



## **Ad-Hoc Query on proof of identity**

**Requested by FR EMN NCP on 18<sup>th</sup> June 2014**

**Responses from Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom plus Croatia, Norway (29 in Total)**

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### **1. Background Information**

The Directorate of Immigration of the French Ministry of the Interior is currently reflecting on the legal regime of proof of identity regarding third-country national who apply for a residence permit.

In the French legislation, third-country nationals applying for a residence permit have to provide the competent authorities with “data related to civil status”. The requested documents are different, depending on the type of residence permit. If the condition of a regular entry on the territory is required, the third-country national applying for a residence permit has to provide evidence of his/her regular entry on the territory (passport, visa). If this condition is not required (e.g. asylum seekers), this information can be provided with any other document (civil status certificate, personal documents or of private companies), with a preference for the passport although it cannot be required.

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The Directorate of Immigration of the French Ministry of the Interior would like to gather information on proof of identity requirements when applying for a residence permit in your Member State.


**We would like to ask the following questions:**

In your Member State, which conditions regarding proof of identity must be fulfilled by third-country nationals applying for a residence permit?

1. How are the proof of identity requirements laid down in your national legislation?
2. Which documents does a third-country national need in order to proof his/her identity when applying for a residence permit?
3. Does your Member State systematically require a valid passport?
4. Regarding residence permits which are not subject to the condition of regular entry on the national territory (e.g. refugee status), how does your Member State establish the identity of the third-country national applying for a residence permit?







We would very much appreciate your responses by **16<sup>th</sup> July 2014**.

**2. Responses**

|   |         | Wider Dissemination? <sup>1</sup> | <ol style="list-style-type: none"> <li>1. How are the proof of identity requirements laid down in your national legislation?</li> <li>2. Which documents does a third-country national need in order to proof his/her identity when applying for a residence permit?</li> <li>3. Does your Member State systematically require a valid passport?</li> <li>4. Regarding residence permits which are not subject to the condition of regular entry on the national territory (e.g. refugee status), how does your Member State establish the identity of the third-country national applying for a residence permit?</li> </ol> |
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|  | Austria | No                                | This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.   |

<sup>1</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."

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|    | <b>Belgium</b>        | <b>Yes</b> | <ol style="list-style-type: none"> <li>Article 1, paragraph 14 of the Belgian Aliens Act describes the term identified non-national. It defines an identified non-national as a non-national in possession of a valid travel document, a valid passport or a valid identity document or in respect of whom the country of origin or the minister can issue a laissez-passer.</li> <li>A valid travel document, a valid passport or a valid identity document depending on the type of residence permit the person applies for. If the person applies for a visa from abroad (for example for reasons of family reunification), a valid passport will be required.<sup>2</sup> If the visa is granted a residence permit will also be issued. If the person is on the Belgian territory without a valid permit and he applies for regularisation (a residence permit on humanitarian grounds), a valid identity document is not required for asylum seekers with no final (negative) decision on their application or for persons who are unable to provide these documents (Article 9bis Aliens Act). There are also exceptions to submit identity documents for people applying for a residence permit on medical grounds (Article 9ter Aliens Act).<sup>3</sup> For what concerns asylum applicants, the lack of official identity documents does not necessarily prevent a person from being granted international protection status.</li> <li>No this depends on the type of procedure (see answer on question 2).</li> <li>Within the framework of the asylum procedure, Belgium strictly speaking only accepts valid travel documents (passport) or a valid identity card as a valid identity document. But within the framework of the asylum procedure, numerous other documents can be produced in support of people's identity details or asylum application account, such as certificates issued by the registry of births, marriages and deaths, a driving licence, etc.. Also copies of identity documents may be presented within the framework of an asylum application, although their probative value is limited. Furthermore, the lack of official identity documents does not necessarily prevent a person from being granted international protection status. In principle, the asylum seeker will have to give a plausible explanation as to why he is unable to produce any identity documents and his explanations must come across as credible. In the absence of any official identity documents, it is desirable that the asylum seeker in question can present other documents from which his identity may be deduced, or that he at least makes a serious attempt to obtain these documents. (See answer on question 2 for the procedure on humanitarian (9bis) and medical (9ter) grounds).</li> </ol> |
|   | <b>Bulgaria</b>       | <b>Yes</b> |   |
|  | <b>Cyprus</b>         | <b>Yes</b> |   |
|  | <b>Czech Republic</b> | <b>Yes</b> |   |
|  | <b>Denmark</b>        | <b>Yes</b> |   |
|  | <b>Estonia</b>        | <b>Yes</b> | <ol style="list-style-type: none"> <li>In Estonia, person's identification upon applying a residence permit is regulated by Identity Documents Act. While applying a residence permit for first time the identity of the applicant is identified by the Police and Border Guard Board or consulate official if person is applying via consulate. Upon application for the issue of a document, the issuer of the document shall verify the identity of the applicant based on a valid document. An identity document is a document issued by a state authority in which</li> </ol>  |



<sup>2</sup> A **travel document** (e.g. a passport), valid for at least 3 months from the date on which you intend to leave the SCHENGEN territory, or, in the case of multiple journeys, the date on which you intend to leave it for the last time. This document must also contain at least 2 blank pages and have been issued less than 10 years ago;

<sup>3</sup> Article 9bis and 9ter de la Loi du 12/12/1980 : <https://dofi.ibz.be/sites/dvzoe/FR/Pages/Législation.aspx>



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|   |         |     | <p>the name, date of birth or personal identification code, and a photograph or facial image and the signature or image of signature of the holder are entered</p> <ol style="list-style-type: none"> <li>2. A person will be identified and his/her identity verified on the basis of a document issued by a foreign state.</li> <li>3. Yes, A third-country national arriving in Estonia, staying temporarily in Estonia and departing from Estonia should hold a valid travel document issued by a foreign state, an alien's travel document issued by Estonia or a document permitting return issued in a foreign state. A third-country national under 15 years of age need not hold a travel document or permit of return if his/her name, date of birth and photograph or facial image are entered in the travel document held by a person accompanying him. A photograph or facial image of a third-country national under seven years of age are not be entered in the travel document held by a person accompanying him.</li> <li>4. Additionally to identification of person on basis of identity document, there is also possible to identify person on the basis of biometric data and DNA data. According to Act on Granting International Protection to Aliens § 13<sup>6</sup> an administrative authority may identify a person or verify his or her identity on the basis of the data known to an administrative authority that are not specified in this Act, including the data collected in the proceedings with regard to the person performed before or processed in databases.</li> </ol>   |
| + | Finland | Yes | <p><b>1. How are the proof of identity requirements laid down in your national legislation?</b><br/>         According to Aliens Act, Section 11 Aliens may enter Finland if they hold a required valid travel document that entitles them to cross the border.<br/>         Further, section 13 on Passports:<br/>         (1) When entering and staying in Finland, aliens shall hold a <b>valid passport issued by the authorities of their home country or country of residence</b>, which shall be presented to border control authorities or the police upon request.<br/>         (2) <b>An alien's passport shall state the holder's name, date of birth, sex and citizenship and the validity, issuer and place of issue of the passport. In addition, the passport shall include a photograph from which the holder of the passport is easily recognizable.</b><br/>         (3) An alien's spouse and children under sixteen years of age travelling with the passport holder may use the alien's passport if their names and dates of birth are stated in the passport and the passport includes a photograph of the spouse and a photograph of each child over seven years of age.<br/>         (4) Unless a passport states a specific area of validity, it is considered to be valid in Finland.<br/> <b>Section 14 Approving passports</b><br/>         Further provisions on passports approved for aliens' entry and residence in Finland may be given by decree of the Ministry for Foreign Affairs. Provisions on exceptions to the requirements for the content of a passport referred to in section 13(2) and (3) necessary for supervising aliens' entry and safeguarding their residence in the country, may be issued by decree of the Ministry for Foreign Affairs. Before issuing such a decree, the Ministry for Foreign Affairs shall consult the Ministry of the Interior.<br/> <b>Section 15 Documents substituting for passports</b><br/>         (1) A document that meets the requirements laid down in section 13(2) and (3) may be accepted as a substitute for a passport entitling its holder to enter and stay in the country. Further provisions on such documents may be issued by decree of the Ministry for Foreign Affairs. The Ministry of the Interior shall be consulted when such a decree is prepared.</p> |


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|   |                |            | <p>(2) For special reasons, border control authorities may, in individual cases, accept as a temporary passport an identity card or corresponding document which does not meet the requirements for passports set in this Act.</p> <p><b>2. Which documents does a third-country national need in order to proof his/her identity when applying for a residence permit?</b><br/>A third country national should present a valid passport when applying for a residence permit. See above.</p> <p><b>3. Does your Member State systematically require a valid passport?</b><br/>Yes.</p> <p><b>4. Regarding residence permits which are not subject to the condition of regular entry on the national territory (e.g. refugee status), how does your Member State establish the identity of the third-country national applying for a residence permit?</b></p> <p>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.</p> <p>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.</p> |
|    | <b>France</b>  | <b>Yes</b> | <p><b>1.</b><br/>According to Article R.313-1 of the Code on Entry and Residence of Foreigners and the Right of Asylum (CESEDA), a third-country national applying for a residence permit must provide « data related to civil status ».</p> <p><b>2.</b><br/>The French legislation distinguishes between residence permits which require a regular entry on the national territory and those which do not. If a regular entry is required, the third-country national must submit his/her travel document (passport) with a valid visa (Article R.313-1-2° of the CESEDA). In this case, the passport may constitute evidence of the identity of his/her owner.<br/>If the condition of a regular entry on the territory is not required, the French authorities cannot require a passport. In that case, the third-country national applying for a residence permit can prove his/her identity with any other reliable mean or document: national ID, civil status or private certificate...</p> <p><b>3.</b><br/>See 2.</p> <p><b>4.</b><br/>See 2.</p>   |
|  | <b>Germany</b> | <b>Yes</b> | <p><b>1.</b> According to § 5, section 1, subsection 1a, German Residence Act (Aufenthaltsgesetz), the granting of a residence title normally presupposes that the foreigner's identity, and if they are not entitled to return to another state, the nationality have been established.</p>  |




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|   |         |     | <p>In accordance with § 48, section 1, German Residence Act, the foreigner shall upon request be obliged to present and surrender his/her identity documents, as well as his/her residence title or the document confirming the suspension of deportation to the authorities entrusted with implementing the law on foreigners and to leave such documents with the said authorities for a temporary period.</p> <ol style="list-style-type: none"> <li>2. Under § 48, section 1 and 3, and 49, section 2, German Residence Act, and section 56 of the German Ordinance on Residence (Aufenthaltsverordnung), the foreigner shall be required to identify himself/herself by means of their passport or passport substitute. If he or she does not possess such valid documents, he/she shall be obliged to cooperate in the procurement of such documents. He/she shall further be obliged to present, hand in and surrender any certificates or other documents to the respective authorities upon request that serve to confirm his/her identity and nationality and that are of importance regarding the confirmation or enforcement of the repatriation possibilities to another state. In the case of doubt regarding the person, age, or nationality of the foreigner, identification measures, including the taking of biometric data (photograph, fingerprints) shall be carried out; the foreigner shall be obliged to tolerate such measures. (§ 49, section 3 to 10, German Residence Act).</li> <li>3. In principle, granting a residence permit requires the possession of a valid travel document (§ 5, section 1, subsection 4 German Residence Law). In exceptional circumstances, exemptions may be permitted from the passport obligation for the entry and a subsequent stay of up to 6 months, if the foreigner is only in possession of a passport substitute or entry and residence documents that is not recognized by Germany (§ 3, section 2, German Residence Act). In the Federal Republic, the foreigner shall also satisfy the passport obligation if he/she holds a residence title carrying his/her photo that is issued in lieu of an identity document. (§ 3, section 1, subsection 2 and § 48, section 2, German Residence Act).</li> <li>4. Even in such cases, foreigners shall be obliged to bring all identity documents, records and other documents to prove his/her identity and nationality to the attention of the competent German authorities, and submit himself/herself to the identification measures to secure their identity and nationality. (For the legal basis please see the answers to question 2). The travel document for refugees and the travel document for stateless persons can be issued with a reference stating that personal data is based solely on the information received from the applicant, should any serious doubts about the identity have arisen. (§ 4, section 6, German Ordinance of Residence).</li> </ol> |
|  | Greece  | Yes |   |
|  | Hungary | Yes | <ol style="list-style-type: none"> <li>1. Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals (hereinafter RRTN) and the implementing Government Decree 114/2007 provide about the proof of identity documents required for a residence permit, distinguishing applicants depending on their purpose of stay.</li> <li>2. As mentioned above, the purpose of stay is a decisive factor in the process of issuing residence permits, therefore, the required identity documents depend on the purpose of stay. Generally, a passport including photograph and signature is sufficient in order to prove his/her identity when applying for a residence permit. Nevertheless, for instance, Government Decree Section 56 provides that (1)Where the purpose of entry and residence is family reunification, the third-country nationals may verify</li> </ol>   |

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|   |                       |                   | <p>compliance with the requirements set out in Paragraph d) of Subsection (1) of Section 13 of the RRTN with the following: birth certificate, marriage certificate, adoption document, or other reliable means. According to Subsection (2), any reference made in this Decree to a registrar certificate shall also mean a similar or equivalent document issued by a foreign authority.</p> <ol style="list-style-type: none"> <li>3. In case of regular entry, the third country national applying for a residence permit is required to present a passport (including a photograph and signature) which is valid for at least 3 months at the time of the application.</li> <li>4. In this case, Subsection (1) of Section 5 of RRTN shall be applied to third-country nationals recognized as refugees or having been granted any subsidiary form of protection by the Hungarian refugee authority or a court of justice or any other Member State, based on which these persons may not be granted a residence permit considering that persons who are beneficiaries of international protection in Hungary legally reside in the country, therefore they do not need to further prove the legality of their residence by a residence permit as such. Nevertheless, persons who are beneficiaries of international protection may apply for EC permanent residence permit providing a valid travel document and shall enclose the following documents with the application:             <ol style="list-style-type: none"> <li>a) his/her birth certificate, and also the marriage certificate if the applicant is married, the certificate of divorce if the marriage was terminated, furthermore, in the case of minors, documentary evidence from the competent authority of the country of origin stating that there is no legal impediment for the minor person in question who is a third-country national to seek permanent residency abroad;</li> <li>b) a certificate of clean criminal record issued within six months to date by the competent authority of the country where the applicant's permanent or temporary residence was located before his/her entry to Hungary;</li> <li>c) documentary proof of the applicant's abode and subsistence in Hungary;</li> <li>d) documentary evidence of insurance coverage.</li> </ol> </li> </ol> <p>Nonetheless, according to Section 96 of the Government Decree, an exemption from supplying the documents referred to in Paragraphs a) and b) of Subsection (1) of Section 94 may be granted if they cannot be obtained for reasons beyond the third-country national's control, or it would entail unreasonable difficulties. In such cases the applicant's statement shall be accepted as a substitute to these documents.</p> <p>In case the applicant does not have a travel document issued by the country of his/her nationality, his/her identity may be proved on the basis of the passport issued especially for refugees by the asylum authority.</p> |
|  | <p><b>Ireland</b></p> | <p><b>Yes</b></p> | <ol style="list-style-type: none"> <li>1. Section 9(2)(a) of the Immigration Act 2004 requires the production of a valid passport or other equivalent document, issued by or on behalf of an authority recognised by the Irish Government, which establishes his or her identity and nationality.</li> <li>2. As above - passport or other equivalent document.</li> <li>3. Yes</li> <li>4. As part of the asylum process, the Irish Naturalisation &amp; Immigration Service (INIS) implements an interview and assessment process that attempts to establish the facts relating to the person's case and their identity. However, the asylum process must cater for applicants not in possession of identity documents. A Temporary Residence Certificate (TRC), a form of residence permit, is issued by to an asylum seeker who has not yet been granted refugee status. The TRC is issued to the holder in their name to indicate the person has sought asylum and will not be removed from the State before the final determination of his</li> </ol>   |

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|   |                  |            | or her asylum application, which in theory could occur before the expiry date on the card. If the person is granted refugee status then a standard residence permit is issued to them.  |
|    | <b>Italy</b>     | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. The documents required for a TCN applying for a residence permit is specified in Italian legislation. In all cases, a residence permit may be granted to an applicant after <i>his/her personal identity has been ascertained</i>.</li> <li>2. Under Article 9 of Decree of the President of the Republic No. 394/1999, a TCN applying for a residence permit must submit his/her entry visa and fill in a form as drafted by the Ministry of the Interior, specifying his personal particulars in full. Moreover, s/he has to enclose a valid passport, or another equivalent document, showing her/his nationality and the date and place of birth.</li> <li>3. The Consolidated Law on Immigration (Decree No. 286/98) allows entry and granting of a residence permit on multiple grounds, including, inter alia, waged/self-employed/seasonal work; study; research; tourism; business; religious reasons and family reunion. In these cases, regular entry is a strict requirement, that is, the TCN needs an entry visa and a valid passport. However, besides political asylum and refugee status, there are other cases in which current legislation affords the right to a residence permit to a TCN who has entered national territory irregularly, for instance “on grounds of social protection” (Article 18, Decree No. 286/98). In these cases, the TCN does not need a passport, even though as much personal information as possible must be collected on the TCN through the embassy and the consulate of the country of origin.</li> <li>4. See 3</li> </ol> |
|    | <b>Latvia</b>    | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. Immigration Law (Art.1, para 2) defines travel document as a personal identification document which, in accordance with international agreements binding upon the Republic of Latvia, Immigration Law and other regulatory enactments, grants the right to its holder to cross the State border of the Republic of Latvia.</li> <li>2. According to the Cabinet Regulations regarding Residence Permits (adopted by the Cabinet of Ministers on June 21, 2010), point 28, a foreigner who wishes to request a residence permit shall present a valid travel document.</li> <li>3. Yes. Please, see response to question 1.</li> <li>4. The identity of a person who applies for international protection in Latvia is determined by the State Border Guard during the asylum procedure, based either on documents (eg. passport) presented by the person, or information and evidence obtained during the asylum procedure. Travel documents and residence permits issued to the person who is granted international protection status are based on information on the identity of the person gathered during the status determination process.</li> </ol>  |
|  | <b>Lithuania</b> | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. According to the Law on the Legal Status of Aliens, the TCNs are obliged to possess a valid travel document:<br/> <b>Article 6. Obligation to Have a Valid Travel Document</b> <ol style="list-style-type: none"> <li>1. In order to enter the territory of the Republic of Lithuania and stay therein, an alien must have a valid travel document unless otherwise established by the international treaties of the Republic of Lithuania, legal acts of the European Union and the Government of the Republic of Lithuania.</li> <li>2. An alien, while crossing the external EU border or the internal EU border, when its control is temporarily re-established, must produce a valid travel document at the border crossing points.</li> </ol> </li> </ol> <p>&lt;...&gt;</p>  |






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|   |                          |                   | <p><b>Article 26. Conditions of Issue or Replacement of a Residence Permit</b></p> <p>1. A residence permit may be issued or replaced to an alien if the alien:</p> <p>1) meets the conditions of entry set in the Schengen Borders Code;</p> <p>&lt;...&gt;</p> <p>Art. 5(1)(a) of the Schengen Borders Code:</p> <p>(a) They are in possession of a valid travel document or documents authorising them to cross the border;</p> <p>2. When applying for a residence permit, in order to prove the identity, the TCN must provide a valid travel document. This requirement is not applied to TCNs who apply for a residence permits because they cannot be removed from Lithuania, and those who were granted international protection, - when they cannot provide a valid travel document. In such case the identities of TCNs are established during the return or asylum procedures.</p> <p>3. Yes.</p> <p>4. The identity is established during the return or asylum procedures (by fingerprinting, scrutiny of all available documents, information received from other countries, etc.).</p>  |
|  | <p><b>Luxembourg</b></p> | <p><b>Yes</b></p> | <p>1. Article 38 of the amended law of 29 August 2008 on free movement of persons and immigration refers to article 34 (1) and (2) which establishes the conditions of entry, stay and exit of third-country nationals. Article 34 (1) requires that for entering and exiting Luxembourgish territory the third-country national has to have a valid travel document and if required a valid visa. Article 34 (2) 1 requires that for staying up to three months the TCN must have a valid passport, to prove his/her identity.</p> <p>2. In case that a TCN wants to obtain an authorisation of stay for more than three months s/he must apply from his/her country of origin and must submit an application to the Minister in charge of Immigration. The applicant must disclose his/her identity as well as his/her exact address in the country of origin. S/he must also enclose in all types of authorisation of stay<sup>4</sup> the following documents:</p> <ul style="list-style-type: none"> <li>• a certified copy of his/her valid passport, in its entirety;</li> <li>• a birth certificate;</li> <li>• a recent extract from his/her police record or an affidavit issued in the country of residence.</li> </ul> <p>In all the applications the applicant must indicate its civil status.</p> <p>3. Yes.</p> <p>4. Within the examination procedure of an international protection claim, the Directorate of Immigration accepts only Passports (official travel documents) or national ID in order to establish the identity and/or nationality of an applicant of international protection. All other kind of documents, such as birth certificates, marriage licenses, birth and divorce certificates, driver's</p> |

<sup>4</sup> Salaried worker, Independent worker, Highly qualified worker (Blue Card), Family reunification, Student, Volunteer, Trainee, Researcher, Posted worker, Transferred worker, Private reasons and sportsman.

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|   |                    |            | license, military record, municipality cards, qualification certificates, journal extracts (articles or photos claiming the identity of the applicant ...) may help to prove the veracity of the applicant's statements.   |
|  | <b>Malta</b>       | <b>Yes</b> |  |
|  | <b>Netherlands</b> | <b>Yes</b> | <p>1/2. According to Article 16 of the Dutch aliens Act, a residence permit will be denied if the third-country national applying for a regular residence permit on the base of article 14 of the Dutch Aliens Act does not have a valid visa for a long stay in the Netherlands (which had to be issued in his country of origin by a Dutch embassy or representation (art 16a.) and does not have a valid passport (art 16b.). In this case, the passport as well as the visa may constitute evidence of the identity of his/her owner.</p> <p>3. Yes, in certain cases it is not a ground to reject the application. In article 3.71 of the Aliens Decree a list of exceptions to the principle demand for (third country) nationals to have a valid visa for a long stay can be found. In article 3.72 of the Aliens Decree an exception is made for (third country) nationals who cannot (anymore) obtain a valid travel document of the country of origin.</p> <p>4. Article 31 (2c) of the Dutch Aliens Act mentions that in the assessment of rejecting the asylum application will be part of the considerations that the alien</p> <ul style="list-style-type: none"> <li>- (2c) does not have a valid passport, unless he has mentioned this immediately after his arrival to a member of the (border) police, mentioned the place of his entry and applied immediately for asylum;</li> <li>- (2d) is mentioned the handing of false identity documents and persist that they are authentic;</li> <li>- (2e) is mentioned the handing of authentic documents belonging to someone else;</li> <li>- (2f) is mentioned that the alien cannot hand any identity or travel documents.</li> </ul>   |
|  | <b>Poland</b>      | <b>Yes</b> | <p>1, 2<br/>Pursuant to the provisions of the Act of 12 December 2013 on Foreigners (Dz. U. [Journal of Laws], item 1650 and of 2014, item 463), when submitting an application for a temporary residence permit, permanent residence permit or long-term EU resident's permit, a foreigner is obliged to present a valid travel document. In a particularly justified case, when the foreigner does not have a valid travel document and does not have a possibility to obtain it, he/she may present any other identity document. Pursuant to the above-mentioned Act, the term "travel document" means a document recognised by the Republic of Poland, which authorises its holder to cross the border and has been issued to a foreigner by the authority of a foreign state, a Polish authority or an international organisation or an entity authorised by the agency of a foreign state or a foreign authority with the state nature.</p> <p>3. The original travel document is presented by the foreigner when submitting the application. This obligation also applies to foreigners submitting applications for replacement of a residence card, as well as applications for issuing a residence card, if the rules provide for the separate submission of applications for a residence permit and of applications for issuing a residence card (e.g. in case of a temporary residence permit for the purpose of family reunification, applied for by the sponsor, and therefore a member of the family must submit a separate application for issuing a residence card after giving a permit and provide his/her fingerprints).</p> <p>On the other hand, the Act on Foreigners provides for a general obligation for the foreigner, during his/her stay in the territory of the Republic of Poland, to hold the valid travel document and documents allowing her/him to stay in the territory of the Republic of Poland, if</p> |

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|   |                        |            | <p>requested.</p> <p>4.</p> <p>The Act on Foreigners does not provide for a possibility of granting a temporary residence permit to foreigners who have been granted the international protection in Poland, i.e. refugee status, subsidiary protection or national protection, i.e. asylum, residence permit on humanitarian grounds, tolerated residence permit. These foreigners, with the exception of those who have been granted asylum and a tolerated residence permit, are issued a residence card.</p> <p>Foreigners who have been granted asylum are issued a residence card only if they are granted, upon their request, a permanent residence permit. Foreigners who have been granted a tolerated residence permit on the other side, are issued a document “tolerated residence permit.”</p> <p>Foreigners who have been granted the international protection in Poland, i.e. refugee status or subsidiary protection, after 5 years of residence may apply for a long-term EU resident’s permit or for a permanent residence permit.</p> <p>Foreigners who have been granted a residence permit on humanitarian grounds or tolerated residence permit, with some exception, after 5 or 10 years of residence in Poland may apply for a permanent residence permit. When submitting an application for a permanent residence permit or residence permit for a long-term EU resident, the foreigner is obliged to present a valid travel document. In a particularly justified case, when the foreigner does not have a valid travel document and does not have a possibility to obtain it, he/she may present other identity document. This document may be, e.g. the residence card granted by the Polish authorities in connection with having been granted some form of protection in Poland.</p> <p>When it comes to determination of the foreigner’s identity as part of the proceedings for making the foreigner obliged to return to her/his home country, which can be concluded by issuance of a decision on granting a residence permit on humanitarian grounds or tolerated residence permit, this determination takes place on the basis of available and collected evidence, including the hearing of the party, pursuant to the rules of administrative procedure.</p> |
|  | <b>Portugal</b>        | <b>Yes</b> | In Portugal the proof of identity is evidenced by passport or other valid travel document which must have a photo of the applying citizen.   |
|  | <b>Romania</b>         | <b>Yes</b> |  |
|  | <b>Slovak Republic</b> | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. Third country nationals applying for a residence permit are required to present a valid travel document along with their application. Otherwise their application is not accepted. A valid travel document is defined in our national legislation as “a passport or other public document, if acknowledged as a travel document by the Slovak Republic, valid, enabling unambiguous identification of its holder, with untouched integrity and undamaged so that the included records are illegible” (Article 2 (1k) of the Act No.404/2011 on Residence of Aliens and Amendment and Supplementation of Certain Acts). Moreover, according to our national legislation, “a stateless person” is also considered as a third country national (Article 2 (4) of the Act No.404/2011 on Residence of Aliens and Amendment and Supplementation of Certain Acts).</li> </ol>  |

## Ad-Hoc Query on proof of identity

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|   |                       |            | <ol style="list-style-type: none"> <li>2. Apart from a valid travel document, there are no other documents stipulated by our national legislation.</li> <li>3. The applicants have to present their valid travel documents, if they have any. Beneficiaries of international protection often do not have any documents, so they provide any other relevant documents.</li> <li>4. As for identification of third country nationals on whom the condition of illegal entry into the territory does not apply (e.g. the refugee status, asylum seeker etc.), the European fingerprint database for identifying asylum seekers and irregular border-crossers - EURODAC as well as national system AFIS are used. According to our national legislation (Act No. 480/2002 on Asylum, Article 23 (1)), "after lodging an application, the applicant older than 14 years of age has an obligation to undergo taking of fingerprints carried out by the police department". Moreover, search in national and international systems is used for the proof of identity as well. Medical examination also partially serves as a tool in determining identity as it helps to determine the age in case of unaccompanied minors.</li> </ol>   |
|    | <b>Slovenia</b>       | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. According to the 33. Article of the Alien Act applicant for a residence permit is obliged to obtain valid Passport (valid at least 3 months before expiring) and valid visa when it is required</li> <li>2. see 1 Q</li> <li>3. Yes</li> <li>4. Applicant for any type of status (residence permit, refugee status, etc) needs to proof his identity with officially documents such as; valid ID or valid Passport with official photo on it. In case that applicant for refugee status or any similar status does not obtain such document and his status is recognised by responsible authority and residence permit is issuing in such cases his identity is recognise through "refugee's personal identification".</li> </ol>  |
|    | <b>Spain</b>          | <b>Yes</b> |  |
|   | <b>Sweden</b>         | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. The legislation has no such requirements, precedent cases has however established such a requirement when it comes to managed migration. See also question 3.</li> <li>2. A genuine national passport in original or photocopy provided identity card in original issued by the competent authority of the home country is usually considered as sufficient evidence. Sweden applies a free evaluation of evidence. Other documents such as birth certificates, marriage certificates, driving licenses and ratings can therefore sometimes prove an applicant's identity. This assumes that there is additional data from a related person in Sweden who in turn has established his or her identity and who has known the applicant for a long time.</li> <li>3. The Swedish legislation distinguishes between residence permits which require a regular entry on the national territory (managed migration) and those which do not (asylum seekers). If a regular entry is required, a third-country member must submit his/her passport with a valid visa. In this case, the passport may constitute evidence of the identity of his/her owner. For asylum seekers the Swedish authorities cannot require a passport.</li> <li>4. According to the free evaluation of evidence; by any other reliable document.</li> </ol> |
|  | <b>United Kingdom</b> | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. There are no requirements laid down in primary legislation as to what proof of identity documents must be shown to apply for a Biometric Resident Permit (BRP). In secondary legislation, the Immigration (biometric registration) regulations 2008 detail the</li> </ol>  |

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|  |                |            | <p>process by which a person required to apply for a BPR must enrol their biometric information, including that an authorised person can specify any documents which the applicant must bring to their enrolment, or action which the person must take, to confirm their identity (regulation 8(c) and (e)). However, as most applications for a BRP accompany an immigration application, where applicable, the UK would apply Immigration Rule 39B when specifying what documents to use. Also Immigration rule 34A(a) and (ab) covers photographic requirements. However, these mainly relate to the immigration application – rather than directly for the BRP.</p> <ol style="list-style-type: none"> <li>2. A passport or travel document is the principal document we initially use for establishing identity, along with our own biometric residence permits, once these have been issued. These are secure documents which are made after taking the applicant's fingerprints.</li> <li>3. Yes – unless certain exceptions apply (e.g. The passport has been officially reported as lost or stolen)</li> <li>4. It is the duty of the person to submit as soon as possible all material factors needed to substantiate the asylum claim, this includes all identity and travel documents (339I of the Immigration Rules). Where there is no documentation forthcoming from the individual, unless there is evidence available that demonstrates otherwise (e.g. a visa records show a different identity), the identity given by the individual is locked to the individual via fingerprinting. When the claim for asylum is registered and the asylum screening interview is completed the individual has to sign a declaration that their personal details are correct and that they are aware that it is an offence to seek leave to enter/remain by deception. There are no extra nationality/ identity checks other than this, but if the applicant has a passport or ID card at the time of their application we will normally take this as proof of ID.</li> </ol> |
|   | <b>Croatia</b> | <b>Yes</b> |  |
|  | <b>Norway</b>  | <b>Yes</b> | <ol style="list-style-type: none"> <li>1. Applicants who apply for a residence permit must provide documentary evidence of identity by presenting a passport or other identity document issued by a public authority, and shall be required to document any other information given when this is deemed to be necessary. This clause is from the Immigration Regulations. Asylum seekers are not required to provide documentation that may be in conflict with their claim of protection.</li> </ol> <p>Applicants who apply for other types of residence permits may also but be exempted from the requirement of documentation when the applicant is from a country where it is not possible to receive valid passports. This is laid down in an instruction from the Department of Justice.</p> <p>Further, upon entry, and until correct identity is registered, foreign nationals are obliged to assist in clarifying their identity to the extent that the immigration authorities so require. The immigration authorities may also subsequently impose such an obligation on a foreign national if there is reason to suppose that the registered identity is not the correct identity, see the Immigration Act.</p> <ol style="list-style-type: none"> <li>2. Normally a valid passport. Applicants from some countries may also be asked to provide additional documentation.</li> <li>3. Yes</li> <li>4. Interviews, language tests, DNA tests, Age- tests, verifications.</li> </ol>   |

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