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Second Focussed Study 2012

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

Common Template

Final Version: 18 June 2012

Subject: Final version of the Common Template for the EMN Study 2012 on the “Establishing Identity for International Protection: Challenges and Practices.”

Action: EMN NCPs are requested to provide their **National Contributions** by **7 September 2012**.

EMN FOCUSSED STUDY 2012

Establishing Identity for International Protection: Challenges and Practices

National Contribution from Finland

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

Top-line 'Factsheet'

(National Contribution)

[Executive Summary

(Synthesis Report)]

National Contribution (one page only)

In the context of this study, the English term *identity* is interpreted as the Finnish term "henkilöllisyys". In Finland, the following information on the applicant's identity is considered necessary in processing an application for international protection: the applicant's first and last name, former names (if any), gender, date and place of birth, marital status, ethnic origin, national origin, citizenship, religion, occupation or rank, address in country of origin, address in Finland, education, language skills, occupation, work history, social background and information on conscription.

Pursuant to the Finnish Aliens Act, the Police and the Finnish Border Guard are assigned the authority to establish an applicant's identity in the asylum process. The Finnish National Bureau of Investigation is the central authority specialised in establishing identity and verifying identity documentation. Where necessary, the Police and the Border Guard submit identity documents to the National Bureau of Investigation for an expert statement.

Establishing identity is particularly relevant in the asylum process when the applicant has presented individual grounds for international protection and there is no further evidence to support the information provided by the applicant. In such cases, the information listed above can confirm the applicant's claims of persecution or other grounds for international protection. Establishing identity has proved to be particularly difficult in the case of asylum seekers from Somalia, Iraq and Afghanistan. Applicants from these three countries are also more frequently given language tests.

Establishing citizenship is significant in the return of applicants who are refused asylum. Practice has shown that returning an applicant who has been refused asylum to their country of origin against their will is not possible in the absence of credible evidence of identity. It can be said that establishing identity plays a more significant role in return procedures than in the processing of asylum applications.

The Finnish Immigration Service, which is responsible for processing asylum

applications, makes a statement regarding the applicant's identity in its asylum decision, but does not issue an actual decision on the applicant's identity. Identity is only established to the extent required for making the decision on the asylum application. A note is entered in the Aliens Register stating either “identity has been verified” or “identity has not been sufficiently substantiated”.

The problems related to the inability to establish an alien's identity are mainly realised when a third-country national who has been issued a Finnish residence permit tries to register at the Local Register Office of his or her municipality of domicile, open a bank account or use the services provided by the Finnish authorities. Confirming identity is also highly relevant when the authorities try to return an applicant who has been refused asylum; in practice, returning an applicant to his or her country of origin against his or her will has proved to be impossible.

Based on a rough estimate, approximately 70% of the asylum seekers who are granted international protection have not had their identity established by the Finnish authorities. The corresponding figure for the applicants who are refused asylum is 40-50%. The two most difficult countries to deal with when it comes to establishing identity in the context of the asylum process are Iraq and Somalia.

Successfully returning a third-country national who has been refused asylum is contingent on identifying the returnee as a citizen of the country of origin in question and obtaining travel documents from the embassy or consulate of that country. However, establishing the identity of people from certain problematic countries can take an unreasonably long time, which contributes to delays in return procedures.

Synthesis Report (up to 3 pages)

Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.

Section 1

The National Framework

(National Contribution: Maximum 6 pages, excluding statistics)

The Synthesis Report will provide the reader and policymakers, in particular, with insights into the scale and scope of the issue at national and EU level, evidenced by statistics. It will present an overview of which (Member) States consider, in the absence of credible documentation, the establishing of identity of applicants for international protection and for those applicants who have to be forcibly returned an issue and why. It will hence identify the extent to which (particular) challenges are shared across (Member) States.

It will subsequently analyse the extent to which the process for establishing identity in those cases is laid down in legislation across (Member) States, and the institutional framework for this process. Differences in the capacity that (Member) States have available to meet the challenges (e.g. in terms of being able to draw on expertise, access databases, or have a legal basis for using certain methods) will be drawn out.

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

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)

Yes. This is an issue in Finland.

a) Establishing identity is relevant in the asylum process when the applicant's application for asylum is based on individual grounds for international protection and there is no further evidence to support the information provided by the applicant. The case-law of the Finnish Courts of Appeal indicates that, for each asylum seeker, the authorities must determine his or her country of origin or the country in which he or she resided permanently prior to entering Finland.

The problems related to the inability to establish an alien's identity are mainly realised when a third-country national who has been issued a Finnish residence permit tries to register at the Local Register Office of his or her municipality of domicile, open a bank account or use the services provided by the Finnish authorities. The Finnish Ministry of the Interior has set up a working group for the period 1 October 2010 – 1 October 2012 to study the legal impacts of implementing an asylum seeker's smart card to be used as an identification document, particularly in relation to the Finnish Act on Preventing and Clearing Money Laundering and Terrorist Financing (503/2008) and other legislation that may be affected by the implementation of the smart card system. In the latter stages of its work, the working group has primarily focused on finding solutions for the problems associated with the use of banking and other services by foreign nationals who have been issued residence permits.

b) Decisions on the refusal of entry are made in conjunction with decisions on asylum applications. Practice has shown that returning an applicant who has been refused asylum to their country of origin against their will is not possible in the absence of credible evidence of identity, as foreign embassies and consulates generally do not issue documentation for the purpose of return if the person's identity and basic information has not been established. In light of this fact, it can be said that establishing identity is particularly important when it comes to refusal of entry and return.

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.***

Yes. According to the Finnish Immigration Service, the majority of asylum seekers in Finland do not have identification documents. In the Aliens Register that preceded the current UMA electronic case management system, modifying the data entry regarding the absence of credible documentation of an asylum seeker's identity led to the original data entry being removed, which means that compiling historical statistics on the matter is not possible.

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

Yes. Analysing passenger records and visa application data, if applicable, requires human resources and is generally only done upon request. Under Finnish law, the Police establish an asylum seeker's identity by means of an interview and by checking register entries. Measures beyond these standard procedures require additional work. The Finnish Immigration Service subsequently adds detail to the records based on information obtained in the asylum interview, if necessary due to a request by either the applicant or the authorities. Applicants are also allowed to be heard in asylum interviews if their documentation has been determined to be falsified after the initial interview conducted by the Police.

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

Yes.

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

Yes and no. On a case-by-case basis: In practice, the majority of asylum seekers do not have identification documents at the time of submitting their application. The absence of identification documents makes it more difficult to determine the applicant's credibility and requires a more detailed asylum interview to find out the facts of the case. In the case of permits issued on the grounds of the security situation in the applicant's country of origin, the focus is more on whether the applicant is, in fact, from the country he or she says, rather than information on his or her name and birth.

The applicant's age is significant in the context of underage asylum seekers, as the Finnish policy is to categorically issue residence permits to underage asylum seekers under Section 52 of the Finnish Aliens Act (compassionate grounds) if the underage asylum seeker does not present grounds for international protection, if there are no other grounds for issuing a residence permit, and if the authorities are unable to confirm that the child will be appropriately received in his or her country of origin. In cases involving underage asylum seekers, the authorities may not refuse asylum and refuse entry to Finland without taking measures to track the returnee. As measures to track returnees are rarely successful, underage asylum seekers are categorically issued residence permits under the aforementioned grounds.

- *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.*

In the majority of cases, the inability to establish an applicant's identity does not lead to return being prevented, but rather delayed.

Statistics on the number of people refused asylum in 2008-2010 who were not returned by 2012:

Belarus 42, Iraq 199, Afghanistan 91, Nigeria 61, Iran 81.

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

i) Establishing identity has proved to be particularly difficult in the case of asylum seekers from Somalia, Iraq and Afghanistan. Applicants from these three countries are also more frequently given language tests.

ii) Countries for which implementing return is particularly difficult: Iraq, Afghanistan, Nigeria, Ethiopia and Algeria. The average delay in implementing return to these countries due to difficulties in establishing identity and obtaining travel documents is 59 days.

- *Other (Member) State specific factors*

There have been some Dublin cases where young men from Northern Africa have several identities. This has been a particular problem with Algerians and Roma people.

There have also been some cases where, after naturalisation, the person has eventually informed the authorities of wanting to change his or her personal information.

Asylum seekers from Africa often use a name that is nearly the same as the name in the genuine identification documents, but the genuine documents are kept hidden until the authorities decide they have legal grounds for residence.

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

N/A

11.2 Statistics on the Scale of the Issue

Please provide, to the extent possible, the following statistics (with their Source) along with, if necessary, an explanatory note to interpret them if, for example, the statistics provided are partial, had to be estimated (e.g. on the basis of available statistics that differs from the below, or of first-hand research) or if they reflect any particular trends (e.g. a change in policy, improved methods of establishing identity, a change in the country of origin of applicants or of rejected applicants, etc.) If statistics are not available, please try to indicate an order of magnitude. Where available, statistics from Eurostat should be used and presented annually covering the period between 2007 and 2011 inclusive.

	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	1505	4035	5988	4018	3018	Source: Finnish Immigration Service; top-4: Iraq, Somalia, Afghanistan, Russian Federation (some shifts in the order from year to year), in 2009 and 2010 influx of Bulgarian asylum seekers (treated as manifestly unfounded coming from an EU-country)
Number of applicants for whom <u>identity</u> was not documented at the time of application	n/a	n/a	n/a	n/a	1291	Information not available from the previous IT-register system.
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	In Finland, either the identity is established or not. Partial establishing does not exist.
Total Number of <u>Positive Decisions</u>	860	785	1373	1784	1271	
Total Number of Positive Decisions for applicants whose identity was not documented at the time of application	585	561	1195	1397	822	Top-5 nationalities: Iraq, Somalia, Afghanistan, Nigeria, Iran (some shifts in the order from year to year)
Total Number of Positive Decisions for applicants whose identity was	n/a	n/a	n/a	n/a	n/a	

EMN Focussed Study 2012:
Establishing Identity for International Protection: Challenges and Practices

considered sufficiently established by the decision-making authorities						
Total Number of <u>Negative Decisions</u>	961	1011	2568	3428	1890	
Total Number of Negative Decisions for applicants whose identity was not documented at the time of application	469	445	1256	1339	705	Top-5 nationalities: Iraq, Somalia, Afghanistan, Nigeria, Iran (some shifts in the order from year to year)
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	
Total number of (Forced)¹ <u>Returns undertaken</u> of all rejected applicants	633	632	1421	1875	1085	Source: the Police
Number of (Forced) ² 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	
Number of (Forced) ³ 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						Approx. 20-30 cases per year.

If desired, and it cannot be fitted in the Table, add further details concerning particular trends and/or notable aspects of the statistics provided.

¹ 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.

² Idem.

³ 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?

If Yes, briefly specify which legislative documents, including their link to relevant EU acquis, regulate the process of identity determination in relation to the procedure for international protection.

Where possible, please refer to your National Contribution to the Organisation of Asylum and Migration Policies in the EU, rather than repeating the information here.⁴

The process used to determine identity within the procedure for international protection is not specifically set out in the Finnish Aliens Act. The Act simply states that the authority for establishing identity lies with the Police and the Finnish Border Guard. More detailed instructions pertaining to establishing identity are provided in the Finnish Immigration Service Immigration Guidelines 104/032/2010 (effective from 8 March 2011 onwards). The Finnish Immigration Service has also issued memorandi for Police use to assist in establishing an applicant's country of origin.

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

If Yes, briefly specify which legislative documents, including their link to relevant EU acquis, regulate the process of identity determination in relation to the forced return of rejected applicants.

Where possible, please refer to your National Contribution to the Organisation of Asylum and Migration Policies in the EU, rather than repeating the information here.⁵

Finnish law does not specifically address the issue of establishing identity in these contexts.

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 Finnish Aliens Act, Section 97: The Police or the Finnish Border Guard establish the identity, travel route and entry into the country of an alien applying for a residence permit on the basis of international protection. When establishing an applicant's identity, personal data on the applicant's family members and other relatives are collected.

⁴ If however the level of detail is highly relevant, by shedding light on, for example, which elements of identity should be evidenced, what methods can or should be used to do so, what weight is to be given to the outcomes of the use of these methods, etc., it would be useful to insert the information directly in the Template.

⁵ Idem.

The asylum decision issued by the Finnish Immigration Service includes a statement pertaining to the applicant's identity, but the Finnish Immigration Service does not actually issue decisions on identity. The applicant's identity is only established for the purpose of making a decision on the application. The result of this investigation is not a statement of whether identity has or has not been established. The two possible statements issued based on the investigation are: "identity has been successfully confirmed" or "identity has not been successfully confirmed."

The decision on the applicant's identity is made in Finland by the Local Register Office when the person who has been issued a residence permit is entered into the Population Register.

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?

See above, investigated during the processing of the application.

The Helsinki Police Department coordinates return procedures in Finland for all persons who are refused asylum. The Helsinki Police Department also coordinates all joint return flights and chartered flights in the case of returnees for whom special measures need to be implemented. In certain cases, the Police may also investigate identity in conjunction with return procedures. Where necessary, the Finnish Border Guard also investigates the identity of persons who are refused entry at the time the return decision is being implemented.

Does your (Member) State have a central competence centre for issues related to the determination of identity and/or verification of documents?⁶

Yes. The Finnish National Bureau of Investigation is the central authority specialised in establishing identity and verifying identity documentation.

The initial procedure for establishing an asylum seeker's identity involves the Police or the Finnish Border Guard investigating the relevant documents presented by the applicant and issuing a statement on their authenticity to the Finnish Immigration Service.

Where necessary, the Police or the Finnish Border Guard submit documents which they suspect are falsified to the National Bureau of Investigation Forensic Laboratory for a statement. The documents inspected may include travel documentation, a driver's licence, marriage certificate and birth certificate. The Police or the Finnish Border Guard will then send a copy of the statement to the Finnish Immigration Service. If sending the documents for detailed investigation of their authenticity is not deemed to be necessary, the Police or the Finnish Border Guard will simply indicate whether the document appears to be authentic or if it is a document for which authenticity cannot be determined.

The Finnish Immigration Service may also submit documents to the National Bureau of Investigation Forensic Laboratory for a statement. Alternatively, the Finnish

⁶ This may be a separate body (as in Norway) or a unit within a relevant authority.

Immigration Service or the Police may request and use an expert statement on a document issued by the Finnish Border Guard.

In the event that an investigated document is found to be falsified, the matter will be reported to the relevant police department or Finnish Border Guard unit for a preliminary criminal investigation. If the location where the suspected crime was committed is not known, the report may also be filed with the local police department of the applicant's municipality of domicile. The police department will then forward the report to the relevant police unit.

Applicants must be given the opportunity to be heard with regard to falsified documents prior to the decision on the asylum application being made.

The Finnish Border Guard also carries out investigations of documents, but submits documents to the National Bureau of Investigation in unclear cases. The National Bureau of Investigation has also arranged basic training in the investigation of documents to the relevant authorities (the Finnish Immigration Service and the Police). The purpose of the basic training in the investigation of documents is to improve the process by ensuring that only documents that are difficult to verify are submitted to the National Bureau of Investigation for evaluation. Only the National Bureau of Investigation can issue an official statement on the authenticity of a document.

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

As the central authority for the investigation of documents, the National Bureau of Investigation, issues official statements on the **technical** authenticity of identification documents.

If Yes:

- *Has the centre developed its own database / reference base for
 - *genuine documents?* Yes
 - *false documents?* Yes*
- *Does it make use of the database iFADO (iPRADO)⁷ for checking false ID documents?* Yes
- *Does it make use of the EDISON⁸ system?* Yes
- *Does its tasks involve:*

⁷ [PRADO](#) Public register of authentic identity and travel documents online

⁸ EDISON Travel Documents System

- *Advisory services?* Yes
- *Development of Methods?* Yes
- *Training of frontline officers?* Yes
- *Support with difficult cases?* Yes
- *Does it have a forensic document unit?* Yes

The Finnish Border Guard, which investigates documents as part of its operations, uses a national document identification catalogue (MASI) as well as the iFADO, iPRADO and EDISON databases at international border crossings. The Finnish Border Guard is responsible for providing training for its staff on the investigation of documents. Training is provided both for personnel stationed at border crossings and for those in investigative positions. The Finnish Border Guard does not carry out forensic investigations. Instead, documents are submitted to the National Bureau of Investigation for a statement if necessary.

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?

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.)?

Yes. The officers in the asylum unit of the Finnish Immigration Service have access to the following EU databases:

- EURODAC: the blocking of fingerprint records (Regulation 2725/2000/EC, Article 12)
- VIS: examining applications (Article 15), access to data for hearings and document requests, access to data for identification (Article 20), determining the responsibility for asylum applications (Article 21) and examining applications (Article 22), Regulation 767/2008/EC
- SIS: Accessing SIS reports (Schengen Agreement, Article 101, Paragraph 2).
- SIS II access to be implemented soon

Police: VIS, SIS, Interpol systems through the National Bureau of Investigation (criminal offenders), SIRENE.

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?

Section 2

Methods for Establishing Identity

(National Contribution: Maximum 8 pages)

The Synthesis Report will provide an overview of the types of documents that are required for establishing identity (preferable in Table format), of the methods that can/should be used in the absence of credible documentation (preferably in Table format), and the relative weight that is given to the outcomes of the methods used (Table or narrative, depending on the responses given) across the (Member) States.

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) The terminology used for unconfirmed identity varies in Finnish legislation, which causes certain problems. The terms used in different legislative acts have not been specifically defined.

Section 136(5) of the Finnish Aliens Act: “If it is impossible to verify the identity of the alien, an appropriate entry shall be made in the alien's passport or the refugee travel document”. This special provision allows the authorities to issue a travel document to a foreign national who has been issued a Finnish residence permit despite his or her identity not having been confirmed. The travel document referred to in the Finnish Aliens Act and issued to an alien is not intended for use as an official identification document.

According to the Asylum Guidelines issued by the Finnish Immigration Service, the following information is considered necessary for processing an application for asylum: the applicant's first and last name, former names (if any), gender, date and place of birth, marital status, ethnic origin, national origin, citizenship, religion, occupation or rank, address in country of origin, address in Finland, education, language skills, occupation, work history, social background and information on conscription.

In the context of this study, the English term *identity* is interpreted as the Finnish term "henkilöllisyys". The definition of the Finnish term is examined in more detail in the final report of the working group for the project on establishing identity (identity programme), which is available in Finnish at <http://www.intermin.fi/julkaisu/322010>

Person (henkilö) = a human individual

Personal data (henkilötieto) = Records describing a natural person or his or her characteristics that can be identified as pertaining to the person and other members of the same household (the Finnish Personal Data Act 523/1999).

Identity (henkilöllisyys) = The totality comprised of the human individual and the official records linked to him or her (name, personal ID, citizenship). Identity is created when an entry for the person is created in the information system used by the Finnish authorities (VTJ) and the data entry is linked to the

physical person. Identity is characterised by temporal continuity, which means that it is not recreated even when personal data changes.

Identity (identiteetti) = An umbrella term that includes all the data used to distinguish between persons who have an identity. Personal data constitutes part of identity data, but not all identity data is personal data as referred to in the Finnish Personal Data Act. The holder of an identity may be a natural person, a legal person or a group that does not have a specific legal status. Identity may also be entirely virtual, especially on information networks. This type of identity is used to distinguish participants in social media, but it is not easily linked to the actual natural person behind the online identity. The English term *identity* is less ambiguous in its meaning than the Finnish direct equivalent (identiteetti).

For example, in psychology, the Finnish term "identiteetti" is traditionally used in contexts such as sexual identity or national identity.

The data related to an asylum seeker's identity is recorded on the UMA electronic case management system, which requires that each applicant has a single "identity being used". In addition, an applicant may have an unspecified number of "other identities". On the UMA electronic case management system, identity includes name, citizenship, date of birth, country of birth and place of birth. A single identity record can include multiple entries for name and citizenship, but one of each must be selected as "the one being used". However, only one date of birth may be linked to each identity record on the system.

B) There is no unambiguous definition used in the context of return procedures, but establishing citizenship is highly relevant to establishing identity.

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

The Finnish Immigration Service, which decides on asylum applications, accepts the following as identification documents on a case-specific basis: travel documents recognised by the Finnish Ministry for Foreign Affairs, driver's licences, ID cards and, on a case-by-case basis, marriage certificates and birth certificates. The case-specific decisions are based on case law; if a document is issued by a recognised authority, deemed to be reliable and has the required personal data and identifying characteristics, the authorities consider the person's identity to have been verified. Finnish case law also reflects the view that the identification documents presented by

the applicant must match and support each other. If the personal data shown on an applicant's various documents do not match, his or her identity cannot be considered to have been established.

The following information on the applicant's identity is considered necessary for processing an application for international protection: the applicant's first and last name, former names (if any), gender, date and place of birth, marital status, ethnic origin, national origin, citizenship, religion, occupation or rank, address in country of origin, address in Finland, education, language skills, occupation, work history, social background and information on conscription.

Determining the veracity of identification documents has certain inherent problems. There is a lack of reference material, particularly regarding documentation on identity and family relations that is weaker than a passport (identification documents, birth certificates and marriage certificates), although international co-operation between the relevant authorities has improved the situation somewhat. Nevertheless, reliable information and references remain unavailable for certain countries, such as Somalia.

Copies of identification documents are not considered to be reliable evidence of identity, although decisions on asylum applications in such cases will include a note stating that the applicant has presented copies of documents in support of his or her stated identity. In some cases, applicants have a falsified visa in an authentic passport. While no clear guidelines on this exist, such passports are generally considered to be credible 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? 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.

As a rule, the national authorities in the presumed countries of origin require that returnees must have a valid travel document. This document may be a passport or a temporary travel document ((Laisser-Passer/Emergency Travel Document) issued by a competent authority. Embassies and consulates do not issue passports for the purpose of return. In order for an embassy to issue a travel document, the authorities must verify the returnee's citizenship by some reliable means.

The Police largely use the information obtained during the asylum process. A person's citizenship can be verified in various ways. A returnee may have an identification document or a copy thereof, such as a driver's licence, ID card, birth certificate, military passport, Interpol identification etc. Where such documentation is available, the embassy or consulate generally issues documentation for return, except certain countries that 1) only issue temporary travel documents to voluntary returnees or 2) do not issue temporary travel documents to anyone.

Re-admission agreements include comprehensive criteria for establishing citizenship. The agreements are an effective tool in the procedures related to returns.

Temporary travel documents may also be obtained for persons who have no documentation whatsoever. Depending on the country of origin, identity and citizenship may sometimes be verified simply based on the personal data provided by

the applicant. However, there is considerable variation between countries in this regard.

Citizenship can also be verified through a personal interview. An embassy may also require an interview in cases where the person concerned has an identification document or a copy thereof. In these cases, a consular officer or an official responsible for entry into the country of origin will travel to Finland to meet with the returnee. The Helsinki Police Department is working on implementing videoconferencing technology for interviews and identification.

The objective of identification and the verification of citizenship by the country of origin is to ensure that the Finnish Police do not return foreign nationals to countries they are not citizens of.

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:

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

➤ Applicants for international protection:

As part of the process of establishing an asylum seeker's identity, a language analysis may be used to determine their country of origin and/or citizenship. Language analyses may be used when there are grounds to suspect that the information provided by the applicant regarding his or her country of origin is unreliable. Language analyses should be carried out as early as possible. The Police may carry out a language analysis as part of the process of establishing an applicant's identity. The Finnish Immigration Service may also request the Police to carry out a language analysis if the need for the analysis only becomes apparent once the processing of the application has been transferred to the Finnish Immigration Service. The Finnish Immigration Service requests that the police to carry out a language analysis to determine whether the applicant is from the country/region/city he or she claims. The language analysis is based on a recording of the applicant talking about various aspects

of his or her country/region of origin for a minimum of 15 minutes. The recording may be a telephone conversation between the applicant and the person responsible for conducting the analysis, a conversation between a police officer, an interpreter and the applicant, or the applicant's own story.

If the results of the language analysis indicate that the applicant is not from the country/region/city he or she claims to be from, the Police conduct an additional hearing related to the conflicting information. The Finnish Immigration Service will request the Police to provide information on the results of the language analysis prior to the additional hearing to allow the Finnish Immigration Service to pose additional questions to the applicant. The authorities must inform the applicant of the right to have an assistant or legal counsel present at the hearing. It should also be noted that representatives of underage asylum seekers must also be heard in conjunction with additional hearings. The requests are sent to the Police electronically through the UMA system. (Finnish Immigration Service Asylum Guidelines)

In practice, the use of language analyses is limited by the fact that their use depends on the police budget, which sets an annual upper limit for the number of language analyses that can be carried out.

Language tests are currently given to all Somalian applicants. They are also increasingly used for Iraqi nationals.

➤ Return of rejected applicants for international protection:

Yes, a language analysis may be carried out if one has not been conducted during the processing of the application for international protection. Language analyses have proved to be useful in the case of applicants from Northern African countries, although language analysis alone does not guarantee successful return. The language test gives the authorities an indication of what country enquiries should be addressed to regarding return. The conclusion drawn from this is that language tests should be conducted earlier on to facilitate the asylum process.

When return is carried out, the authorities of the presumed country of origin generally interview the returnee, which adds to the significance of language testing and analysis.

ii) Age assessment to determine probable age⁹

➤ Applicants for international protection:

Yes, not a mandatory part of the asylum investigation.

A forensic examination may be carried out to determine an asylum seeker's age if there are clear grounds to suspect that the information provided

⁹ 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/prepareShowFiles.do?directoryID=115>.

regarding the applicant's age is unreliable (the Finnish Aliens Act, Section 6a). As the asylum process is based on the age indicated by the asylum seeker, forensic examinations may only be used if there are clear grounds to suspect that the age reported by the applicant is not his or her actual age. Where forensic examinations are used, it must also be noted that results have a biological range of variation of two years. For this reason, forensic examinations should only be used if the applicant clearly appears to be 20 years of age or older. Forensic procedures to determine an applicant's age are not intended as an automatic practice in the asylum process for applicants who have entered Finland as unaccompanied minors (Government Proposal 240/2009, p. 26–28).

A forensic examination may be requested by the Police, the Finnish Border Guard or the Finnish Immigration Service. Carrying out a forensic examination for age verification is subject to the applicant's informed written consent given out of free will. Forensic examinations to determine age are also subject to the written consent of the applicant's legal guardian or other legal representative. In the event that forensic methods for determining an applicant's age are not used at the initiative of the Police or the Finnish Border Guard, the applicant may have a medical age assessment carried out at his or her own initiative and expense. In such cases, the medical age assessment must meet the same reliability criteria as government-funded forensic examinations.

The applicant's date of birth may also be assessed in an interview by asking questions on whether the applicant was born early or late in the year and by referring to seasons relevant to the applicant's culture, such as rainy seasons, dry seasons etc. The Police and the Finnish Border Guard, which are responsible for establishing identity in the asylum process, may request the country information experts of the Finnish Immigration Service's Legal and Country Information Service to provide assistance related to an applicant's culture and presumed country of origin (Finnish Immigration Service guideline 109/0034/2010).

Return of rejected applicants for international protection:

Possible, but in practice there have been no cases where age assessment has been used in this context. A returnee disclosing that he or she is a minor at the time of return would effectively lead to a new application for international protection being filed.

iii) Fingerprints for comparison with National and European databases

National Database

➤ Applicants for international protection:

Yes, a mandatory part of the asylum investigation.

Pursuant to Section 60d of the Finnish Aliens Act, the Finnish Immigration

Service, the Police, the Finnish Border Guard or a Finnish diplomatic mission must record a full set of each applicant's fingerprints in conjunction with accepting an application for a Finnish residence permit or an application for international protection. Applicants must also enclose a facial photograph with their application. If recording fingerprints is temporarily not possible at the time of filing the application, the applicant may be required to supplement his or her application by providing fingerprint records within a reasonable period of time.

➤ Return of rejected applicants for international protection:

Each applicant's fingerprints are recorded in the national fingerprint database during the application phase.

European databases

➤ Applicants for international protection:

Yes. Mandatory.

Pursuant to the EU Council Regulation on fingerprints, Finland records fingerprint data for all asylum seekers aged 14 or above. The EU Council Regulation on fingerprints refers to the Council Regulation concerning the establishment of Eurodac for the comparison of fingerprints (11 December 2000, No. 2725/2000).

It should also be noted that, in Finland, fingerprint records are collected for all persons registered under Section 131 of the Finnish Aliens Act. Fingerprints are also recorded on the Finnish AFIS system for persons who are refused entry, returnees, applicants for a residence permit on the grounds of family ties, EU citizens and asylum seekers under the age of 14. In practice, collecting fingerprint records from children below the age of 5-6 years is not feasible due to the ridges on the skin of the fingers of people below that age being too dense. Fingerprints are recorded and filed according to the instructions for the National Bureau of Investigation Forensic Laboratory's AFIS registration workstation.

Fingerprints that are recorded for the purpose of an asylum application are kept on file on the central database for a period of ten years. However, if an applicant is granted citizenship of an EU Member State, his or her fingerprint records must be removed from the central database before the end of the ten-year period. This removal of fingerprint records is carried out by the state that has granted citizenship to the person in question. If an applicant is granted refugee status, his or her information must be blocked on the central database. The blocking procedure is carried out by the Finnish Immigration Service in accordance with the internal procedural guidelines of its Asylum Unit.

➤ Return of rejected applicants for international protection:

Optional, used where necessary. The usefulness of this is assessed on a country-specific basis.

iv) Photograph for comparison with National and European databases

National Database

- Applicants for international protection:
Yes, a mandatory part of filing an application for international protection. The photograph is filed in the aliens identification register.
- Return of rejected applicants for international protection:
Yes, done at the time of filing the application. The photograph is filed in the aliens identification register when the application is filed.

European databases

- Applicants for international protection:
Yes.
- Return of rejected applicants for international protection:
Not in conjunction with return procedures.

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:
Pursuant to Section 65 of the Finnish Aliens Act, DNA analysis may only be used in the context of residence permits issued on the grounds of family ties. As all grounds for residence permits are assessed during the asylum process, DNA analysis may be relevant and support the information provided by the applicant on his or her identity (or reveal that the information provided regarding identity is false).
Return of rejected applicants for international protection:
No. The Police are not authorised to request DNA analysis except for the purpose of criminal investigation.

vii) Interviews to determine probable country and or region of origin (or other elements of identity, such as faith and ethnicity)¹⁰

➤ Applicants for international protection:

Yes. Aspects related to an asylum seeker's identity are covered in an interview arranged by the Police or the Finnish Border Guard after the applicant has filed an application for international protection. Additional questions may also be posed to the applicant in the asylum interview conducted by the Finnish Immigration Service and additional hearings requested from the Police by the Finnish Immigration Service through the official channels.

Applicants must also be heard with regard to any new test results (language test, age assessment, DNA analysis) and the results of the investigation of documents. The authorities aim to arrange these hearings in conjunction with other hearings.

➤ Return of rejected applicants for international protection:

Yes, a rejected applicant may be heard prior to initiating the return process if there is new evidence or information with regard to his or her identity.

Applicants are generally not given a new hearing unless they file a new application for international protection.

All returnees are interviewed prior to the start of return procedures. Such interviews are primarily related to the return arrangements.

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

➤ Applicants for international protection:

The Finnish Immigration Service's Country Information Service supports decision-making and the establishing of an applicant's identity by the immigration administration. For example, photographic evidence and other materials found through electronic sources may be used in the verification of an applicant's identity.

Return of rejected applicants for international protection:

Co-operation with the diplomatic missions of third countries, Interpol and local authorities as necessary.

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

¹⁰ 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.

providing evidence of the method's reliability.

The Police aim to establish identity by issuing various enquiries to the authorities in the applicant's presumed country of origin. The SIRENE office or Interpol enquiries may be used in this context.

In the case of certain countries, a representative of the presumed country of origin is requested to conduct an interview with the applicant to verify their citizenship.

If the applicant has an identification document or copy thereof, establishing identity depends partly on the country of origin, its willingness to assist in the matter and whether it has comprehensive registers of population information.

For many countries, the diplomatic mission concerned may contact the authorities in the country of origin to establish an applicant's identity. This applies particularly to readmission agreements, which are an effective tool for this purpose.

The Finnish Immigration Service: The aforementioned methods for establishing an asylum seeker's identity have not been assigned an order of preference or ranking, but questions posed to the applicant play a key role in establishing identity. A language test alone is not sufficient proof that an applicant has provided false information on his or her identity. The methods available for establishing identity complement each other. Personal data related to individual grounds for international protection are considered more significant than information pertaining to the applicant's region of origin and the security situation there. From the perspective of the efficiency of the asylum process, it is important that all available and necessary methods for establishing the applicant's identity are used early on in the process.

Section 3

Decision-making Process

(National Contribution: Maximum 3 pages)

The Synthesis Report will describe how the different methods are combined to establish an identity and how the outcomes of attempts to establish identity are then used in making a decision on international protection and forced return. To the extent possible, the Synthesis Report will draw out commonalities and differences across (Member) States.

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? 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.¹¹

The Police, the Finnish Border Guard and the Finnish Immigration Service do not issue a decision on an asylum seeker's identity during the asylum process. The decision on asylum includes a note on whether the applicant's identity is considered to have been established or not. A note is also entered in the UMA electronic case management system, under the section on personal data, on whether the person's identity is considered to have been established or is simply based on the information provided by the applicant, in which case his or her identity is considered to be unverified. The decision on a foreign national's identity is first made when a person who has been issued a residence permit is entered into the Finnish Population Register. The authority in the matter lies with the Local Register Office of the foreign national's municipality of domicile in Finland. According to a recent decision by the Helsinki Administrative Court (04301/11/1209), the Local Register Office, under the requirement of reliability that applies to the authorities responsible for maintaining official registers, has the right to decide not to enter a foreign national's personal data in the Population Register if it considers that the person's identity is unclear or has not been adequately established. The decision concerns a case in which the appellant had applied for registration prior to submitting an application for an alien's passport, which meant that the alien in question was not in possession of any valid identifying documentation.

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.

There are only two possible entries in this regard in the UMA register: “identity has been verified” or “identity has not been sufficiently substantiated”. There are no grades between these two alternatives.

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

N/A

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

¹¹ Member States may differ significantly in how they deal with applicants for international protection whose statements regarding their identity are not supported by valid documentary evidence, not only in the methods they can or should use, but also in the weight they give to the outcomes of some methods. The aim, therefore, is to highlight these differences, should they exist.

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”?

Identity-related aspects are more relevant in asylum applications where the applicant has presented individual grounds for international protection and where the applicant's identity is closely linked to the grounds for applying for protection. In such cases, verifying the applicant's identity can confirm the individual grounds he or she has stated for the application for international protection and/or the applicant's country of origin; the identity-related aspects alone are not sufficient to determine the outcome of the asylum application.

(However, the outcome of the process of establishing identity is not an official decision on whether the applicant's identity has been established or not. The two possible statements issued based on the investigation are: “identity has been verified” or “identity has not been sufficiently substantiated”.)

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?

Failure to substantiate an applicant's identity does not automatically lead to the refusal of asylum. The majority of asylum seekers do not have reliable identification documents. Aspects related to the person's domicile carry weight in cases where the decision is largely based on the security situation in the applicant's country and region of origin. Personal data such as name, date of birth and photograph play a more important role in cases where the applicant has presented individual grounds for international protection.

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”?

Return procedures are based on the information provided during the application phase and the information included in the decision of the authorities on the case.

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

Yes. The information is filed in the UMA electronic case management system and can be accessed by the authorities responsible for return.

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.

Co-operation with embassies and consulates, acquiring documents from the receiving country. Finnish diplomatic missions abroad are also used in the investigation of information provided in visa applications. The SIRENE office and Interpol also assist in establishing identity. In some cases, the applicant can provide assistance in the matter by contacting the relevant national authorities or presenting identification documents, which are subsequently assessed to verify their authenticity.

If 'no': please describe the type of steps that may be needed with respect to identity documentation before the authorities in the receiving country are prepared to accept the return.

N/A

Section 4

Conclusions

(National Contribution: Maximum 2 pages)

The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level.

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?

Approximately 70% of the asylum seekers who are granted asylum do not have reliable evidence of their identity. The corresponding figure for the applicants who are refused asylum is 40-50%. Pursuant to the Finnish Aliens Act, establishing the identity of persons applying for international protection is under the jurisdiction of the Police and the Finnish Border Guard. Identity is established through interviews and checks of relevant official registers. Further measures such as the investigation of passenger records or visa application records require more human resources.

The failure to substantiate an applicant's identity makes decision-making on applications for international protection more difficult: when the applicant has presented individual grounds for international protection, the absence of identification documents makes it more difficult to determine the applicant's credibility and requires a more detailed asylum interview to find out the facts of the case.

Asylum seekers whose identity is not sufficiently verified often have a history of using many different identities. Such asylum seekers typically originate from Northern African countries.

The Finnish National Bureau of Investigation is the central authority specialised in establishing identity and verifying identity documentation. It is the only competent authority for issuing statements on the authenticity of identification documents. Where necessary, the Police or the Finnish Border Guard, which are responsible for investigating the identity of each asylum seeker, submit documents that they suspect are falsified to the National Bureau of Investigation Forensic Laboratory for investigation. The Finnish Immigration Service, which decides on asylum applications, may also request a statement from the National Bureau of Investigation.

The National Bureau of Investigation has arranged basic training in the investigation of documents for the relevant authorities (the Finnish Immigration Service and the Police) to improve the efficiency of the asylum process. Only documents that are difficult to verify are submitted to the National Bureau of Investigation for evaluation. The problems associated with determining the authenticity of identification documents are often related to the absence of sufficient reference materials for comparison. Co-operation between the authorities from different countries has improved this situation to some extent, but reliable information and references remain unavailable for certain countries, such as Somalia.

Returning a third-country national who has been refused asylum is contingent on identifying the returnee as a citizen of the country of origin in question and obtaining travel documents from the embassy or consulate of that country. If identifying a person as the citizen of the presumed country of origin is unsuccessful or unreliable, the return procedure is delayed. The identification of returnees and the implementation of return decisions can be improved by creating and developing direct contacts with diplomatic missions in the countries that are problematic in this regard and with the authorities responsible for re-admission to the countries of origin. Co-operation with Finnish diplomatic missions abroad with regard to the identification of returnees and obtaining travel documents can be improved along with

developing more effective operating models for the Police and the other relevant authorities.