effective returns are often complicated by the fact that only a small minority of applicants for international protection hold (valid) identity documents. In the absence of valid proof of identity, it is not possible to return rejected asylum seekers to their assumed country of origin since this may not then accept the person. While an important distinction exists between assisted (voluntary) and forced return of rejected applicants for international protection, this Focussed Study only addresses the regulations and procedures which exist in relation to forced return.

Identity management tasks are also performed at the Member States' embassies and consulates abroad. In 2015 almost 15.5 million applications for Schengen visas were processed at EU consulates in third countries and over 14 million visas were issued (up from around 12 million in 2011).[7] Unlike in the asylum and return procedures, where credible identity documents are often lacking (see above), visa applicants are under a strong obligation to establish their identity by presenting a valid travel document. In order to ascertain whether the person concerned meets entry conditions, the competent consulate is responsible for verifying the authenticity of the travel document presented. However, before the Visa Information System (VIS) was in operation in November 2015, (Member) States faced important difficulties in ascertaining whether a visa applicant was using a false identity to obtain a Schengen visa.[8]

For stays longer than three months, third-country nationals should obtain a **long-stay visa and/or a residence permit** for the purposes of work, study or family reunification. Applicants for long-stay visas and/or residence permits are also required to provide credible and verifiable documentation of their identity,[9] and to satisfy the

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[4] Eurostat, 'Asylum Statistics (Data extracted on 2 March 2016)', available at: http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics [last accessed on 12 March 2016].

[5] EASO, 'Age assessment practice in Europe, December 2013', available at: https://www.easo.europa.eu/sites/default/files/public/EASO-Age-assessment-practice-in-Europe1.pdf, last accessed on 24th March 2017.

[6] See Eurostat, 'Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded)', [migr_asyunaa], available at http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyunaa&lang=en, last accessed on 24th March 2017, last accessed on 24th March 2017.

[7] See the Complete statistics on short-stay visas issued by the Schengen States available from the European Commission website at https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en#stats, last accessed on 5th April 2017.

[8] European Commission, Commission Staff Working Document, 'Evaluation of the implementation of Regulation (EC) No 767/2008 of the European Parliament and Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) / REFIT Evaluation', SWD(2016) 328 final, 14.10.2016.

[9] A partial exception to this rule concerns family reunification. While in family immigration cases the obligation for the applicant to establish and clarify the identity of the applicant is also stronger than in the asylum procedure, if it is impossible to get the requisite documents, the authorities may resort to other means in order to identify the person and ascertain the family relationship. See Oxford Research, 'Comparative study of ID management in immigration regulation – Norway, Sweden, the

other conditions applicable for the granting of the visa or permit. As in other migration procedures, however, the need to verify this documentation and link it to the applicant creates challenges for the responsible authorities. Moreover, the EU rules on free movement within the Union mean that this is not only a national concern but one in which national capacities and practices have consequences for all (Member) States.

The Study will also look into the **technical solutions and methodologies** used by the Member States to support the identification process. Identity management is an area where technical innovations are occurring at a fast pace. To support the identification of third-country nationals in the immigration process, the EU has three main centralised information systems (i) the Schengen Information System (SIS) with a broad spectrum of alerts on persons and objects, (ii) the Visa Information System (VIS) with information on short-stay visas, and (iii) the EURODAC system with fingerprint information of applicants of international protection and third-country nationals who have crossed the external borders irregularly. All three systems work on the basis of biometric technology, whereby unique identifiable attributes of people are used for identification and authentication.[10] In addition, at the national level Member States use various methods to help establish migrants' identity or, at the very least, their nationality, such as language analysis and interviews.

2   SCOPE OF THE STUDY

2.1   IDENTITY MANAGEMENT TASKS COVERED

The Study examines (Member) States approaches to establish the identity of third-country nationals within the migration process in a broad sense, covering both identification and identity verification related tasks:[11]

⭐ **Identification**: Identification procedures and systems (e.g. biometric systems) are different from identity verification systems in that they seek to identify an unknown person or biometric. The identification procedure/ system aims to answer the question: "Who is this person?" Biometric identification systems are characterised as 1-to-n matching systems where n is the total number of biometrics in the database against which the person's biometric characteristics are checked.

⭐ **Identity verification**: Identity verification procedures and systems seek to answer the question: "Is this person who they say they are?" Biometric verification systems are generally described as 1-to-1 matching systems because they try to match the biometric presented by the individual against a specific biometric already on file.

2.2   MIGRATION PROCEDURES COVERED

The Study will address identity management issues within the context of the following migration procedures:

⭐ Asylum procedure;

⭐ Return procedure;

⭐ Legal migration channels:

> Applications for short-stay visas;

> Applications for long-stay visas/ residence permit for study, work and family purposes.

Identity management issues related to naturalisation procedures are outside the scope of the Study.

3   EU LEGAL AND POLICY CONTEXT

3.1   COMMON EUROPEAN ASYLUM SYSTEM

Netherlands and United Kingdom', 2013, available at: https://www.udi.no/statistikk-og-analyse/forsknings-og-utviklingsrapporter/comparative-study-of-id-management-in-immigration-regulation.-norway-sweden-the-netherlands-and-united-kingdom-2013/, last accessed on 5th April 2017.

[10] Biometric institute: Definition of biometrics, available at: http://www.biometricsinstitute.org/pages/definition-of-biometrics.html, last accessed on 24th March 2017.

[11] See for example, BiometricUpdate.com: 'Explainer: Verification vs. Identification Systems', available at: https://www.biometricupdate.com/201206/explainer-verification-vs-identification-systems, , last accessed on 24th March 2017.

The **Common European Asylum System (CEAS)** requires inter alia Member States: "to verify the identity of the applicant in order to produce a legally correct decision based on the facts and circumstances in the individual case". More specifically, Article 4 paragraph 2 (b) of the **Recast Qualification Directive**[12] introduces a duty for Member States to assess the identity of asylum seekers, while Article 13 of the **Recast Asylum Procedures Directive**[13] imposes an obligation upon applicants to cooperate with the competent authorities with a view to establishing their identity.

The **Dublin III Regulation**[14] establishes the rules for determining which Member State is responsible for examining an application for international protection that has been lodged in one of the Member States by a third country national or a stateless person. The Dublin III Regulation is complemented by the EURODAC Regulation (EU) No. 603/2013,[15] which set up an EU asylum fingerprint database in order to establish the identity of applicants for international protection and of persons apprehended crossing the external border irregularly. EURODAC facilitates the application of the Dublin III Regulation by providing fingerprint evidence to facilitate the determination of the (Member) State responsible. [16]

The Dublin system (Dublin III Regulation and EURODAC Regulation) is currently undergoing a process of reform, as proposed by the European Commission in May 2016.[17]

3.2   RETURN

The **Return Directive** sets out common EU standards and procedures on voluntary and forced return of illegally staying third-country nationals.[18] Although not bound by these provisions, Ireland and the United Kingdom provide in their policy for the possibility of voluntarily returning irregular migrants. Iceland, Liechtenstein, Norway and Switzerland while not members of the EU, implement the Return Directive as part of the Schengen acquis.

Within the framework of the Return Directive, identity management issues emerge in relation to Article 15, which establishes the grounds for detention. According to this provision, Member States may keep in detention a third-country national who is subject to a return procedure in order to prepare the return and/or carry out the removal process when there is a risk of absconding or when the third-country national concerned avoids or hampers the preparation of return or the removal process. The Return Handbook further elaborates on the criteria used at the national level to assess the whether a risk of absconding exist. Among others, these include lack of documentation and the absence of cooperation to determinate identity.[19] The Handbook clarifies, however, that 'the length of the initial apprehension period during which suspected irregular migrants may be kept in detention should be brief but

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[12] Directive 2011/95/EU, op. cit. (see footnote 1 above)
[13] Directive 2013/32/EU, op. cit. (see footnote 2 above)
[14] Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), OJ L 180, 29.6.2013.
[15] Regulation (EU) No 603/2013 of the European Parliament and of the Council of on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast), OJ L 180, 29.6.2013.
[16] European Commission, 'Identification of applicants (EURODAC)', available at: https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/identification-of-applicants_en, last accessed on 24th March 2016.
[17] Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast), COM (2016) 270 final, 4.5.2016.
[18] Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, 24.12.2008.
[19] Return Handbook, point 1.6, p.11.

reasonable for the purpose of identification', as stated in the answer provided by the Court of Justice of the European Union in Achughbabian.[20]

3.3 EU 'HOTSPOT' APPROACH

Following the unprecedented migration flows registered in 2015, the European Commission proposed to develop a new 'Hotspot' approach. **Hotspots** are located in frontline Member States facing disproportionate migratory pressure and are designed to help national authorities 'swiftly identify, register and fingerprint incoming migrants.'[21] Member States' authorities are supported on the ground by officers from EU Agencies, including the European Asylum Support Office (EASO), EU Border and Coast Guard Agency (Frontex), the EU Police Cooperation Agency (Europol) and EU Judicial Cooperation Agency (Eurojust). Currently, the Hotspot approach is being implemented in Italy and Greece. Other Member States can request the set-up of Hotspots on their territory.[22]

As regards the identity management related tasks carried out in Hotspots, these are mainly undertaken by Frontex, who supports Member States in identifying migrants (including by performing 'nationality screening') and provides assistance with registration and fingerprinting. Identification and registration is undertaken by Frontex Joint Screening Teams and fingerprinting officers, while Joint Debriefing Teams are in charge of interviewing migrants and gathering intelligence on smuggling routes and networks.

3.4 PROCESSING OF SHORT STAY VISAS

The **Visa Code**[23] establishes the procedures and conditions for issuing visas for short stays in and transit through the Schengen States and applies to nationals of third countries that need a visa when crossing the external border of the Union, based on Regulation (EC) No 539/2001.[24] National authorities have to verify the admissibility of the application by checking the identity of the visa holder and the authenticity and reliability of the documents submitted. After performing this task, they must create an application file in the VIS, following the procedures set out in the VIS Regulation.[25]

The **Visa Information System (VIS)** is the European information management system for the exchange of data on short stay visas between Schengen States. It consists of a central database, a national interface in each Schengen State and a communication infrastructure that enables to process data on visa applications and on visa issued, refused, annulled, revoked or extended. The system also performs biometric matching, primarily of fingerprints, for identification and verification purposes.[26]

3.5 FAMILY REUNIFICATION

The **Family Reunification Directive** aims to establish harmonised rules relating to the right of third-country nationals to be reunited with their family.[27] It applies to third-country nationals who have a residence permit valid for at least one year and who have a genuine option of long-term residence. The Directive sets the conditions and procedure for family reunification as well as rights to be granted to the family members of third-country nationals.

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[20] Alexandre Achughbabian c. Préfet du Val-de-Marne, C-329/11, European Union: Court of Justice of the European Union, 6 December 2011,

[21] European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'A European Agenda on Migration', COM(2015) 240, 13.05.2015.

[22] Ibid.

[23] Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), OJ L 243, 15.9.2009.

[24] Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, OJ L 81, 21.3.2001, p. 1–7.

[25] Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation), OJ L 218, 13.8.2008

[26] European Commission, VIS, available at: http://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-information-system_en, last accessed on 24th March 2017.

[27] Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, OJ L 251 3.10.2003.

In accordance with Article 5(2), an application for family reunification shall be accompanied, among others, by documentary evidence to prove the family relationship, and certified copies of the family member(s)' travel documents. The European Commission has noted that Member States have a certain margin of appreciation in deciding whether it is appropriate and necessary to verify evidence of the family relationship through interviews or other investigations, including DNA testing.[28]

3.6   OTHER LEGAL MIGRATION CHANNELS

The **Single Permit Directive** establishes a single residence and work permit for third-country nationals who are seeking to be admitted to a Member State to stay and work or third-country nationals who are already residing in a Member State and have access to the labour market or are already working in a Member State.[29] It also defines a set of common rights to be offered to third-country nationals covered by the Directive.

The **Students Directive** sets harmonised rules and conditions concerning the admission of third-country nationals to the Member States, for a period exceeding three months for the purposes of studies, pupil exchange, unremunerated training or voluntary service, as well as the minimum rights to be granted to those admitted.**[30]** The **Researchers Directive** introduces a special procedure governing the entry and residence of third-country nationals coming to carry out a research project in the EU for a period of more than three months.[31]

On 11 May 2016, the European Parliament and the Council of the EU approved amendments to the **Visa Directive** that harmonises entry and residence rules for non-EU students and researchers.[32] The recast Visa Directive allows non-EU students and researchers to stay in the territory of the Member State for at least nine months after finishing their studies or research in order to look for a job or set up a business. It also grants them a right to move within the EU during their stay without having to file a new visa application when moving from one Member State to another, and provides a right to work for at least 15 hours a week during their studies. Researchers are entitled to bring their family members with them, and those family members will be allowed to work during their time in Europe.[33] Member States should transpose the Directive within two years of its entry into force, i.e. by 22nd May 2018.

The **Blue Card Directive** applies to highly qualified third-country nationals seeking to be admitted for more than three months for the purpose of employment to the Member States, including their family members.[34] It sets the entry conditions, details the admission procedure and the lays down minimum rights to be granted.

The **Seasonal Workers Directive** applies to non-EU workers whose principal place of residence is in a non-EU country and who enter an EU Member State to work there temporarily.[35] The Directive requires each Member State

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[28] European Commission, 'Communication from the Commission to the European Parliament and the Council on guidance for application of Directive 2003/86/EC on the right to family reunification', COM(2014) 210 final, 3.4.2014.

[29] Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State, OJ L 343, 23.12.2011.

[30] Directive 2004/114/EC http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32004L0114&from=EN

[31] Council Directive of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service, L 375, 23.12.2004.

[32] Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing, OJ L 132, 21.5.2016

[33] European Parliament, Press release (11 May 2016): New rules to attract non-EU students, researchers and interns to the EU, available at: http://www.europarl.europa.eu/news/en/newsroom/20160504IPR25749/New-rule, last accessed on 24th March 2017.

[34] Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, OJ L 155, 18.6.2009.

[35] Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, OJ L 94, 28.3.2014

to draw up a list of sectors that are dependent on seasonal conditions (for example, summer tourism and harvesting of certain crops). Member States were required to transpose the Directive by 30th September 2016.

The **Intra-corporate Transferees Directive** applies to third-country nationals and their families who are transferred by their company to work in one or more of its centres inside the EU for more than three months.[36] The Directive provides a mechanism by which the transferee can carry out his/her assignment in multiple EU Member States without interruption and without the need to re-apply for admission each time s/he moves country. Member States were required to transpose the Directive by 29th November 2016.

All the legal instruments regulating the legal migration channels specified in this subsection require the applicant to present a travel document and, in some cases, an application for a visa or a valid visa or, where applicable, a valid residence permit or a valid long-stay visa.

3.7   EU INFORMATION MANAGEMENT SYSTEMS

The absence of internal borders in the Schengen area requires strong and reliable management of the movement of persons across the external borders, including through robust identity management. As noted in subsection 1.3 above, the three main centralised information systems developed by the EU are the SIS, VIS and EURODAC, all of which support identity management in the migration process. A EU regulatory agency, **eu-LISA**, is responsible for the operational management of all three systems.[37]

The **Schengen Information System (SIS)** allows the exchange of information between national border control authorities, customs and police authorities on persons who may have been involved in a serious crime.[38] It also contains alerts on missing persons, in particular children, as well as information on certain property, such as banknotes, cars, vans, firearms and identity documents that may have been stolen, misappropriated or lost. The second generation Schengen Information System (SIS II) entered into operation on 9th April 2013. The system enhanced the functionalities of the original SIS among others by including the possibility to enter biometric data (fingerprints and photographs).

The **Visa Information System (VIS)** allows Schengen States to exchange visa data.[39] It consists of a central IT system and of a communication infrastructure that links this central system to national systems. VIS connects consulates in non-EU countries and all external border crossing points of Schengen States. It processes data and decisions relating to applications for short-stay visas to visit, or to transit through, the Schengen Area. The system can perform biometric matching, primarily of fingerprints, for identification and verification purposes. Among other aims, the VIS facilitates checks and the issuance of visas by enabling border guards to verify that a person presenting a visa is its rightful holder and to identify persons found on the Schengen territory with no or fraudulent documents. The VIS was progressively deployed to consulates in third countries across several pre-defined regions in a progressive manner on the basis of three criteria defined by Article 48(4) of the VIS Regulation: the risk of irregular immigration, the threats to the internal security of the Schengen States, and the feasibility for collecting biometrics from all locations in the respective region. The rollout to consulates was completed in November 2015.

EURODAC is a large database of fingerprints of applicants for international protection and irregular immigrants found within the EU whose primary objective is to serve the implementation of Regulation (EU) No. 604/2013 ('the

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[36] Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, OJ L 157, 27.5.2014

[37] Further information is available at: http://www.eulisa.europa.eu/AboutUs/MandateAndActivities/CoreActivities/Pages/default.aspx, last accessed on 24th March 2017.

[38] See European Commission, 'Schengen Information System', available at: http://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system_en, last accessed on 24th March 2017.

[39] European Commission, VIS, available at: http://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-information-system_en, last accessed on 24th March 2017.

Dublin Regulation') (see subsection 3.1 above). EURODAC also allows Member States' law enforcement authorities and Europol to compare fingerprints linked to criminal investigations with those contained in EURODAC, only for the purpose of the prevention, detection and investigation of serious crimes and terrorism and under strictly controlled circumstances and specific safeguards.

In April 2016 the European Commission published a **Communication on 'Stronger and Smarter Information Systems for Borders and Security'** to launch a reflection on how existing and future EU information management systems could enhance both external border management and internal security in the EU.[40]

4   PRIMARY QUESTIONS TO BE ADDRESSED

The primary questions to be addressed by the Study are:

★   What are the main challenges, scale and scope of the issues faced by the (Member) States?

★   What is the national framework and capacity for establishing the identity of applicants for international protection, visa and residence permits, including the legislative framework, organisational structure, methods and processes applied?

★   How are decisions made with regard to cases of international protection where identity can at best be only partially determined?

★   How do national authorities proceed regarding rejected applicants for international protection with an obligation to return, when evidence regarding identity is missing or scarce?

★   How are identity management tasks approached in situations of disproportionate migratory pressure at the external borders or on the national territory, including under the EU 'Hotspot' approach?

★   To what extent are there similar identity management practices in the (Member) States in relation to applications for long-stay visas/ residence permits?

★   What is the added value of innovative technologies in supporting the identification and identity verification processes?

★   Has identity management policy and practice changed in the (Member) States in recent years, in particular in those affected by the increasing number of migrant arrivals?

★   Are there any good practices in the (Member) States as regards identity management within the context of migration procedures?

5   RELEVANT SOURCES AND LITERATURE

Where relevant, your National Contribution may refer to, or incorporate information from the national contribution to the following **EMN Studies**:

★   EMN Study on 'Policies on Reception, Return and Integration arrangements for, and numbers of, Unaccompanied Minors – an EU comparative study', May 2010;[41]

★   EMN Study on 'Establishing Identity for International Protection: Challenges and Practices', February 2013;[42]

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[40] European Commission, 'Stronger and Smarter Information Systems for Borders and Security', Brussels, COM(2016) 205 final, 6.4.2016.

[41] Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/unaccompanied-minors/0._emn_synthesis_report_unaccompanied_minors_publication_sept10_en.pdf, last accessed on 27th March 2017.

[42] Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/establishing-identity/0_emn_id_study_synthesis_migr280_finalversion_2002013_en.pdf, last accessed on 27th March 2017.

⭐ EMN Study on 'The Return of Rejected Asylum Seekers: Challenges and Good Practices', November 2016;[43]

⭐ EMN Study on 'Family reunification of third-country nationals in the EU', to be published in 2017.

The detailed planning of the Study as well as the template for the national contributions will also take into account the information provided in (Member) States' replies to the following **EMN Ad-hoc Queries**:

⭐ EMN Ad-Hoc Query on 'Control and verification of biometric data of biometric documents', requested by LU NCP on 16th September 2013;[44]

⭐ EMN Ad-Hoc Query on 'The mode of issuing the identity documents and resident permits', requested by BG NCP on 23rd April 2014;[45]

⭐ EMN Ad-Hoc Query on 'Recent or planned developments in the field of identity documents and information systems', requested by EE NCP on 16th June 2014;[46]

⭐ EMN Ad-Hoc Query on 'Proof of identity regarding third-country nationals who apply for residence permit', requested by FR NCP on 18th June 2014;[47]

⭐ EMN Ad-Hoc Query on 'Member States' Experiences with the use of the Visa Information System (VIS) for Return Purposes', requested by the European Commission on 18th March 2016.[48]

Other relevant sources include:

⭐ Oxford Research, 'Comparative study of ID management in immigration regulation – Norway, Sweden, the Netherlands and United Kingdom', 2013;[49]

⭐ The Conference Proceedings of the AT EMN NCP Conference on 'The Establishment of Identity in the Migration Process' , held on 2nd May 2016;[50]

⭐ The national contributions and the conclusions of the IGC Workshop on Identity Establishment in Immigration Processing, held on 26th-27th October 2016.

6   AVAILABLE STATISTICS

EU level

The following statistics are available through **Eurostat**, and may be indicative of the scale of the issue:

⭐ Number of asylum applications;

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[43] Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn-studies-00_synthesis_report_rejected_asylum_seekers_2016.pdf, last accessed on 27th March 2017.

[44] Available at: https://www.udi.no/globalassets/global/european-migration-network_i/ad-hoc-queries/ad-hoc-query-on-control-and-verification-of-biometric-data-of-biometric-documents.pdf, last accessed on 27th March 2017.

[45] Available at: http://www.emn.fi/files/1177/Compilation_BG_AHQ_mode_of_issuing_of_identity_documents_and_residence_permits_WIDER.pdf, last accessed on 27th March 2017.

[46] Available at: http://emn.ee/wp-content/uploads/2016/02/577_emn_ahq_planned_developments_id_22september2014_en.pdf, last accessed on 27th March 2017.

[47] Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/ad-hoc-queries/residence/580_emn_ahq_proof_of_identity_18june2014_en.pdf, last accessed on 27th March 2017.

[48] Available at: http://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/ad-hoc-queries/ad-hoc-queries-2016.1042_com_ahq_on_member_states_experiences_with_the_use_of_the_visa.pdf, last accessed on 27th March 2017.

[49] Op. cit. (see footnote 9 above).

[50] Op. cit. (see footnote 3 above).

⭐ Number of rejected asylum applications;

⭐ Number of return decisions;

⭐ Number of return decisions effectively carried out;

⭐ Number of forced returns;

⭐ Number of first residence permits, by reason:

  › Number of first residence permits for family reasons;

  › Number of first residence permits for study reasons;

  › Number of first residence permits for the purposes of remunerated activity.

The EU also collects statistics on short-term **visas issued by the Schengen states**, including the following:

⭐ Uniform visas applied for in Schengen States' consulates in third countries;

⭐ Total uniform visas issued (including multiple entry visas) in Schengen States' consulates in third countries;

⭐ Total uniform visas not issued in Schengen States' consulates in third countries.

National level

The Study also requests national-level data (see subsection 1.2 below), although EMN NCPs' feedback indicate that these data may be difficult to provide. Should the requested statistics not be available in their (Member) State, EMN NCPs are asked to indicate this and specify, to the extent possible, the reasons why this is the case.

7   DEFINITIONS

The following key terms are used in the Common Template. The definitions are taken from the EMN Glossary v4.0[51] unless specified otherwise in footnotes.

The EU acquis does not give a definition of "identity." Whilst, for the purposes of this study, identity is also understood to include a person's nationality, more specific criteria used by the (Member) States are requested in Section 1.3. On the basis of the responses received, the Synthesis Report will then consider commonalities amongst the (different) definitions used. As a starting point, within the context of this Study, **identity** is defined as follows: "a unique set of characteristics related to a person such as name, date of birth, place of birth, nationality, biometric characteristics, etc. making it possible to individualize a person." For a definition of **identification** and **identity verification**, see subsection 2.1 above.

Other relevant definitions are:

'*Applicant for international protection*': is defined as "a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken".

'*Application for international protection*': is defined as "a request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary

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[51] Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf, last accessed on 24th March 2017.

protection status, and who does not explicitly request another kind of protection, outside the scope of Directive 2011/95/EU,[52] that can be applied for separately".

'Asylum seeker' is defined in the global context as "a person who seeks safety from persecution or serious harm in a country other than their own and awaits a decision on the application for refugee status under relevant international and national instruments; and in the EU context as a person who has made an application for protection under the Geneva Convention in respect of which a final decision has not yet been taken."

'Compulsory return' in the EU context is defined as "the process of going back – whether in voluntary or enforced compliance with an obligation to return– to:
- one's country of origin; or
- a country of transit in accordance with EU or bilateral readmission agreements or other arrangements; or
- another third country, to which the third-country national concerned voluntarily decides to return and in which they will be accepted.

Synonym: Forced return

'Forced return' is defined in the EU context as "the process of going back – whether in voluntary or enforced compliance with an obligation to return– to: one's country of origin; or a country of transiting accordance with EU or bilateral readmission agreements or other arrangements; or another third country, to which the third-country national concerned voluntarily decides to return and in which they will be accepted."

Synonym(s): compulsory return, removal, refoulement

'Irregular stay': is defined as "the presence on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Art. 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State".

'Rejected applicant for international protection': is defined as "a person covered by a first instance decision rejecting an application for international protection, including decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures, taken by administrative or judicial bodies during the reference period".

'Residence permit': is defined as "any authorisation issued by the authorities of an EU Member State allowing a non-EU national to stay legally in its territory, in accordance with the provisions of Regulation 265/2010 (Long Stay Visa Regulation)."[53]

'Return decision': is defined as "an administrative or judicial decision or act, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return".

'Return': is defined as "the movement of a person going from a host country back to a country of origin, country of nationality or habitual residence usually after spending a significant period of time in the host country whether voluntary or forced, assisted or spontaneous".

'Risk of absconding': is defined as "in the EU context, existence of reasons in an individual case which are based on objective criteria defined by law to believe that a third-country national who is subject to return procedures may abscond".

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[52] Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, OJ L 337, 20.12.2011.

[53] Regulation (EU) No 265/2010 of the European Parliament and of the Council of 25 March 2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa, OJ L 85, 31.3.2010

'*Third-country national*': is defined as "any person who is not a citizen of the European Union within the meaning of Art. 20(1) of TFEU and who is not a person enjoying the Union right to free movement, as defined in Art. 2(5) of the Schengen Borders Code".

'*Unaccompanied minor*': is defined as "a minor who arrives on the territory of the Member States unaccompanied by the adult responsible for them by law or by the practice of the Member State concerned, and for as long as they are not effectively taken into the care of such a person. It includes a minor who is left unaccompanied after they have entered the territory of the Member States."

Synonym(s): UASC, unaccompanied and separated child

In addition, the forthcoming EMN Glossary 5.0 (2017) includes the following entries that may be relevant:

'*Establishment of identity of individuals in international protection*': is defined as "process which is commonly carried out on the basis of a review of documentary evidence, but which makes use of different procedures and methods e.g. a physical-technical examinations of the documents, investigations in the country of origin via the embassies, the taking of finger prints, speech-text-analysis and age assessment, when documentary evidence is inauthentic, inadequate, insufficient or absent."

'**False and Authentic Documents Online':** is defined as "a European Union internet-based image-archiving system set up to support the rapid sharing between EU Member States of images of genuine, false and forged documents in order to aid the combating of irregular migration and the use of fraudulent documents."

'*Language analysis for the determination of origin*':, is defined as "analysis of mainly spoken, but also written, language as a method for helping to establish the nationality, region or ethnic origin of applicants for international protection."

'**Public Register of Authentic Travel and Identity Documents Online':**, is defined as "a reference database containing information about authentic travel and identity documents and other important documents issued by authorities from EU Member States and Schengen countries and some third countries."

8   ADVISORY GROUP

For the purpose of providing support to EMN NCPs while undertaking this focussed study and for developing the Synthesis Report, an "Advisory Group" has been established.

The members of the Advisory Group for this study, in addition to COM and EMN Service Provider (ICF), are the original study proposers, i.e. NO EMN NCP, and interested EMN NCPs, i.e. AT/BE/EE/LU/NL/PL/SE/UK EMN NCPs, the Commission and the EMN Service Provider (ICF). EMN NCPs are thus invited to send any requests for clarification or further information on the study to the following "Advisory Group" members:

★   AT NCP: rlukits@iom.int

★   BE NCP: emn@ibz.fgov.be;peter.vancostenoble@ibz.fgov.be; Alexandra.Laine@ibz.fgov.be; Yael.Chemin@ibz.fgov.be; ina.vandenberghe@ibz.fgov.be; martine.hendrickx@ibz.fgov.be; Elisa.Vandervalk@ibz.fgov.be; Bram.devos@ibz.fgov.be.

★   EE NCP: emn@tlu.ee; eike.luik@tlu.ee; marion.pajumets@tlu.ee; barbara.orloff@tlu.ee; silver.stoun@tlu.ee

★   LU NCP: birte.nienaber@uni.lu; marc.hayot@olai.etat.lu; Adolfo.sommarribas@uni.lu; christiane.martin@mae.etat.lu; aurelija@iom.lt; david.petry@uni.lu; ralph.petry@uni.lu; ascal.schumacher@mae.etat.lu; jai.rpue@mae.etat.lu; emn@uni.lu; francois.peltier@statec.etat.lu; germaine.thill@statec.etat.lu; jean-marc.kirsch@mae.etat.lu; romain.modert@mae.etat.lu; catherine.stronck@mae.etat.lu; sarah.jacobs@uni.lu;

★ NL NCP : EMN@ind.minvenj.nl; hpm.lemmens@ind.minvenj.nl; d.diepenhorst@ind.minvenj.nl; H.Wormann@ind.minvenj.nl; P.Brouwer@ind.minvenj.nl; L.Seiffert@ind.minvenj.nl; TC.vd.miesen@ind.minvenj.nl; M.Besters@ind.minvenj.nl; AFD.d.wilde@ind.minvenj.nl

★ NO NCP: eho@udi.no; magne.holter@jd.dep.no; tmh@udi.no; kac@udi.no; Ane-Kristine.Djupedal@jd.dep.no; torill.myhren@mfa.no; ssh@udi.no; kjkl@udi.no.

★ PL NCP: aleksandra.lange@mpips.gov.pl; d.szaltys@stat.gov.pl; magdalena.kozlowska@udsc.gov.pl; grzegorz.niemiec@strazgraniczna.pl; joanna.sosnowska@msw.gov.pl; daria.szurpicka@mswia.gov.pl; radoslaw.kardas@mswia.gov.pl; justyna.jarzabska@mswia.gov.pl; marcin.wrona@mswia.gov.pl.

★ SE NCP: EMN@migrationsverket.se; bernd.parusel@migrationsverket.se; marie.bengtsson@migrationsverket.se; jonas.hols@migrationsverket.se.

★ UK NCP: emn@homeoffice.gsi.gov.uk; jon.simmons@homeoffice.gsi.gov.uk; Erica.Moser@homeoffice.gsi.gov.uk; Carolyne.Tah@homeoffice.gsi.gov.uk; laura.broomfield@homeoffice.gsi.gov.uk; Katharine.beaney@homeoffice.gsi.gov.uk; simon.woollacott2@homeoffice.gsi.gov.uk2; jenny.cann1@homeoffice.gsi.gov.uk.

9 TIMETABLE

The following implementation timetable has been agreed for the Study:

Date	Action
5th April 2017	Launch of the Common Template
5th July 2017	Deadline for national contributions
31st July 2017	First draft of the Synthesis Report[54]
September 2017	Finalisation of the Synthesis Report and of National Contributions for publication.

10 TEMPLATE FOR NATIONAL CONTRIBUTIONS

The template outlines the information that should be included in the National Contributions to this Focussed Study. The indicative number of pages to be covered by each section is provided in the guidance note. For national contributions, the total number of pages should **not exceed 35 pages**, including the questions and excluding the statistical annex. A limit of **35** pages will apply to the Synthesis Report, in order to ensure that it remains concise and accessible.

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[54] Provided that a sufficient number of EMN NCPs submit their National Contribution in time for the Synthesis stage.

EMN FOCUSSED STUDY 2017
Challenges and practices for establishing applicants' identity in the migration process

Top-line "Factsheet" (National Contribution)

National contribution (one page only)

Overview of the National Contribution – drawing out key facts and figures from across all sections of the Study, with a particular emphasis on elements that will be of relevance to (national) policy-makers.

Section 1: The National Framework

The aim of this Section is to provide an insight into the scale and scope of the issue at national and EU level, as evidenced by quantitative and qualitative information. The section will also analyse the extent to which the processes for establishing identity are laid down in legislation across (Member) States, and the institutional framework for these processes. Differences in the capacity of (Member) States to meet the challenges identified (e.g. in terms of having the (trained) human resources needed, being able to draw on expertise, access databases, or have a legal basis for using certain methods) will be presented.

SECTION 1.1 CHALLENGES IN RELATION TO IDENTITY MANAGEMENT IN THE MIGRATION PROCESS (IN RELATION TO PROCEDURES ON INTERNATIONAL PROTECTION, RETURN, VISA AND RESIDENCE PERMITS)

Q1. Is the issue of establishing identity considered an issue/ challenge within the framework of the procedure for?

a) Considering the need for international protection?; Yes/No

b) Preparing for the forced return of a rejected applicant for international protection to their (presumed) country of origin?; Yes/No

   and

c) Verifying applications for the following categories:

   • Visitors visa Yes/No

Residence permits issued for:

   • Family reasons; Yes/No

   • Study reasons; Yes/No

   • Remunerated activities; Yes/No

   • Non-EU harmonised protection status (i.e. resident permit on humanitarian or medical grounds. Yes/No

If Yes, please briefly outline for any or all the cases above the main issues, challenges and difficulties within your (Member) State (e.g. no identification documents, false documents, multiple identities, applicants from certain third countries)

Q2a. Please also indicate which factors have contributed to the issues identified in Q1 (*e.g. the volume of cases where no credible documentation is available has increased, the measures used to substantiate the applicants' identity are considered ineffective, there is no enough funding or qualified staff etc.).*

Please support your answers with reference to statistics (e.g. those presented under Section 1.2 below), research or any other sources of information (e.g. media debates, case-law, policy documents, practitioners' views).

Q2b. In relation to Q2a above, has your (Member) State experienced a change in the number of received applications for international protection and irregular migrants in recent years? Yes/No

If Yes, was this change an important reason for the above-mentioned challenges and difficulties? Yes/No

If Yes, please further elaborate on how this factor has contributed to the identified challenges and difficulties.

Q3. Has your (Member) State faced challenges in considering asylum applications/ implementing the return of third-country nationals as a result of their identity not being acknowledged by the (presumed) country of origin? Yes/No

If Yes, please provide the list of countries of (claimed) origin for which establishing identity was considered to be particularly difficult as of 31st December 2016, (i) when considering asylum applications; (ii) for implementing return.

SECTION 1.2 STATISTICAL INFORMATION

Q4. Please provide, to the extent possible, the following statistics (with their source) along with, if necessary, an explanatory note to interpret them if, for example, the statistics provided are partial, had to be estimated (e.g. on the basis of available statistics that differ from the ones requested below, or of first-hand research) or if they reflect any particular trends (e.g. a change in policy, improved methods of establishing identity, a change in the country of origin of applicants for international protection or of rejected asylum seekers, etc.) If statistics are not available, please try to indicate an order of magnitude. Statistics already available through Eurostat have not been requested in order to facilitate the task of filling in the Common Template.

Table 1: Statistical information on international protection and return procedures

	2012	2013	2014	2015	2016	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) If statistics cannot be provided, please indicate the reasons why, › The necessary registrations are not made; Yes/No › The registered information cannot easily be extracted for reporting and statistics; Yes/No › The statistics are only produced for internal use, and are not available to the public. Yes/No › Other reasons, please describe:
Number of applicants for international protection whom identity was not documented[55] at the time when the application for international protection was lodged						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*

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[55] Through the presentation of a formal identity document (identity card or passport) or other document(s) accepted in the Member State for the purposes of identity verification (e.g. driver's license).

Number of applicants for international protection for whom identity was wholly or partially[56] established during the asylum procedure thereby allowing the relevant authorities to reach a particular decision on the application for international protection (e.g. grant, refuse, defer)						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*
Total Number of Positive Decisions for applicants for international protection whose identity was not documented[57] at the time of application						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*
Total Number of Positive Decisions for applicants for international protection whose identity was considered sufficiently established by the decision-making authorities						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No

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[56] For example, if some elements of identity (e.g. nationality) could be established but not others (e.g. full name, date of birth).

[57] Through the presentation of a formal identity document (identity card or passport) or other document(s) accepted in the Member State for the purposes of identity verification (e.g. driver's license).

					› *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*
Total Number of Negative Decisions for applicants for international protection whose identity was not documented[58] at the time of application						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*
Total Number of Negative Decisions for applicants for international protection whose identity was not considered to be sufficiently established by the decision-making authorities						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*
Total Number of (Forced)[59] Returns undertaken of all rejected applicants for						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)

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[58] Idem.

[59] While the scope of this Focussed Study (with respect to Returns) includes only the forced return of rejected applicants for international protection, it is acknowledged that distinguishing between forced and voluntary returns in official statistics may not be possible. Where possible, do make this distinction.

international protection						If statistics cannot be provided, please indicate the reasons why,
						› The necessary registrations are not made; Yes/No
						› The registered information cannot easily be extracted for reporting and statistics; Yes/No
						› The statistics are only produced for internal use, and are not available to the public. Yes/No
						Other reasons, please describe:
Total Number of (Forced)[60] Returns of rejected applicants for international protection whose identity was established at the time of return						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)
						If statistics cannot be provided, please indicate the reasons why,
						› The necessary registrations are not made; Yes/No
						› The registered information cannot easily be extracted for reporting and statistics; Yes/No
						› The statistics are only produced for internal use, and are not available to the public. Yes/No
						Other reasons, please describe:
Total Number of (Forced)[61] Returns of rejected applicants for international protection whose return could not be executed due to the authorities of the (presumed) country of origin refusing to recognise their nationals or considering their identity as not sufficiently[62] established						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)
						If statistics cannot be provided, please indicate the reasons why,
						› The necessary registrations are not made; Yes/No
						› The registered information cannot easily be extracted for reporting and statistics; Yes/No
						› The statistics are only produced for internal use, and are not available to the public. Yes/No

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[60] Idem.

[61] Idem.

[62] For example if the authorities were unable to formally identity the third-country national by nationality, surname, first name and date of birth and support such identification with the documents required by the third county.

						Other reasons, please describe:

Table 2: Statistical information on other migration-related procedures

	2012	2013	2014	2015	2016	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No › *Other reasons, please describe:*
Total Number of visas applied for in consulates in third countries[63]						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*
Total Number of visas refused in consulates in third countries[64]						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No

[63] If your Member State is part of the Schengen area this statistics are collected at EU level and need not be repeated
[64] Idem.

						› *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*
Total Number of visas refused in consulates in third countries due to the applicant having presented a travel document which was false, counterfeit or forged						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*
Total Number of residence permits for remunerated activities refused due to the identity of the applicant not being considered sufficiently established						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*
Total Number of residence permits for study purposes refused due to the identity of the applicant not being considered sufficiently established						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No

						Other reasons, please describe:
Total Number of residence permits for family reasons refused due to the identity of the applicant/ the family relationship not being considered sufficiently established						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*

Table 3 Statistical information on methods used to establish identity

	2012	2013	2014	2015	2016	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No › *Other reasons, please describe:*
Total Number of Cases in which language analysis was performed to establish the identity of the third-country national						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for*

						reporting and statistics; Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*
Total Number of Cases in which an age assessment was performed to determine whether the third-country national was a minor						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*
Total Number of Cases in which a DNA Analysis was used to establish the family relationship in family reunification cases						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*
Total Number of Cases in which Interviews were used to determine probable country and/or region of origin						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No

						Other reasons, please describe:

SECTION 1.3 RELEVANT EU AND NATIONAL LEGISLATION

EU acquis

[To be provided by the EMN Service Provider]

National legislation

Q5. Has the legislative basis for the procedures used to determine identity within the procedure for international protection and/or return been changed since the 2013 EMN Study on 'Establishing identity'? Yes/No

If 'yes', please describe the reasons for this change *(e.g. whether this is due to a change in the number of asylum applications and irregular migrants in your (Member) State as of 2014).*

Q6. Is the process used when verifying the identity of third country applicants for visitors' visa, work and study permits and family reunification permits, laid down in national legislation? Yes/No

If Yes, briefly specify which legislative documents regulate the process of identity determination in relation to these procedures.

SECTION 1.4 THE INSTITUTIONAL FRAMEWORK AT NATIONAL LEVEL

Q7. Have there been any changes concerning which national authorities have the responsibility for establishing the identity of applicants for international protection and return following the 2013 EMN Study on 'Establishing identity'? *Yes/No*

If 'yes', please describe those changes and specify whether they are a consequence of a surge/decrease in asylum applications and irregular immigration in recent years.

Q8. Which national authorities have the responsibility for verifying the identity of third country applicants for visitors' visa and permits for the purposes of study, family reunification and remunerated activities? Please describe which authorities take part in which procedures in your (Member) State and specify the name of the relevant authorities below (providing an English translation if possible, *e.g. Rajavartiolaitos – Finnish Border Guard; Migrationsverket – Swedish Migration Agency*).

[Please insert your response below and also complete the summary table provided in Annex 1]

Q9. For each of the migration procedures considered (applications for international protection, returnees, visa and residence permit applicants), please briefly describe the different steps followed to establish the identity of third country nationals, including:

- Parts of the process which have been automated;[65]

- Biometric technologies used, if any;

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[65] Automation is defined as 'The use or introduction of automatic equipment in a manufacturing or other process or facility' (see Oxford Dictionary https://en.oxforddictionaries.com/definition/automation, last accessed on 24th March 2017). For example, the use of a document reader would be understood as partially automating the task of performing document checks).

- Identification/ identity verification tasks carried out by a decision-maker or specialised officer;

- Centralised or decentralised identification function(s).

[Insert response in table in Annex 2]

Q10. Does your (Member) State have in place specific procedures to establish the identity of third-country nationals within the context of exceptional migratory flows *(e.g. under the EU 'Hotspot' approach)?* Yes/No

If Yes, please briefly describe the various steps followed to establish the identity of third-country nationals within the context of such procedures, explaining in particular how these differ from the regular procedures described in response to **Q9** above.

Q11. Does your (Member) State have a central competence centre or similar entity for issues related to identification/ identity verification? Yes/No

If Yes, is that centre responsible for?

- Issues relating to the determination of identity in respect of the procedure for granting international protection OR in respect of the procedure for executing the return of rejected asylum seekers) OR in respect of third country applicants for visa and residence permit, OR in respect of several (if so, specify which) or all of these procedures

- Issues relating to the verification of documents in respect of the procedure for some or all of the abovementioned immigration categories.

If Yes:

- Has such Centre developed its own database / reference base for:
  - Genuine documents? Yes/No
  - False documents? Yes/No
- Does such Centre make use of the database iFADO (iPRADO) for checking false ID documents? Yes/No
- Does such Centre make use of the EDISON system? Yes/No
- Does such Centre provide:
  - Advisory services? Yes/No
  - Assistance through the development of identity management methods? Yes/No
  - Training of frontline officers? Yes/No
  - Support with difficult cases? Yes/No
- Does such Centre have a forensic document unit? Yes/No

If your (Member) State **does not** have a central competence centre, what other institutions / systems are available to provide advisory services/other forms of support to officials responsible for establishing the identity of applicants for international protection or third-country nationals applying for visitors visa and permits for the purposes of study, family reunification and remunerated activities?

Q12. Are the officials responsible for determining the identity of the abovementioned immigration categories authorised to access EU databases holding identity information about third-country nationals *(e.g. EURODAC, SIS II, VIS, etc.)*? Yes/No

If Yes, please specify the authorities given access to each of the various EU databases *(e.g. asylum authorities have access to EURODAC and VIS)*

If No, are the officials responsible for determining the identity of these applicants authorised to liaise directly with the authorities who do have access to these databases? Yes/No*.*

If Yes, please specify how such interactions take place

Section 2: Methods for Establishing Identity

The aim of this Section is to provide an overview of the types of documents and methods used to establish the identity of third-country nationals within the context of various migration processes.

SECTION 2.1: DEFINITION AND DOCUMENTS REQUIRED FOR ESTABLISHING IDENTITY

This Subsection looks into the documents required/ accepted to establish the identity of third-country nationals in various migration processes.

Q13 What legal and/or operational definitions (if any) of identity is/are used with regard to (a) applicants for international protection and (b) the return process and (c) applications for short stay and long stay visas and permits for the purposes of study, family reunification and remunerated activities?

Q14. What types of documents and other information do the authorities in your (Member) State accept as (contributing to) establishing the identity for the abovementioned immigration categories? For example:

- Official travel documents: Passports, ID cards;

- Other documents: birth certificates, driving licence, divorce certificates, marriage licences, qualification certificates, house books etc.;

- Please indicate if your (Member) State takes informal (residence) documents into consideration in the identification process, such as UNHCR registration documents. Yes/No*.*

Table 4 Documents accepted as (contributing to) establishing the identity

Type of document	(a) applicants for international protection	(b) for the return process	(c) third country applicants for visitors visa and permits for the purposes of study, family reunification and remunerated activities
Official travel documents: Passports, ID cards	*Yes/No* *If 'yes' please specify which document(s)*	*Yes/No* *If 'yes' please specify which document(s)*	*Yes/No* *If 'yes' please specify which document(s)*
Other documents: birth certificates, driving licence,	*Yes/No* *If 'yes' please specify which*	*Yes/No* *I 'yes' please specify which*	*Yes/No* *If 'yes' please specify which*

divorce certificates, marriage licences, qualification certificates, house books etc.	*document(s)*	*document(s)*	*document(s)*
Informal (residence) documents, such as UNHCR registration documents	*If 'yes' Yes/No* *If 'yes' please specify which document(s)*	*Yes/No* *If 'yes' please specify which document(s)*	*Yes/No* *If Yes, please specify which document(s)*

Q15a. To the extent possible, please indicate whether <u>copies</u> are accepted by the relevant authority(ies) and which type of documents are considered by the national authorities as core or supporting documents.

Q15b. Which are the major issues faced by your (Member) State concerning <u>determining the authenticity (or genuineness) of documents</u>?

Q15c. Have any of these issues changed compared to those described in your contribution to the 2013 EMN Study on 'Establishing identity'? Yes/No*.*

If Yes, please indicate the reasons why this has been the case, *e.g. the (Member) State has receiving high numbers of immigrants and asylum seekers in recent years and this has increased the workload of the authorities responsible for verifying documents.*

Q16. In your Member State, are there any <u>national guidelines</u> for the control by the relevant authorities of identity of person and identity documents in the various migration procedures? Yes/No

If Yes, please give reference to the relevant guidelines if possible and the procedure under which framework they apply.

Q17. In which situations, and by which authorities, are <u>forged documents</u> most commonly detected in connection with applications for visa and residence permit (*e.g. in border control, by immigration authorities or other state agencies)*?

Q18. Are there any <u>exemptions to the obligation to present an official travel document</u> for third country applicants for visa and residence permit? Yes/No

If Yes, for which groups and/or major nationalities are there exemptions, and are these exemptions stated in national legislation and/or guidelines?

SECTION 2.2: METHODS USED IN THE ABSENCE OF DOCUMENTARY EVIDENCE OF IDENTITY IN THE ASYLUM/RETURN PROCEDURE

This Subsection looks into the methods used in the absence of credible documentation to ascertain the credibility of the third-country national's statements, and the relative weight that is given to the outcomes of the methods used across the (Member) States. The Subsection focuses on the asylum and return procedure, where the absence of credible documentation is a common challenge.

Various methods are listed in the tables below. Where applicable, please succinctly identify any changes introduced with respect to the situation described in the 2013 EMN Study on 'Establishing identity'. For each method listed, please indicate whether any changes introduced since 2013 were made as a result of legislative reforms and/or due to considerations of reliability, efficiency and/or workloads.

Q19a. In your (Member) State, do national authorities make use (or plan to make use) of the methods identified below to establish the identity of third-country nationals subject to asylum/return procedures?

*Please indicate, per method used, who executes the method (i.e. all-round decision makers, in-house specialists or external parties). Please also indicate whether the method is **obligatory** (i.e. enshrined in law), whether it is part of **standard practice** (i.e. used in most cases but not enshrined in law) or whether it is **optional** (i.e. not enshrined in law and used in some cases only).*

Table 5: Methods **used** for establishing identity in the asylum/ return procedure (I)

Method	Applicants for international protection	Return of rejected applicants for international protection
Language analysis to determine probable country and/or region of origin	*Yes: obligatory, part of standard practice or optional* *No*	*Yes: obligatory, part of standard practice or optional* *No*
Age assessment to determine probable age	*Yes: obligatory, part of standard practice or optional* *If Yes: briefly describe what for and under what conditions.* *No*	*Yes: obligatory, part of standard practice or optional* *If Yes: briefly describe what for and under what conditions.* *No*
Interviews to determine probable country and or region of origin (or other elements of identity, such as faith and ethnicity)[66]	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Identity related paper and e-transactions with the authorities (e.g. tax, social benefits)	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Identity related paper and e-transactions with	*If Yes: obligatory, part of standard practice or optional*	*If Yes: obligatory, part of standard practice or optional*

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[66] This would depend on the elements included in your national definition of "identity" used within the procedures covered by this Study. See Section 2.1.

the private sector (e.g. bank)	No	No
Identity related e-transactions in connection with social media	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Smartphones and other digital devices: May your law enforcement/immigration authorities confiscate (temporarily or permanently) such devices and access their content in their efforts to establish or verify an identity?	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Other	*Please describe, e.g. type of co-operation with or contacts in third countries, such as diplomatic missions* *Please specify if the method is obligatory, part of standard practice or optional*	*Please describe, e.g. type of co-operation with or contacts in third countries, such as diplomatic missions* *Please specify if the method is obligatory, part of standard practice or optional*

Table 6 Methods **used** for establishing identity in the asylum/return procedure (II)

Method	Applicants for international protection		Return of rejected applicants for international protection	
	National database	**European database**	**National database**	**European database**
Fingerprints for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Photograph for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Iris scans for comparison with National databases	*If Yes: obligatory, part of standard practice or optional* *No*	*NA*	*If Yes: obligatory, part of standard practice or optional* *No*	*NA*
DNA analysis	*If Yes: obligatory, part of standard*	*NA*	*If Yes: obligatory, part of standard practice or*	*NA*

	practice or optional No If Yes, briefly describe what for and under what conditions.		optional No If Yes, briefly describe what for and under what conditions.	
Other (please describe e.g. type of co-operation with or contacts in third countries, such as diplomatic missions)	If Yes: obligatory, part of standard practice or optional No If Yes, briefly describe what for and under what conditions.			

Table 7 Methods national authorities plan to use for establishing identity in the asylum/ return procedure (I)

Method	Applicants for international protection	Return of rejected applicants for international protection
Language analysis to determine probable country and/or region of origin?	Yes: obligatory, part of standard practice or optional No	Yes: obligatory, part of standard practice or optional No
Age assessment to determine probable age	Yes: obligatory, part of standard practice or optional If Yes: briefly describe what for and under what conditions. No	Yes: obligatory, part of standard practice or optional If Yes: briefly describe what for and under what conditions. No
Interviews to determine probable country and or region of origin (or other elements of identity, such as faith and ethnicity)[67]	If Yes: obligatory, part of standard practice or optional No	If Yes: obligatory, part of standard practice or optional No
Identity related paper and e-transactions with the authorities (e.g. tax,	If Yes: obligatory, part of standard practice or optional No	If Yes: obligatory, part of standard practice or optional No

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[67] This would depend on the elements included in your national definition of "identity" used within the procedures covered by this Study. See Section 2.1.

social benefits)		
Identity related paper and e-transactions with the private sector (e.g. bank)	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Identity related e-transactions in connection with social media	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Smartphones and other digital devices: May your law enforcement/immigration authorities confiscate (temporarily or permanently) such devises and access their content in their efforts to establish or verify an identity?	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Other	*Please describe, e.g. type of co-operation with or contacts in third countries, such as diplomatic missions* *Please specify if the method is obligatory, part of standard practice or optional*	*Please describe, e.g. type of co-operation with or contacts in third countries, such as diplomatic missions* *Please specify if the method is obligatory, part of standard practice or optional*

Table 8: Methods national authorities plan to use for establishing identity in the asylum/ return procedure (II)

	National database	**European database**	**National database**	**European database**
Fingerprints for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Photograph for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Iris scans for comparison with National databases	*If Yes: obligatory, part of standard practice or optional* *No*	*NA*	*If Yes: obligatory, part of standard practice or optional* *No*	*NA*

DNA analysis	*If Yes: obligatory, part of standard practice or optional* *No* *If Yes, briefly describe what for and under what conditions.*	NA	*If Yes: obligatory, part of standard practice or optional* *No* *If Yes, briefly describe what for and under what conditions.*	NA
Other (please describe, e.g. type of co-operation with or contacts in third countries, such as diplomatic missions)	*If Yes: obligatory, part of standard practice or optional* *No* *If Yes, briefly describe what for and under what conditions.*			

Q19b. Is the (biometric) identity information given by an asylum seeker matched against identity information available in VIS?

☐ Yes, for all asylum seekers

    ○ Please specify since when these checks have been carried out: _____

    ○ Do you produce statistics on the number of matching attempts and the results? Yes/No*.*

    ○ What proportion of matchings produce a positive 'hit' (approximately): _____

☐ Yes, for some asylum seekers (who?) _____

    ○ Please specify since when these checks have been carried out: _____

    ○ Do you produce statistics on the number of matching attempts and the results? Yes/No*.*

    ○ What proportion of matchings produce a positive 'hit' (approximately): _____

☐ No, for:

    ○ Technical reasons

    ○ Legal reasons.

    ○ Other reasons (please specify)

Q19c. Has your Member State introduced any changes in the method(s) used to establish the identity of applicants in the asylum/ return procedure since 2013? Yes/No

If Yes, please outline briefly the rationale behind any changes, explaining e.g. why new methods have been introduced, whether there is a different hierarchy or order in the methods used. If possible, please mention also any new research conducted providing evidence of the reliability of the method(s) used.

Q19d. If there has been an increase in the number of applicants for international protection and irregular immigration in your (Member) State in recent years, has this had any effect on the methods used (e.g. certain methods have been prioritised to deal with specific nationalities, the capacity to use certain methods has been under strain due to lack of sufficient staff resources, etc.)? Yes/No

If Yes, please specify

Q20. Has your (Member) State issued any guidelines and/or best practices on the use of different methods? Yes/No

If Yes, please specify

SECTION 2.3: METHODS USED TO VERIFY THE IDENTITY OF THIRD-COUNTRY NATIONALS IN OTHER MIGRATION PROCEDURES

This Subsection focuses on the methods used to verify third-country national's identity within the framework of procedures concerning applications for short-stay visas and residence permits for family and study-related reasons or for the purposes of remunerated activities. With the partial exception of family reunification, where documentary evidence is sometimes missing, within the framework of these procedures applicants are generally required to provide documentary proof of their identity. The challenge thus lies in verifying that the third-country national concerned is who they claim to be.

*Various methods are listed in the tables below. Where applicable, please indicate if the method is **obligatory** (i.e. enshrined in law), is it part of **standard practice** (i.e. used in most cases but not enshrined in law) or is it **optional** (i.e. not enshrined in law and used in some cases only). The rationale for selecting some methods as obligatory or optional may relate to national legislation, outlined in Section 1.2, which your (Member) State may refer to in their replies.*

Q21. Does an applicant for an authorization to stay or residence permit have to present an official travel document? Yes/No

Are there exceptions to this rule? Yes/No. If Yes, please specify:

Q22. Do national authorities make use (or plan to make use) of the methods identified below to establish the identity of third-country nationals within the framework of procedures concerning applications for short-stay visas and residence permits for family and study-related reasons or for the purposes of remunerated activities? Yes/No

Please specify by filling in the table below:

Table 9 Methods **used** for establishing identity

Short stay visas		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Photograph for comparison with	*If Yes: obligatory, part of standard practice or*	*If Yes: obligatory, part of standard practice or*

National and European databases	*optional* *No*	*optional* *No*
Others (please specify)		

Residence permit for study reasons		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Photograph for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Others (please specify)		

Residence permits for the purposes of remunerated activities		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Photograph for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Others (please specify)		

Residence permit for family reasons		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Photograph for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
DNA analysis	*If Yes: obligatory, part of standard practice or optional*	*If Yes: obligatory, part of standard practice or optional*

	No	No
Others (please specify)		

Table 10: Methods national authorities **plan to use** for establishing identity

Short stay visas		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Photograph for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Others (please specify)		
Residence permit for study reasons		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Photograph for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Others (please specify)		
Residence permits for the purposes of remunerated activities		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Photograph for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*

Others (please specify)		
Residence permit for family reasons		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Photograph for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
DNA analysis	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Others (please specify)		

Section 3: Decision-Making Process

This Section looks into how the different methods outlined above are combined to establish the identity of third-country nationals, and their outcomes used to make a decision within the context of various migration procedures

SECTION 3.1 STATUS AND WEIGHT OF DIFFERENT METHODS AND DOCUMENTS TO DETERMINE IDENTITY

Q23. On the basis of the information gathered by the methods outlined in Section 2, how is a decision on the establishment of identity made?

- Are some methods given more weight than others? Yes/No

If Yes, please indicate which methods and why they are considered more reliable, and whether this is laid down in legislation, policy or practice guidelines.[68]

- Does there need to be consistency between the results obtained from the various methods used? Yes/No

If Yes, please specify:

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[68] Member States may differ significantly in how they deal with applicants for international protection whose statements regarding their identity are not supported by valid documentary evidence, not only in the methods they can or should use, but also in the weight they give to the outcomes of some methods. The aim, therefore, is to highlight these differences, should they exist.

Q24. Is a 'grading' structure or spectrum used to denote the degree of identity determination (e.g. from "undocumented," over "sufficiently substantiated" or "has the benefit of doubt" to "fully documented and verified")? Yes/No

If Yes, please briefly describe it and clarify whether any distinction applies between international protection, return and other migration-related procedures in this respect.

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Q25. Are there any future measures being considered with regard to setting up or further elaborating a 'grading' structure? Yes/No

If Yes, please briefly describe it and clarify whether any distinction applies between international protection, return and other migration-related procedures in this respect.

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SECTION 3.2 DECISIONS TAKEN BY THE COMPETENT AUTHORITIES ON THE BASIS OF THE OUTCOMES OF THE IDENTITY MANAGEMENT PROCEDURES

Application for international protection

Q26a. Does the outcome of the procedure to establish the identity of the applicant for international protection influence a recommendation to 'grant international protection,' 'refuse international protection' or 'defer decision'?

Please describe any changes introduced with respect to what was described in your national contribution to the 2013 EMN study on 'Establishing identity'.

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Q26b. If there has been an increase in the number of asylum applicants/ irregular migrants in your (Member) State in recent years, what has been the impact of such increase in the decision-making process? For example:

- Has the decision-making process become more difficult for national authorities? Yes/No

- Have the authorities stopped using certain methods for identity determination? Yes/No

- Has the quality of the methods used decreased? Yes/No

If the answer to any of the above is Yes, please elaborate (with reference to any reports/studies if available)

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Return

Q27a. Does the outcome of identity establishment influence a recommendation to 'defer return'?

Please describe any changes introduced with respect to what was described in your national contribution to the 2013 EMN Study on 'Establishing identity'.

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Q27b. Are the results of the work to establish identity during the international protection process available to the authorities preparing forced return? Yes/No

Please describe the supplementary steps (if any) that may be needed with respect to identity establishment for the authorities in the receiving country to be prepared to accept the return.

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Procedure for third country applicants for visa and residence permits

Q28a. Does the outcome of identity establishment influence a recommendation to "grant residence permit" "refuse residence permit," "defer decision"?

| |
| |

Q28b. How important is the establishment of identity compared to other factors considered in making an overall decision? For example, if identity cannot be established, does this *de facto* lead to a negative decision? Are other factors such as family ties, health problems or/and other humanitarian reasons, given more weight than identity determination in some cases? Yes/No

If Yes, please specify

| |
| |

Section 4: Databases and data procedures

This Section explores which personal data is collected within the framework of migration procedures and which data sharing arrangements are in place.

SECTION 4.1 LEGAL FRAMEWORK

Q29a. Do(es) the identity determination/verification authority(ies) in your (Member) State have Memoranda of Understanding (MoUs) and/or other agreements for the sharing of personal data in place with?

- Other agencies/departments Yes/No*.*

- Carriers Yes/No*.*

- Authorities in one or more other countries Yes/No*.*

- International organisations Yes/No*.*

- Private entities Yes/No*.*

- Others Yes/No*.*

If Yes, please specify the other agency, carrier, countries or organisation/entity, if possible:

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| |

Q29b. Please identify any agreements below and if possible share them through attachments. If it is not possible to share the documents, please provide a brief overview of the information they contain

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SECTION 4.2 DATA PROCEDURES AND DATABASES

Q30. Which personal data of individuals is collected in national databases[69] within the framework of the various migration procedures, i.e. biographic (e.g. name, nationality, birthplace, ID-documents) and biometric (e.g. fingerprints, photographs, DNA). Please describe which data is collected for each of the relevant migration procedures and give the name of the relevant databases.

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SECTION 4.3 USE OF DATABASES IN THE SCREENING PROCESS

Q31. Which identity-related databases are managed by the different national authorities involved in migration processes? *(e.g. the national population register is managed by the police; the national entry/exit system is managed by the border guard authority; the Eurodac National Access Point is managed by the asylum authority).*

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Q32a. Which regional, national and international databases, watch lists or reference tools are used for identification purposes, when a third-country national applies for international protection, a visa or residence permit? Please indicate which databases are used for specific procedures through the table below

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[69] EMN NCPs do not need to provide information on the data collected under the framework of EU large-scale information management systems (EURODAC, VIS AND SIS II) as data collection requirements in this area are standardised at the European level and will be detailed directly by the EMN Service Provider in the Synthesis Report.

Challenges and practices for establishing applicants' identity in the migration process

Table 11 Databases, watch list and reference tools used for identity determination in migration-related procedures

	VIS	SIS	EURODAC	National databases and watch lists
International protection				
Return				
Short stay visas				
Long stay visas and residence permit for study reasons				
Long stay visas and residence permits for family reasons				
Long stay visas and residence permits for the purposes of remunerated activities				

Q32b. Are there any data elements that the authorities would consider useful, but are not yet collected or stored? Yes/No

If Yes, please specify

SECTION 4.4. RECENT AND PLANNED DEVELOPMENTS

Q33a. Please outline recent major changes in relation to the processing of personal data within the framework of migration-related procedures and databases (national/regional levels), including the following, if applicable:

- Inclusion of new identity elements on individuals in existing systems (i.e. biographic or biometric data)

- New databases, centralisation of databases or inter-connectivity systems.

Q33b. Please outline recent /planned pilots in the field of identity management architecture and data sharing.

SECTION 5: DEBATE AND EVALUATION

Q34. Are the (actual or planned) measured described above currently being debated in your Member State? Yes/No

If Yes, please describe the key issues under discussion and the actors involved in the debate. Sources of national debate to include may be national media reports, parliamentary debates, and statements of Non-Governmental Organisations/Civil Society Organisations or International Organisations.

Q35. Have (national) data protection authorities or similar entities and/or legal experts assessed any of the measures described above? Yes/No

If Yes, please specify the relevant authorities/ experts, describe what conclusions have they drawn and indicate whether (and if so, how) such conclusions have been taken into account when devising new measures or reviewing existing ones.

SECTION 6: CONCLUSIONS DRAWN FROM THE NATIONAL CONTRIBUTION

This Section will outline the main findings of the Study and present conclusions relevant for policy-makers at national and EU level.

Q36. With regard to the aims of this Focussed Study, what conclusions would you draw from the findings reached in elaborating your National Contribution? What is the relevance of your findings to (national and/or EU level) policy-makers? *Please make any distinction between international protection, the forced return process and other (legal) migration channels.*

Annex 1

With reference to **Q8**, please fill the following table by indicating with an "X" the national authorities/institutions primarily involved in identity establishment procedures for each of the procedures considered

Table 12 National authorities/ institutions involved in identity establishment in various migration procedures

	International protection	Return	Short stay visas	Long stay visas/ permits for family reasons	Long stay visas/ permits for study reasons	Long stay visas/ permits for the purposes of remunerated activities
Consulates/Embassies						
Immigration authorities						
Asylum authorities						
Police						
Border guard						
Security services						
Identification centre						
Other (please add rows to specify)						

Annex 2

With reference to **Q9**, please provide a brief explanation of how the identity establishment procedure is organised. For each of the procedures considered, please fill the table below with general information on the different identification steps, including:

- Parts of the process which have been automated;[70]
- Biometric technologies used, if any;
- Identification/ identity verification tasks carried out by decision maker or specialised officer;
- Centralised or decentralised identification function(s).

Table 13 Procedural steps taken to establish identity of third-country nationals in various migration procedures

Migration procedure	Steps in the procedure to establish identity
International protection	
Forced return	
Short stay visas	
Long stay visas/ permits for family reasons	
Long stay visas/ permits for study reasons	
Long stay visas/ permits for the purposes of remunerated activities	

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[70] Automation is defined as 'The use or introduction of automatic equipment in a manufacturing or other process or facility' (see Oxford Dictionary https://en.oxforddictionaries.com/definition/automation, last accessed on 24th March 2017). For example, the use of a document reader would be understood as partially automating the task of performing document checks).