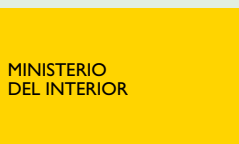
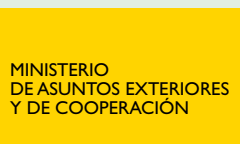


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**ESTABLISHING  
IDENTITY FOR  
INTERNATIONAL  
PROTECTION:  
CHALLENGES AND  
PRACTICES**

**SPAIN**



The European Migration Network (EMN) is an initiative of the European Commission. The EMN has been established via Council Decision 2008/381/EC and is financially supported by the European Union.

Its objective is to meet the information needs of EU institutions and of Member States' authorities and institutions by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the European Union in these areas. The EMN also serves to provide the general public with such information.

To that end, the EMN has a network of National Contact Points (NCPs).

In Spain, the NCP is composed of experts from four ministries (Ministry of Employment and Social Security, Ministry of the Interior, Ministry of Foreign Affairs and Cooperation and Ministry of Justice) and the General Prosecutor's Office. It is coordinated by the Permanent Observatory for Immigration, a collegial body attached to the Ministry of Employment and Social Security. The NCP also collaborates with independent experts for the elaboration of EMN studies and reports.

#### Contact

Permanent Observatory for Immigration  
(Co-ordinator of the National Contact Point for the European Migration Network)

José Abascal, 39. 28071 Madrid

E-mail: [opi@meyss.es](mailto:opi@meyss.es)

<http://extranjeros.empleo.gob.es>

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# **Establishing Identity for International Protection: Challenges and Practices**

**Spain**

The aim of the study is to provide an overview of important challenges facing national authorities in their efforts to establish, in the absence of credible documentation, the identity of applicants for international protection (i.e. asylum and subsidiary protection) and for the return of failed applicants.

This Report has been developed by the Spanish National Contact Point of the European Migration Network.

August 2012



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## Top-line 'Factsheet'

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The issue of establishing the identity of applicants for international protection is considered problematic insofar as it can be fundamental in international protection being granted. It is worth mentioning that a significant number of applications (51.1% in 2011) are presented by applicants without identity papers. To this we must add the difficulties stemming from falsification of documents, both those that may be alleged by the applicant and those that may be uncovered during the preliminary proceedings. As far as legislation is concerned, Law 12/2009 of 30 October, regulating the right to asylum and subsidiary protection, establishes the obligation for the applicant to present all the documents supporting their application; furthermore applicants must allow their fingerprints to be taken and to be photographed. The Asylum and Refuge Office, under the authority of the Ministry of the Interior's General Directorate for Domestic Policy, is the competent body for processing applications for international protection. It should be noted that the National Police cooperate very closely throughout the process, since there are various operational tasks which could not be carried out without this cooperation. As for the main methods for establishing identity, which, moreover, are mandatory by law, the methods for comparing fingerprints and age assessment particularly stand out, as well as the interview conducted when the application for international protection is formalised. The outcome of identity determination can have a major influence on the final decision regarding international protection, although on occasions it may not be the decisive element, as other factors can play a decisive role, such as the country of origin or nationality or the alleged reasons for persecution.

Regarding return, Spanish legislation lays down an obligatory exit within 15 days for persons whose application for international protection has been denied, exactly the same as for cases where applications for residency are denied. Until this period has elapsed, the person does not have illegal status and return proceedings may not be initiated. Therefore, the denial of an application for international protection does not lead automatically to

removal being carried out. Given that the applicant is not in detention, as long as s/he is not apprehended again, disciplinary action that could lead to removal is not initiated. The aforementioned implies that, statistically, there is no difference between the return procedures for third-country nationals whose request for international protection has been denied, and the return procedures for other third-country nationals who have illegal status. There can only be continuity between the international protection procedure and the removal procedure in cases of third-country nationals who apply for international protection when in a detention centre and where their application is declared inadmissible or is denied following the procedure established by Law for these cases. Due to all of the aforementioned points, many of the questions raised in the questionnaire about removal cannot be answered in detail.

Concerning establishing identity in return proceedings, it must be stressed that it is absolutely necessary in order to be able to carry out any return proceedings. For the significant number of people without identity papers, cooperation with the countries of origin is decisive, as people are required to have valid personal identification or travel documentation so that border authorities of these countries can admit their own nationals. This is extremely complex to manage and requires fluid cooperation between countries as well as adequate technical resources. The National Police Force is the body in charge of establishing identity in the event of return, a process that entails the use of various methods such as comparing fingerprints or photographs, age assessment, language analysis or conducting interviews in some cases (police interviews and interviews with consulate staff). As far as the decision-making process for return is concerned, determination of identity not being satisfactory is one of the reasons for postponing the return of the individual back to their country of origin or their transit country.

## **S**ection 1 The National Framework

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### 1.1. The Challenges and Scope of the issue

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



***If Yes, briefly outline for either or both of the two 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)***

The issue of establishing identity is considered problematic insofar as this information can become fundamental in international protection being granted, depending on the alleged reasons for persecution. On other occasions the matter of identity may not be key in granting or refusing protection, since other factors such as nationality can be considered more relevant (such is the case for those countries or regions where there is an appeal from the United Nations High Commissioner for Refugees, henceforth referred to as UNHCR).

The significance of the problems in establishing identity can be clearly seen in the official application form for international protection itself, in which the first obligation of applicants is full cooperation with the Spanish authorities in order to verify or prove their identity. It is also stressed that the applicant must tell the truth about their identity. To that end, they must present any identity papers they have or, if appropriate, justify the absence of these and explain in detail their reasons for requesting international protection. All of these obligations are stated in Law 12/2009 which regulates the right to asylum and subsidiary protection. Also, in this initial process the obligation to take a full set of fingerprints and photographs of the applicants is established, which can be decisive in reliably establishing identity.

Establishing identity also acquires special relevance for applications for extensions and family reunification, as a verification of the existing link between family members whose international protection can be extended and those who are authorised to be reunified is required.

Moreover, establishing identity can become a problem for people with international protection who later wish to carry out a professional activity. This is particularly noticeable in cases where there are discrepancies between the identity under which international protection was granted and the identity stated in official qualifications which may be required to prove one's suitability for a particular job.

It must be stressed that during the formalisation process of the application for protection, the issue of identity and documentation appears to be essential. During this process claimants are required to autograph their declaration; meaning applicants must write their full name and surnames, in their own handwriting and native language. For applicants

who are illiterate, a phonetic transcription of the name will be given. This process is intended to prevent fraud and mistakes occurring in this area.

Generally, problems in establishing identity of applicants of international protection tend to be caused by the frequent lack of trustworthy or reliable documentation. The percentage of applicants who cannot present documentation is high (51.1% of applicants in 2011) and to these we must add those applicants who present and declare false documents, in addition to cases where falsified documentation is uncovered during preliminary proceedings.

In removal cases, to be able to successfully return applicants back to the country of which they are a national, it is absolutely imperative that they have valid identity papers or travel documents so that the border authorities of that country can readmit their national.

This lack of valid documentation requires steps to be taken with the authorities of the country of origin so that it can be provided (whether as a passport or safe-conduct pass) prior to removal proceedings being completed. When the foreign national has no identity papers or is carrying false papers, action taken normally consists of an interview with this citizen and if the authorities of the third country recognise him or her as a national of their country, documents will be provided.

Problems come from, on the one hand, the desire of the foreign national to hide his true identity and nationality, presenting or providing fictitious identities, and on the other, from the refusal, reluctance or slowness that many third-country authorities display when it comes to recognising their own nationals and providing the necessary documents for them.

***If Yes, please also indicate which of the following factors listed below contribute to the issues. Please support your answers with reference to statistics (e.g. those presented under Question 1.2 below), research or any other sources of information (e.g. media debates, case-law, policy documents, practitioners' views).***

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

The volume of these cases is significant as in 2011 51.1% of applicants formally applying declared that they had no documents. See section 1.2 of statistics (in previous years similar percentages were also observed: 50.2% in 2010, 61.1% in 2009, 59.7% in 2008 and 35.7% in 2007).

Likewise, the Asylum and Refuge Office (OAR) states that on some occasions false documents that are recognised as such by the applicants themselves are presented, as well as the false documents that are detected afterwards by the authorities during the preliminary proceedings.

For return, the number of cases where no reliable documentation is provided is considered equally significant. Irregular immigrants and organisations dedicated to illegal human trafficking and smuggling are more than aware of the difficulties of establishing identity and the key role that this plays in being able to actually remove somebody. This reality means that a significant number of irregular immigrants, especially those who try to cross over the border illegally, get rid of their identity documents.

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

The Spanish authorities use a great deal of resources in trying to establish identity.

- Human resources (civil servants in charge of formalising, processing and hearing the application, free legal assistance, interpreting and translation services, civil employees of the police section of Asylum, forensic police for verifying prints, false documents and criminal records etc., as well as the participation of the members of the Inter-Ministerial Commission for Asylum and Refuge in final decisions).
- Technical resources (European and national databases, fingerprinting, nationality questionnaires, DNA analysis, etc.).
- Contact with Spanish Embassies and Consulates in countries of origin and with UNHCR and other civil organisations.

For return cases, a great deal of resources go towards establishing the identity of an irregular immigrant ordered to be removed. In this regard, it is worth mentioning here that interviews, amongst other administrative processes, may mean the immigrant needing to be moved to the consulate or the consulate staff or staff from the competent Ministry moving from the country of origin, as well as any prior contact held with the authorities of the country of which they are supposedly nationals.

— ***The measures used to establish identity are not always successful.***

On some occasions identity cannot be established in a wholly reliable way and, therefore, the determination of identity must be based on presumptions, which in some circumstances may not produce a completely satisfactory result.

Return cases are extremely complex to manage. In order to obtain a satisfactory outcome a readiness to cooperate from the countries of origin is needed, as well as the existence in these countries of documentary records and databases that include good quality photographic and fingerprint profiling.

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

The decision-making process in these procedures is always problematic due to the nature of international protection. As far as establishing identity is concerned, the absence or shortage of documents gives rise to a situation where decisions often have to be based on clues and presumptions, while taking into account the principle of benefit of the doubt.

— ***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.***

The reality is that a significant proportion of people whose application for international protection has been refused cannot be returned due to problems in establishing their identity. It should be made known that according to Spanish legislation on immigration (Organic Law 4/2000 of 11 January and its implementing Regulation approved by Royal Decree 557/2011 of 20 April), removal proceedings may be taken against a foreign national whose application for international protection has been denied and who is in Spain without any document attesting his right to remain on Spanish territory. On many occasions these removal cases present difficulties, common also to other removal cases, whereby the effectiveness of measures for establishing identity depend on the disposition of the authorities of the country of origin to cooperate.

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

Among the countries where establishing identity may be more problematic, those for which there has been an appeal from the UNHCR particularly stand out. A large number of applications for protection sometimes come in from people whose claimed country of origin is within this group. In these situations Spanish Administration prepares nationality questionnaires with the purpose of verifying applicants' statements about this when the application for international protection is formalised. These questionnaires are currently being carried out on nationals of Côte d'Ivoire, Iraq, Libya, Palestine, Syria, Kurdish Syria, Somalia, Southern Sudan and other countries.

As for problems in establishing identity, this is particularly relevant in some African countries including Somalia or Côte d'Ivoire, for example. These countries, as well as being included in the UNHCR's appeal, have particular features which make establishing identity a truly complex matter (the long conflict in Somalia or the fact that approximately a quarter of the population of the Côte d'Ivoire is foreign or of foreign parentage).

As emphasised above, the issue of establishing identity is problematic for international protection due to the frequent lack or falsification of documents. This situation becomes more complicated the more difficult it is to obtain information about the country of origin or geographic area where the applicant comes from, whether that be due to the lack of links (absence of a Diplomatic Mission for example) or to the domestic situation of the country or area (conflicts, poorly-developed governing structures, etc.).

On the other side of the spectrum, there are fewer problems in establishing identity where sufficient information about the country or geographical area is known. Thus, specifically for Spain, determining identity can be easier for applicants that come from Latin America due to the existing strong historical, cultural and political links, making it less burdensome to obtain and verify documents or information given than in other cases. As an example we could mention the case of applicants from Colombia, whose applications are notable for the amount of documents presented.

As regards returns, different groups of countries can be distinguished based on whether they provide documents for their nationals or not. In some countries the documentation process is carried out through recognition committees in the country; in other countries it is difficult to obtain documentation; lastly there are cases where it is necessary to resort to external consulates to get the documents.

- 1) Countries which currently do not provide documents: Kenya, Niger, Syria. Republic of Congo, Chad, Central African Republic, Gabon, Burkina Faso, Togo, Benin, Eritrea, Sudan, Cuba, Mali.
- 2) Countries which have provided documents through recognition committees in the country: Democratic Republic of Congo, Côte d'Ivoire, Gambia, Republic of Guinea, Cameroon, Mauritania, Mali, Guinea-Bissau.
- 3) Countries from which it is difficult to obtain documents: Mauritania, Bangladesh, India, Iran, Venezuela, El Salvador, Honduras, Tunisia, Liberia, Croatia, Kosovo, Macedonia, Egypt, Ghana, Paraguay, Cameroon, Guinea-Bissau.
- 4) Countries where it is necessary to resort to external consulates to obtain documents: Guinea-Bissau (through the consulate in Lisbon), Tanzania (through the consulate in Paris).

## 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	7,664	4,517	3,007	2,744	3,422	
Number of applicants for whom identity was not documented at the time of application	2,732	2,697	1,838	1379	1749	
Number of applicants for whom identity was wholly or partially established 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	
<b>Total Number of Positive Decisions</b>						
Total Number of Positive Decisions	473	240	275	613	988	These are resolutions signed by the Ministry of Interior between 1 January and 31 December each year
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	
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	
<b>Total Number of Negative Decisions</b>						
Total Number of Negative Decisions	1,539	2,231	2,227	1,638	1,840	These are resolutions signed by the Ministry of Interior between 1 January and 31 December each year.

	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 Negative Decisions for applicants whose identity was not documented at the time of application	n.a	n.a	n.a	n.a	n.a	
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	
<b>Total number of (Forced)<sup>1</sup> Returns undertaken of all rejected applicants</b>						
Total number of (Forced) <sup>1</sup> Returns undertaken of all rejected applicants	n.a	n.a	n.a	n.a	n.a	
<b>Number of (Forced)<sup>2</sup> Returns of rejected applicants whose identity had to be established at the time of return</b>						
Number of (Forced) <sup>2</sup> 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	
<b>Number of (Forced)<sup>3</sup> 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</b>						
Number of (Forced) <sup>3</sup> 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	

Source: Asylum and Refuge Office.

### 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?***

<sup>1</sup> Statistics on returns of rejected applicants of international protection are not available.

<sup>2</sup> Idem.

<sup>3</sup> Idem.

Law 12/2009 of 30 October, regulating the right to asylum and subsidiary protection, has led to the transposition of European Union acquis in this area, specifically Directive 2004/83/EC<sup>4</sup>, Directive 2005/85/EC<sup>5</sup> and Chapter V of Directive 2003/86/EC<sup>6</sup>. Amongst other aspects, as previously indicated, the legislation develops the procedural rules for international protection in terms of identity issues. Article 18.2 establishes the following obligations for applicants:

- To present any items which can help to back up their application: documents proving their age, past history, identity, nationality or nationalities, former places of residence, previous applications for international protection, travel routes, travel documents.
- To provide their fingerprints and allow themselves to be photographed.

Identification is the applicant's natural obligation; apart from being a legal obligation, it is a fundamental part of the proceedings.

Law 12/2009 does not stipulate a single procedure for establishing identity.

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

The procedure for establishing identity within the return procedure for applicants whose application has been refused is not specifically regulated by Spanish legislation.

#### **1.4. The institutional framework at national level**

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

The Asylum and Refuge Office based in Madrid and under the authority of the Ministry of the Interior's General Directorate for Domestic Policy, is the competent body for processing and investigating applications for international protection. It is therefore responsible for carrying out operational duties to establish identity that come under this jurisdiction.

<sup>4</sup> Council Directive 2004/83/EC of 26 April, on minimum standards for the qualification and status of third-country nationals and stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.

<sup>5</sup> Council Directive 2005/85/E of 1 December 2005, on minimum standards on procedures in Member States for granting and withdrawing refugee status.

<sup>6</sup> Council Directive 2003/86/EC of 22 September 2003, on the right to family reunification.



The General Commissariat for Alien Affairs and Borders, through its Asylum Section (which is based in the Asylum and Refuge Office) is in charge of performing certain duties for verifying identity such as fingerprinting, different kinds of checks with national and European databases and checking documents, among other things. The operational responsibility in this area is therefore shared.

***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?***

The National Police Force has operational responsibility for establishing identity in return cases.

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

The Asylum and Refuge Office is the competent body for establishing identity in international protection proceedings. The Asylum and Refuge Office views the applicant's declaration of identity as a hypothesis that is not possible to verify. Only in this way can it establish a starting point allowing the cause and agent of persecution, identified from the applicant's claims, to be integrated into the account. Only in this way, and in spite of the uncertainties raised by the possible doubt about the applicant's identity, can the indispensable relationship of identity between the agent of persecution, the alleged reason for protection and the identification of the victim be established, circumstantially at least.

Concerning documentary verification, there are two different units:

- The False Travel Documents Section which is under the authority of the Falsified Documents Central Operations Service, part of the General Commissariat for Alien Affairs and Borders of the National Police Force, whose technical reports do not have any legal standing.
- General Commissariat for Forensic Police, whose expert reports have legal standing.

As for establishing identity or verifying documents in order to carry out return, the central competent body is the National Police Force, through its central or peripheral immigration units.

***If Yes, what issues does the centre cover:***

- **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 applicants) OR in respect of both of these procedures**
- **Issues relating to the verification of documents in respect of the procedure for granting international protection OR in respect of the procedure for executing the return of rejected applicants OR in respect of both of these procedures**

The Asylum and Refuge Office, as indicated, carries out operational tasks for establishing identity as a result of their jurisdiction for processing international protection applications. The General Commissariat for Alien Affairs and Borders has jurisdiction over verifying documents related to international protection.

The National Police Force has jurisdiction over procedures relating to verifying documents and establishing identity within the framework of return proceedings.

**If Yes:**

- **Has the centre developed its own database / reference base for**
  - **Genuine documents?** It has not developed its own database. Instead it participates in iFADO<sup>7</sup>.
  - **False documents?** It has not developed its own database. Instead it participates in iFADO. There are mechanisms to disseminate alerts.
- **Does it make use of the database iFADO (iPRADO)<sup>8</sup> for checking false ID documents?** Yes, it is usually used.
- **Does it make use of the EDISON<sup>9</sup> system?** No, it is not used.
- **Does its tasks involve:**
  - **Advisory services?** Yes

<sup>7</sup> iFADO (iPRADO) Online Public Record of authentic travel and identity documents.

<sup>8</sup> PRADO Public register of authentic identity and travel documents online

<sup>9</sup> EDISON Travel Documents System

- **Development of Methods?** Yes
- **Training of frontline officers?** Yes
- **Support with difficult cases?** Yes

— **Does it have a forensic document unit?** Yes

**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.)?**

The staff of the Asylum and Refuge Office does not have access to the aforementioned databases managed by the **General Commissariat for Alien Affairs and Borders**.

**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?**

The staff of the Asylum Section of the General Commissariat for Alien Affairs and Borders cooperate closely and constantly with the staff of the Asylum and Refuge Office.

## **S**ection 2 **Methods for Establishing Identity**

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### **2.1. Definition and Documents required for establishing identity**

**W**hat definition (if any) of identity is used with regard to (a) applicants for international protection and (b) for the return process.

a) There is no definition of identity in Law 12/2009 on recognition of the right to asylum and subsidiary protection. In practice, and in accordance with our legal background, identity means an individual's personal details, that is, names and surnames, date and place of birth. The application form for international protection gives us an approximate idea of this concept, as the section relating to identification of the applicant asks for the inclusion of the following information: full name, date of birth, town and country of birth, original nationality, current nationality, gender.

It is important to bear in mind that identity is a labile and multi-faceted concept as many authors point out<sup>10</sup>, so it is essential to approach the matter as flexibly as possible. In this sense, those responsible for examining proceedings have to deal differently with the issues relating to identity, according to different factors, amongst which nationality has an important place. One example of this is the case of Somalian applicants, who frequently present false documents or do not have any papers at all. In these cases, examiners view belonging to a clan as a key factor for determining the identity of the applicant. It is therefore vital to avoid an over-generalised use of concepts or assessments that are made from a purely ethnocentric viewpoint.

Similarly, it is also essential when talking about international protection to take into account the distinction the law makes between true identity and the identity given by agents of persecution. Thus Law 12/2009 determines that *“in assessing whether persons applying have justified fears of being persecuted, the fact of whether or not they really have the racial, religious, national, social or political characteristics that give rise to persecution is irrelevant, so long as the agent of persecution ascribes these characteristics to them”*.

Two main elements in the whole process of examining and assessing the application can therefore be observed: identity (equivalent in practice to personal details) and nationality (the importance of which will vary according to the specific case and whatever the alleged motives for persecution are).

b) The concept of identity and its requirements in terms of return depend on the country that needs to provide papers for and readmit the person.

***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? For example:***

- ***Official travel documents: Passports, ID cards;***
- ***Other documents: birth certificates, divorce certificates, marriage licences, qualification certificates, etc.***

***Where possible, please indicate whether copies are accepted by relevant authority(ies) and which type of documents are considered by the national***

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<sup>10</sup> See CASTELLS, Manuel. *Vol. II: El poder de la identidad* (The Power of Identity). Madrid: Alianza, 1st ed. 1998.

**authorities as core or supporting documents. Also indicate the major issues faced concerning determining the veracity (or genuineness) of documents.**

Documents accepted as certifying identity are similar to those required for Spanish nationals: passport, identity documents and driving licence.

During the formalisation of the application for international protection, passport, visa and identity card information will specifically be requested. Failure to provide this documentation must be justified, although its absence never represents an obstacle to the application being formalised. Moreover, the applicant may provide a wide range of documents in order to support their claims, such as:

- Documents proving civil status or de facto status; life and status certificates (administrative records, documents authenticated by a notary, a judge, etc.; certificates of birth, marriage, divorce, decease, etc.); academic or professional documents (qualifications, publications, contracts, etc.); documents sent by applicants to their authorities, international organisations, NGOs, etc. (formal complaints, petitions, letters, etc.); documents issued by the applicants' authorities, and/ or by other agents of persecution (sentences, summons, any written evidence, threats, warnings, communications, etc.); medical certificates and reports (illness, incapacity, decease, etc.); documents relating to union or political militancy, in defence of human rights (licences, certificates, letters, etc.); documents relating to belonging to religious groups (licences, receipts of membership fees, certificates, etc.); documents relating to membership of other groups or organisations such as cultural, social, sports and leisure associations, etc.
- Publications, books, press clippings, etc.
- Audiovisual or electronic documents (photos, CDs, DVDs, videos, audio files, etc.). Documents in other media or formats (t-shirts, banners, coins, etc.).

Concerning the authenticity of the documents, depending on the type of document and the circumstances surrounding the application, photocopies of supporting documents are of value and considered on occasions. For anything else, should there be any doubt about the veracity of passports or national identity documents the General Commissariat for Alien Affairs and Borders is consulted, submitting their assessment through a technical report. If an expert report with legal status is required, this must be issued by the General Commissariat for Forensic Police. In the event of the documents being false, they will be requisitioned by the Police.

**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? Please illustrate any differences between the documents accepted by the authorities of the (presumed) countries of origin and the documents accepted by the relevant authorities of your (Member) State.*

In return cases, documents that are accepted are **travel or identity documents, safe-conduct passes issued by consulates or EU documents** (in few cases).

## 2.2. Methods used in the absence of documentary evidence of identity

*The aim of this section is to investigate, for cases where aspects of the applicant's statements regarding his/her identity are not supported by documentary evidence, which methods are used by the competent authorities in the (Member) State to check the credibility of the applicant's statements. In the boxes below, a list of methods is provided. For each method listed, please indicate*

- a) *Whether it is used within the framework of the procedure for international protection and/or the procedure to forcibly return rejected applicants, or have exhausted or abandoned the procedure for international protection;*
- b) *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). The rationale for selecting some methods as obligatory or optional may relate to national legislation, outlined in Section 1.2 (which the (Member) State can refer to in their replies);*

**Do national authorities make use of:**

### 1) **Language analysis to determine probable country and/or region of origin?**

- Applicants for international protection:

There is no language analysis as such, although when assessing the application, and especially during the interview, the fact of whether applicants speak the language of the nationality they claim is considered very important. It is however important to take into account that proficiency in the language of the (claimed) nationality or country of origin may not be conclusive in certain cases, if for example the language in question is spoken in various countries in the region.

It must be stressed that in the guidelines followed for formalising applications for protection, it is stated that during the proceedings the interpreter's role (Article 18 of the Asylum Act acknowledges the right of the assistance of an interpreter) must be impartial. The role of the interpreter must never exceed the limits of its specific function, and therefore its function as a neutral link in communication must be maintained as such at all times.

- Return of rejected applicants for international protection:

Language analysis can be used and is optional, that can be employed as a previous step to return.

## **2) Age assessment to determine probable age**

- Applicants for international protection:

Age assessment is an issue regulated by Spanish legislation with the necessary guarantees for protecting the best interests of minors. Law 12/2009 regulating the right to asylum and subsidiary protection regulates these situations in Article 48, establishing that in the event of not being able to establish with certainty whether unaccompanied minors are really under age, this fact will immediately be communicated to the Public Prosecutor's Office. Also, the law orders the appropriate health institutions to provide urgent cooperation, carrying out as a priority the necessary scientific tests. Refusal of the alleged minor to submit to these tests shall not prevent a resolution from being passed on the international protection application.

The Circular from the General State Prosecutor's Office 2/2006<sup>11</sup>, establishes that the General Prosecutor's Office must ensure that the decision on realising tests to determine age is adopted with the due guarantees and is carried out, as far as possible, after consulting the Record of Unaccompanied Foreign Minors, in order to check if the age of the minor may have already been recorded should a previous test have been done. If, after consulting the Record, it is established that the age of the minor was previously determined, the test shall not be carried out again unless there are exceptional reasons which make this advisable.

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<sup>11</sup> Circular from the General State Prosecutor's Office 2/2006 dated 27 July 2006, on various aspects covering regulations for foreigners in Spain.

Likewise, the General Prosecutor's Office can order the tests for determining age to be carried out when the documents presented by the minor show signs of being false and there is reasonable doubt about the under age status claimed by the applicant.

The method for determining age generally used by health institutions are radiological tests which are interpreted by a forensic doctor and then evaluated by the Public Prosecutor's Office. On this point it is important to take into account Instruction 2/2001 from the Public Prosecutor's Office<sup>12</sup> which establishes that, since medical tests do not usually determine an exact age but rather a fairly broad age range, the presumed age must be the one at the lowest end of the range.

Regarding the carrying out of the necessary scientific tests, it is important to highlight that the Regulation implementing the Aliens Act (Organic Law 4/2000) approved by Royal Decree 557/2011, provides for the preparation of a Protocol Framework for Unaccompanied Foreign Minors. This protocol is currently being drawn up by a working group set up for this purpose and whose objectives include homogenising the treatment of this matter throughout the country.

- Return of rejected applicants for international protection:

The procedure for age assessment is established by law and must be followed whenever there are doubts about whether the individual is a minor or not. In this respect it is important to bear in mind that Spanish immigration regulations permit the repatriation of unaccompanied minors only when it is proven (through the initiation and resolution of the administrative procedure with the due guarantees for the minor) that it is in the best interests of the minor to be reunified with their family or to benefit from the protection services of their country of origin.

### **3) Fingerprints for comparison with National and European databases**

#### **National Database**

- Applicants for international protection:

As previously pointed out, Article 18.2 of Law 12/2009 establishes the obligation for asylum seekers to provide their fingerprints when formalising their international

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<sup>12</sup> Instruction 2/2001 of 28 June on interpreting Article 35 of Organic Law 4/2000, on rights and freedoms of foreigners in Spain and their social integration.



protection application. From that moment the mechanisms for consulting national and European databases are set in motion.

National databases are consulted via the Automated Fingerprint Identification Service (SAID in Spanish):

- The National Designations Database (BDSN in Spanish)<sup>13</sup> contains information about people being sought for extradition; persons who are of judicial interest for a given matter; foreign nationals who are forbidden to enter or stay in the country; missing persons; those involved in criminal proceedings; and in general persons about whom there exist real indications of them being a possible threat to public security or the State. Personal information included is: National ID number/foreign resident identity number, full name, address, telephone, physical and anthropometric characteristics, parenthood data, date and place of birth, gender, nationality, alias and false identities.
- The Argos criminal record database.
- The Adextra database stores data about processes, reports and resolutions in procedures for applying immigration legislation, visas at the border as well as entry and exit refusals, residence permits and renewals, returns and removals. The biometric data stored refer to parenthood and full name, a photograph and a print of the right index finger of the foreign national, the same information taken for identity documents issued for nationals.

Consulting these databases is part of the procedure prior to the application being admitted for processing. This consultation is mandatory.

- Return of rejected applicants for international protection:

Fingerprinting is also mandatory as it is in international protection.

### ***European databases***

- Applicants for international protection:

As soon as the application is formalised and the fingerprints of the applicant for international protection are taken, different European databases are consulted:

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<sup>13</sup> Order of 28 June 1995 which creates the automated National Designations Database (BDSN) managed by the Coordination Cabinet of the State Secretariat for the Interior.

- The EURODAC system<sup>14</sup> is a computerised central database of fingerprint data for international protection applicants and foreign nationals who have been intercepted when trying to cross illegally a Member State's external border, provided they are at least 14 years of age.
- The Schengen Information System (SIS)<sup>15</sup> is a large-scale information system with descriptions of people. It includes information about people who may have committed serious crimes or offences or do not have the right to enter or to reside in the EU.
- The Visa Information System (VIS)<sup>16</sup> consist of a central information system, the 'Central Visa Information System' (CS-VIS), with an interface in each Member State, the 'National Interfaces' (NI-VIS) which connect the central national authorities of the respective Member States, and of a communication infrastructure that links the Central Visa Information System to the National Interfaces.

These databases must be consulted before applications can be admitted for processing, and are mandatory.

- Return of rejected applicants for international protection:

It is mandatory to consult these databases.

#### **4) Photograph for comparison with National and European databases**

##### **National Database**

- Applicants for international protection:

As established in Article 18 of Law 12/2009, one of the obligations of asylum seekers is to allow themselves to be photographed, although there is not usually a comparison of photographs with the databases.

Hence, when formalising an application, the interested party must provide a photograph of himself, which will be included in the receipt given to the applicant as proof of presentation of the application for international protection.

<sup>14</sup> Council Regulation (EC) 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.

<sup>15</sup> Regulation (EC) No. 1987/2006 of the European Parliament and of the Council of 20 December 2006, on the establishment, operation and use of the second generation Schengen Information System (SIS II).

<sup>16</sup> Established by Council Decision 2004/512/EC of 8 June 2004.

- Return of rejected applicants for international protection:

Comparing photographs with national databases is a standard practice, although this is not used as a biometric identifier.

### ***European databases***

- Applicants for international protection:

Photographs are not compared with databases.

- Return of rejected applicants for international protection:

Comparing photographs with European databases is a standard practice and is not a biometric identifier.

## ***5) Iris scans for comparison with National and European databases***

### ***National Database***

- Applicants for international protection:

The performance of iris scans for comparisons is not envisaged nor does it form part of standard practice.

- Return of rejected applicants for international protection:

The performance of iris scans for comparisons is not envisaged nor does it form part of standard practice.

### ***European databases***

- Applicants for international protection:

The performance of iris scans for comparisons is not envisaged nor does it form part of standard practice.

- Return of rejected applicants for international protection:

The performance of iris scans for comparisons is not envisaged nor does it form part of standard practice.

## 6) *DNA analysis*

- Applicants for international protection:

There is a legal possibility of performing DNA analyses, always voluntarily as has been determined in the Report of the Attorney General of the State, 349, of 23 May 2005, and respecting the privacy of personal details. It is therefore an optional practice.

Also, Law 12/2009 which regulates the right to asylum and subsidiary protection includes this possibility in its Article 40, where it stipulates that family relationships of ascendants and descendants must be established by means of whatever scientific tests may be necessary, in cases where doubts exist over said relationship of kinship. This type of analysis is performed by the General Commissariat for Forensic Police for cases of extension and family reunification in the area of international protection.

- Return of rejected applicants for international protection:

It is not planned to perform this type of analysis in the removal procedure. Nevertheless, it may have taken place in the context of previous criminal proceedings.

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

- Applicants for international protection:

In the Spanish procedure for the recognition of international protection, conducting a personal interview of the applicant is an obligatory step. Thus, Article 17 of Law 12/2009 stipulates that the application for international protection will be formalised by means of a personal interview which will always be conducted individually. It is also established that in exceptional circumstances the presence of other members of the family may be required, if this is considered essential for the proper formalisation of the application.

To exercise it, applicants for international protection will have the right to free legal assistance - set out in Article 16 of the Law on Asylum - which will be extended to the formalisation of the application and the entire processing of the procedure.

Moreover, Law 12/2009 establishes the way in which the personal interview must be conducted and sets out that in its practical implementation the Public Administration must adopt the measures necessary to permit differentiated treatment which takes into account factors such as the gender and the specific situation of the most vulnerable people (minors, unaccompanied minors, the elderly, pregnant women, single-parent families with minors, persons who have suffered torture, rape or other serious forms of psychological, physical or sexual violence and victims of human trafficking).

To this effect, the practice employed in formalising applications for international protection establishes that the choice of this system of personal attendance and interview is in line with the complexity of the subject, as well as the special vulnerability of asylum applicants (ignorance of the legislation and the structure of the Spanish Administration, of the language, traumatic situation, illness, etc.).

Thus, when the interview is conducted, the following aspects are taken into account:

- The interview must be conducted in an area where confidentiality is assured and which generates a conducive atmosphere for undertaking it.
- Also, the importance is emphasised of ensuring that the applicant has understood what is being asked, always taking into account that in the field of identity there are certain western concepts which in other cultures and societies are not understood in the same manner.
- It is also stressed that foreign names (of people, political parties, cities, organisations, ethnic groups, etc.) must be recognised accurately and without using initials. It is established as good practice that when applicants mention these names, they should be asked to write them down, either in the form or on a separate sheet, even if it is in their own language and alphabet. Thus it will be guaranteed that what the applicant said is accurately shown, and in any case, the task of the interpreter will be made easier.
- That the account of the facts due to which protection is requested must be given personally by the interested party and that the verbal account must never be replaced with written allegations. The way in which the applicant tells the story must always be respected, without polishing or altering the language, nor ordering or summarising the facts. The account of the facts must be chronological with an explanation of the alleged reasons why the applicant left their country and came to Spain to request international protection.

- The identity and travel documents the applicant brings must be collected, as well as the documents or other elements of proof they may provide in support of their application.
- The documents supporting the applicant's identity must be requested but not demanded. The absence of these documents must never be an obstacle to formalising the application, nor a reason for confrontation with the applicant. The applicant is asked why he/she does not have these documents and the alleged reasons justifying this lack of documents are registered.

Notwithstanding the conducting of the mandatory interview, the Asylum and Refuge Office has, in the nationality questionnaire, a complementary tool in the absence of documentation which can prove the applicant's identity and nationality. This is a document prepared by the Asylum and Refuge Office which contains basic questions relating to the applicant's country of origin and which includes information relating to geographical details, social and religious circumstances and conflicts in the country of origin. The questionnaire is completed individually, by means of a personal interview between the official and the applicant. Its relevance lies in its being the only mechanism for checking whether the interviewed person is really from the country, and is especially useful when they do not provide any documentation proving their identity and nationality.

The phonetic transcription of the names of persons and places is equally important for cases where the applicant cannot write.

As can be deduced from the above, the interview conducted at the time of formalising the application for international protection is vital to establishing the applicant's identity and will determine the subsequent development of the procedure.

It is important to stress that Article 17.8 of Law 12/2009 provides for the possibility of a second interview at which the applicant's presence will be required at the Asylum and Refuge Office, and the need for which must be substantiated. It will be conducted when, at the discretion of the instructor, there are points in the dossier which require clarification.

The plausibility and the internal and external coherence of the account constitute one of the most important bases upon which the resolution of applications is based, even more so if it is taken into account that a significant number of applicants (more than half in 2011) present no documents whatsoever at the time of formalising the application. In consequence, the proper conducting of

the interview and the instructors' experience are key factors when assessing the applicant's declarations in the light of all the elements of the application.

- Return of rejected applicants for international protection:

Conducting an interview for this purpose is not envisaged by current legislation as compulsory, therefore it is an optional method.

The procedure for conducting interviews is not regulated in Spanish legislation. They are conducted by consular officials of the country of origin or by officials of the competent Ministry (Interior, Foreign Affairs, Migration, etc.) specifically sent from said country. They normally take place in detention centres, although immigrants are occasionally moved to the consulates. The content of the interview varies according to the country which provides the documentation, as does the information collected and the way in which this is checked.

In the case of the countries which collaborate correctly, the organisation of interviews by consular officials does not normally require excessive formalities, or need a great deal of time. The situation is different when officials have to be brought from the country of origin, as obtaining the consent of the authorities, designating the members of the mission and expediting the service commissions may be held up by internal bureaucracy.

Lawyers are not present at the interviews, but they take part in the disciplinary return procedure. Moreover, all detained persons are subject to judicial supervision, both by the judge who authorises the detention and by the judge responsible for the detention centre where they are located.

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

- Applicants for international protection:
  - On occasions the UNHCR is consulted if the applicants have initiated the international protection procedure in third States.
  - The country of origin information is vital for assessing the dossier.
  - Consulting Spanish Embassies in the country of origin may be very useful in a great many cases.

- On some occasions and always taking into account that the agent of persecution may not be the State itself, missions have been conducted in countries of origin.

***If possible, outline briefly the rationale behind the method(s) indicated above used in your (Member) State, e.g. why some method(s) 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.***

With regard to the assessment of international protection, no hierarchy or order exists as such between the methods, as the importance or the preference of each of them varies depending on the specific case. As will be shown later, there are a great many factors which determine the taking of decisions one way or another. Therefore, the hierarchy of the methods will depend on the specific characteristics of the case.

However, it must be stressed that taking and checking the fingerprints constitutes the method used as a first step for assessing the admission or otherwise of the application for international protection. With regard to age assessment, this method is vital and a priority in cases of unaccompanied presumed minors. As previously stated, the interview, which is compulsory in all cases, may be vital in a great number of cases due to the habitual lack of documentation.

In the return context, they are complementary methods, not exclusive.

## **S**ection 3 **Decision-making Process**

### **3.1. Status and weight of different methods to determine identity**

***O*n 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? Briefly outline whether the results from the different methods will have different status and/or will be given different weights, and whether this is laid down in legislation, policy or practice guidelines.**

Decision making in this context is determined by the particular characteristics of each applicant. This is why in some cases identity may not be considered a vital element when



making the final decision. In general, it is considered that both identity and nationality are two key elements with regard to granting international protection. It is also worth noting that in some cases, other factors may be equally decisive.

The various methods which can be used have a different statute, according to which their use will be determined by legislation, by policy or by practice guidelines:

- The legislation governs the taking of fingerprints and photographs, as well as the procedure for age assessment. The mandatory conducting of interviews is also established.
- The recommendations established both in the UNHCR appeals and by the national authorities when assessing the situation in a country.
- The conducting of interviews and the assessment of the applications by the instructors, as well as the functioning of the Inter-Ministerial Commission for Asylum and Refuge<sup>17</sup> also comes from practice guidelines.

When raising the motions for resolution and making the final decision, special consideration is given to documentary proof of identity, nationality, country of origin and reasons for persecution, the results of the nationality test, as well as the external and internal coherence and plausibility of the account.

With regard to returns, greater importance is given to other types of technical methods. When there is correspondence with the databases, the fingerprint is the method which provides more secure results.

***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”)? If Yes, outline what this is.***

In general no “grading” instruments are used, although certain situations relating to the identity and documentation may give rise to an unfavourable decision on granting international protection when:

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<sup>17</sup> The Inter-Ministerial Commission for Asylum and Refuge is made up of the Ministries of the Interior, Employment and Social Security, Justice, Foreign Affairs and Cooperation, Health, Social Services and Equality and a representative of the UNHCR as a guest. It proposes the resolutions which must be signed by the Minister of the Interior on the granting or refusal of international protection.

- No documentation is provided and no justification exists for its absence.
- False documentation is presented to give credibility to a false identity.
- The application is formulated under a false identity with the aim of making the assessment difficult or of giving plausibility to allegations which do not correspond with the real identity.
- With no reasonable explanation the applicant destroys, damages, conceals or manipulates documents proving his/her identity.
- The applicant destroys, damages, conceals or manipulates documents proving his/her identity and it can be deduced from the body of the dossier that the principal objective of such behaviour is to make it difficult to assess his/her allegations.

In the context of return, no grading structure is used. The immigration units process each dossier noting the steps taken and those pending so that, depending on the country which must readmit, an adequate identification is obtained.

Are any future measures considered with regard to setting up or further elaborating a “grading” structure? If Yes, outline what these are.

At present the future establishment of a “grading” structure is not being considered.

### **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? For example, does the outcome of identity establishment influence a recommendation to “grant international protection,” “refuse international protection,” “defer decision”?***

The result of establishing identity has an important influence on the final decision, although on occasions it may not be the decisive factor. The greater or lesser relevance of identity when granting international protection will depend on the motives of the alleged persecution. The country of origin or nationality is equally considered a key

factor, thus the importance of the nationality questionnaires. In the case of international protection dossiers, this aspect takes an added importance, inasmuch as all accounts of persecution are inextricably connected to the more or less individualised persecution to which the applicant has been subjected.

When making decisions, different factors must be taken into account:

- Whether or not the absence of documentation is justified.
- In the context of international protection, the principle of benefit of the doubt must govern the entire process.

It is a decision-making process based on evidence in which the accumulation of different elements plays a key role.

***How important is establishing identity relative to other factors used in making an overall decision? For example, if identity cannot be established, does this de facto lead to a rejected decision? Are other factors such as gender, suspected country of origin, given more weighting than identity determination in some cases?***

If identity cannot be established, this fact does not necessarily lead to a refusal of the application. The specific characteristics of each case must be analysed. As has already been shown, other factors may be more relevant in certain situations (country of origin or nationality, for example).

### **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? For example, does the outcome of identity establishment influence a recommendation to “defer return”?***

The decision is postponed, among other reasons, if the determination of identity is not satisfactory in order to return to the country of origin or transit.

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

The results of establishing identity obtained during the substantiation of the international protection procedure are available in order to proceed to return, as required by the National Police Force, after the opening of the corresponding return procedure, different to the application for international protection.

***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.***

The results of establishing identity obtained during the international protection procedure are used exclusively to find out which country may be asked to readmit and the consequent issuing of documentation, if that available is insufficient. From this point onwards, the procedure is the same as that for any other return, without making known the country of origin of the application for international protection:

- 1) Administrative return procedure until the resolution is taken (*initiation of the return dossier, notification of this to the interested party, notification of the deadline for allegations and resolution and notification of the Return Decision by the competent Authority, all within the framework of Organic Law 4/2000 on Immigration*),
- 2) Request for documentation to the readmitting country (*passport or safe conduct*),
- 3) Organisation and communication of the transfer,
- 4) Transfer (*generally escorted by officers of the National Police Force*).

## **S**ection 4 Conclusions

The question of establishing identity appears as a key element for improving the procedures of international protection and return. Throughout the preparation of this questionnaire a series of areas have been observed in which greater European collaboration and harmonisation would be desirable. The construction of a common definition of identity could constitute a solid base for the Common European Asylum System.

In the context of false documents, it is notable that greater exchange of information and sharing the diverse checking methods would constitute important advances. To this effect,

the efforts that have been invested in the creation and updating of the iFADO database should be continued and its use should be enhanced for all purposes.

On the other hand, much remains to be done in order to go forward in achieving greater exchange of information and greater collaboration between Member States with regard to **Country of Origin Information** (COI). On this point, the knowledge which Member States have on certain geographical areas for different historical, cultural, political or economic reasons (as is the case with Spain and the countries of Latin America, for example) leads to the reflection that there is still much potential to be exploited. It would therefore be very positive if there were greater operational cooperation in exchanging information in order to optimise the available resources and thus advance towards achieving one of the priority objectives of the **European Asylum Support Office** (EASO).

As regards the **methods**, mention should be made of the important advance brought about by the exchange and comparison of fingerprints at a European level. It is an example to follow, which would be advisable to take further, for example with the taking of photographs. With regard to the age assessment of unaccompanied minors, and given its great complexity, the achievement of greater harmonisation among Member States could be very beneficial, as well as providing greater legal certainty in this field. Language analysis constitutes a very efficient tool which, however, has not been exploited sufficiently in the case of Spain due to the lack of resources in the fields with which we are concerned.

As regards **decision-making**, at present there are no common criteria at the European level. Greater collaboration and exchange of best practices could be a useful starting point for coordinated European action.

The field of return is complex given that it requires the collaboration of the countries of origin when documenting their (presumed) nationals. On this point, it would be very positive for European foreign policy to integrate these types of question into the international agenda with the aim of achieving greater collaboration on the part of the countries of origin. The path traced by the Global Approach to Migration and Mobility is a good start, although more should be done in continuing with this objective.

