



OPEN Results: EMN Ad-Hoc Query on NO AHQ on use of biometrics to reveal false identity

Requested by Kathleen CHAPMAN & Eivind HOFFMANN on 21st January 2016

Miscellaneous

Responses from Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom, Norway (23 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.

Background information:

Fingerprints in Eurodac are automatically deleted when a person is granted a residence permit or citizenship in an MS. Norway is concerned that if someone has been granted a residence permit/citizenship in one MS, they may nevertheless apply for asylum in another MS later under another identity. Greater exchange of biometrics within and between the MS would provide better control possibilities for identifying such abuse of the asylum system. If this were made possible, biometrics from e.g. the national passport databases could be part of the controls made use of with new asylum applications.

The Norwegian National Police Immigration Service (NPIS) has observed cases where (i) Norwegian "look-alike" passports has been used by an asylum seeker to enter the Schengen area; (ii) a person with a residence permit or citizenship in Norway or another Schengen country has applied for protection in Norway, or applied for protection in another Schengen country under another identity than that originally used.

Summary

Summary of Responses: 17 of the 23 responses indicate the possibility of identifying whether a person who applies for citizenship has been granted a resident permit or citizenship in any (Member) State. Some of these responses signal that Eurodac may be used for this purpose. However, it is not quite evident how the (non-)matching to Eurodac is to be interpreted given the provisions in article 11 (concerning the entry of fingerprints and related information into Eurodac for persons applying for protection), as well as the provisions in articles 12 – 13 (on the erasure (deletion) of such information by the Member State of a person's origin – either after 10 years or upon acquiring citizenship). A few responses indicated that bilateral contacts with other countries may be used. Two of the 12 responses signalling that biometrics included in passports are stored in a central register, signalled that this register could be accessed to verify the information submitted with the application for citizenship.

Questions

1. Based on this, the *Norwegian National Police Immigration Service (NPIS)* would like replies the following questions:

Does your MS have the possibility of identifying whether a person who applies for protection previously was granted a residence permit or citizenship in your MS or another MS? ___Yes ___No

IF NO: PLEASE ANSWER QUESTION 2

IF YES: Do you have access to biometric information for this? ___Yes

No Partial

IF YES/PARTIAL: Is this: (i) From a national source? Yes

No. (ii) From another MS? Yes

No

IF NO/PARTIAL TO QUESTION 1b: Please describe briefly the procedures that your MS uses for establishing whether or not an asylum seeker has been granted a residence permit or citizenship in another Schengen MS:

2.

2. Are the biometrics incorporated into the national passport stored in a central register?

Yes


No





3.





3. IF YES TO QUESTIONS 1.b.i AND 2: Is the national passport database in your MS used for making comparisons when you do a search on biometrics for new asylum applicants? Yes




No



Responses




	Country	Wider Dissemination	Response
	Austria	Yes	<p>1. 1. Yes with regard to Austria, no with regard to other Member States. 1.b. Yes, if the asylum seeker has undergone identification procedures in Austria upon application for asylum (no identification procedures for minors under the age of 14), and if a residence title has been issued after the age of 6 by Austrian authorities. 1.b.i. Yes, from the national asylum or residence authority. 1.b.ii. Yes, if saved by a foreign asylum authority in EURODAC. 1.c. N/A. Source: Federal Ministry of the Interior.</p> <p>2. Yes (only photo, no fingerprints). Source: Federal Ministry of the Interior.</p> <p>3. No. Source: Federal Ministry of the Interior.</p>





	Belgium	Yes	<p>1. 1. Does your MS have the possibility to identify whether a person who applies for protection previously was granted a residence permit or citizenship in your MS or another MS? No.</p> <p>2. No.</p> <p>3. /</p>
	Croatia	Yes	<p>1. Yes. Yes by Eurodac system.</p> <p>2. Yes</p> <p>3. No. Unless new asylum applicant doesn't posses refugee passport issued by Croatian authority, there is no possibility to compare data in the national passport database.</p>
	Czech Republic	Yes	<p>1. YES. 1b. YES 1b (i). Yes 1b (ii) No</p> <p>2. YES</p> <p>3. NO</p>
	Estonia	Yes	<p>1. Does your MS have the possibility to identify whether a person who applies for protection previously was granted a residence permit or citizenship in your MS or another MS? YES IF YES: Do you have access to biometric information for this? PARTIAL IIF YES/PARTIAL: Is this: (i) From a national source? YES. (ii) From another MS? NO IF NO/PARTIAL TO QUESTION 1b: Please describe briefly the procedures that your MS uses for establishing whether or not an asylum seeker has been granted a residence permit or citizenship in another Schengen MS: Information is collected by bilateral co-operation with the agencies and Boards of another MS.</p> <p>2. No.</p> <p>3. No.</p>


	Finland	Yes	<p>1. No.</p> <p>2. Yes.</p> <p>3. N/A</p>
	France	Yes	<p>1. NO</p> <p>2. YES</p> <p>3. NO</p>
	Germany	Yes	<p>1. 1. Does your MS have the possibility to identify whether a person who applies for protection previously was granted a residence permit or citizenship in your MS or another MS? <input checked="" type="checkbox"/> Yes a. IF NO: PLEASE ANSWER QUESTION 2 b. IF YES: Do you have access to biometric information for this? <input checked="" type="checkbox"/> Yes i. IF YES/PARTIAL: Is this: (i) From a national source? <input checked="" type="checkbox"/> Yes . (ii) From another MS? <input checked="" type="checkbox"/> Yes c. IF NO/PARTIAL TO QUESTION 1b: n/a</p> <p>2. 2. Are the biometrics incorporated into the national passport stored in a central register? <input checked="" type="checkbox"/> Yes</p> <p>3. 3. IF YES TO QUESTIONS 1.b.i AND 2: Is the national passport database in your MS used for making comparisons when you do a search on biometrics for new asylum applicants? <input checked="" type="checkbox"/> No</p>
	Hungary	Yes	<p>1. 1. Does your MS have the possibility to identify whether a person who applies for protection previously was granted a residence permit or citizenship in your MS or another MS? <input checked="" type="checkbox"/> Yes a. IF NO: PLEASE ANSWER QUESTION 2 b. IF YES: Do you have access to biometric information for this? <input checked="" type="checkbox"/> Partial i. IF YES/PARTIAL: Is this: (i) From a national source? <input checked="" type="checkbox"/> Yes (ii) From another MS? <input checked="" type="checkbox"/> No c. IF NO/PARTIAL TO QUESTION 1b: Please describe briefly the procedures that your MS uses for establishing whether or not an asylum seeker has been granted a residence permit or citizenship in another Schengen MS: In Hungary there is no special procedure for this. We simply</p>

			<p>check the applicant in the national database and check the fingerprint hit in the EURODAC system.</p> <p>2. X__ Yes</p> <p>3. X_ No</p>
	Ireland	No	IE responded but reserved their response to internal distribution only.
	Italy	Yes	<p>1. No. However, when an asylum application is made, the Police identifies the applicant and registers the application, which includes the "Form for the recognition of refugee status under the Geneva Convention" (Form C/3), containing the applicant's information. In particular, in Form C/3 the applicant is asked to indicate whether he or she has travelled through or stayed in other countries before arriving in Italy, specifying the dates; which document was used to arrive in Italy; and how that document and/or the entry visa were obtained.</p> <p>2. Yes. By Decree 6 August 2015, No 6357, of the Ministry of Foreign Affairs and International Cooperation on the "Treatment of data concerning electronic travel documents for refugees, stateless persons and foreign nationals stored in the electronic passport database", it is established that travel document data (machine-readable travel documents for stateless persons, for refugees and for foreign nationals) provided for in Article 1 of Ministerial Decree 7 May 2015, shall be stored in the Electronic Passport Database (BDPE), set up at the Department of Public Security of the Ministry of the Interior, National Electronic Centre of State Police (CEN).</p> <p>3. Yes</p>
	Latvia	Yes	<p>1. 1. Yes 1.b No 1.c In practice it can be established from the person's statements, by asking information to another EU MS in accordance with Dublin Regulation in case there is a hint of that possibility.</p> <p>2. Yes</p>

			3. No
	Lithuania	Yes	<p>1. 1. Does your MS have the possibility to identify whether a person who applies for protection previously was granted a residence permit or citizenship in your MS or another MS? We have limited possibility to do that. If a person, who applies for international protection, has been granted international protection in another Member State, EURODAC hit received (under regulation (EU) No 603/2013) would contain the "mark" and we would be able to establish that this person enjoys international protection in another Member State. If this person is a citizen of another Member State or has a residence permit not related to international protection issued by another Member State, to identify it in the framework of routine asylum procedure would not be possible. Do you have access to biometric information for this? Partial. Is this: (i) From a national source? Yes (ii) From another MS? No Please describe briefly the procedures that your MS uses for establishing whether or not an asylum seeker has been granted a residence permit or citizenship in another Schengen MS: EURODAC, VIS, SIS II routine checks, also consultations with other Member States where relevant.</p> <p>2. Yes</p> <p>3. No</p>
	Luxembourg	Yes	<p>1. 1. YES. a. N/A. b. NO. The biometric information contained in Eurodac cannot be used because it is not preserved after the issuance of the residence permit. c. Article 6 (3) of the Law of 18 December 2015 on international protection and temporary protection establishes that the Judicial Police (Foreigners Service) will proceed with conducting the necessary verification for establishing the identity and itinerary of the international protection applicant including the conducting of an interview. As such, they will verify not only national databases, but Europol and Interpol databases as well as databases of other MS (such as for example EDISON in the Netherlands).</p> <p>2. NO.</p> <p>3. N/A.</p>

	Netherlands	Yes	<p>1. 1. Does your MS have the possibility to identify whether a person who applies for protection previously was granted a residence permit or citizenship in your MS or another MS? ___Yes b. IF YES: Do you have access to biometric information for this? __Yes i. IF YES/PARTIAL: Is this: (i) From a national source? ___Yes</p> <p>2. No</p> <p>3. Not applicable</p>
	Poland	Yes	<p>1. Yes, but only if a foreigner was granted a residence permit/citizenship in Poland. There is however no access to biometric information.</p> <p>2. Yes.</p> <p>3. No.</p>
	Portugal	Yes	<p>1. 1 a) Yes. b) No. b) i) No.</p> <p>2. Yes.</p> <p>3. No</p>
	Slovak Republic	Yes	<p>1. As for the residence permit, partially yes. There is such a possibility through the national AFIS database which records fingerprints (of persons who used to hold a residence permit but later become irregular - without a valid residence permit). When processing an application for asylum, the Police Department takes fingerprints of the person and in case these fingerprints have already been in the database due to the reasons mentioned above, this person can be identified. As for the citizenship, this data is not tracked.</p> <p>2. No. There is no central register. In the Slovak Republic, only a residence card is considered as an ID “ National passport” • and according to the Slovak legislation, biometrics can be stored</p>

			<p>only in the data storage, not in a database.</p> <p>3. No. Biometric data cannot be used for making a comparison.</p>
	Slovenia	Yes	<p>1. 1. Does your MS have the possibility to identify whether a person who applies for protection previously was granted a residence permit or citizenship in your MS or another MS? ___Yes b. IF YES: Do you have access to biometric information for this? __Yes i. IF YES/PARTIAL: Is this: (i) From a national source? ___Yes</p> <p>2. YES</p> <p>3. YES</p>
	Spain	No	
	Sweden	Yes	<p>1. No</p> <p>2. NA</p> <p>3. No</p>
	United Kingdom	Yes	<p>1. 1. Yes 1b. Access to biometric information: Partial IF YES/PARTIAL: Is this: (i) From a national source? ___Yes ___No. (ii) From another MS? ___Yes ___No A • notified from Eurodac will include biometric information (fingerprints). Since the operation of the recast Eurodac II Regulation in July 2015 data that had previously been blocked in the system when a MS notified that an asylum applicant had been recognised as a refugee (and presumably granted a residence permit on that basis) was unblocked and • marked • in accordance with Article 18 of the Eurodac II Regulation (EU) No 603/2013. Any new grants of international protection (refugee status or subsidiary protection) similarly require the MS of origin of the asylum applicant data set to be • marked • . This means that if the UK makes an asylum applicant (Eurodac Category 1) transmission and receives in response a • marked • hit we will know that the asylum</p>

			<p>applicant/person applying for international protection in the UK is already a beneficiary of international protection and is likely to have been granted a renewable residence permit on that basis by the other State concerned. Eurodac does not hold data on EU citizens, any data for a person who becomes a citizen of one of the participating States must be erased (Article 13 of the recast Eurodac II Regulation refers) . So when we make an asylum applicant fingerprint transmission Eurodac will not return information about a grant of citizenship. Article 13(2) of the recast Eurodac II Regulation now provides that the Central System notify other MSs where citizenship has been granted by another MSs in circumstances that match other MSs earlier (stored) data transmissions so that they can also request erasure as the "Member State of Origin" for the related data set. IF NO/PARTIAL TO QUESTION 1b: Please describe briefly the procedures that your MS uses for establishing whether or not an asylum seeker has been granted a residence permit or citizenship in another Schengen MS: The UK is not part of Schengen. If we received a "marked" hit from Eurodac (as above) indicating that the person was a beneficiary of international protection we may approach the other MS bilaterally for confirmation.</p> <p>2. Yes</p> <p>3. Yes</p>
	Norway	Yes	<p>1. Does your MS have the possibility to identify whether a person who applies for protection previously was granted a residence permit or citizenship in your MS or another MS? <input checked="" type="checkbox"/> Yes ___No IF NO: PLEASE ANSWER QUESTION 2 IF YES: Do you have access to biometric information for this? ___Yes ___No <input checked="" type="checkbox"/> Partial IF YES/PARTIAL: Is this: (i) From a national source? <input checked="" type="checkbox"/> Yes ___No. (ii) From another MS? ___Yes <input checked="" type="checkbox"/> No IF NO/PARTIAL TO QUESTION 1b: Please describe briefly the procedures that your MS uses for establishing whether or not an asylum seeker has been granted a residence permit or citizenship in another Schengen MS: Mainly based on interview by the NPIS, tips in specific cases from collaborative government agencies.</p> <p>2. NO</p> <p>3. N/A</p>

