



## **Ad-Hoc Query on control and verification of biometric data of biometric documents**

**Requested by LU EMN NCP on 16 September 2013**

**Compilation produced on 8 November 2013**

**Responses from Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, France, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Portugal, Sweden, United Kingdom (16 in Total)**

*Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

### **1. Background Information**

The Directorate of Immigration of the Ministry of Foreign Affairs will like to know how Member States are applying Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals control (as amended by Regulation (EC) No 380/2008) as regards verification of the biometric data stored on the residence permit issued to third country nationals, especially in regards to the controls carried out on the basis of the biometric data stored on the chip of the residence permit:

- 1) What kind of controls are carried out when the residence permit is issued to its holder? Who is carrying out these controls? Do your national authorities compare the data stored on the residence permit to biometric features of the holder at the moment of issuing the residence permit?

- 2) Do your national authorities carrying out controls at other occasions (border controls, other administrative formalities)? Who is carrying out these controls? Do your national authorities compare the data stored on the residence permit to biometric features of the holder at these controls?
- 3) Which authorities have a direct access to the biometric data stored on the chip of the residence permit?

We would very much appreciate your responses by 18 October 2013.

## 2. Responses<sup>1</sup>

		Wider Dissemination? <sup>2</sup>	<ol style="list-style-type: none"> <li>1) What kinds of controls are carried out when the residence permit is issued to its holder? Who is carrying out these controls? Do your national authorities compare the data stored on the residence permit to biometric features of the holder at the moment of issuing the residence permit?</li> <li>2) Do your national authorities carrying out controls at other occasions (border controls, other administrative formalities)? Who is carrying out these controls? Do your national authorities compare the data stored on the residence permit to biometric features of the holder at these controls?</li> <li>3) Which authorities have a direct access to the biometric data stored on the chip of the residence permit?</li> </ol>
	Belgium	Yes	<ol style="list-style-type: none"> <li>1. The <b>municipal administration</b>, which is responsible for manufacturing and issuing the residence permits, <b>performs controls</b> when issuing the said residence permits. On such occasions, fingerprints that are stored on the chip are <b>compared with those of the foreigner picking up the residence permit</b>.</li> <li>2. See answer to question 3: only municipalities are able to read the fingerprints stored on the chip. <b>No other authority is able to compare the fingerprints and therefore to control this on other occasions.</b></li> <li>3. Special certificates (EAC), that are issued by the central government, are required to access the fingerprints stored on the RFID chip. <b>Only municipalities</b> are able to read the fingerprints stored on the chip.</li> </ol>
	Bulgaria	Yes	1) Foreigners allowed to stay over 3 months present them selves to the Migration Directorate (MD) – Ministry of Interior (MoI) or its regional structures to apply for residence permit according to the Rules for issuing Bulgarian Identity Document. During the application submission the official takes digital images of the signature and biometric data of the applicant. Personal verification is made with the national passport. Data in the applications are processed in the respective information funds by MD and a personalisation is made in the

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

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

**EMN Ad-Hoc Query: Control and verification of biometric data of travel documents**

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			<p>Bulgarian Identification Documents Directorate - MoI. There is not a verification of data stored on the residence permit with the biometric features of the holder at the moment of issuing the respective residence document.</p> <p>2) There are not border controls concerning residence permits because they are valid only on the territory of the country for residence purpose and are not used as travel documents. Foreigners travel with their national passports. There are no control and checking of the data stored on the residence permits with the biometric features of foreigners in the database for administrative purposes.</p> <p>3) Ministry of Interior has a direct access to the biometric data stored on the chip of the residence permit.</p>
	<b>Cyprus</b>	<b>Yes</b>	Cyprus has not started issuing biometric data residence permits for third country nationals, yet, so they cannot answer the questions of this query.
	<b>Czech Republic</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Estonia</b>	<b>Yes</b>	<p>1) As a general rule the following proceedings/controls are carried out during issuance process:</p> <ul style="list-style-type: none"> <li>- Verification of a person on the basis of provided identity document and PBGB information system (data collected during application process or any other proceedings);</li> <li>- Verification of the document quality (incl data correctness - it is established whether data on the document matches the data given during application process; 1:1 fingerprint verification of document holders print versus fingerprint on the chip).</li> </ul> <p>2) Controls are carried out by the officials of the Police and Border Guard Board. Controls are carried out by border control officials, migration surveillance officials, police officials. There is no verification of biometric data stored on the chip of the residence permit. The controls are performed visually.</p> <p>3) No authority has direct access to the data on the chip. Access to all data on the chip is possible only via verification procedures in accordance to the requirements established by directive 380/2008 and technical decisions thereof.</p>
	<b>Finland</b>	<b>Yes</b>	<p>1. The national authority who serves a notice on residence permit will compare the residence permit data with the data stored in the national system. At the moment there is no verification of biometric data stored on the chip of the residence permit.</p> <p>2. The data stored on the chip is being controlled only by the manufacturer; the biometric residence permit card is controlled at the Schengen border without direct access to the chip.</p> <p>3. National authorities do not have direct access to the biometric data stored on the chip.</p>
	<b>France</b>	<b>Yes</b>	<p>1. Council Regulation (EC) No 380/2008 of 18 April 2008 requires the introduction of biometric identifiers, photograph and fingerprints in the residence permits issued to foreign nationals. France fulfills this European obligation from June 2011 for the photograph and from May 2012 for fingerprints. By the end of 2013, all the 160 prefectures and sub-prefectures will be equipped with biometric work stations which are necessary for taking fingerprints.</p> <p>However, control of fingerprints at the moment of issuing the residence permit will be implemented only from the second half of 2014 when the central database of fingerprints of foreign nationals applying for a residence permit or who are subject to a removal order will be</p>

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			<p>put into service.</p> <p>This control made by agents of prefectures, sub-prefectures and the French Office for Immigration and Integration at the moment of issuing the residence permit will consist in checking the consistency between the two fingerprints stored on the chip of the residence permit and those presenting by the foreign national. To determine the two fingers whose fingerprints were selected by the software for integration on the chip of the residence permit, the permit will be placed on a dedicated OCR-B reader in order to read the information contained in the MRZ (machine readable zone) of the title and on the chip. The comparison will be performed by asking the applicant to place the two designated fingers on the multifinger sensor whose model is similar to the one used to collect fingerprints.</p> <p>2/3. Furthermore, access to the data stored on the chip of the residence permit is opened, within the limits of need to know, to state services and related offices in charge of the administrative management of foreign nationals. The list of these services and the conditions under which they have access to these data is provided by articles R. 611-4, R. 611-5, R. 611-6 and R. 611-7 of the Code on Entry and Residence of Foreigners and Right of Asylum.</p>
	<b>Hungary</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. During the procedures according to 1030/2002/EC Council Regulation, in case the sameness of the foreigner's fingerprint and current photo is questionable compared to the submitted travel document (the stored photo and fingerprint) than the Office of Immigration and Nationality can initiate an evidentiary procedure, generally with the help of experts from the National Security Service and the Hungarian Institute for Forensic Sciences. Comparisons are made in ad-hoc basis in respect of the data stored on the residence permit to biometric features of the holder at the moment of issuing the residence permit.</li> <li>2. Conditions of entry and stay can be checked by the Office of Immigration and Nationality due to the Act II of 2007 on the entry and stay of third country nationals 67.§ paragraph (1)-(2). In this cases biometric data stored on the residence permit can be controlled. The authority compares the data stored on the residence permit to biometric features of the holder at these controls.</li> <li>3. The Office of Immigration and Nationality and the police have an access to biometric data stored on residence permits.</li> </ol>
	<b>Italy</b>	<b>Yes</b>	<p>1) the stay permit is issued exclusively by the Immigration Office of the Police HQs that, before the release, carries out the following controls:</p> <ul style="list-style-type: none"> <li>- examination of the passport or other equivalent document;</li> <li>- collection of biometric data: fingerprints and photograph;</li> <li>- verification of the name in the Ministry of Interior database (SDI);</li> </ul>

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			<p>- comparison of fingerprints through the inter-forces database (AFIS).</p> <p>2 ) a) Only the Immigration Offices of the police headquarters and other State Police offices (e.g., Border Police, Traffic Police, flying squad) can access the stay permits database (Pastrani), if authorised by the Immigration Office. Other police authorities (e.g. Carabinieri, finance police) can not directly access the stay permits database, but they have the possibility to:</p> <ul style="list-style-type: none"> <li>- ascertain through the database (SDI), by entering the first and last name, if the alien is in possession of passport and stay permit, its validity and expiry date; they can not consult the biometric data acquired when issuing the stay permit;</li> <li>- acquire the fingerprints of aliens without identification documents and/or subjected to criminal investigations and/or verify, by comparing fingerprints in real time (AFIS), if the person in question has already been identified during the stay permit issuance procedure.</li> </ul> <p>b) direct access to the biometric data stored in the stay permit chip is allowed only to the Immigration Office that issued the document and, although this is still experimental, to some Border Police offices in possession of equipment able to read the chip.</p>
	<b>Latvia</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1) Identity of the holder is verified by the Office of Citizenship and Migration Affairs, based on presented passport, data stored in information system (Identity Documents Information System) and residence permit to be issued – data from all three sources should match. Face image verification at the moment of issuing so far is mainly done “visually”, but functionality for “machine assisted” or “automatic” verification of face and fingerprint biometrics has been implemented as well and will be used more often in the future.</li> <li>2) Biometrical verification can be done in case of doubt about identity of the holder or data quality. At this moment only Office of Citizenship and Migration Affairs can directly access fingerprint data stored in the chip, but biometric verification (chip vs. LIVE) is more often used for biometrics passports not residence permits. Relevant biometric data enrolled during application process and stored in information systems based on national legislative acts (e.g. Law on Biometric Data Processing System) can be accessed additionally by law enforcement agencies.</li> <li>3) Please see answer 2.</li> </ol>
	<b>Lithuania</b>	<b>No</b>	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Luxembourg</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1) In Luxembourg, the holder of a residence permit must present himself/herself personally with his/her passport to the Directorate of Immigration of the Ministry of Foreign Affairs to withdraw the residence permit. Upon the issuing of permits the Directorate of Immigration performs a visual control in relation to the picture printed on the residence permit and an identity control against the passport of the applicant. There is no verification of biometric data stored on the chip of the residence permit.</li> <li>2) In Luxembourg, for the time being, there are no direct controls and checking of the biometrical data stored on the chip of the residence permit. The controls performed are essentially visual as described in 1.</li> <li>3) In Luxembourg, only the Directorate of Immigration of the Ministry of Foreign Affairs (as issuing authority) and the Grand-Ducal Police are entitled to access the biometric data stored on the residence permit.</li> </ol>
	<b>Netherlands</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1) In the Netherlands the residence permits are issued by the Immigration and Naturalisation Service of the Ministry of Security and Justice (IND) at 9 locations in our country. The residence permit is always handed over personally. During this there is always a visual verification comparing with the picture in his/her passport. Furthermore there is a verification of two live fingerprints against the fingerprints on the chip of the document. If there is a match, the document will be issued.</li> <li>2) At this moment there are no other national authorities who compare the data stored on the residence permit to biometric features of the holder.</li> </ol>

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			<p>3) For the time being no other authorities but the IND have direct access to the biometric data stored on the chip of the residence permit. The new national biometrics-law will be presumably in force early 2014. From that moment other authorities will have the possibility to verify biometric data of third country nationals in their databases.</p>
	<b>Portugal</b>	<b>Yes</b>	<p>1. In Portugal the procedures are similar; the holder of a residence permit must be personally present with his/her passport to the Immigration and Borders Service of the Ministry of Internal Affairs to withdraw the residence permit. Upon the issuing of permits the Immigration and Borders Service performs a visual control in relation to the picture printed on the residence permit and an identity control against the passport of the applicant. There is no verification of biometric data stored on the chip of the residence permit.</p> <p>2. Yes, namely in borders control and in foreigner's staying control (inspection). Who carries out these controls is the Immigration and Borders Service. No, our national authorities do not compare the data.</p> <p>3. Immigration and Borders Service, only.</p>
	<b>Sweden</b>	<b>Yes</b>	<p>1) For residence permit cards issued in Sweden there are no specific control when the residence permit card is issued to its holder. For residence permit cards issued abroad at the Consular Posts there is a visual control. There is no verification of biometric data stored on the chip of the residence permit card.</p> <p>2) At the border controls the border guards carrying out visual control and compare alphanumeric data on the residence permit cards to the data entered in the case handling system. There is no verification of biometric data stored on the chip of the residence permit card at the moment.</p> <p>3) Only duly authorised staff at the Swedish Police Board have access to the biometric data stored on the residence permit card.</p>
	<b>United Kingdom</b>	<b>Yes</b>	<p>1. In the UK the residence permit is delivered by secure delivery to the holder, their representative or their place of study. The recipient is required to show photographic identification, such as their passport or driving licence before taking possession of the card.</p> <p>2. Checks on holders of biometric residence card holders are made at the border by immigration officers. However, the fingerprint checks are made against the Immigration and Asylum Biometric System database rather than against the fingerprints stored on the card.</p> <p>3. Only the Home Office has access to the fingerprints stored on the chip of the residence permit.</p>

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