



AD HOC QUERY ON 2020.11 Fingerprint comparison of asylum seekers and residence permit applicants

Requested by EMN NCP Finland on 14 February 2020

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Sweden (20 in Total)

Disclaimer:

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1. Background information

The Finnish Immigration Service is currently participating in an AMIF funded project together with the Finnish police. The project is called "UUSO", and it focuses on building integration to a common database system (ABIS), where biometrics are stored and can be compared against. When a person is registered into the Finnish Immigration Service's electronic case handling system UMA, also their fingerprints are usually stored there. Thus, we have a centralized fingerprint register database for almost all Finnish Immigration Service's customers. Before now the Finnish Immigration Service has not been able to compare new applicant's fingerprints to this existing fingerprint data. With the introduction of ABIS integration, UMA fingerprints can be compared to other fingerprints in the database.

We are able to make fingerprint comparisons to both asylum seekers and residence permit applicants (not citizenship applicants, since no fingerprints are taken from them). The comparison can be made when the person lodges an application. The comparison mechanism in ABIS will search for the database for the same customer number, and if one is found, it will compare the fingerprints against that same customer number (1:1 comparison, the customer's fingerprints have previously been stored in ABIS). The comparison will always also be made to all other available fingerprints (1:N comparison).

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We have identified the possible problematic "hits" scenarios from the comparison, which require further investigation, to be either:

1. The same customer already has a different account in the system with different customer number (a hit to another customer number).
2. The quality of some of the fingerprint samples is too poor and a match (in 1:1 comparisons) cannot be confirmed. This is a so called 'false mismatch'.
3. Real impostor, the result of 1:1 comparison (comparing the customer number to the same customer number's previous case) is a no match.

Since no fingerprint comparisons have yet to be made with UMA database data, we are not certain how often we would receive these different comparison hits as results. We are also a bit worried, that we might receive many 'false mismatch' hits due to poor quality of the fingerprints in the database.

2. Questions

1. **Does your Member State currently have a system, where the asylum applicant's or the residence permit applicant's fingerprints will be compared to a pool of alien fingerprints? YES/NO**
2. **If you answered yes to the question 1, can you please indicate for how long have you had this comparison system in place?**
3. **If you answered yes to the question 1, has your Member State being confronted with the problems mentioned above (same customer is already in the system under a different number, quality of the fingerprints in the database is too poor for an effective match, imposters) when setting up the system or in a later stage?**
4. **What kind of problems you were confronted with?**
5. **Does the legislation of your Member State allow you to do mass comparison check of databases in order to clean duplications (double identities or impostors?) YES/NO.**
Available choices: Yes, No, Not Applicable
6. **If you answer yes to question 6, have you carried out this exercise? YES/NO. Please explain.**

We would very much appreciate your responses by **13 March 2020**.



3. Responses

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¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

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		Wider Dissemination ²	
	EMN NCP Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Belgium	Yes	<p>1. Yes. In Belgium, the Immigration Office uses a fingerprint system with two databases: one of asylum seekers, and one of persons in irregular stay. The fingerprints of asylum seekers are taken by the Immigration Office itself; those of persons in irregular stay are taken by the Police and then sent to the Immigration Office. The fingerprints of asylum seekers are verified against both these databases. By contrast, no fingerprints are taken from applicants for a residence permit.</p> <p>2. The fingerprint system of the Immigration Office has been in place since September 1993. At first, the system only included a database of asylum-seekers. In January 2008, the database of persons in irregular stay was added.</p> <p>3. Yes (see Q4).</p> <p>4. Poor quality of fingerprints: generally speaking, about 1.5% of the fingerprints taken is of poor quality. The Immigration Office is trying to reduce this share of poor-quality fingerprints, for instance by using improved matching software and new equipment (MSI).</p>

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."



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			<p>5. No</p> <p>6. N/A</p>
	EMN NCP Bulgaria	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. No</p> <p>6. N/A</p>
	EMN NCP Croatia	Yes	<p>1. No.</p> <p>Just recently, at the end of 2019, the Biometric Data Processing Act was adopted (Official Gazette, No. 127/2019) regulating the processing of biometric data for the purpose of effective identification and protection of natural persons against abuse of their personal data. The Act allows automated comparison, but the fully automated system is not yet in place.</p> <p>2. N/A</p> <p>3. N/A</p>



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			<p>4. N/A</p> <p>5. Yes</p> <p>6. No. The fully automated system is not in place yet (see answer on question 1.1.).</p>
	EMN NCP Cyprus	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. No</p> <p>6. N/A</p>
	EMN NCP Estonia	Yes	<p>1. No, but EE is in the middle of developing ABIS system and then fingerprints will be compared with fingerprints in the pool.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p>



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			<p>5. Yes</p> <p>6. So far, the fingerprints of asylum seekers are kept separately. If the person receives the status, he/she will apply for the residence permit and he/she will be fingerprinted again.</p>
	EMN NCP Finland	Yes	<p>1. The Finnish Immigration Service is currently building an integration to ABIS, which enables the fingerprint comparison of one applicant to the fingerprint data pool of the Finnish Immigration service.</p> <p>2. The system is not yet in place. The system is due to start operation in the beginning of year 2021.</p> <p>3. The system is not yet in place.</p> <p>4. The system is not yet in place, but we are trying to prepare ahead for the possible problems when setting up a new system. One issue, which could raise problems, is the amount of possible false mismatches due to poor quality of the fingerprint data in our database.</p> <p>5. No According to the Finnish laws, we are not allowed to do a mass comparison of fingerprints within the fingerprint database, since we are only allowed to compare a person's fingerprints when they apply for a permit and not in a later stage of the process.</p> <p>6. Finland, at least according to the current interpretation of the law, is not able to perform the mass comparison of the database</p>
	EMN NCP	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is


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	France		not disseminated further.
	EMN NCP Germany	Yes	<p>1. Yes. Fingerprints of asylum seekers are stored in a logically separated register especially for these persons. The data may be used to identify, whether a person has already been registered and whether this person has already claimed asylum under the same, similar or different name. This register is hosted by the BKA (German Federal Criminal Police Office). Furthermore, according to German law the data may also be used for police purposes in dedicated use cases.</p> <p>2. The Automated Fingerprint Identification system which is used to process data as mentioned in answer to question 1.1 was established in 1992.</p> <p>3. Yes, poor fingerprint enrolment quality may lead to the circumstance that asylum seekers may be stored under different identifiers multiply in the respective systems. Nevertheless this occurs rarely, as today several quality assurance measures are in place to avoid low quality fingerprinting. In the context of minors, whose fingerprints may not be taken due to legal restrictions the same applies for facial images.</p> <p>4. Foremost bad fingerprint quality.</p> <p>5. Yes</p> <p>6. Yes. Any new set of fingerprints of an asylum seeker is compared by the AFIS mentioned under 1.1. to ensure that only one data set exists in the various databases used by Immigration and Police authorities.</p>
	EMN NCP Hungary	Yes	<p>1. comparison of fingerprints takes place during the recording of fingerprints in the Eurodac database with the AFIS (Automatic Fingerprint Identification System), as the Member State does not have a separate</p>


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			<p>national system.</p> <p>2. the current system has been in use since the 603/2013/EU Regulation came into force.</p> <p>3. yes</p> <p>4. we faced problems with registry under an alias name. The case was cleared up based upon the client's own statements regarding the false data.</p> <p>5. No according to the national law, fingerprints shall be registered to avoid duplication. Mass comparison is not in use.</p> <p>6. No</p>
	EMN NCP Italy	Yes	<p>1. Yes. The Law n.189/2002 (so called Bossi-Fini) introduced the current provisions on immigration and asylum: among them the obligation of photo-reporting (detection and registration of fingerprints) for all applicants, the issue or renewal of the residence permit for applicants for international protection (so called Asylum). The fingerprints, together with other data (personal, physical, somatic, etc.), are recorded on a special photodactyloscopic tag, which is then digitally stored in the AFIS database. The procedure for each application for the issue/renewal of the residence permit is preceded by the comparison of the applicant's fingerprints with all those recorded in the AFIS database (1:N), in order to verify the identity of the applicant. For applicants for international protection, the European database EURODAC is also interrogated.</p> <p>2. This procedure has been in operation since Law n. 189/2002 became operational.</p> <p>3. At the time of each photo-reporting, the procedure is carried out in such a way as to associate the same</p>




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			<p>univocal identification code (so called C.U.I.) to all the photo-reporting of the same subject to the Central Department of Criminal Investigation of the State Police, regardless of the personal data declared (alias). A function has been introduced in the fingerprint acquisition software to highlight the quality of the fingerprints: this makes it possible to avoid the registration of insufficient quality fingerprints.</p> <p>4. The database search procedure is not automatic, but automated. This makes it possible to avoid false matches, since the dactyloscopic verification is carried out by an expert (dactyloscopist), who is responsible for confirming or not confirming the result proposed by the system.</p> <p>5. Not Applicable The AFIS is the only national fingerprint database: the personal data is not considered useful for the identification of an individual, as only the biometric data is relevant. ahq_2020.11_-_q5.docx</p> <p>6. N.A.</p>
	EMN NCP Latvia	Yes	<p>1. Yes</p> <p>2. Asylum applicant's fingerprints are compared to a pool of alien fingerprints within national fingerprint database and linked to application through EURODAC ID number.</p> <p>3. N/A</p> <p>4. Defining procedure and responsibilities between all involved parties in asylum process.</p> <p>5. No</p> <p>6. N/A</p>


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	EMN NCP Lithuania	Yes	1. No. 2. N/a 3. N/a 4. N/a 5. No 6. N/a
	EMN NCP Luxembourg	Yes	1. No 2. N/A 3. N/A 4. N/A 5. No 6. N/A
	EMN NCP Netherlands	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.



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	<p>EMN NCP Poland</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. In Poland, there is the Automatic Fingerprint Identification System (AFIS), which collects and processes, among others, fingerprint cards for foreigners: those crossing the border illegally, staying illegally on the territory of the Republic of Poland and applying for refugee status or granting international protection: pursuant to the provisions of the Act on foreigners, the Act on granting protection to foreigners on the territory of the Republic of Poland and the Act on entering, staying in and leaving the territory of the citizens of EU Member States and their family members. 2. The AFIS system has been operating in Poland since 2000. Fingerprint data of foreigners violating migration regulations or applying for international protection, as part of the Eurodac system (AFS Interface), have been processed since 2004. 3. Each AFIS processed fingerprint card has an individual AFIS number (ID AFIS). The applicable model of collecting cards in the system is multi-registration. The same person's fingerprint registrations are related but have different AFIS IDs. This rule has been in force since 2010. There are earlier registrations that are not related. Only fingerprint data is processed and collected in the system. Personal data is recorded in other systems or in relevant collections containing such information. Over a dozen or so years, only a few cases of mismatches between cards were noted in AFIS due to the low quality of fingerprint data, this concerned in particular, registrations made using the ink method (paper fingerprint cards) or fingerprint cards in the case of the identity of unknown corpses. When entering data into the AFIS system, there is a several-stage quality control, both automatic and manual, from the moment the data is downloaded. Cards that are incorrectly filled in or contain inadequate fingerprints are returned to the person who provided them to make up for the deficiencies or to make them again. 4. We note the individual cases of failure to meet the 72-hour registration deadline: referred to in Regulation of the European Parliament and Council of the European Union No. 603/2013 on the establishment of the Eurodac system. This applies in particular to fingerprint registrations carried out by the Border Guard using the ink method. There are people with such damaged fingertips that it is not possible to perform fingerprint recording of a quality that allows processing in the system. These are individual cases. In Poland, there are no statutory regulations for mass comparative control of databases to link registrations from the same person or to detect double identity / falsified personal data. Such action is not prohibited by law, but it is time consuming.
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			<p>5. Yes</p> <p>6. Currently, the Police is implementing an AFIS system expansion project, under which the contractor is obliged to perform a mass card / card search, fingerprint card images stored in the AFIS database (using new algorithms for coding and comparing data), forwarding the search results and enabling the user to perform them verification.</p>
	EMN NCP Portugal	Yes	<p>1. No, Portugal uses only Eurodac and SIS II.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5. Not Applicable</p> <p>6.</p>
	EMN NCP Slovakia	Yes	<p>1. Yes</p> <p>2. Since 1996 Slovak Republic has begun to use AFIS one-finger livescan (fingerprint scanner). At that time all the foreigners staying illegally were scanned as were asylum seekers (2 fingers) into the central database. At the same time, we conducted comparisons with earlier scanned fingerprints. In relations to EU accession (1.5.2004) Slovak Republic has implemented EURODAC and bought 16 livescans to start scanning all 10 fingers. In 2010 we launched new IS MIGRA and interconnected it with AFIS, bought 37 livescans and stopped using the one-finger livescans.</p>


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			<p>3. Slovak Republic uses AFIS by Cogent 3M. Officers search in database AFIS 1:N. No cases of false positivity were encountered so far. The system controls the quality when entering the fingerprints and does not allow to record bad fingerprints. The administration of the system is done by Institute of Criminology and Expertise of Police Force Presidium (ICE PFP). The officers in charge of AFIS management are in service 24/7 and they verify all the results system offers when searching in AFIS database of foreigners.</p> <p>4. We encountered problems especially in the mechanical damage of fingerprints, which could not be scanned. The damage was done on purpose (e.g. acid etching) or done accidentally in case of construction workers. In such cases, we try to at least take some of the ten fingers and mark the other fingers as exceptions (giving the reason for not scanning them).</p> <p>5. Yes Act 18/2018 on the protection of personal data in Art. 5 defines the concept of processing, which gives us a sufficient legal base for such activity:(e) processing of personal data means a processing operation or a set of processing operations involving personal data or personal data files, in particular the acquisition, recording, ordering, structuring, storage, alteration, retrieval, browsing, use, provision by transmission, dissemination or otherwise, regrouping or combining, limitation, deletion, whether performed by automated means or non-automated means,</p> <p>6. No such activity was carried out for the needs of Bureau of Border and Foreign Police. However, as mentioned above, AFIS is managed by ICE PFP, which carries out en masse comparison under the relevant legal provision of the Act on protection of personal data.</p>
	<p>EMN NCP Slovenia</p>	<p>Yes</p>	<p>1. No. 2. N/A 3. N/A</p>

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			<p>4. N/A</p> <p>5. Yes</p> <p>6. N/A</p>
	EMN NCP Sweden	Yes	<p>1. Yes. The national AFIS is located at the Swedsih Police and contains fingerprints from both criminal cases and asylum/alien cases.</p> <p>2. Since the 1990 's</p> <p>3. Sweden uses an individual case number/personal number for each individual. A person may be registered under more than one number either due to administrative reasons or because the person is using an alias. The quality threshold has a low setting so poor-quality prints may be registered without receiving a hit against a previous known set of fingerprints. In such cases a manual check is performed.</p> <p>4. Please see answer to question 3</p> <p>5. Not Applicable</p> <p>6. In connection with the installation of a new AFIS system the database is checked for duplicates. We are not aware of this being performed otherwise.</p>
