



REPUBLIKA SLOVENIJA
MINISTRSTVO ZA NOTRANJE ZADEVE



EMN FOCUSED STUDY 2017

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

Slovenian national report



The project is co-funded by the
European Union and the Ministry of the Interior
under the European Migration Network

The study has been prepared by Legal-informational Centre for NGOs, Slovenia (PIC) in cooperation with the National contact point of the European Migration Network in the Republic of Slovenia and the Ministry of the Interior of the Republic of Slovenia.

European Migration Network was established due to the need for exchange of information on all aspects of migrations and for the establishment of common asylum and migration policy. Council Decision 2008/381/EC which provides a legal basis for the establishment of the European Migration Network was adopted on 14 May, 2008.

More information about the European Migration Network is available at: www.emm.si

Disclaimer: The following responses have been provided primarily for the purpose of completing a Synthesis Report for the above-titled EMN Focussed Study. The contributing EMN NCPs have provided information that is, to the best of their knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of an EMN NCPs' Member State.

Top-line "Factsheet"

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.

For the purpose of this study national legislation regarding establishing identity in various migration procedures has been studied. In addition, interviews were made with officials from the Ministry of Foreign Affairs, Ministry of the Interior, Centre for Foreigners and the administrative unit in order to gain information regarding establishing identity in practice.

Most of the data about the process of establishing identity is not available because the official statistics is not gathered. Regardless, in the opinion of the officials of the Ministry of Foreign Affairs and Ministry of the Interior, establishing identity in the visa procedure, international protection procedure and the process of issuing a residence permit is not considered to be problematic. The Ministry of the Interior still does not gather separate statistics for rejected asylum seekers and other individuals in the return procedure, which makes it difficult to monitor the problematic in this area however, according to the estimates of the official of the Centre for Foreigners most of the individuals in the return procedure still do not submit their documents.

In the procedure of issuing a visa the competent authority for issuing a visa and establishing identity are the officials of the consulates and embassies. The officials in the procedure primarily use the national visa system which is connected with the EU database VIS. It is the official's task to check the authenticity of the passport and the identity of the person who submitted it. In case the identity is not established this *de facto* leads to a rejection of the visa application.

In the procedure of issuing a residence permit the competent authorities under the Aliens Act-2¹ in the first instance are the administrative units, therefore the answers in the study refer to such procedures. The individual has to submit a valid travel document in the procedure and the outcome of this procedure also depends on the identity establishment.

In case the individual does not submit any documents in the international protection procedure or return procedure, the identity is established during the personal interview in which the official also asks questions aimed to clarify such circumstances. However, such procedures are not regulated by the national legislation as methods for establishing identity. As a method for establishing identity of unaccompanied minors, the law regulates age assessment in both procedures although the method is not currently used in practice. Methods such as DNA analysis, taking of fingerprints and photographs for comparison in national databases and other methods are also not used.

Verification of the authenticity or credibility of the documents in the international protection procedure is performed by the police in the preliminary procedure. In the international protection procedure and in the procedure of issuing a residence permit the authenticity of the documents can also be verified by the National forensic laboratory. In the return procedure of the rejected asylum seekers these procedures are not conducted, because they were already performed in the international protection procedure. In the visa procedure the verification of the authenticity of the documents is carried out by the officials of the embassies and consulates, who can also rely on the help of specialized officials of the airport border crossing Brnik, and by the police during border control.

¹ Aliens Act-2 (Official Gazette of RS, No.16/17)

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?; **No**²
- b) Preparing for the forced return of a rejected applicant for international protection to their (presumed) country of origin?; **Yes**
and
- c) Verifying applications for the following categories:

- Visitors visa **No**

Residence permits issued for:

- Family reasons; **No**
- Study reasons; **No**
- Remunerated activities; **No**
- Non-EU harmonised protection status (i.e. resident permit on humanitarian or medical grounds.) **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)

In the return procedures the main issue is still the lack of credible documentation that obstructs the return to the country of origin. If the foreigner in the procedure does not possess authentic personal documents the return normally cannot be carried out forcefully, but instead only if his/her cooperation is ensured³.

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).

In case the individual in the return procedure does not possess any authentic documents the process of establishing identity and subsequently the return procedure depends on his/her cooperation. Lack of cooperation in the procedure, including providing false information, is therefore one of the main issues the police is facing when establishing the identity of the individual in the return procedure. In addition, lack of cooperation of embassies and

² According to the official of the Ministry of the Interior most of the applicants for international protection still do not submit personal document based on which their identity could be established beyond doubt. However the procedure of establishing identity is not considered to be problematic since a decision in the international procedure can be taken even if the identity of the individual is not established and only the country of origin is known.

³ Interview with the official of the Centre for Foreigners.

consulates of the presumed country of origin also represents a big issue when establishing the identity of the individual in the return procedure⁴.

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**

If Yes, was this change an important reason for the above-mentioned challenges and difficulties? **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.**

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.

In the return procedure establishing identity is considered to be particularly difficult for the presumed citizens of Morocco, Algeria, Pakistan and Bangladesh⁵.

In the international protection procedure, the competent authority does not cooperate in any way with official authorities of the presumed country of origin. If the individual does not possess any documents they try to establish his country of origin and identity with the use of other methods⁶.

⁴ Interview with the official of the Centre for Foreigners.

⁵ Interview with the official of the Centre for Foreigners.

⁶ Interview with the official of the Ministry of the Interior.

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, <ul style="list-style-type: none"> > 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 ⁷ at the time when the application for international protection was lodged						<ul style="list-style-type: none"> > <i>The necessary registrations are not made; Yes</i>
Number of applicants for international protection for whom identity was wholly or partially ⁸ established during the asylum procedure thereby allowing the relevant authorities to reach a particular decision on the application for international protection						<ul style="list-style-type: none"> > <i>The necessary registrations are not made; Yes</i>

⁷ 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).

⁸ For example, if some elements of identity (e.g. nationality) could be established but not others (e.g. full name, date of birth).

(e.g. grant, refuse, defer)						
Total Number of Positive Decisions for applicants for international protection whose identity was not documented ⁹ at the time of application						> <i>The necessary registrations are not made; Yes</i>
Total Number of Positive Decisions for applicants for international protection whose identity was considered sufficiently established by the decision-making authorities						> <i>The necessary registrations are not made; Yes</i>
Total Number of Negative Decisions for applicants for international protection whose identity was not documented ¹⁰ at the time of application						> <i>The necessary registrations are not made; Yes</i>
Total Number of Negative Decisions for applicants for international protection whose identity was not considered to be sufficiently established by the decision-making authorities						> <i>The necessary registrations are not made; Yes</i>
Total Number of (Forced) ¹¹ <u>Returns undertaken</u> of all rejected applicants for						> <i>The necessary registrations are not made; Yes</i>

⁹ 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).

¹⁰ Ibidem.

¹¹ 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						
Total Number of (Forced) ¹² Returns of rejected applicants for international protection whose identity was established at the time of return						> <i>The necessary registrations are not made; Yes</i>
Total Number of (Forced) ¹³ 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 ¹⁴ established						> <i>The necessary registrations are not made; Yes</i>

¹² Ibidem.

¹³ Ibidem.

¹⁴ For example if the authorities were unable to formally identify the third-country national by nationality, surname, first name and date of birth and support such identification with the documents required by the third country.

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) <i>If statistics cannot be provided, please indicate the reasons why,</i>
						<ul style="list-style-type: none"> > <i>The necessary registrations are not made; Yes/No</i> > <i>The registered information cannot easily be extracted for reporting and statistics; Yes/No</i> > <i>The statistics are only produced for internal use, and are not available to the public. Yes/No</i> > <i>Other reasons, please describe:</i>
Total Number of visas applied for in consulates in third countries ¹⁵						Slovenia is part of the Schengen area therefore this statistic is collected at EU level.
Total Number of visas refused in consulates in third countries ¹⁶						Slovenia is part of the Schengen area therefore this statistic is collected at EU level.
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	4	3	0	4	0	Most of the presented forged documents are the so called supporting documents and not the identification documents because it is hard for the applicants to obtain a good forged, false or counterfeit identification document (i.e. passport) with which they can establish their identity in the procedure ¹⁷ .
Total Number of residence permits for remunerated activities refused due to the identity of the applicant not being considered sufficiently established						> <i>The necessary registrations are not made; Yes</i>
Total Number of residence permits for study purposes refused due to the identity of the applicant not being considered sufficiently established						> <i>The necessary registrations are not made; Yes</i>
Total Number of residence permits for family reasons refused due to the identity of the applicant/ the family relationship not being considered						> <i>The necessary registrations are not made; Yes</i>

¹⁵ If your Member State is part of the Schengen area this statistics are collected at EU level and need not be repeated

¹⁶ Ibidem.

¹⁷ Interview with the official of the Ministry of Foreign Affairs.

sufficiently established						
--------------------------	--	--	--	--	--	--

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) <i>If statistics cannot be provided, please indicate the reasons why,</i>
						<ul style="list-style-type: none"> > <i>The necessary registrations are not made; Yes/No</i> > <i>The registered information cannot easily be extracted for reporting and statistics; Yes/No</i> > <i>The statistics are only produced for internal use, and are not available to the public. Yes/No</i> > <i>Other reasons, please describe:</i>
Total Number of Cases in which language analysis was performed to establish the identity of the third-country national						<ul style="list-style-type: none"> > <i>The necessary registrations are not made; Yes</i> <i>As explained below in table 5 (I) special language analysis to establish identity is not regulated in law. In practice officials can ask questions aimed to clear up such circumstances during the personal interview with the individual in the asylum or return procedure.</i>
Total Number of Cases in which an age assessment was performed to determine whether the third-country national was a minor						<ul style="list-style-type: none"> > <i>The necessary registrations are not made; Yes</i> <i>In practice age assessment is not used both in the international protection procedure and in the return procedure.</i>
Total Number of Cases in which a DNA Analysis was used to establish the family relationship in family reunification cases						<i>DNA analysis is not regulated in the national legislation and not used in practice both in the international protection procedure and in the return procedure.</i>
Total Number of Cases in which Interviews were used to determine probable country and/or region of origin						<ul style="list-style-type: none"> > <i>The necessary registrations are not made; Yes</i> <i>As explained below in table 5 (I) such interviews are not enshrined in law. Establishing the identity through an interview and questions aimed to clear up such circumstances are inseparable from establishing the credibility of the applicant's claims.</i>

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.**

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*).

The legal basis for the procedures used for establishing identity within the procedure for international protection and return have not been changed. However, the provisions regulating the methods for establishing identity by the police previously contained in the Police Act were transposed into the Tasks And Police Powers Act¹⁸ in 2013. The transposition was not related to any migrant issues as the goal of the new Act was to comprehensively regulate the tasks and police powers in a separate act. No mayor changes in the methods for establishing identity were made. The police can no longer register the individual's personal description and publish it along with their photograph.

The age assessment procedure was introduced in international protection procedures in 2012¹⁹. The amendments to the International Protection Act did not bring any other changes to the identity establishment procedure.

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**

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

The process of identity determination for verifying the identity of third country applicants for visitors visa, work and study permits and family reunification permits is laid down in the Aliens Act-2.

The methods for establishing the identity by the police, as previously mentioned, are regulated in the Tasks and Police Powers Act.

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'? **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]

National authorities responsible for issuing the relevant visa or permit are also responsible for verifying the identity of third country applicants in the application procedure.

Consulates and embassies are responsible for issuing/verifying the identity of applicants for short stay visas and

¹⁸ Tasks And Police Powers Act, (Official Gazette of Republic of Slovenia, No 15/2013 with subsequent changes).

¹⁹ See also Q19c.

long stay visas for the purposes of family reunification, study and remunerated activities²⁰. Ministrstvo za zunanje zadeve – Ministry of Foreign Affairs is responsible for issuing/verifying the identity of applicants for long stay visas already residing in the Republic of Slovenia who's stay needs to be extended for reasons listed in the Aliens Act-2²¹. Border police is responsible for issuing/verifying the identity of applicants for short stay visas on the border²². Administrative unit in whose territory the third country national intends to reside is responsible for issuing/verifying the identity of applicants for temporary residence permits for the purpose of family reunification, study and remunerated activities²³. Permits for the purpose of family reunification of refugees and beneficiaries of subsidiary protection²⁴ are issued and their identity verified by the Ministry of the Interior – Ministrstvo za notranje zadeve²⁵.

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;²⁶
- Biometric technologies used, if any;
- 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*)? **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? **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

²⁰ Aliens Act-2, Art. 18/1.

²¹ Aliens Act-2, Art. 18/1, 20/2 and 20/3.

²² Aliens Act-2, Art. 86/3.

²³ Aliens Act-2, Art. 54/1.

²⁴ The family reunification procedure of TCNs is described in the 2016 EMN Focussed study 'Family reunification of TCNs in the EU', National contribution from Slovenia.

²⁵ Aliens Act-2, Art. 54/2 and 54/4.

²⁶ 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).

- 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?

In the international protection procedure, the Police is responsible for establishing the identity of individuals in the preliminary asylum procedure. The police automatically check the personal data of the applicant in the SIS, the national database of offences and other records of the Police. In case it is suspected that the person has already applied for international protection in another country the data can be also verified with foreign security authorities. In case the Police takes the fingerprints they send them to the Sector for criminal technical science within the particular Police Directorate, which then carries out the analysis and reports on an eventual hit in the database. For verification of authenticity of personal documents the Police can employ the national portal PORLIS, which combines access to iFADO and PRADO databases, GWK database Switzerland, DOKIS database of the Bavarian Police, ARGUS database and the Slovenian database of authentic and forged personal documents. In case the Police suspect the personal document is forged it is sent for analysis to the Sector for criminal technical science of the Criminal Police Sector. In more demanding cases the document is then turned over to the National forensic laboratory, which works as an independent organizational unit of the General Police Directorate and has a wider access to the iFADO database²⁷. In the preliminary procedure the Police also establishes the travel route of the individuals and fill out their registration papers²⁸.

Data from the police procedure is later available to the officials of the International Administrative Affairs, Migration and Naturalisation Directorate (hereinafter: Directorate), who are responsible for establishing the identity of applicants in the asylum procedure. The Police can also help later in the procedure. The Directorate also employs the help of the National forensic laboratory, for determining the authenticity of personal documents in cases when the applicant in the procedure presents personal documents²⁹.

In the procedure of issuing a visa the embassies and consulates use the national visa system and Schengen systems such as VIS. Help and support to the embassies and consulates is also provided by the police. Regarding the verification of the authenticity of documents the embassies and consulates can also directly contact specialized experts employed at the airport border cross Brnik as part of the agreement between the Ministry of Foreign Affairs and the police³⁰.

In case when the official has doubts regarding the authenticity of the document submitted, by the foreigner in the residence permit procedure, and he is establishing his identity with this document, the official can also send it to the National forensic laboratory for review and opinion³¹.

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.**

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)

In the procedure of issuing a visa the police, the embassies and the consulates have direct access to VIS. When an individual applies for a visa his personal information is entered in the national visa system which also includes the data from EU databases such as VIS. The officials have a direct access to the national visa system³².

²⁷ See Section 1.3 of the 2012 EMN Study 'Establishing Identity', National Contribution from Slovenia.

²⁸ International Protection Act (Official Gazette of RS, No. 16/17), Art. 42/2.

²⁹ See Section 1.4 of the 2012 EMN Study 'Establishing Identity', National Contribution from Slovenia.

³⁰ Interview with the official of the Ministry of Foreign Affairs.

³¹ Interview with the official of the Ministry of the Interior from the field of residence permits.

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.**

If Yes, please specify how such interactions take place

Officials of the Directorate responsible for establishing identity in the international protection procedure can make an official request directly to the Police for data from the SIS database and if relevant also from the VIS database. Officials conducting the international protection procedure do not have direct access to databases because only two persons of the Directorate, in charge of the Dublin procedures, have authorized access to the EURODAC database. Although officials responsible for determining the identity are not authorized for direct access to European databases, they do not have to make a request for data from the EURODAC database because it is accessed in all cases after the submission of the application for international protection and the data is then available in the case file³³.

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?

The definition of identity, for all of the abovementioned immigration categories, is not directly defined in law. The Aliens Act-2³⁴ contains a provision that defines the establishment of the identity of aliens, which applies to all abovementioned immigration categories. According to the provision an alien may prove his/her identity by means of a foreign travel document, identity card or other suitable document, which is prescribed in the alien's country and which proves the identity of the alien, an alien's passport, an alien's residence permit issued as a stand-alone document, or another public document issued by a state authority which includes a photograph and on the basis of which it is possible to establish his/her identity³⁵.

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.

³² Interview with the official of the Ministry of Foreign Affairs.

³³ See Section 1.4 of the 2012 EMN Study 'Establishing Identity', National Contribution from Slovenia.

³⁴ Aliens Act-2, Art. 97/1.

³⁵ See also Q11.

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 <i>Passports and ID cards</i>	Yes <i>Passports and ID cards</i>	Yes <i>Passports</i>
Other documents: birth certificates, driving licence, divorce certificates, marriage licences, qualification certificates, house books etc.	Yes <i>According to the Art. 97/1 of the Aliens Act-2 they can submit any other suitable document which is prescribed in the alien's country and which proves the identity of the alien, an alien's passport, an alien's residence permit issued as a stand-alone document, or another public document issued by a state authority which includes a photograph and on the basis of which it is possible to establish his/her identity. In practice it is essential that such a document contains a photograph³⁶.</i>	Yes <i>According to the Art. 97/1 of the Aliens Act-2 they can submit any other suitable document which is prescribed in the alien's country and which proves the identity of the alien, an alien's passport, an alien's residence permit issued as a stand-alone document, or another public document issued by a state authority which includes a photograph and on the basis of which it is possible to establish his/her identity. In practice the authorities accept all documents issued by an official authority of the county of origin³⁷.</i>	Yes <i>According to the Art. 97/1 of the Aliens Act-2 they can submit any other suitable document which is prescribed in the alien's country and which proves the identity of the alien, an alien's passport, an alien's residence permit issued as a stand-alone document, or another public document issued by a state authority which includes a photograph and on the basis of which it is possible to establish his/her identity. In practice other documents (including the ID) in the visa procedure need to be submitted as supportive documents together with the passport if the official has doubts about the identity of the foreigner and requires that he submits additional documentation to establish his identity³⁸.</i>
Informal (residence) documents, such as UNHCR registration documents	Yes <i>In practice authorities accept all documents and other information that may contribute to the confirmation of a person's identity³⁹. However such documents can not prove the individuals identity beyond doubt⁴⁰.</i>	No	No

³⁶ Interview with the official of the Ministry of the Interior.

³⁷ Interview with the official of the Centre of Foreigners.

³⁸ Interview with the official of the Ministry of Foreign Affairs.

³⁹ See Section 2.1 of the 2012 EMN Study on 'Establishing Identity', National Contribution from Slovenia.

⁴⁰ Interview with the official of the Ministry of the Interior.

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

Copies are accepted in international protection procedures however they can not replace the official document. The Directorate does not have a set hierarchy of different types of personal documents and their relevancy is evaluated separately in each case. However, the identity is only considered established beyond doubt if a person presents one of the documents listed in the Aliens Act, Art. 97/1 in original⁴¹. It is important that such documents contain a photograph⁴².

In the return procedure the Police also accepts copies but only as supporting documents with which the individual can further establish his identity and not as proof of his identity. In practice there is a hierarchy between documents submitted by an individual. As core documents the Police considers documents issued by an official authority which contain a photograph and personal information. These are primarily passports, IDs, driver's licence and an army card. As supportive documents they accept documents which do not contain a photograph (i.e. school certificate etc.) Pictures of documents and informal documents (such as UNHCR registration documents) can help the police establish identity in the return procedure, however they are not accepted as core or supporting documents⁴³.

In the procedure of issuing a visa the competent authority does not accept a copy of the passport, the individual has to submit the original document with his application. In practice there is a hierarchy between the documents. As core documents they accept passports, especially those which are in compliance with the ICAO standards (the biometric passports). With all of the other documents listed in Art. 97/1 of the Aliens Act, the individual can only further prove and establish his identity (e.g. in case of doubt)⁴⁴.

In the procedure of issuing a first residence permit the foreigner needs to submit a valid travel document of his home country or a certified copy of such a document. Other residence permits can be issued to a foreigner even if he does not possess and can not obtain a valid travel document of his home country if his identity is established. In this case his identity established based on the documents listed in Art. 97/1 of the Aliens Act-2 and there is no hierarchy between them⁴⁵.

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

In the international protection procedure all original documents are sent to the National forensic laboratory, where they check the authenticity of the document and look for any signs of counterfeiting. They did not detect any major problems on this field since most of the applicants do not submit the original documents⁴⁶. Major issues were also not detected by the administrative units which in doubt also send the documents to the National forensic laboratory⁴⁷.

In the procedure of issuing a visa the biggest challenge is the ability of the officials in the embassies and consulates responsible for issuing the visa and subsequently for establishing the identity, to recognize a forged or counterfeit document. In recent years the Ministry of Foreign Affairs has been paying special attention to this issue. Together with the police they are organizing trainings and seminars aimed to improve the qualifications of the staff⁴⁸.

In the return procedures the officials do not check the authenticity of the documents since this is already determined during the asylum procedure or in the preliminary procedure. The police is constantly being trained on this field so they did not detect any major issues⁴⁹.

Q15c. Have any of these issues changed compared to those described in your contribution to the 2013 EMN Study on 'Establishing identity'? **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.*

⁴¹ See Section 2.1 of the 2012 EMN Study on 'Establishing Identity', National Contribution from Slovenia.

⁴² Interview with the official of the Ministry of the Interior.

⁴³ Interview with the official of the Centre of Foreigners.

⁴⁴ Interview with the official of the Ministry of Foreign Affairs.

⁴⁵ Interview with the official of the Ministry of the Interior from the field of residence permits.

⁴⁶ Interview with the official of the Ministry of the Interior.

⁴⁷ Interview with the official of the Ministry of the Interior from the field of residence permits.

⁴⁸ Interview with the official of the Ministry of Foreign Affairs.

⁴⁹ Interview with the official of the Centre for Foreigners.

Q16. In your Member State, are there any national guidelines for the control by the relevant authorities of identity of person and identity documents in the various migration procedures? **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 forged documents most commonly detected in connection with applications for visa and residence permit (e.g. in border control, by immigration authorities or other state agencies)?

In the procedure of issuing a visa forged documents are most commonly detected by the embassies or consulates when the application for the visa is submitted or by the police during border control⁵⁰. The administrative unit does not possess this information⁵¹.

Q18. Are there any exemptions to the obligation to present an official travel document for third country applicants for visa and residence permit? **Yes.**
If Yes, for which groups and/or major nationalities are there exemptions, and are these exemptions stated in national legislation and/or guidelines?

According to the Aliens Act-2⁵² a residence permit (issued for any legally defined purpose, which includes family reunification, study and remunerated activities), except for the first temporary residence permit, can be issued to an alien who does not have and can not acquire a travel document of their home country, if his/her identity is not disputable.

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).*

⁵⁰ Interview with the official of the Ministry of Foreign Affairs.

⁵¹ Interview with the official of the Ministry of the Interior from the field of residence permits.

⁵² Aliens Act, 33/6.

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: part of standard practice <i>Special language analysis is not enshrined in law and has not been used. Implementation of this method would not be possible because of the lack of qualified staff. However the official who administers the procedure may in the course of the personal interview ask particular questions with the aim to clear up these circumstances⁵³.</i>	Yes: part of standard practice <i>Special language analysis is not enshrined in law. In practice the official who administers the procedure asks questions aimed to clear up these circumstances during the course of the personal interview. The interpreter in the procedure also gives his/her opinion about the probable country/region of origin based on the language of the individual⁵⁴.</i>
Age assessment to determine probable age	No <i>According to the International Protection Act the age assessment can be made on the basis of the opinion of the officers or persons involved in the work with the unaccompanied minor if there is doubt in his/her age during the procedure⁵⁵. However the age assessment is currently not used in practice⁵⁶.</i>	Yes: obligatory <i>According to the Aliens Act the age assessment can be made when the identity of a minor has not been confirmed and there is doubt that he/she is actually a minor⁵⁷. In practice this procedure is not used⁵⁸.</i>
Interviews to determine probable country and or region of origin (or other elements of identity, such as faith and ethnicity)⁵⁹	Yes: <i>In practice, establishing of identity through an interview is usually inseparable from establishing of credibility of the applicant's claims or reasons for international protection. Therefore, establishing of identity during the personal interview is part of standard practice of officials of the Directorate conducting the interview⁶⁰.</i>	Yes: part of standard practice <i>In practice the official who administers the procedure also asks questions aimed to clear up these circumstances during the personal interview. In addition to this the overall profile of the individual is also assessed during the personal interview including: the appearance, language, behaviour, habits and possible symbols which could indicate to the possible country/region of his origin. Such assessments are conducted by specialized officials⁶¹.</i>
Identity related paper and e-transactions with the authorities (e.g. tax, social benefits)	No	No
Identity related paper and e-transactions with the private sector (e.g. bank)	No	No
Identity related e-transactions in	Yes: optional	No

⁵³ Interview with the official of the Ministry of the Interior.

⁵⁴ Interview with the official of the Centre for Foreigners.

⁵⁵ International Protection Act-1, Art. 17/2.

⁵⁶ Interview with the official of the Ministry of the Interior.

⁵⁷ Aliens Act-2, Art. 82/5.

⁵⁸ Interview with the official of the Centre for Foreigners.

⁵⁹ 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.

⁶⁰ See Section 2.2.vii of the 2012 EMN Study on 'Establishing Identity', National Contribution from Slovenia.

⁶¹ Interview with the official of the Centre for Foreigners.

connection with social media		
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?	No	No
Confirming the identity by an embassy/consulate/other authority of the country of origin		<i>On the grounds of a completed form or conducted interview with the foreigner the authority of the country of origin checks the data in its national records. If the identity is confirmed, the authority of the country of origin issues the required travel document for return. This method is optional and depends on the cooperation of the foreigner. The practice differs from country to country however countries normally refuse cooperation in such procedures unless an express consent of the foreigner for cooperation in the procedure is given⁶².</i>

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	No	Yes: obligatory	No	No ⁶³
Photograph for comparison with National and European databases	No	Yes: obligatory	No	No ⁶⁴
Iris scans for comparison with National databases	No	NA	No	NA
DNA analysis	No	NA	No	NA
Other (please describe e.g. type of co-operation with or contacts in third countries, such as diplomatic missions)				

⁶² Interview with the official of the Centre for Foreigners.⁶³ Because the fingerprints are already taken in the international protection procedure a new procedure is not necessary.⁶⁴ Because the photograph is already taken in the international protection procedure a new procedure is not necessary.

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?	No	No Although the method is not regulated in national legislation it is used in practice.
Age assessment to determine probable age	The method is already regulated in national legislation.	The method is already regulated by national legislation but not used in practice. The police does not see the need to use the method in the future ⁶⁵ .
Interviews to determine probable country and or region of origin (or other elements of identity, such as faith and ethnicity) ⁶⁶	No	No Although the method is not regulated in national legislation it is used in practice.
Identity related paper and e-transactions with the authorities (e.g. tax, social benefits)	No	No In the opinion of the official of the Centre for foreigners this method is not needed since the identity of the individual can be established through the embassy by filling in the necessary forms.
Identity related paper and e-transactions with the private sector (e.g. bank)	No	No In the opinion of the official of the Centre for foreigners this method is not needed since the identity of the individual can be established through the embassy by filling in the necessary forms.
Identity related e-transactions in connection with social media	No	No In the opinion of the official of the Centre for foreigners this method is not needed since the identity of the individual can be established through the embassy by filling in the necessary forms.
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?	No	No
Other	Currently there is no plan to use any new methods.	Currently there is no plan to use any new methods.

⁶⁵ Interview with the official of the Centre for Aliens.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.

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	No	The method is already used.	The method is already used.	No
Photograph for comparison with National and European databases	No	The method is already used.	No	No
Iris scans for comparison with National databases	No	NA	No	NA
DNA analysis	No	NA	No	NA
Other (please describe, e.g. type of co-operation with or contacts in third countries, such as diplomatic missions)	Currently there is no plan to use any new methods.			Currently there is no plan to use any new methods.

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

Yes, for all asylum seekers

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

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

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

X Yes, for some asylum seekers (who?) only if they hold a visa

o Please specify since when these checks have been carried out: the data is not available

o Do you produce statistics on the number of matching attempts and the results? No

o What proportion of matchings produce a positive 'hit' (approximately): the data is not available

No, for:

o Technical reasons

o Legal reasons.

o 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**

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.

The age assessment procedure was introduced in international protection procedures in 2012⁶⁷. According to the government of the Republic of Slovenia the procedure was introduced due to the increase of applicants for international protection who claimed they were unaccompanied minors but lacked the documentary evidence to prove it. In case of doubt the national legislation did not regulate any mechanisms for determining the age of the applicants. This meant that in practice adult applicants claiming to be minors were accommodated with unaccompanied minors in the Asylum home. Because of the negative consequences on the safety and personal development of unaccompanied minors, such practice was not considered to be in the best interest of the child⁶⁸. The International Protection act does not establish any hierarchy between the methods, however in practice the age assessment (which is not an obligatory measure) is currently not used⁶⁹.

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.)? **No**
If Yes, please specify

/

Q20. Has your (Member) State issued any guidelines and/or best practices on the use of different methods? **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

Are there exceptions to this rule? **Yes.** If Yes, please specify:

As stated in Q18 a residence permit (issued for any legally defined purpose, which includes family reunification, study and remunerated activities), except for the first temporary residence permit, can be issued to an alien who does not have and can not acquire a travel document of their home country, if his/her identity is not disputable⁷⁰.

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?
Please specify by filling in the table below:

⁶⁷ Law on Amendments and Supplements to the International Protection Act-2C, (Official Gazette of Republic of Slovenia, No 83/12), Art. 6.

⁶⁸ The government of the Republic of Slovenia proposal for the Law on Amendments and Supplements to the International Protection Act-2C.

⁶⁹ Interview with the official of the Ministry of the Interior.

⁷⁰ Aliens Act, 33/6.

Table 9 Methods used for establishing identity

Short stay visas		
Method	National database	European database
Fingerprints for comparison with National and European databases	No	Yes: obligatory
Photograph for comparison with National and European databases	Yes: obligatory	Yes: obligatory
Others (please specify)		
Residence permit for study reasons		
Method	National database	European database
Fingerprints for comparison with National and European databases	No	No
Photograph for comparison with National and European databases	No	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	No	No
Photograph for comparison with National and European databases	No	No
Others (please specify)		
Residence permit for family reasons		
Method	National database	European database
Fingerprints for comparison with National and European databases	No	No
Photograph for comparison with National and European databases	No	No
DNA analysis	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	No	The method is already used.
Photograph for comparison with National and European databases	The method is already used.	The method is already used.
Others (please specify)		
Residence permit for study reasons		
Method	National database	European database
Fingerprints for comparison with National and European databases	No	No
Photograph for comparison with National and European databases	No	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	No	No
Photograph for comparison with National and European databases	No	No
Others (please specify)		
Residence permit for family reasons		
Method	National database	European database
Fingerprints for comparison with National and European databases	No	No
Photograph for comparison with National and European databases	No	No
DNA analysis	No	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**

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.⁷¹

In the return procedure all of the methods are used at the same time and compliment each other there is no hierarchy between them. The police take an individual approach and apply the methods according to the needs of each individual and the current situation⁷². There is also no hierarchy between methods used in the international protection procedure⁷³.

In the process of issuing a visa taking of fingerprints is considered to be the most reliable method by the officials in practice⁷⁴.

- Does there need to be consistency between the results obtained from the various methods used? **Yes**

If Yes, please specify:

In the process of issuing a visa the results obtained with different methods need to be consistent. When the individual applies for a visa all the gathered information is entered in the national visa system and checked. If the applicant had already applied for a visa, the gathered information is checked against the already obtained data. They also check if the fingerprints match.⁷⁵

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")?

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.

/

Q25. Are there any future measures being considered with regard to setting up or further elaborating a 'grading' structure? **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.

/

⁷¹ 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.

⁷² Interview with the official of the Centre for foreigners.

⁷³ Interview with the official of the Ministry of the Interior.

⁷⁴ Interview with the official of the Ministry of Foreign Affairs.

⁷⁵ Interview with the official of the Ministry of Foreign Affairs.

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'.

There had not been any changes since the 2013 EMN study on 'Establishing identity'. Because the identity in the asylum procedure is being established by the same person who passes the final decision no special recommendation is passed in regard to it⁷⁶.

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? **No**
- Have the authorities stopped using certain methods for identity determination? **No**
- Has the quality of the methods used decreased? **No**

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

/

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'.

There had not been any changes since the 2013 EMN study on 'Establishing identity'. The Centre for Foreigners both establishes the identity in the return procedure and makes decisions regarding the return itself. By establishing the identity in a way required by the country of origin the option of return is enabled⁷⁷. Establishing the identity of the individual in the return procedure is the most important part of the procedure according to the police because their decision regarding the return is based on it⁷⁸.

Q27b. Are the results of the work to establish identity during the international protection process available to the authorities preparing forced return? **Yes**
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.

Additional steps depend on each country of origin since they have different demands⁷⁹.

⁷⁶ Section 3.2.1 of the EMN Study on 'Establishing Identity', National Contribution from Slovenia.

⁷⁷ Section 3.2.2 of the EMN Study on 'Establishing Identity', National Contribution from Slovenia.

⁷⁸ Interview with the official of the Centre for Foreigners.

⁷⁹ Interview with the official of the Centre for Foreigners.

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"?

In the process of issuing a visa the visa is issued only if the identity is established. Special report about the results of the identity establishment procedure are therefore not made⁸⁰. The same also applies in the process of issuing a residence permit⁸¹.

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?

If Yes, please specify

If in the process of issuing a visa the identity is not established this *de facto* leads to a negative decision. Other factors are not considered⁸². The same also applies in the process of issuing a residence permit⁸³.

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: **No**
- Carriers: **No**
- Authorities in one or more other countries: **No**
- International organisations: **No**
- Private entities: **No**
- Others: **No**

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

/

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

Such agreements do not exist.

⁸⁰ Interview with the official of the Ministry of Foreign Affairs.

⁸¹ Interview with the official of the Ministry of the Interior from the field of residence permits.

⁸² Interview with the official of the Ministry of Foreign Affairs.

⁸³ Interview with the official of the Ministry of the Interior from the field of residence permits.

Section 4.2 - Data procedures and databases

Q30. Which personal data of individuals is collected in national databases⁸⁴ 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.

In the national visa system, the biometric data collected are only fingerprints and photographs. In accordance with Art. 112/2 of the Aliens Act the biographic data collected in the database includes: a personal identification number (EMŠO) if the foreigner has one, name and surname, birth surname, date and place of birth, gender, nationality, birth nationality, marital status, mother's father's and legal guardian's name and surname, passport information, occupation, name and surname of the spouse, birth surname of the spouse, name, surname and date of birth of the children, personal information about an EU citizen, when the foreigner is his family member, residential address abroad, email address, telephone number, serial number and the validity of visas issued by another Schengen state, Schengen state of first entrance, the intended country, information about the permission to enter the intended country and about the verification number of the Guarantee letter.

In the asylum register information about applicants for international protection is gathered. According Art. 115/1 of the International Protection Act-1 the database includes: personal name, other names or nicknames, date and place of birth, gender, citizenship, documents regarding establishing identity, address of the last residence, date of departure from country of origin, countries in which the applicant resided after he left his country of origin, date of entrance in the Republic of Slovenia together with the information where he entered and how, previous applications in the Republic of Slovenia, application in other countries, nationality, ethnical or tribal affiliation, religion (the applicant has to agree), political party or organization affiliation (the applicant has to agree), mother tongue, education and occupation, military service, criminal record, marital status, information about the name, surname, citizenship and permanent or temporary residence address of family members that accompany the applicant, already reside in the Republic of Slovenia, live in the country of origin or outside the country of origin, statement of the applicant about his reasons for applying for international protection, special needs or issues of the applicant, photograph and fingerprints in digital form, identification number (EMŠO), temporary residence, number and date of the applicant ID card, information about legal representatives and guardians of unaccompanied minors, personal name, date of birth and temporary residence of the legal representative or guardians and documentation about his health and psychosocial condition regarding his accommodation in the Asylum home, decisions regarding special circumstances, permissions to sleep outside the Asylum home, performing maintenance work in the Asylum home, his access to a legal counsellor for refugees, participation in the educational or vocational system, employment, financial assistance in case he is accommodated on a private address and allowance (or its withdrawal) in case he is accommodated in the Asylum home, material supply with clothes, shoes and personal hygiene products.

The administrative units gather information regarding the temporary residence permit. In accordance with Art. 111/1 of the Aliens Act-2 the following information is gathered: EMŠO (if the foreigner has it), surname and name, surname before marriage, gender, place and date of birth, citizenship, marital status, occupation, last permanent or temporary residence, date of entry in the Republic of Slovenia, reason and purpose of stay, way of obtaining means of subsistence, type and number of passport or other document based on which he entered the border, date and place when it was issued and the validity of the document, date of submitting the application. The register also contains a photograph and two fingerprints in digital form. This biometric data is obtained in the register for 30 days⁸⁵ since the final decision about the application after that they are deleted from the register.

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).

⁸⁴ 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.

⁸⁵ Interview with the official of the Ministry of the Interior from the field of residence permits.

The Ministry of Foreign Affairs manages the VIS⁸⁶.
Ministry of the Interior manages the register of applicants for international protection (asylum register) and the national population register⁸⁷.
The administrative units manage the register of temporary and permanent residence permits⁸⁸, while the Ministry for the Interior manages the central register of residence permits (register of foreigners).

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

⁸⁶ Interview with the official of the Ministry of Foreign Affairs.

⁸⁷ Interview with the official of the Ministry of the Interior.

⁸⁸ Interview with the official of the Ministry of the Interior from the field of residence permits.

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	X	X	X	X police databases
Return	X	X		X police databases (checked by the police)
Short stay visas	X	X		X police databases
Long stay visas and residence permit for study reasons	X visa	X visa		X visa: see above
Long stay visas and residence permits for family reasons	X visa	X visa		X visa: see above
Long stay visas and residence permits for the purposes of remunerated activities	X visa	X visa		X visa: see above

Q32b. Are there any data elements that the authorities would consider useful, but are not yet collected or stored?

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.

Regarding the processing of personal data within the framework of migration-related procedures and databases no big changes were made recently.

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

In the field of identity management architecture and data sharing there were no recent pilot project nor are they planned in the future.

Section 5: debate and evaluation

Q34. Are the (actual or planned) measures described above currently being debated in your Member State? **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? **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.*

In the international protection procedure and return procedure no major changes were made since the 2012 EMN Study on 'Establishing identity'.

In the international protection procedure, the competent authorities do not consider the establishing of the identity to be problematic, since the procedure can be carried out even if the identity is not established. On the other hand, establishing the identity in the return procedure represent a crucial part of the procedure, since the decision regarding the return is based on it. In the return procedure the main challenge when establishing identity is still the lack of documentation and cooperation of the individuals and consulates in the procedure.

On the legislative field age assessment was introduced in the international protection procedure with the International Protection Act, however the method is not used in practice. In order to protect unaccompanied minors accommodated in the Asylum home, the implementation of the age assessment should be regulated and the method used again. In addition, no other methods are being used. Establishing the identity is therefore still based on the personal documentation and checking the information in EU databases. Both in the international protection procedure and the return procedure the officials ask questions aimed to clarify the circumstances regarding the country or region of origin and establishing the identity, however both the language analysis and the interview for establishing the probable country of origin are not regulated in national legislation as methods for establishing the identity.

In the visa procedure establishing identity is also not problematic in the view of the competent authorities. Whether the visa will be granted depends on the identity establishment. In case the identity is not established the application for the visa is rejected since the Republic of Slovenia does not grant visas for humanitarian reasons. The individuals need to submit a passport in the procedure, the authenticity of which is checked both when the application is lodged and before entering the country. Additional documents for establishing identity need to be submitted only if the official of the embassy or consulate has doubts regarding the identity.

For the administrative units establishing the identity also does not represent a major issue. The result of the procedure depends on the identity establishment and the individuals have to submit an official travel document unless otherwise prescribed by law.

According to the officials of the competent authorities there is no need for any new methods in any of the migration related procedure discussed in this study.

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			X	X	X	X
Immigration authorities						
Asylum authorities						
Police	X	X	X			
Border guard	X	X	X			
Security services						
Identification centre						
Ministry of Foreign Affairs				X	X	X
Administrative units				X	X	X
Ministry of the Interior	X			X		

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;⁸⁹
- 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	Identity of the individual is first established in the preliminary procedure by the police and the results of the procedure are available to the officials in the international protection procedure. Applicants in the Asylum Home must provide fingerprints, which are checked in the EURODAC database and other personal information. During the personal interview the officials also pose questions aimed to establish the identity of the applicant. In case the individual submits official travel documents the authenticity of the document is checked by the National forensic laboratory. Depending on the information gathered the official makes the decision whether the identity is established. In case the identity of the individual is not established beyond doubt the official lists the information given by the applicant as his personal information ⁹⁰ .
Forced return	Individuals in the return procedure must provide their documents. If they provide the documents the police first check their authenticity. In case the individual does not provide the documents, the police contact the embassy of the declared country of origin. From there on the procedure depends on the cooperation of the individual and the embassy ⁹¹ .
Short stay visas	Each applicant needs to submit a passport which is scanned with the travel documents reader which checks if the biographic page and chip in the passport (if the passport is biometrical) are genuine. The task of the decision maker is to check the passport and establish if the individual, who presented the passport is the person he is claiming to be. Identity of persons who were already issued a visa is

⁸⁹ 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).

⁹⁰ Interview with the official of the Ministry of the Interior.

⁹¹ Interview with the official of the Centre for Foreigners.

	checked in the VIS system. This is checked when the visa application is submitted and again before the individual enters the territory of the Republic of Slovenia e.g. the Schengen area ⁹² .
Long stay visas/ permits for family reasons	For visas: see above. In the residence permit procedure the individual establishes his identity with the documents listed in Art. 97/1 of the Aliens Act-2. The foreigner according to Art. 33/3 of the Aliens Act has to submit a valid travel document or a certified copy. This does not apply for foreigners which do not have it and can not obtain it if their identity is established. In case their identity is not established beyond doubt their application for a temporary residence permit is rejected.
Long stay visas/ permits for study reasons	For visas: see above. For residence permits: see above.
Long stay visas/ permits for the purposes of remunerated activities	For visas: see above. For residence permits: see above.

⁹² Interview with the official of the Ministry of Foreign Affairs.