



Federal Office
for Migration
and Refugees



Establishing Identity for International Protection and Return Measures: Challenges and Practices

Focused Study of the German National Contact Point for the European Migration Network (EMN)

Co-financed by the
European Commission



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Top-line ‘Factsheet’

The establishment of the identity of asylum seekers is of significant importance for two main reasons: Firstly, the comparison of fingerprints with EURODAC¹ serves to determine which Member State is responsible for the verification or, if applicable, the execution of the asylum proceedings in accordance with Dublin II². Secondly, the findings acquired during the process to establish the identity may serve to confirm or disprove the history of persecution of an asylum seeker. The process to establish the identity also serves to verify the asylum seeker’s description of his/her travel route as well as any case history relevant under asylum law, and also to evidence his/her history of persecution as given in his/her presentation of the reasons filing an application for asylum. Establishing the asylum seeker’s identity is mandatory under the German Asylum Procedure Act (sections 15 and in particular 16, German Asylum Procedure Act). If an applicant’s identity can not be established with absolute certainty, e.g. because the applicant was unable to present personal identification documents, the applicant must at least make his/her identity plausible and provide reasons for the lack of identification documents.

The process to establish an applicant’s identity is crucial for removal procedures, as it provides the practical prerequisite for the issuance of passports or documents in lieu of passports, which again are a prerequisite for removals. Failure to establish or fully establish the identity of applicants is often a common obstacle for successful removals.

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- 1 Council Regulation (EU) No. 2725/2000 of 11 December 2000 concerning the establishment of „Eurodac“ for the comparison of fingerprints for the effective application of the Dublin Convention.
 - 2 Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national.

1 The National Framework

1.1 The Challenges and Scope of the issue

Is the issue of establishing identity in the absence of credible documentation considered an issue within the framework of the procedure for:

a) *international protection?; and*

Yes. Under section 16, German Asylum Procedure Act, the Federal Office is obliged to establish the identity of an applicant. Establishing an applicant's identity is also relevant for the granting of protection to a certain extent, e.g. if the applicant's credibility is in doubt because he/she claims to be a citizen of a certain state or member of a certain ethnic group, political party or religious group, where the affiliation results in the granting of international protection. Where an applicant's identity can not be definitely established nor established beyond doubt, the applicant must make his/her identity plausible by presenting supportive documents or otherwise make his/her personal data plausible when presenting his/her asylum claim, in particular regarding his/her country of origin. As this issue concerns case-by-case decisions, a general statement can not be made about the implications of lacking or unverified proof of identity with regard to the granting of protection. However, a lack of identity documents alone does not have any negative implications regarding the acknowledgement of the need for protection of a person (Bergmann 2011: section 15 German Asylum Procedure Act, recital no. 11). Crucial in this context is the plausibility of the history of persecution as well as the reasons presented for the lack of travel documents.

b) *the forced return of a rejected applicant to their (presumed) country of origin?*

Yes. The lack of identity documents constitutes a particular problem with regard to the implementation of deportation measures, as deportations can not be carried out without correct travel documents. The procurement of correct documents can be obstructed by the person required to leave the Federal Territory as well as by the country of destination, as the country of

destination can raise doubts concerning the nationality of the person required to leave the Federal Territory (Kreienbrink 2006: 131ff.).

If Yes, please also indicate which of the following factors listed below contribute to the issues.

- The volume of cases where no credible documentation is available to substantiate an applicant's identity is considered to be large and/or growing.

Due to Germany's federal structure and given that the German Federal States are individually responsible for the implementation of removals, comprehensive data on the number of persons required to leave the Federal Territory who are not in possession of correct identity documents is not available. In general, the lack of travel documents is a substantial obstacle with regards to the execution of deportations. In many cases, the acquisition of the required documents fails due to the unknown identity of the person to be removed (Kreienbrink 2006: 132).

- The measures used to establish an applicant's identity in the absence of credible documentation are resource-intensive.

Yes. Several factors in the process to establish the identity require significant resources. If the interview of an applicant raises doubts concerning his/her country of origin, a speech-text-analysis is commissioned, causing additional financial costs and possibly a protraction of the proceedings. If at the moment of filing the application for asylum, asylum seekers present identity documents which appear to be forged, a physical-technical examination of the documents is carried out which also requires certain resources. In addition, possible investigations in the country of origin may require official assistance by embassy staff.

- The measures used to establish identity are not always successful.

Yes. In many cases it is impossible to establish the identity of an applicant as a result of their non-cooperation. In order to avoid removal, applicants

may try to conceal their true identity and nationality (Niedersächsischer Landtag 2000: 5, Niedersächsischer Landtag 1999: 3237; Landtag Brandenburg 2006: 6).

- Decision-making on applications for international protection is difficult due to the fact that measures used to establish identity are not always successful.

Where an identity can not be established beyond doubt, the identity must at least be made plausible, requiring additional efforts to be made by the case-worker.

- A significant proportion of rejected applicants for international protection cannot be returned to their country of origin due to the fact that measures used to establish identity are not always successful.

On the political level, estimated figures for this proportion are high, although specific data is not available (Niedersächsischer Landtag 2000: 5, Niedersächsischer Landtag 1999: 3237; Landtag Brandenburg 2006: 6).

- List the countries of (claimed) origin for which establishing identity is particularly difficult, (i) when considering asylum applications; (ii) for implementing return

(i) The process to establish an identity is difficult in countries without an efficient system of registration, currently this applies to Afghanistan in particular. Also, there are problems concerning countries of origin where a high level of corruption prevails which leads to an increased number of forged documents. Next to Afghanistan, Pakistan is also a particularly noticeable example in this regard. Among asylum seekers from Somalia, the manipulation of fingertips occurs in order to avoid the comparison of fingerprints. Asylum seekers from Nigeria often name Cameroon, Zimbabwe or Sudan as their country of origin. However, such claims can be partially invalidated by means of a speech-text-analysis. Also, asylum seekers from states bordering on Myanmar often claim to be citizens of Myanmar belonging to the Rohingya ethnic group.

(ii) In general, the individual German Federal States are responsible for the procurement of return documents. It is therefore hardly possible to make general, coherent and comparable statements on the problems concerning the establishment of

identities of persons required to leave the Federal Territory. Cases related to countries of origin where the procurement of return documents has proven difficult, are centrally registered by the Rhineland-Palatinate clearing office ("Clearingstelle Rheinland-Pfalz"). This includes the following states: Egypt, Algeria, Armenia, Azerbaijan, Ethiopia, Bangladesh, Benin, Burkina Faso, China, Ivory Coast, Eritrea, Ghana, Guinea, India, Iran, Jordan, Cambodia, Cuba, Lebanon, Liberia, Mali, Morocco, Niger, Nigeria, Pakistan, Russian Federation, Somalia and Syria.

For several reasons, the procurement of return documents has been delegated to the German Federal Police Office for the following countries: Burkina Faso, Ivory Coast, Ghana, Guinea, Niger, Benin, Burundi, The Gambia, Guinea Bissau, Liberia, Mali, Mauritania, Nigeria, Senegal, Sierra Leone, Sudan, South Sudan, Togo, Uganda und Vietnam.

- Other (Member) State specific factors

No information is available.

If No, please provide reasons why the question of establishing identity in the absence of credible documentation is not considered an issue within the framework of the procedure for:

(a) international protection; and

Not applicable

b) the forced return of a rejected applicant to their (presumed) country of origin.

Not applicable

1.2 Statistics on the Scale of the Issue

	2007	2008	2009	2010	2011	Additional Information (e.g. source, caveats, reasons for trends, top five nationalities, with numbers for total applicants – see below table also)
Total Number of applicants for international protection	19,165	26,945	33,035	48,590	53,345	Asylum seekers (source: Eurostat)
Number of applicants for whom <u>identity</u> was not documented at the time of application	N.A.	N.A.	N.A.	N.A.	N.A.	No information is available
Number of applicants for whom <u>identity was wholly or partially established</u> during the asylum process thereby allowing the relevant authorities to reach a particular decision on international application (e.g. grant, refuse, defer)	N.A.	N.A.	N.A.	N.A.	N.A.	No information is available
Total Number of <u>Positive Decisions</u>	7,870	7,855	9,765	10,450	9,675	Number of positive decisions (respective positive decisions in first instance source: Eurostat)
Total Number of Positive Decisions for applicants whose identity was not documented at the time of application	N.A.	N.A.	N.A.	N.A.	N.A.	No information is available
Total Number of Positive Decisions for applicants whose identity was considered sufficiently Established by the decision-making authorities	N.A.	N.A.	N.A.	N.A.	N.A.	No information is available
Total Number of <u>Negative Decisions</u>	12,750	11,465	17,090	34,955	30,690	Rejections (respective as of 2008, rejections in first instance proceedings of asylum applications source: Eurostat)
Total Number of Negative Decisions for applicants whose identity was not documented at the time of application	N.A.	N.A.	N.A.	N.A.	N.A.	No information is available
Total Number of Negative Decisions for applicants whose identity was not considered by sufficiently established by the decision-making authorities	N.A.	N.A.	N.A.	N.A.	N.A.	No information is available
Total number of (Forced)* <u>Returns undertaken</u> of all rejected applicants	9,617	8,394	7,830	7,558	7,917	(Source: Federal Office for Migration and Refugees; the data for 2011 originates from the Bundestags document BT-DRS 17/8834)
Number of (Forced)** Returns of rejected applicants whose identity had to be established at the time of return	N.A.	N.A.	N.A.	N.A.	N.A.	No information is available
Number of (Forced) Returns of rejected applicants whose return could not be executed as their identity was not considered to be sufficiently established by the authorities of the (presumed) country of origin	N.A.	N.A.	N.A.	N.A.	N.A.	No information is available

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

** Idem.

1.3 Relevant EU and national Legislation

Is the process to be used to determine identity within the procedure for international protection laid down in legislation?

Yes. Section 15, subsection 2, sentence 1, no. 1, 4, 5, 6 and subsection 3, sentence 1, no. 1 and 5, German Asylum Procedure Act define asylum seekers' obligation to cooperate in the process of establishing his/her identity and procuring his/her passport.

Section 16 of the German Asylum Procedure Act requires the compulsory establishment of the identity by means of forensic measures as an integral part of the asylum procedure and regulates official assistance by the German Federal Criminal Police Office (BKA) and the German Federal Office of Administration (BVA).

Is the process to be used to determine identity within the procedure for the forced return of rejected applicants laid down in legislation?

Yes. In general, the verification, establishment and securing of the identity of foreigners is regulated under section 49 of the German Residence Act (AufenthG). Section 49, subsection 5, German Residence Act, states that all foreigners are obliged to cooperate in the process for the establishment of their identity and nationality regardless of their stay in the country being legal or illegal. This includes "the relevant information regarding age, identity and nationality".

"In addition" necessary measures should be taken [...] to establish and document the foreigner's identity [...] of foreigners who are on forcibly required to leave the Federal Territory, in so far as removal or deportation come into consideration" (section 49, subsection 5, German Residence Act).

Under section 49 subsection 6, German Residence Act, valid measures to establish the identity include inter alia photographs, fingerprints as well as measuring the applicant and similar measures. Furthermore, a medical examination of the person concerned may be carried out by a physician in order to establish the age of a person.

If a biometric passport exists, section 49, subsection 1, German Residence Act, authorizes the competent authorities to read the biometric data contained in such

an identification document, to collect such biometric data from the passport holder and to compare the two. Apart from the procedure to establish the identity as specified in section 49, German Residence Act, section 3, subsection 1, German Residence Act, states that foreigners planning to enter or stay in Germany must normally present a passport or a document in lieu of passport. In addition, section 48, subsection 3, German Residence Act, obliges foreigners unable to present a passport or a document in lieu of passport to cooperate in the procurement of such a document.

Deportation is a compulsory measure to enforce an existing obligation to leave the Federal Territory (Wenger 2008: section 58 German Residence Act, recital 3). The forfeiture of a residence permit does not automatically trigger deportation but leads to an obligation to leave the Federal Territory, allowing for voluntary departure. However, if a foreigner without a passport or without a document in lieu of passport is obliged to leave the Federal Territory, he/she is normally subject to deportation under section 58, subsections 1 and 3, German Residence Act (Wenger 2008: section 58 German Residence Act, recital 11). At the same time, foreigners without valid travel documents raise the practical issue of how to enforce deportation, or how to procure a document in lieu of passport.

1.4 The institutional framework at national level

Which national authorities have the operational responsibility for establishing the identity of applicants for international protection?

These are the Federal Office for Migration and Refugees, the foreigners authorities and the police authorities of the German Federal States delivering asylum seekers to the competent reception centres (section 19, subsections 1 and 2, German Asylum Procedure Act).

Which national authorities have the operational responsibility for establishing the identity of applicants for international protection who have to (be) forcibly return(ed) to their (presumed) country of origin?

General responsibility for the enforcement of deportations, including the required establishment of

identity, lies with the foreigners authorities whose area of responsibility also covers the habitual residence of persons obliged to leave the Federal Territory. In order to manage related problems concerning the establishment of identity and the procurement of passports, several German Federal States have set up clearing offices. With regard to Vietnam and several African countries of origin, German Federal Police Authorities assist the German Federal States in the procurement of passports and the establishment of identities (Kreienbrink 2006: 117f.; see also section 1.1).

Does your (Member) State have a central competence centre for issues related to the determination of identity and/or verification of documents?³

No.

If No, i.e. 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?

With regard to asylum seekers, this task rests with the Federal Office for Migration and Refugees. In this context, the Federal Office has established a dedicated office for the physical-technical examination of documents. In some cases, independent linguistic experts are commissioned to carry out a speech-text-analysis in order to determine the country of origin. In addition, the Federal Office is supported by the German Federal Criminal Police Office (BKA) regarding the comparison of fingerprints, by the German Federal Office of Administration (BVA) regarding the comparison of photos in the central database of recovered documents, as well as by the German Federal Police (BPol).

In order to enforce deportations, the competent foreigners authorities may commission the respective clearing office for passport procurement of their Land or the German Federal Police with the procurement of return documents for the problematic states as mentioned above as well as with the relevant establishment of identity. In addition, the Federal Office for Migration and Refugees assists the competent foreign-

ers authorities in the determination of the country of origin by carrying out speech-text-analyses.

Are the officials responsible for determining the identity of applicants for international protection authorised to access EU databases holding identity information about third-country nationals (e.g. EURODAC, SIS II, VIS, etc.)?

No.

If No, are the officials responsible for determining the identity of applicants for international protection authorised to liaise directly with the officials who do have access to these databases?

Yes. The Federal Office for Migration and Refugees forwards fingerprints of asylum seekers directly to the German Federal Criminal Police Office (BKA) which has access to EURODAC. Furthermore, plans have been made to enable the Federal Office for Migration and Refugees to compare data with the Visa Information System (VIS) handled by the German Federal Office of Administration (BVA).

³ This may be a separate body (as in Norway) or a unit within a relevant authority.

2 Methods for Establishing Identity

2.1 Definition and Documents required for establishing identity

What definition (if any) of identity is used with regard to (a) applicants for international protection and (b) for the return process?

- (a) Even though section 16, subsection 1, German Asylum Procedure Act, states that "the identity of foreign persons seeking asylum [...] is to be established by means of forensic measures", the term "identity" is not regulated and defined by law. However, since section 16, German Asylum Procedure Act, explicitly provides for the determination of the country of origin by means of a speech analysis, it can be assumed that the legislator includes the country of origin in the definition of identity. As part of the application for asylum, personal data such as name, name at birth, date of birth, place of birth, sex, nationality, country of birth, place of habitual residence, marital status as well as the ethnic origin and/or religious affiliation are recorded.
- (b) Within the context of deportations, the definition of "identity" has not been explicitly regulated either. However, section 49, subsection 2, German Residence Act, obliges each foreigner to cooperate with the authorities responsible for the enforcement of laws concerning foreigners by providing upon demand the information required regarding his/her age, identity and nationality. Generally, the identity is only considered to be sufficiently verified to execute deportation if the identity has been proven by official travel documents. (Kreienbrink 2006: 153).

What types of documents and other information do authorities in your (Member) State accept as (contributing to) establishing the identity for applicants of international protection?

The following documents are considered to be sufficient for the establishment of identity and nationality: Identification papers such as passport or identification card, although absolute certainty in this matter requires an established registration system in the country of origin including the possibility for verification by obtaining information from local staff in the country of origin. However, this possibility is limited in practice as this may give rise to retroactive asylum entitlements, if there is a danger of persecution by the respective state. During the course of asylum procedures this risk may be avoided by resorting to the assistance of trusted legal practitioners. Investigations in the alleged persecuting country can then be conducted with their help.

The following documents are also taken into consideration: family register, driving licence, certificate of marriage or birth. The applicant's account is given particular consideration, giving him/her the possibility to make his/her identity plausible if he/she is unable to present identification documents.

What types of documents are accepted by national authorities in the (presumed) countries of origin if those applicants for international protection have to be returned, because they have received a negative decision, exhausted or abandoned the procedure?

A general statement can not be made concerning the documents required to prove an identity to a receiving country in order to carry out the deportation, as the requirements vary between different countries of origin. Normally, i.e. depending on the willingness of the country of origin to cooperate, identification documents in the original will suffice, while additional documents including full personal data, e.g. school or professional training certificates, will also be taken into consideration.

2.2 Methods used in the absence of documentary evidence of identity

Remark: Given that the German Federal States are individually responsible for the organization and enforcement of deportations, general statements can not be made regarding the measures taken in this context for the establishment of identities.

Do national authorities make use of:

i) Language analysis to determine probable country and/or region of origin?

■ Applicants for international protection:

In the case of doubts regarding the alleged country of origin, the asylum procedure may include speech-text-analyses in order to determine the country and/or the region of origin.

■ Return of rejected applicants for international protection:

In individual cases, e.g. if interviews with representatives of the assumed country of origin give rise to doubts regarding a person's nationality, the authorities responsible for a possible deportation may resort to a speech analysis. The Federal Office for Migration and Refugees will then be asked to perform a speech analysis. In this regard, problems may occur if the representatives of the country of origin as determined by the speech analysis challenge the results of such an analysis.

ii) Age assessment to determine probable age⁴

■ Applicants for international protection:

The determination of age is carried out if doubts prevail about the applicant having attained the age of majority or if he/she is still a minor or if doubts remain about the applicant being 16 years old as this age represents the minimum age to qualify for asylum

4 EMN NCPs are asked to update the information provided through the EMN Comparative EU Study on Unaccompanied Minors. EMN (2010), Policies on Reception, Return and Integration arrangements for, and numbers of, Unaccompanied Minors, European Migration Network, May 2010. The EMN Synthesis Report, as well as the 22 National Reports upon which the synthesis is based, are available from <http://emn.sarenet.es/Downloads/prepare>ShowFiles.do?directoryID=115>.

procedures (section 12, subsection 1, German Asylum Procedure Act).

■ Return of rejected applicants for international protection:

Any determination of age for adolescent foreigners without a residence permit is commissioned by the foreigners authorities if doubts prevail regarding the person's alleged age of majority. Age estimation or determination is carried out whenever there are doubts regarding a foreigner's age, regardless whether an application for asylum has been filed or not (see also Löhner 2010: 383). Regarding persons obliged to leave the Federal Territory, age determination is of particular significance, as minors may only be subject to deportation if it has been ensured that such persons will be handed over into the care of a legal custodian in the country of destination (section 58, subsection 1a, German Residence Act).

iii) Fingerprints for comparison with National and European databases

National Database

■ Applicants for international protection:

By default, provided the person is at least 14 years of age.

■ Return of rejected applicants for international protection:

In this respect, the procedure varies depending on the respective competent authority. If the German Federal Police Office assists the individual German Federal States by way of administrative assistance in the procurement of travel documents, a comparison of fingerprints with national databases will only be carried out in individual cases. In cases where the Rhineland-Palatinate clearing office for passport procurement and deportation by plane is responsible for the establishment of identities, fingerprints are always compared to national databases. Based on the data available at this moment in time, however, general statements can not be made regarding the course of action of clearing offices and the foreigners authorities in other German Federal States.

European databases

■ Applicants for international protection:

By default.

■ Return of rejected applicants for international protection:

In this respect, the procedure varies depending on the respective competent authority. If the German Federal Police Office assists the individual German Federal States by way of administrative assistance in the procurement of travel documents, a comparison of fingerprints with international databases will only be carried out in individual cases. In cases where the Rhineland-Palatinate clearing office for passport procurement and deportation by plane is responsible for the establishment of identities, fingerprints are always compared to international databases. Based on the data available at this moment in time, however, general statements can not be made regarding the course of action of clearing offices and the foreigners authorities in other German Federal States.

iv) Photograph for comparison with National and European databases

National Database

■ Applicants for international protection:

By default

■ Return of rejected applicants for international protection:

In cases where the German Federal Police Office provides assistance to the German Federal States, a comparison of photographs with national databases is carried out in individual cases. In contrast, the Rhineland-Palatinate clearing office for passport procurement and deportation by plane always compares photographs to national databases. Based on the information available at this moment in time, statements can not be made regarding deportations falling into the responsibility of other authorities.

European databases

■ Applicants for international protection:

By default.

■ Return of rejected applicants for international protection:

In cases where the German Federal Police Office provides assistance to the German Federal States, a comparison of photographs with international databases is carried out in individual cases. In contrast, the Rhineland-Palatinate clearing office for passport procurement and deportation by plane always compares photographs to international databases. Based on the information available at this moment in time, state-

ments can not be made regarding deportations falling into the responsibility of other authorities.

v) Iris scans for comparison with National and European databases

National Database

■ Applicants for international protection:

No.

■ Return of rejected applicants for international protection:

No.

European databases

■ Applicants for international protection:

No.

■ Return of rejected applicants for international protection:

No.

vi) DNA analysis

■ Applicants for international protection:

No.

■ Return of rejected applicants for international protection:

No.

vii) Interviews to determine probable country and or region of origin (or other elements of identity, such as faith and ethnicity)⁵

■ Applicants for international protection:

By default.

■ Return of rejected applicants for international protection:

By default, sometimes interviews are also conducted with representatives of the alleged country of origin.

viii) Other (please describe, e.g. type of co-operation with or contacts in third countries), related to

⁵ 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.

■ Applicants for international protection:

In some cases, trusted legal practitioners are commissioned to conduct investigations in the country of origin in order to establish the identity. This way, information on current asylum procedures or the person involved is not made available to the alleged persecuting country, thereby avoiding the emergence of retroactive asylum entitlements.

■ Return of rejected applicants for international protection:

In regular intervals, the German Federal Police Office as well as clearing offices and foreigners authorities of the individual German Federal States hold interviews in which applicants are confronted with representatives of the alleged countries of origin with the aim of establishing his/her identity and procuring travel documents. Furthermore, some clearing offices request information from Interpol in order to establish the identities of persons to be deported.

If possible, outline briefly the rationale behind the method(s) indicated above used in your (Member) State, e.g. why some methods been used in preference to others, is there a hierarchy or order of methods followed, any research conducted providing evidence of the method's reliability.

The recognition of a status as asylum seeker or refugee is based on the individual assessment of each history of persecution. This is why the establishment of an applicant's identity beyond doubt is not the single determining factor for granting of protection. Rather, the plausibility of the history of persecution and the accounts given are of central relevance (see section 3).

3 Decision-making Process

3.1 Status and weight of different methods to determine identity

On the basis of the information gathered by the methods outlined in Section 2, how then is a decision on identification made, e.g. are some methods given more weight on their reliability than others; does there need to be consistency between the results from some of the methods used?

In all cases, great importance is given to the comparison of fingerprints with relevant databases and biometric passports. The establishment of identity by storing the applicants' fingerprints is statutory under the regulations of the German Asylum Procedure Act. Individual methods are not explicitly weighted, but each case is assessed taking into account the results of all methods applied to establish the applicant's identity.

With regard to the preparation of deportations, some clearing offices consider information provided by Interpol as secure beyond doubt, while other methods are weighted differently from case to case.

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")?

The reliability of speech analyses used in order to determine the region of origin has been commented. In this regard, expert opinions are graded as follows: „certain“, „highly probable“, „may also be allocated to the following country of origin“: ... as well as to the following country of origin“, „the analysis conducted excludes the following regions as possible regions of origin.“, and „the analysis conducted does not allow a definite allocation“.

The authenticity of documents presented by asylum seekers is checked by means of a physical-technical

examination conducted by independent experts in the field of document authenticity. The results of the examination of the documents are documented in an inquiry report and taken into consideration when deciding upon the application for asylum.

However, the written decision of granting or not granting protection always includes an individual overall assessment of all methods used to establish the identity of an applicant, such as for example a plausible explanation for the lack of identity documents.

Are any future measures considered with regard to setting up or further elaborating a "grading" structure?

No.

3.2 Decisions taken by competent authorities on basis of outcomes of identity establishment

3.2.1 For the consideration of the application for international protection

What are the potential decisions that can be taken by the competent authorities where identity has been established (even partially) to inform the overall decision taken?

As the recognition of the entitlement to asylum or the status of refugee is based on the consideration of the individual history of persecution, the degree of certainty with which an applicant's identity has been established does not influence the decision of granting or not granting protection. However, if the process for the establishment of the identity reveals that an applicant has given false information regarding his/her country of origin or nationality, this will always have an influence on the decision of granting or not granting protection and possibly cause the rejection of an application for asylum as being manifestly unfounded under section 30, subsection 3, no. 2, German Asylum

Procedure Act. This may also be the case if an applicant presents forged identity documents.

How important is establishing identity relative to other factors used in making an overall decision?

Giving plausibility to a persecution history always includes making plausible one's identity, in particular one's country of origin. Therefore, section 15, subsection 2, no. 4, German Asylum Procedure Act, obliges all aliens to surrender their passports or documents in lieu of passport; according to section 15, subsection 3, German Asylum Procedure Act, this includes, apart from passports and documents in lieu of passports, all other documents and documentation which may be of relevance in the process of establishing the identity or nationality. Any serious doubts in this context cause the rejection of the application for asylum as "manifestly unfounded" under section 30, subsection 3, no. 2, German Asylum Procedure Act. Given that the special circumstances of asylum seekers with regard to the presentation of proof of identity (e.g. the presentation of official documents) are considered and respected, presentation of such proof is not always possible and thus not compulsory.

Therefore, the history of persecution in the determined or assumed country of origin and the probability of the applicant being subject to persecution upon his/her return is, in practice, the decisive factor with regard to the granting of protection. Provided that the applicant makes an effort to make his/her identity plausible, the quality of the results of the process to establish the identity is in most cases only relevant regarding the decision about the application of asylum if it stands in contrast to the accounts given.

3.2.2 For the return to country of origin

What are the potential decisions that can be taken by the competent authorities where identity has been established (even partially) to inform the overall decision taken?

The establishment of an applicant's identity is a precondition for a possible deportation, as the foreign representations will not issue the travel documents necessary to implement the return unless the respective identity has been confirmed. This is why an identity that has not been clearly established may represent a hindrance to the enforcement of measures to be

taken and may ultimately lead to a temporary leave to remain, i.e. to the suspension of deportation.

Are the results of the work to establish identity during the international protection process available for work to prepare for forced return?

Yes.

If 'Yes': please describe the type of supplementary steps that may be needed with respect to identity documentation before the authorities in the receiving country are prepared to accept the return.

As the establishment of identity does not necessarily concur with the presentation of a passport or document in lieu of passport, relevant travel documents must normally be procured for the foreign representation of the respective country of origin. The authorities in individual countries of origin differ in their acceptance of the identity as established by German authorities.

4 Conclusions

With regard to the aims of this Focussed Study, what conclusions would you draw from your findings? What is the relevance of your findings to (national and/or EU level) policymakers?

With regard to the asylum procedure, it is of central relevance that the applicant makes his/her identity plausible if he/she were to be unable to present the relevant documentation. Legislation, legal practice and jurisdiction agree that due to his/her specific situation, a refugee is often unable to present identity papers and thus can not be obliged to do so.

Within the context of deportations, the willingness of the country of origin to cooperate as well as that of the person obliged to leave the Federal Territory is of crucial importance. At least in cases where applicants refuse to cooperate, authorities may resort to compulsory measures, such as the commitment to departure centres in Lower Saxony or the tightening of residence requirements in order to cause the applicants to cooperate (Bayerischer Landtag 2004: 2; Abgeordnetenhaus Berlin 2007: 2; Land Brandenburg. Ministerium des Innern 2010: 8f.).

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Imprint

Published by:

Federal Office for Migration and Refugees (BAMF)
German EMN National Contact Point and
Migration and Integration Research Section –
Frankenstraße 210
90461 Nuremberg

Overall responsibility:

Dr. Axel Kreienbrink (Migration Research)
Birgit Gößmann (National EMN Contact Point)

Editor:

Andreas Müller

Source of supply:

Bundesamt für Migration und Flüchtlinge
Referat 220
Frankenstraße 210
90461 Nürnberg
www.bamf.de
E-Mail: info@bamf.de

Date:

December 2012

Layout:

Gertraude Wichtrey
Claudia Sundelin

Suggested citation:

Federal Office for Migration and Refugees (2012): Establishing Identity for International Protection and Return Measures: Challenges and Practices.
Focussed-Study of the Research Section of the Federal Office.
Nuremberg: Federal Office for Migration and Refugees.

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