European Commission

EMN Synthesis Report for the EMN Focussed Study 2017

Challenges and practices for establishing the identity of third-country nationals in migration procedures

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This final version is based on contributions from the following (Member) States: AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK, and UK

The National Reports available for publication can be consulted on the EMN website

Migration & Home Affairs

The European Migration Network (EMN) is co-ordinated by the European Commission with National Contact Points (EMN NCPs) established in each EU Member State plus Norway.

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This Synthesis Report has been produced by the European Migration Network (EMN), which comprises the European Commission, its Service Provider (ICF) and EMN National Contact Points (EMN NCPs). The report does not necessarily reflect the opinions and views of the European Commission, EMN Service Provider (ICF) or the EMN NCPs, nor are they bound by its conclusions. Similarly, the European Commission, ICF and the EMN NCPs are in no way responsible for any use made of the information provided.

The Focussed Study was part of the 2017 Work Programme for the EMN.

EXPLANATORY NOTE

This Synthesis Report was prepared on the basis of national contributions from 26 EMN NCPs (AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK, and UK) collected via a Common Template developed by the NO NCP and EMN NCPs to ensure, to the extent possible, comparability. National contributions were largely based on desk analysis of existing legislation and policy documents, reports, academic literature, internet resources and reports and information from national authorities rather than primary research. The listing of (Member) States in the Synthesis Report following the presentation of synthesised information indicates the availability of relevant information provided by those (Member) States in their national contributions, where more detailed information may be found and it is strongly recommended that these are consulted as well.

Statistics were sourced from Eurostat, national authorities and other (national) databases.

It is important to note that the information contained in this Report refers to the situation in the abovementioned (Member) States up to July 2017 and specifically the contributions from their EMN National Contact Points.

EMN NCPs from other Member States could not, for various reasons, participate on this occasion in this Study, but have done so for other EMN activities and reports.

EXECUTIVE SUMMARY

Key Points to note

- The importance of identity management in migration procedures has increased significantly in recent years in light of the rise in the number of applications for international protection since 2014/2015 and of current heightened security challenges. The ability to unequivocally establish the identity of a third-country national is of key importance in all migration processes.
- (Member) States face challenges related to identity establishment of third-country nationals in all migration processes; however, due to the significant rise of applicants for international protection in recent years, these have become particularly visible in asylum and return procedures. Generally, (Member) States observed an increase in the number of international protection applicants unable to provide a valid proof of identity.
- EU-wide information management systems, such as Eurodac, the Visa Information System (VIS) and Schengen Information System (SIS) play an increasingly important role in the identity establishment process, by storing biographic and biometric data of third-country nationals.
- Next to travel and identity documents, (Member) States use a wide range of methods to support the process of identity establishment. Cooperation between competent authorities on a national, bilateral and European level has been established in the form of pilot projects, shared databases, etc.
- The importance of identity establishment for the outcome of the application depends on the type of procedure. While a valid proof of identity is crucial for a positive decision in legal migration procedures, many (Member) States also grant international protection if identity cannot be (fully) established. In return procedures, the importance of an established identity generally depends on the requirements of the (presumed) country of origin.

What does the study aim to do?

The following synthesis report presents an overview of the important challenges faced by national authorities in EU Member States and Norway in their efforts to establish and verify the identity of third-country nationals within the context of various migration procedures and of national practices to address those challenges. Moreover, the study provides an insight into the use of information management systems at national and European level to support identification and verification processes. This study updates and supplements the 2013 EMN Study "Establishing Identity for International Protection: Challenges and Practices".[1]

What is the scope of this study?

The Study covers (Member) States' approaches to establish the identity of third-country nationals within the migration process, looking both into identification and identity verification related tasks. This will be addressed within the context of the asylum procedure, return procedure, as well as legal migration channels, i.e. applications for short-stay visas and for long-stay visas/residence permit for study, work and family purposes. Identity management issues related to naturalisation procedures are outside the scope of the Study.

What is the EU legal context for identity establishment?

The obligations of Member States with regard to the establishment of identity of third-country nationals are laid down in various EU Directives and Regulations. For international protection and return procedures, legislative instruments adopted in the framework of the Common European Asylum System (CEAS) are relevant, inter alia requiring Member States to assess the identity of asylum seekers (recast Qualification Directive), and obliging applicants to cooperate with the competent authorities (recast Asylum Procedures Directive). In the case of return, the EU Return Directive is relevant as it refers to the fact that third-country nationals without a regular status cannot be returned to a third-country when their identity cannot be established (Articles 3 and 15). Against the background of fostering cooperation with countries of origin in identity establishment in the area of return, readmission agreements are also an important element.

[1] https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/establishing-identity/0_emn_id_study_synthesis_migr280_finalversion_2002013_en.pdf

As regards legal migration procedures, the Visa Code and Family Reunification Directive are particularly important, as these establish the procedures and conditions for issuing visa or residence permits to third-country nationals.

This legislative framework is complemented by **EU information management systems** (SIS, VIS and Eurodac), which store biographic data, biometric data or both and allow for the exchange of this data between Member States in the case of VIS and SIS. In the absence of internal border controls in the Schengen area, these are particularly relevant for identity management. In most (Member) States, relevant authorities have access to these databases.

What are the main challenges (Member) States face in relation to identity management in migration processes?

Challenges related to identity establishment are particularly apparent in international protection procedures. Most (Member) States reported that applicants for international protection are often not able to provide official travel and/or identity documents, and even if these are provided, a further challenge lies in determining whether these are genuine. In return procedures, challenges stem from a lack of cooperation from third-country nationals and difficulties in cooperating efficiently with authorities in the (presumed) third country of origin and exchanging biometric information with them. In the case of legal migration, challenges relate mostly to forged or counterfeit identity/travel documents, as well as limited comparability of biometric data contained in VIS.

What does the legislative and institutional framework for identity establishment look like at national level?

For international protection procedures, most (Member) States lay down the establishment of identity in national legislation, either closely reflecting the provisions set out in EU legislation, or providing more detailed national provisions as regards the specific methods and procedures to be followed. As a consequence of the transposition of the above-mentioned CEAS directives between 2013 and 2015 Member States have reported on recent changes to their national legislation regarding identity establishment. Such changes mainly relate to the scope of the duty of applicants for international protection and the distribution of functions between the institutions involved in the asylum procedure. Similarly, in the case of return procedures, some (Member) States strengthened the obligation of third-country nationals with a return decision to cooperate in identity establishment, as well as including in national legislation the collection of biometric data. For legal migration procedures, most (Member) States have inscribed general obligations on third-country nationals in national law to provide identity documents.

Mainly as a result of the significant rise in of asylum applications in many (Member) States in recent years, various changes in the national institutional frameworks were made to allocate responsibilities among relevant authorities more efficiently.

What methods and types of documents are used to establish the identity of third-country nationals?

The majority of (Member) States do not use a legal or operational definition of “identity” in the framework of migration procedures, although this term generally refers to a set of characteristics that unmistakably characterise a person. The fact that first and foremost, (Member) States use valid travel/identity documents to establish identity in all migration processes implies that the (implied) definition of the identity to be established is the one accepted by the authorities in the country of origin. In international protection applications, other types of documents (e.g. birth certificates) can also be accepted (as contributing) to establish identity, while in return procedures this very much depends on the requirements of the (presumed) country of origin. In the absence of documentary evidence of identity, (Member) States employ a wide range of methods, such as language analysis and interviews to determine the probable country/region of origin and DNA analysis. Recently, the role of social media also increased in establishing identity.

How are these different methods combined to establish the identity of third-country nationals, and their outcomes used to make decisions within the migration procedures?

The status and weight of different methods and documents to determine identity differs widely across (Member) States. In international protection procedures, (Member) States place varying degrees of significance on the outcome of the identity establishment procedure, with many granting protection status without a fully proven identity. In contrast, the establishment of identity is a decisive factor in all (Member) States for return procedures, as this is needed to draw up the necessary travel documents with the country of origin. In legal migration procedures, a positive decision is generally only granted when identity is proven.

Which personal data is collected in the framework of migration procedures and which data sharing arrangements are in place?

National authorities usually collect and store biographic and biometric data of applicants in all migration procedures. Memoranda of Understanding and other types of agreements are in place in many countries to support the sharing of data between different entities. Various (Member) States reported on recent changes related to the processing of personal data, mainly with a view to further automating the collection and comparison of biometric data. In addition, pilot projects were put in place to foster the cooperation among national authorities and between authorities of different Member States, as well as extending the scope and improving the interoperability of various (national) databases.

What measures related to identity establishment are currently debated in (Member) States?

While many (Member) States have not reported on **major debates** in relation to the processing of personal data within the framework of migration-related procedures and databases used to establish identity, some highlighted a number of key issues subject to debate. These concerned topics such as the **analysis of data carriers**, taking fingerprints and facial images of asylum seekers, age assessment procedures, as well as maintaining a balance between **security and the right to privacy and data protection**.

Introduction

This Study presents the main findings of the EMN Focussed Study on *Challenges and practices for establishing the identity of third-country nationals in migration procedures* based on National Reports from twenty-six Member States. The aim of this Study is to present an overview of the important challenges faced by national authorities in their efforts to reliably establish and verify the identity of third-country nationals within the context of various migration procedures - namely those related to asylum, return and legal migration channels (including both short-stay and long-stay visas and residence permits) - and of national practices to address those challenges.

RATIONALE AND CONTEXT OF THE STUDY

The ability to unequivocally establish the identity of a third-country national is of key importance in all migration procedures – for deciding upon applications for international protection, issuing visas for legal entry to a Member State, as well as for the procedures required to return migrants in irregular situations to their country of origin. Moreover, effective identity management policies and practices are a prerequisite not only for the proper functioning of the migration and asylum systems but also for maintaining citizens' trust in their integrity and reliability.[2]

The authorities tasked as decision-makers in migration processes face a number of challenges in establishing identity (on the challenges across all migration procedures, see Section 1.1). Many applicants for international protection, for example, cannot provide reliable documents. Those who flee persecution may not have the possibility to take identity documents with them when leaving their country of origin, or may not want to reveal the identity by which they are known to the authorities in that country, for genuine fear of the consequences of this, or for other valid reasons, or may have received advice by smugglers or by same-country nationals, who have previously migrated to the EU[3], to destroy their identification documents upon arriving in the EU. Moreover, when applicants for international protection do provide identity documents, these are sometimes considered false or otherwise invalid by the authorities responsible in the (Member) States. Some (Member) States noted that without first establishing the identity of an applicant, it can be very difficult for the authorities responsible to determine the credibility of the asylum claim, and also whether responsibility for assessing the claim lies with the (Member) State where this has been lodged, in accordance with the rules governing the Dublin system.

These challenges have been compounded by the surge in the number of asylum applications in recent years, especially since 2014/2015, resulting in increasing pressure on the authorities responsible to make fair decisions quickly. Based on statistics provided by Eurostat, the number of applications for international protection more than doubled between 2009 (287,000) and 2014 (662,000), with a sharp increase from 2013. In 2015, the number of applications for asylum lodged more than doubled when compared to 2014, reaching a total of 1.32 million applications, and this level was reduced only slightly in 2016, to 1.26 million.[4] The EU has established the **'Hotspot' approach** to provide operational support to the Member States concerned (**Italy** and **Greece**), in particular in relation to the registration and identification processes.

Over 158 thousand unaccompanied minors (UAMs) applied for asylum in the EU in 2015, with **Germany** and **Sweden** receiving the majority of them.[5] As in the asylum application procedure in general, establishing identity is not always possible in the case of unaccompanied minors, making it necessary to rely on other measures to determine nationality or age.

Establishing whether an individual is an adult or a child is essential to ensure that children are afforded the protection they are entitled to by law and also to prevent adults being placed among children and accessing rights and services to which they are not entitled.[6]

[2] For a reflection on these issues, see the Introduction to the proceedings of the Conference 'The Establishment of Identity in the Migration Process', Vienna (Austria), 2 May 2016, available at: http://www.emn.at/en/national-emn-conference-austria-the-establishment-of-identity-in-the-migration-process/

[3] European Commission (DG HOME), A study on smuggling of migrants - Characteristics, responses and cooperation with third countries (2015), at http://research.icmpd.org/fileadmin/Research-Website/Project_material/Study_on_smuggling_of_migrants/study_on_smuggling_of_migrants_final_report_master_091115_final_pdf.pdf

[4] Eurostat, 'Asylum Statistics (Statistics extracted on 8 December 2017)', available at: http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics

[5] See Eurostat, 'Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded)', [migr_asyunaa], available at http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyunaa&lang=en, last accessed on 2November 2017.

[6] EASO, 'Age assessment practice in Europe, December 2013', available at: https://www.easo.europa.eu/sites/default/files/public/EASO-Age-assessment-practice-in-Europe1.pdf.

It is widely recognised that an efficient return policy is needed to safeguard the integrity of the common asylum procedure. However, effective returns are often complicated by a lack of (valid) identity documents. In the absence of valid proof of identity (which is needed to determine nationality), it is very difficult to return rejected asylum seekers to their assumed country of origin or residence since they may not be accepted by the authorities there. While an important distinction exists between assisted (voluntary) and forced return of applicants rejected for international protection, this Study only addresses the regulations and procedures which exist in relation to forced return.

In addition to national authorities within the EU, identity management tasks are also performed at the Member States' embassies and consulates abroad. In 2015 almost 15.5 million applications for Schengen visas were processed at EU consulates in third countries and over 14 million visas were issued (up from around 12 million in 2011).[7] Unlike in the asylum and return procedures, where credible identity documents are often lacking (see above), visa applicants are under a strong obligation to establish their identity by presenting a valid travel document. In order to ascertain whether the person concerned meets entry conditions, the competent consulate is responsible for verifying the authenticity of the travel document presented. However, before the Visa Information System (VIS) became operational in November 2015, (Member) States faced important difficulties in ascertaining whether a visa applicant was using a false identity to obtain a Schengen visa.[8]

For stays longer than three months, third-country nationals should obtain a **long-stay visa and/or a residence permit** for the purposes of work, study or family reunification. Applicants for long-stay visas and/or residence permits are generally also required to provide credible and verifiable documentation of their identity[9] and to satisfy the other conditions applicable for the granting of the visa or permit. As in other migration procedures, however, the need to verify this documentation and link it to the applicant creates challenges for the responsible authorities. Moreover, the EU rules on free movement within the Union mean that this is not only a national concern but one in which national capacities and practices have consequences for all (Member) States.

STUDY AIMS

The aims of the Study are to:

- Identify **common challenges** concerning the establishment and verification of a third-country national's identity when processing applications for international protection, managing return procedures and handling applications for short and long-stay visas and residence permits;
- Present available statistics on the **estimated scale** of the population of asylum applicants, migrants in irregularity and returnees lacking (reliable) identity documents, as well as the reasons why such statistics are not available or not published;
- Document (Member) States' **policies and practices** in addressing identity issues (including the lack of satisfactorily documented identity) in the handling of migration procedures;
- Map (Member) States' approaches to establish the identity of third-country nationals in **situations of disproportionate migratory pressure** at the external borders or on the national territory, including under the EU 'Hotspot' approach;
- Gain an insight into the use of **innovative technologies and methodologies** (including e.g. biometrics, databases and language analysis) to support identification and identity verification processes;
- Uncover any recent **changes in identity management policy and practice**, in particular in those (Member) States affected by the increasing number of arrivals to the EU as of 2015 and examine the main elements of current debates on these issues in (Member) States; and

[7] See the complete statistics on short-stay visas issued by the Schengen States available from the European Commission website at https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en#stats, last accessed on 5th April 2017.
[8] European Commission, Commission Staff Working Document, 'Evaluation of the implementation of Regulation (EC) No 767/2008 of the European Parliament and Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) / REFIT Evaluation', SWD(2016) 328 final, 14.10.2016.
[9] A partial exception to this rule concerns family reunification. While in family immigration cases the obligation for the applicant to establish and clarify the identity of the applicant is stronger than in the asylum procedure, if it is impossible to get the requisite documents, the authorities may resort to other means in order to identify the person and ascertain the family relationship. See Oxford Research, 'Comparative study of ID management in immigration regulation – Norway, Sweden, the Netherlands and United Kingdom', 2013, available at: https://www.udi.no/statistikk-og-analyse/forsknings-og-utviklingsrapporter/comparative-study-of-id-management-in-immigration-regulation.-norway-sweden-the-netherlands-and-united-kingdom-2013/.

- Identify possible steps towards **further joint actions** in this area to make (Member) States' efforts more effective;

The Study intends to update and supplement the 2013 EMN Study on 'Establishing Identity for International Protection: Challenges and Practices', especially in light of the application of the recast Directives on Qualification for international protection[10] and Asylum Procedures,[11] the experiences gained by some (Member) States since 2014 from handling higher numbers of asylum seekers and migrants in irregularity and the use of new identity management technologies and techniques. The Study also explores identity management issues emerging within the context of legal migration channels, a thematic area which was not addressed in the 2013 EMN Study.

SCOPE OF THE STUDY

The term 'identity' is generally defined as a set of characteristics that unmistakably characterise a certain person.[12] Such characteristics can include the person's name, date and place of birth, nationality and biometric characteristics.

Within the scope of this Study, (Member) States approaches to establish the identity of third-country nationals within migration procedures will be examined in a broad sense, covering both identification and identity verification related tasks:[13]

- **Identification**: Identification procedures and systems (e.g. biometric systems) are different from identity verification systems in that they seek to identify an unknown person or biometric. The identification procedure/ system aims to answer the question: "Who is this person?" Biometric identification systems are characterised as 1-to-n matching systems where "n" is the total number of biometrics in the database against which the person's biometric characteristics are checked.
- **Identity verification**: Identity verification procedures and systems seek to answer the question: "Is this person who they say they are?" Biometric verification systems are generally described as 1-to-1 matching systems because they try to match the biometric presented by the individual against a specific biometric already on file.

The Study addresses identity management issues within the context of the following migration procedures:

- International protection procedures;
- Return procedures;
- Legal migration channels:
  - Applications for short-stay visas;
  - Applications for long-stay visas/ residence permit for study, work and family purposes.

Identity management issues related to naturalisation procedures are outside the scope of the Study.

EU LEGAL AND POLICY CONTEXT

International protection

Common European Asylum System (CEAS) instruments outline a number of obligations on Member States to verify the identity of applicants for international protection, in order to produce a legally correct decision based on the facts and circumstances of each individual case and to treat all applicants for international protection equally, independently of the (Member) State where they lodged their application.

[10] Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), OJ L 337, 20.12.2011.
[11] Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), OJ L 180, 29.6.2013.
[12] Dictionary for Civil Registration and Identification, at https://publications.iadb.org/bitstream/handle/11319/3679/Dictionary%20for%20Civil%20Registration%20%20and%20Identification%202015.pdf?sequence=7
[13] See for example, BiometricUpdate.com: 'Explainer: Verification vs. Identification Systems', available at: https://www.biometricupdate.com/201206/explainer-verification-vs-identification-systems.

A number of amendments were introduced in recast Directives adopted in 2013 to clarify these obligations. More specifically, Article 4 paragraph 2(b) of the recast **Qualification Directive**[14] introduces a duty for Member States to assess the identity of asylum seekers; the recast **Asylum Procedures Directive**[15] imposes an obligation upon applicants to cooperate with the competent authorities with a view to establishing their identity (Article 13) and provides for more detailed provisions on the methods for age assessment of minor asylum applicants (Article 25); the recast **Reception Conditions Directive** introduced the possibility for Member States to detain applicants for international protection to determine or verify an applicant's identity or nationality (Article 8).

The **Dublin III Regulation**[16] establishes the rules for determining which Member State is responsible for examining an application for international protection that has been lodged in one of the Member States by a third-country national or a stateless person. The Dublin III Regulation is complemented by the **Eurodac Regulation** (EU) No. 603/2013,[17] which set up an EU asylum fingerprint database in order to establish the identity of applicants for international protection and of persons apprehended crossing the external border irregularly. EURODAC facilitates the application of the Dublin III Regulation by providing fingerprint evidence to facilitate the determination of the (Member) State responsible.[18]

The Dublin system (Dublin III Regulation and EURODAC Regulation) is currently undergoing a process of reform, as proposed by the European Commission in May 2016.[19] More specifically, the proposal to amend the Eurodac Regulation[20] foresees extending the use of the database for return purposes and lowering the age of taking fingerprints to 6 years (it is currently of 14 years).

Furthermore, following the unprecedented migration flows registered in 2015, the European Commission proposed to develop a new 'Hotspot' approach. **Hotspots** are located in frontline Member States facing disproportionate migratory pressure and are designed to help national authorities 'swiftly identify, register and fingerprint incoming migrants'. Member States' authorities are supported on the ground by officers from EU Agencies, including the European Asylum Support Office (EASO), EU Border and Coast Guard Agency (Frontex), the EU Police Cooperation Agency (Europol) and EU Judicial Cooperation Agency (Eurojust). Currently, the Hotspot approach is being implemented in Italy and Greece. Other (Member) States can request the set-up of Hotspots on their territory.

As regards the identity management related tasks carried out in Hotspots, these are mainly undertaken by Frontex, who supports Member States in identifying migrants (including by performing 'nationality screening') and provides assistance with registration and fingerprinting. Identification and registration is undertaken by Frontex Joint Screening Teams and fingerprinting officers, while Joint Debriefing Teams are in charge of interviewing migrants and gathering intelligence on smuggling routes and networks.

[14] Directive 2011/95/EU
[15] Directive 2013/32/EU
[16] Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the (Member) State responsible for examining an application for international protection lodged in one of the (Member) States by a third-country national or a stateless person (recast), OJ L 180.
[17] Regulation (EU) No 603/2013 of the European Parliament and of the Council of on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the (Member) State responsible for examining an application for international protection lodged in one of the (Member) States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by (Member) States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast), OJ L 180, 29.6.2013.
[18] European Commission, 'Identification of applicants (Eurodac)', available at: https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/identification-of-applicants_en.
[19] Proposal for a Regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the (Member) State responsible for examining an application for international protection lodged in one of the (Member) States by a third-country national or a stateless person (recast), COM (2016) 270 final.
[20] Proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the (Member) State responsible for examining an application for international protection lodged in one of the (Member) States by a third-country national or a stateless person] , for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by (Member) States' law enforcement authorities and Europol for law enforcement purposes (recast), COM(2016) 272 final

Return

The **Return Directive** sets out common EU standards and procedures on voluntary and forced return of illegally staying third-country nationals.[21] Within the framework of the Return Directive, identity management issues emerge in relation to **Article 15**, which establishes the **grounds for detention**. According to this provision, Member States may keep in detention a third-country national who is subject to a return procedure in order to prepare the return and/or carry out the removal process when there is a risk of absconding or when the third-country national concerned avoids or hampers the preparation of return or the removal process. The Return Handbook further elaborates on the criteria used at the national level to assess whether a risk of absconding exist. Among others, these include lack of documentation and the absence of cooperation to determinate identity.[22]

In addition to the implementation of the Return Directive, the Commission has prioritised **cooperation on readmission** as an essential part of the EU policy to combat irregular migration. Effective implementation of readmission obligations has also become an integral part of the EU's foreign policy and of the renewed political dialogue with the main countries of origin, both in Africa and Asia. To that end, intensive work at political and technical level was undertaken both with a view to increasing effectiveness of the existing readmission agreements, and to improving practical and operational cooperation with other countries, where the obligation of readmission of their nationals stems from customary international law.

For example, projects were designed to increase the third countries' capacity to manage readmission, assist them to overcome obstacles to readmission, improve practices and communication between relevant authorities.[23]

Efforts to **enhance the implementation of the existing 17 Readmission Agreements** were also undertaken. In order to reduce obstacles to readmission while improving practices as well as communication between relevant authorities, Joint Readmission Committees were held in 2016 with Cape Verde, Serbia, FYROM, Moldova, Russia, Turkey, Ukraine and Pakistan. Further improvement of practical cooperation on readmission and engagement with third countries was undertaken through the Partnership Framework approach, proposed in June 2016 by the Commission, endorsed by the European Council, and further detailed in subsequent progress reports. The policy line was built on country-specific approaches with a mix of positive and negative incentives, the use of which would be guided by the country's ability and willingness to cooperate on migration management, and in particular on readmission. The approach was to count on leverage in the migration policy area (e.g. visa) and include all available EU and Member State policies, tools and financial instruments, such as: development assistance, neighbourhood policy, trade, or education and culture. An initial focus was put on Ethiopia, Senegal, Mali, Nigeria and Niger.

Legal migration channels

The **Visa Code**[24] establishes the procedures and conditions for issuing **visas for short stays** in and transit through the Schengen States and applies to nationals of third countries who need a visa when crossing the external border of the Union and the other participating States, based on Regulation (EC) No 539/2001.[25] National authorities have to verify the admissibility of the application by checking the identity of the visa holder and the authenticity and reliability of the documents submitted. They must create an application file in the Visa Information System (VIS)[26] , following the procedures set out in the VIS Regulation.[27]

The **Family Reunification Directive** aims to establish harmonised rules relating to the right of third-country nationals to be reunited with their family.[28] It applies to third-country nationals who have a residence permit valid for at least one year and who have a genuine option of long-term residence.

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[21] Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, 24.12.2008. Although not bound by these provisions, Ireland and the United Kingdom provide in their policy for the possibility of voluntarily returning irregular migrants. Iceland, Liechtenstein, Norway and Switzerland while not members of the EU, implement the Return Directive as part of the Schengen acquis.
[22] Return Handbook, point 1.6 and point 14.4, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170927_recommendation_on_establishing_a_common_return_handbook_annex_en.pdf
[23] These measures are consistent with achieving the broader post-2015 Sustainable Development Goals (SDGs) target 16.9: "Legal identity for all, including birth certification" by 2030. For a complete list of SDGs please refer to http://www.un.org/ga/search/view_doc.asp?symbol=A/70/L.1&Lang=E
[24] Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), OJ L 243, 15.9.2009.
[25] Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, OJ L 81, 21.3.2001, p. 1–7.
[26] European Commission, VIS, available at: http://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-information-system_en.
[27] Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation), OJ L 218, 13.8.2008
[28] Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, OJ L 251 3.10.2003.

The Directive sets the conditions and procedure for family reunification as well as rights to be granted to the family members of third-country nationals. In accordance with Article 5(2), an application for family reunification shall be accompanied, among others, by documentary evidence to prove the family relationship, and certified copies of the family member(s)' travel documents.

The European Commission has noted that Member States have a certain margin of appreciation in deciding whether it is appropriate and necessary to verify evidence of the family relationship through interviews or other investigations, including DNA testing.[29] The European Commission stressed that such investigations are not allowed if other suitable and less restrictive means to establish the existence of a family relationship are available.[30]

Other EU legal migration Directives also require a third-country national to present a valid travel document and, in some cases, an application for a visa or a valid visa or, where applicable, a valid residence permit or a valid long-stay visa. EU Directives harmonising rules and conditions concerning the admission of third-country nationals to the Member States for periods exceeding three months are the following:

- Students and Researchers Directive[31]
- Single permit Directive[32]
- Blue Card Directive (highly qualified third-country nationals)[33]
- Seasonal Workers Directive[34]
- Intra-corporate Transferees Directive[35]

EU information management systems

The absence of control in internal borders in the Schengen area requires strong and reliable management of the movement of persons across the external borders, including through robust identity management. The three main centralised information systems developed by the EU to this end are the **SIS, VIS and Eurodac**, all of which support identity management in the migration process. An EU regulatory agency, **eu-LISA**, is responsible for the operational management of all three systems.[36]

The **Schengen Information System (SIS)** allows the exchange of information between national border control authorities, customs and police authorities on persons who may have been involved in a serious crime.[37] The second generation Schengen Information System (SIS II) entered into operation on 9th April 2013. The system enhanced the functionalities of the original SIS among others by including the possibility to enter biometric data (fingerprints and photographs) to confirm the identity of a third-country national who has been located as a result of an alphanumeric search made in SIS II.

The **Visa Information System (VIS)** inter alia allows Schengen States to exchange visa data.[38] It consists of a central IT system and a communication infrastructure that links this central system to national systems. VIS can be queried by consulates in non-EU countries and all external border crossing points of Schengen States. It processes data and decisions relating to applications for short-stay visas to visit, or to transit through, the Schengen Area. The system can perform biometric matching of fingerprints, for identification and verification purposes. Among other aims, the VIS facilitates checks and the issuance of visas by enabling border guards to verify that a person presenting a visa is its rightful holder and to identify persons found on the Schengen territory with no or fraudulent documents.

[29] European Commission, 'Communication from the Commission to the European Parliament and the Council on guidance for application of Directive 2003/86/EC on the right to family reunification', COM(2014) 210 final, 3.4.2014.
[30] Ibid.
[31] Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing, OJ L 132, 21.5.2016
[32] Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State, OJ L 343, 23.12.2011.
[33] Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, OJ L 155, 18.6.2009.
[34] Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, OJ L 94, 28.3.2014
[35] Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, OJ L 157, 27.5.2014
[36] Further information is available at: http://www.eulisa.europa.eu/AboutUs/MandateAndActivities/CoreActivities/Pages/default.aspx,.
[37] See European Commission, 'Schengen Information System', available at: http://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system_en, last accessed on 24th March 2017.
[38] European Commission, VIS, available at: http://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-information-system_en.

The VIS was progressively deployed to consulates in third countries across several pre-defined regions in a progressive manner on the basis of three criteria defined by Article 48(4) of the VIS Regulation: the risk of irregular immigration, the threats to the internal security of the Schengen States, and the feasibility for collecting biometrics from all locations in the respective region. The rollout to consulates was completed in November 2015.

Eurodac is a large database of fingerprints of applicants for international protection and persons apprehended in connection with the unlawful crossing of the external borders of the EU whose primary objective is to serve the implementation of Regulation (EU) No. 604/2013 ('the Dublin Regulation'). Eurodac also allows Member States' law enforcement authorities and Europol to compare fingerprints linked to criminal investigations with those contained in EURODAC, only for the purpose of the prevention, detection and investigation of serious crimes and terrorism and under strictly controlled circumstances and specific safeguards.

The Commission's 2016 proposal for a recast Eurodac Regulation extends the purpose of the database for return purposes and lowers the age limit to include fingerprints of applicants as of six years old.[39]

In April 2016 the European Commission published a **Communication on 'Stronger and Smarter Information Systems for Borders and Security'** to launch a reflection on how existing and future EU information management systems could enhance both external border management and internal security in the EU.[40] Furthermore, in its Communication "Enhancing Security in a world of Mobility: improved information exchange in the fight against terrorism and stronger external borders"[41] the Commission underlined the crucial importance of secure travel and identity documents to prevent abuses and threats to internal security and wherever it is necessary to establish beyond doubt a person's identity. In this context, Commission adopted on 8 December 2016 the Action Plan to strengthen the EU response to travel document fraud[42] aiming at improving the overall security of travel documents of EU citizens and third-country nationals used for identification and border crossings. It looks at concepts and processes used to manage identity and identifies appropriate actions to close potential loopholes taking into account developments in the field of document security.

Table 3: Overview of main European information management systems

EU information management systems	Eurodac	SIS II	VIS
Member States participating	28 Member States and Schengen[43] Associated Countries (Iceland, Norway, Switzerland and Liechtenstein).	24 Member States[44] and Associated Countries (Iceland, Norway, Switzerland and Liechtenstein).	22 Member States and Schengen Associated Countries (Iceland, Norway, Switzerland and Liechtenstein).[45]
Type of system	Eurodac consists of a central fingerprint database (Central System) and a communication infrastructure between the Central System and Member States.	A central system (Central SIS II) and a national system (N.SIS II) in each Member State, consisting of the national data systems which communicate with Central SIS II.	VIS consists of a Central VIS system (CS-VIS), a National Interface (NI-VIS) and a communication infrastructure. The Central VIS includes a Biometric Matching System (BMS) and is supported by a Central Unit.

[39] European Commission, Proposal for a Regulation on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person] , for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast), Brussels, COM(2016)272, 4.5.2016.
[40] European Commission, 'Stronger and Smarter Information Systems for Borders and Security', Brussels, COM(2016) 205 final, 6.4.2016.
[41] COM(2016) 602 final, 14.9.2016
[42] COM(2016) 790 final, 8.12.2016
[43] These Associated Countries use Eurodac only for international protection purposes and not apply law enforcement elements of the Eurodac Regulation.
[44] AT, BE, BG, CZ, DE, DK, EE, EL, ES, FI, FR, HU, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK. CY and HR are currently preparing for their technical connection to SIS II. IE has applied to participate in the police cooperation aspects of SIS II but this is not yet operational. UK participates in the police cooperation aspects of the Schengen Convention and SIS II, with the exception of alerts relating to third country nationals.
[45] Member States of the EU connected to VIS are: AT, BE, CZ, DE, DK, EE, EL, ES, FI, FR, HU, IT, LT, LU, LV, MT, NL, PL, PT, SE, SI. Associated Countries connected to VIS are: Iceland, Liechtenstein, Norway and Switzerland. The EU Member States of BG, CY, HR and RO are not yet connected to VIS. EU-Lisa, VIS Report pursuant to Article 50(3) of Regulation (EC) No 767/2008, July 2016.

EU information management systems	Eurodac	SIS II	VIS
	Each Member States designates a National Access Point for this purpose.	Additionally, a communication infrastructure between the technical support function of the database (CS-SIS) and the N.SIS II was established to provide exchange of information, inter alia, between SIRENE Bureaux (designated authority in each Member State ensuring the exchange of supplementary information).	
Purpose	Support national authorities with the identification of applicants for international protection and persons who have been apprehended in connection with an irregular crossing of an external border of Member States and of Associated Countries.	Police and judicial cooperation; maintenance of public security and public policy and the safeguarding of security in the territories of the Member States.	To facilitate the visa application procedure; to prevent the bypassing of the criteria for the determination of the Member State responsible for examining the application; to facilitate the fight against fraud; to facilitate checks at external border crossing points and within the territory of the parties to the VIS agreements; to assist in the identification of any person who may not, or may no longer, fulfil the conditions for entry to, stay or residence on the territory of the Member States and Schengen Associated Countries; to facilitate the examinations of asylum applications; to contribute to the prevention of threats to the internal security of any of the Member States.
Size	In 2016 a total of 1,641,051 data sets were registered in the database[46]	There were 830,002 alerts related to persons in the SIS II dataset at the end of 2016[47]	Member States and Schengen Associated Countries received 15.2 million applications for short-stay visas in 2016[48]
Personal scope	a) Applicants for international protection (at least 14 years of age) b) Third-country nationals apprehended in connection with the irregular crossing of borders coming from a third country c) Third-country nationals illegally present in a Member State (only for comparison purposes)	Third-country nationals and EU/EEA/CH citizens	Third-country nationals (visa applicants)

[46] http://www.eulisa.europa.eu/Publications/Reports/2016%20Eurodac%20annual%20statistics.pdf
[47] http://www.eulisa.europa.eu/Publications/Reports/SIS%20II%20-%20Statistics%202016.pdf
[48] https://ec.europa.eu/home-affairs/news/visa-statistics-schengen-states-receive-152-million-applications-short-stay-visas-2016_en

EU information management systems	Eurodac	SIS II	VIS
Scope of ID information	Member State of origin, place and date of the apprehension; Fingerprint data (full 10 fingerprints and 4 control images); sex; Reference number used by the Member State of origin; date on which the fingerprints were taken; date on which the data were transmitted to the Central Unit.	Personal details: surname, first name, given names, date and place of birth, nationality, sex; any specific, objective, physical characteristics not subject to change; photographs and fingerprints; whether the person concerned is armed, violent or has escaped; authority issuing the alert, reason for the alert, link(s) to other alerts issued in SIS II and action to be taken.	Alphanumeric data contained in the Schengen visa application form (name, nationality, place of residence, occupation, travel document number, type of visa requested, main destination and duration of stay, border of first entry, details of the inviting person), a digital photograph, ten fingerprints taken of the applicant, links to previous visa applications and to the application files of persons travelling together, and information on the official decision on the visa application (issuance, refusal, annulment, revocation, extension).
Authorities with access to the database	Mainly national authorities dealing with asylum requests, however, in some Member States, Eurodac is operated partly or entirely by law enforcement authorities. List of national authorities with an authorised access to the databases available here.[49]	Authorities responsible for the identification of third-country nationals for the purposes of border control, other police and customs checks carried out within the country and judicial authorities as designated by the contracting states. Partial access to the database to visa and immigration authorities, vehicle registration authorities, Europol, Eurojust. Information exchange may be possible with Interpol. List of national authorities with an authorised access to the databases available here.[50]	Authorities with access to VIS are visa, immigration and asylum authorities, as well as competent authorities responsible for carrying out checks at external border crossing points in accordance with Schengen Border Code. Furthermore, national authorities dealing with terrorist offences and other serious criminal offences may also gain access to VIS information in specific cases. Europol can only access VIS within the limits of its mandate and when necessary to perform its tasks. As a principle, third countries do not have access to VIS, however information may be communicated to them under specific circumstances defined by VIS Regulation. List of national authorities with an authorised access to the VIS is available here[51]

Source: DG HOME website and relevant Regulations

In addition to the databases mentioned above, a number of additional document security systems allow (Member) States' authorities to exchange information on travel and identification documents. This is the case with the FADO system, which is the summary name for a trio of information and technology systems: Expert FADO, iFADO (Intranet FADO) and PRADO (Public Register of Authentic Documents Online). This is a European image archiving system, set up on the basis of the Council Joint Action 98/700/JHA with a view to helping Member States in managing and recognising authentic and false documents. Subsystem iFADO is intended for law enforcement and document issuing authorities, while PRADO subsystem, available via internet, aims at the 'non-document-expert' community.

[49] http://www.eulisa.europa.eu/Publications/Reports/Eurodac%20-%202016%20List%20of%20authorities%20-%20asylum.pdf.
[50] http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017XC0714(02), OJ C 228, 14.7.2017, p. 1–165; List of N.SIS II Offices and the national Sirene Bureaux: http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2017.228.01.0166.01.ENG&toc=OJ:C:2017:228:TOC, OJ C 228, 14.7.2017, p. 166–176.
[51] http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52016XC0526(01), OJ C 187, 26.5.2016, p. 4–19.

STRUCTURE OF THE REPORT

In addition to this introduction, the Synthesis Report consists of the following Sections:

- Section 1: The National Framework
- Section 2: Methods for Establishing Identity
- Section 3: Decisions-making process
- Section 4: Data sharing and data collection
- Section 5: Debate and evaluation
- Section 6: Conclusions.

1 The National Framework

The 2013 EMN Focussed Study on *Establishing Identity for International Protection: Challenges and Practices* provided an overview of important challenges faced by national authorities in their efforts to establish, in the absence of credible documentation, the identity of applicants for international protection (i.e. asylum and subsidiary protection) and for the return of rejected applicants. While a deficiency of identity documents is not always a decisive factor when assessing the merits of an application for international protection from a third-country national, this is less the case in the context of return. To implement a (forced) return, the nationality of the person concerned must either be verified or documented in a way that is accepted by the (presumed) country of origin.

This section analyses the nature of the challenges encountered by (Member) States in establishing identity in the various migration procedures and the extent to which these challenges have changed since the EMN Study on *Establishing Identity for International Protection: Challenges and Practices* was published in 2013, also in the context of the high number of asylum applications in recent years. It also analyses the impact those challenges have had on the legislative and operational framework of (Member) States.

1.1 CHALLENGES IN RELATION TO IDENTITY MANAGEMENT IN THE MIGRATION PROCESS

Establishing identity in international protection procedures

The 2013 Study found that third-country nationals who apply for international protection did not provide documents to substantiate their identity in a significant number of cases. Rather than presenting (valid) identity documents, applicants tended to declare their identity. When third-country nationals did present identity documents, there were often difficulties in assessing authenticity, due to the presentation of false documents and claims of multiple identities. Since 2013, a majority of (Member) States have reported facing on-going challenges in establishing the identity of applicants for international protection[52].

Establishing the identity of an applicant for international protection is of crucial importance for national administrations[53] in assessing the credibility and legitimacy of a claim and presents a number of challenges. The availability of valid identity documents however is not a prerequisite for an application for international protection to be considered. Rather they are taken into consideration to substantiate the statements and facts included in an application for international protection, for example, regarding the situation in the country of origin. This is particularly relevant in situations where applicants claim to be nationals of countries where the security situation is known to be dangerous or where the applicant claims to be a minor.[54]

In practice, most (Member) States reported that applicants for international protection often provide neither an official travel nor an identity document.[55] Failure to provide documents may be explained by the situation which forced the applicant to leave his/her country of origin[56] or the fact that identity documents are simply not provided by the administration in the applicant's country of origin.[57] Where children have been born to mothers in transit to the EU, no official certificate may have been issued at birth (LU).[58] Furthermore, as **Belgium**, **Czech Republic**, **Germany** and **Finland** observed, asylum applicants sometimes claim to be unable to produce their official travel and identity documents, in order to hamper the identification process in the event of a forced return.

In the period **from 2012 to 2016**, for those (Member) States that were able to provide statistics (i.e. **Finland**[59], **Latvia**, **Lithuania**, **Norway**, **Slovak Republic**[60] and **Sweden**), in relation to the total number of applicants for international protection, the average percentage of applicants for whom identity was not documented at the time of application ranged from 23% in **Latvia** to over 80% in **Norway** and **Sweden**. In **Finland**, this percentage was 69% and in **Lithuania** 42% (see Table A.4.1 in Annex 4).

[52] AT, BE, CY, CZ, DE, EL, FI, HR, HU, IE, IT, LV, LU, MT, NL, PL, PT, SK, SE, UK, NO. BE, CZ, DE, ES, IE, IT, FR, FI, LU, SK, SE, UK, NO
[53] BE, CZ, DE, ES, IE, IT, FR, FI, LU, SK, SE, UK, NO
[54] CZ, FR, IE, IT, SE
[55] AT, BE, CY, CZ, DE, EE, EL, HR, HU, IE, IT, LV, LU, MT, NL, PL, SK, NO
[56] DE, EL, FI, NO
[57] BE, DE, EL, NO
[58] LU
[59] The statistical information is only approximate. Between the years 2012-2015, it was not mandatory to record in the UAM electronic case management system information on how the identity was documented.
[60] This concerns overall statistics of asylum seekers. It is not possible to provide detailed statistical data on the number of persons with established identity at the beginning of asylum procedure and at the point of issuing the decision. The only exception is, however, 2015 when applicants from Iraq were resettled in SK.

The number of asylum applicants whose identity was not documented at the time of the application increased proportionally to the number of applications received, for example in 2015, when most of the six (Member) States registered an increase in the number of applications for international protection received.

Where identity documents were provided by applicants for international protection, a further challenge for the national authorities of (Member) States was to determine whether these were genuine or not.[61] Whilst this was also identified as an issue in the 2013 EMN Study, a number of (Member) States observed that the volume of applications where no credible documentation is presented has increased since 2013.[62] The validation of non-biometric credentials (e.g. birth certificates or certain ID cards) is identified as a particular challenge where:

- applicants are from countries with identified governance issues – such as corruption or lack of recognised government;[63]
- weaknesses in the functioning of national or local administrations in country of origin lead to the issuance of genuine identity documents on the basis of false or counterfeit information;[64]
- a lack of cooperation between the applicant and the national authority resulted in incomplete information on the country of origin[65], for example regarding the security situation in the country of origin;[66]
- applicants using multiple identities;[67]
- identity documents are genuine but belong to another individual.[68]

In such circumstances, some (Member) States resorted to methods other than documentation for establishing and/or validating nationality, such as comparison of fingerprints[69], DNA tests and language analysis (see Section 2 on Methods for Establishing Identity). Some Member States reported that, as a rule, third countries' authorities are not contacted during the processing of an asylum application.[70] From 2015, increasing numbers of applications for international protection have exacerbated the challenges in a number of (Member) States[71] creating an additional strain on national authorities and necessitating additional trained staff to process applications and verify the authenticity of documents.[72]

Table 1 below provides a list of third countries[73] where (Member) States encountered the above mentioned challenges to establish the identity of their (presumed) nationals. This table summarises only publicly available information.

[61] BE, CY, DE, IE, IT, FI, FR, LU, LV, MT, NL, NO, SK, UK
[62] BE, FI, FR, EL, HR, HU, IE, IT, LU, LV, MT, NL, SK, SE
[63] BE, IE, LU, SE, UK
[64] BE, DE, FI, IE, IT, SE
[65] LV, NO
[66] BE, FI
[67] CZ, FR, IT, MT, PL, NO
[68] IE, LU, LV,
[69] However, such method may be further compromised by third-country nationals by damaging their own fingerprints, as reported by UK.
[70] AT, BE, CZ, DE, EE, FI, FR, IE, IT, SE
[71] AT, BE, CY, DE, EL, FI, FR, HU, IE, IT, LV, NL, PT, SE
[72] BE, CY, DE, HR, LU, NL, PT, SK
[73] The list is not comprehensive as in some cases, (Member) States have not indicated all third countries where they encounter challenges to establish identity of their (presumed) nationals. This is could be due to the limited number of cases or for the lack of sufficiently established relations with the country in question.

Table 1: List of countries or regions of (presumed) origin where (Member) States[74] encounter significant challenges to establishing identity in international protection procedures

Third countries / geographical regions	(Member) States
Afghanistan	BE, CZ, EL, FI, HR, HU, SE, SK
Algeria	SK
Bangladesh	HU
Cameroon	CY
East Africa	FR
Egypt	SK
Eritrea	EL, FI, MT, NL, SE
Ethiopia	MT
Gambia	LU
Guinea	BE
Iraq	BE, FI, HU, NO, SK
Liberia	LU
Morocco	HU
Niger	MT
Nigeria	CY, FI
Pakistan	SK
Palestine	HR, SK, SE
Russia	EL
Senegal	LU
Sierra Leone	LU
Somalia	BE, CY, FI, MT, SK, SE
South Sudan	EL
South-East Asia	FR
Sudan	EL, MT
Syria	BE, HR, NL, NO, SE, SK
Tunisia	HU, SK
Ukraine	SK
West Africa	FR
Zimbabwe	LU

Source: National Reports

Establishing identity in Return procedures

Challenges related to identity establishment in the context of return procedures noted by (Member) States are mainly two-fold:

- Firstly, these stem from a **lack of cooperation from third-country nationals** in forced return procedures[75], for example, by failing to provide or withholding identity documents,[76] or in some cases making false statements about their nationality or their identity.[77]
- Secondly, the degree of **cooperation from authorities in the (presumed) country of origin** plays a major role in this context: implementing (forced) return is generally highly dependent on the willingness of third countries to cooperate on matters of identification, issuance of identity documents and agreeing on the logistics of the return.[78] A number of Member States reported difficulties in establishing cooperation with third countries' authorities and their diplomatic representations on matters of identification of (presumed) nationals for the purpose of return.[79]

Table 2 below presents a non-exhaustive list of third countries where Member States encountered challenges in implementing the forced return of third-country nationals as a result of their identity not being acknowledged by the (presumed) country of origin. This table summarises only publicly available information.

Table 2: List of countries of (presumed) origin where twelve Member States[80] encountered significant challenges to establishing identity in return procedures[81]

Third countries/geographical regions	(Member) States
Afghanistan	BE, EL, FI, HR, SK
Algeria	BE, FI, PT, SE, SI
Azerbaijan	SE
Bangladesh	EL, PT, SI
Congo	CZ, EL
Democratic Republic of Congo	EL
Eritrea	EL, IE
Ethiopia	FI, SE
Gambia	LU
Guinea	BE
Iraq	BE, FI, HR, IE
Iran	BE, CZ
India	SE, SK
Liberia	LU
Libya	SE
Mali	EE
Morocco	BE, FI, PT, SK, SE, SI
Myanmar	EL,
Niger	SK
Nigeria	EL, FI, LU, SK
Pakistan	EL, SI
Palestine	HR
Russia	IE

[74] BE, CY, CZ, EL, ES, FI, FR, HR, HU, LU, MT, NL, NO, SK, SE. In the case of ES, a list of countries or regions is not available.
[75] BE, CZ, DE, ES, HR, IT, MT, LT, LU, LV, SE, SI, SK, UK, NO
[76] BE, CZ, DE, HR, MT, NL, SI, SK, UK
[77] BE, CZ, HR, MT, SK, SE, SI, NL, NO
[78] AT, BE, CZ, DE, ES, FR, IE, IT, LT, SI, SK
[79] BE, CZ, DE, EE, ES, FI, FR, IT, SI, SK. These difficulties were reported despite the readmission agreements in place with some third-countries to facilitate the administrative formalities linked to the return of third-country nationals (see section 1).
[80] BE, EE, EL, ES, FI, FR, HR, IE, LT, LU, PT, SE, SK. In the case of ES, this information is not publicly available.
[81] Sweden also reported challenges with stateless persons from Egypt, the Gulf States, Iraq and Syria.

Third countries / geographical regions	(Member) States
Senegal	LU
Sierra Leone	EL, LU
Somalia	EL, FI, SE
Sri Lanka	EL, SE
Syria	HR, SE, SK
Tunisia	SE, SK
Vietnam	EE, LT
Zimbabwe	LU

Source: National Reports

In comparison to international protection procedures, where establishing identity is not a requirement in a number of Member States, determining at least the nationality of the person concerned is essential in return procedures. For that purpose, (Member) States are more and more reliant on information contained in biometric databases, both at EU and national level, but also on information stored in registration databases established in third countries.[82] In this regard, **Belgium** reported challenges to exchange biometric information with countries of origin, notably due to a lack of registers in countries of origin of interest and of national databases. The use of biometric data and databases by (Member) States is further assessed in Section 4 below.

Estonia reported the support received via the EURLO (European Return Liaison Officers Network) and EURINT (European Integrated Return Management Initiative) networks to overcome some of the challenges listed above in return procedures.

Establishing identity in legal migration procedures

Challenges in establishing identity also exist within legal migration procedures. Some (Member) States[83] reported challenges in the processing of **visa applications** due to forged or counterfeit identity or travel documents from nationals of certain third countries. As a consequence, various Member States[84] provided specific training to consular staff in third countries to verify the authenticity of the documents presented (see also Section 2 on the methods used by national authorities to verify the authenticity of identity documents). Cases of third-country nationals using another person's identity were also reported as a challenge.[85]

For the processing of **residence permits**, a general issue stems from the authenticity of documents provided to support the issuance of identification or travel documents in third countries (See also Section 2.1.3 on the authenticity of documents).[86] A few (Member) States[87] specifically highlighted challenges to establish identity within the procedure for **family reunification** where proof of family links need to be provided by applicants. For example, birth and marriage certificates may be forged or altered.[88] These are more significant in cases of applications from beneficiaries of international protection.[89]

As in the other migration procedures examined above, (Member) States rely on information stored in national, EU or international databases for purposes of identification and verification of documents. Cases of non-machine readable passports provided by third-country nationals which could not be checked against available national and international databases were reported by **Ireland**. **Belgium** and **Finland** noted a challenge in comparing biometric data registered during the process of applications for long-term visas or residence permit as information about these are not registered in an EU-wide database such as VIS.

Section 2 below provides an overview of the documents generally requested by (Member) States for legal migration and visa procedures.

[82] BE, UK
[83] CZ, DE, ES, FI, FR, IE, NO, PL, PT, SI
[84] CZ, FI, PL, SI
[85] DE, FI, IE
[86] BE, CZ, EE, EL, FI, FR, HR, HU, IE, LU, NL, NO, PT, SI, SE, SK, UK
[87] BE, FI, HR, IE, LU, PT
[88] IE
[89] NL

1.2 RELEVANT NATIONAL LEGISLATION

Changes in legislation on procedures used to determine identity within international protection procedures

The 2013 EMN study outlined that the establishment of identity was laid down in national legislation in most (Member) States and (part of) the process for the establishment of identity was stated in national legislation in relation to applications for international protection. While in some (Member) States, the relevant provisions reflected primarily those set in EU legislation, other (Member) States adopted more detailed national provisions on the process for establishing identity, with specific methods and steps to be followed.

The adoption of the 'second generation' of CEAS instruments between 2013 and 2015 is one of the main reasons for the changes introduced by a number of (Member) States in their national legislation since 2013. Indeed, a number of Member States introduced changes in their national legislation to comply with the transposition requirement set in those instruments, in particular in the recast Asylum Procedures Directive[90] and the Reception Conditions Directive.[91]

The transposition of EU asylum Directives had an impact on the scope of the duty of applicants for international protection to cooperate within the framework of procedures establishing their identity in some (Member) States.[92] For example in **Germany**, in case applicants refuse to provide their fingerprints to allow for a EURODAC comparison, national legislation allows relevant authorities to apply fast-track asylum procedures. In other (Member) States, EU legislation had an impact on the procedures used to establish identity of minors[93] and on the increased use of biometrics.[94] Section 4 provides further information on the use of biometric data.

Other reasons cited by (Member) States to introduce new legislation was to fight abuse and fraud in international protection procedures[95], as a result of changed political priorities and to accommodate in part the increase in numbers of applicants for international protection[96]. A few other Member States[97] also introduced changes impacting the distribution of functions between the institutions involved in the asylum procedure (e.g. between law enforcement authorities or authorities operating checks at the border and the asylum or immigration services taking charge of the asylum application).

Several Member States did not report any changes to the legislative basis of national procedures to establish identity in international protection procedures compared to the findings reported in the 2013 EMN study.[98]

Changes in legislation on procedures used to determine identity within return procedures

The 2013 EMN study found that most Member States have laid down, to a certain extent, the obligation to establish identity in national legislation – all (Member) States, in line with the Return Directive referred to the fact that third-country nationals without a regular status cannot be returned to a third country when their identity cannot be established (Articles 3 and 15).

Since 2013, the legislative changes reported by (Member) States[99] included the strengthened obligation on a third-country national to cooperate with national authorities during return procedures in cases where s/he did not possess identity documents. For example in **Austria**, a third-country national subject to a return decision is explicitly obliged to cooperate in order to obtain a replacement travel document and to establish his/her own identity. This obligation can be sanctioned via penalties. In **Germany**, the duty of the third-country national subject to a return decision includes, inter alia, reporting personally to diplomatic authorities of his/her own country of origin to obtain the necessary identity documents.

[90] AT, BE, CY, EL, LU, LV
[91] CY, LU
[92] AT, BE, DE
[93] EL
[94] AT, BE, DE, NL
[95] BE, DE
[96] NO
[97] FI, LT
[98] CZ, EE, HR, HU, IT, MT, PT, SE, SI, SK,
[99] AT, BE, DE

Since 2013, a few (Member) States also included in national legislation the collection and use of biometric data in the return procedures, stored in national central databases or registers.[100] In some Member States, in the absence of valid travel documents, national authorities may request third-country nationals to provide access to mobile phones and/or other electronic devices in their possession (e.g. in **Belgium** and **Germany**).

The 2016 EMN study on 'Returning Rejected Asylum Seekers'[101] reported a number of measures recently adopted by (Member) States to enhance the re-documentation process of rejected asylum seekers such as the repetition of fingerprint capture attempts, including by using special software to read damaged fingerprints and the use of language experts to detect nationality. Section 2 provides an overview of the methods used by (Member) State (as contributing) to establish identity within the return procedure of rejected asylum seekers.

Existing legislative basis for determining identity in legal migration procedures

The 2013 EMN study focused on the procedures to determine identity of applicants of international protection and rejected asylum seekers. The scope of the present study, however, is to also find out whether (Member) States have established procedures to verify the identity of third-country applicants for visas (short-stay and long-stay) and residence permits (for purposes of study, work and family reunification) in national law. As mentioned above, most (Member) States have adopted legislation regarding the documents (e.g. passports) to be presented by third-country nationals in legal migration procedures to be able to apply for a visa and/or a residence permit.

Most (Member) States do not have legislation adopted specifically for the purpose of verifying the identity of third-country nationals. Overall, (Member) States have inscribed in national law general obligations on third-country nationals to provide documents proving their identity and other documentary evidence necessary for the submission of an application for a visa or a residence permit. Other provisions enable national authorities to operate a number of examinations[102] and checks on these documents, such as verifications against forged documents[103] or comparing new documentation against previous documents submitted and registered in national databases.[104] Some (Member) States adopted internal guidelines or instructions for staff working in immigration services or consulates dealing with specific topics related to establishment of identity (e.g. taking fingerprints).[105]

1.3 INSTITUTIONAL FRAMEWORK

Since 2013, various changes in the institutional frameworks of Member States were reported, in the field of both international protection and return. These changes can mainly be attributed to the significant rise of asylum applications in many (Member) States in 2015 and 2016, which generated the need for a more efficient allocation of responsibilities among relevant authorities involved in the establishment of identity, as well as more efficient procedures.

One of the main changes was the recent establishment of **Central Competence Centres** in many Member States, which are responsible for establishing identity and/or verifying documents for some or all of the asylum and migration processes. While in 2013, only three Member States[106] had developed such centres or similar entities in their institutional framework, this number increased to eleven by 2017.[107]

Table A.1.1 in Annex 1 provides an overview of the organisations with operational responsibility for establishing the identity of applicants within the migration and return procedures in EU Member States and Norway. Table A.2.1 in Annex 2 illustrates the organisation of the identity establishment process in each (Member) States in the context of the different migration and return procedures.

[100] AT, BE, DE, NL
[101] "The Return of Rejected Asylum Seekers: Challenges and Good Practices" (2016), European Migration Network, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn-studies-00_synthesis_report_rejected_asylum_seekers_2016.pdf
[102] NO
[103] PL
[104] CY, IT
[105] AT, BE, DE, EL
[106] FI, NL, NO
[107] AT, BE, CY, CZ, FI, IT, NL, NO, PT, SE, SK

Institutions responsible for establishing the identity of applicants for international protection

In 2013, the organisations with operational responsibility for establishing identity in Member States could be divided into three types. Firstly, offices in charge of deciding on asylum applications, secondly police/law enforcement authorities, and thirdly, other organisations that provided a supporting role to the asylum offices and/or law enforcement authorities.[108]

A number of (Member) States[109] reported changes since 2013 in this institutional framework dealing with the establishment of identity in international protection. These changes were mainly undertaken to create more synergies and to centralise procedures. In a number of these Member States, such changes were not adopted as a consequence of the increase in the number of applicants from 2015.[110] As an example, in **Austria**, the newly created Federal Office for Immigration and Asylum is now responsible in the first instance for conducting both asylum procedures and return procedures. The rationale behind this change was to pull together responsibilities in areas related to Aliens law, thereby achieving synergies and responding more efficiently to increasing migration flows.

For similar reasons, a transfer of responsibilities from the law enforcement authorities and border control authorities to immigration and/or asylum authorities in charge of processing applications for international protection has taken place both in **Finland** and **Greece**. Although the former are involved at the stage of registering applications and saving biometric identifiers, the immigration and/or asylum services are the authorities responsible for establishing the identity of applicants during the processing of their applications. Rising numbers of applications for international protection in some Member States did result in changes in institutional organisation at national level. For example:

- **France** adopted a "one-stop-shop approach" which aims to centralise all registrations and applications for international protection, allowing applicants to be readily directed to the relevant authority for the processing of their application.
- Specific reception units or facilities, in particular at the border crossing-points, where law enforcement authorities or border guards support with the screening of incoming third-country nationals and registration of their identity have been established in several Member States.[111]
- Specific procedures to establish the identity of applicants within the context of exceptional migratory flows were set up in a number of (Member) States,[112] in some cases, involving other authorities in the processing of applications[113]. In the case of **Greece**, the specific procedures put in place mainly aim at expediting the asylum procedure and include the establishment of specialised Reception and Identification Centres, as well as Mobile Reception and Identification units.

Institutions involved in Return procedures

In 2013, the majority of (Member) States[114] had assigned responsibility for establishing the identity of rejected asylum applicants subject to a return decision to a different organisation from the one establishing the identity of asylum applicants. Only in ten Member States[115] this was the same organisation responsible for both types of procedures.[116]

A few Member States reported changes to the institutions responsible for enforcing returns since 2013. These are the following:

- In **Austria**, the Federal Office for Immigration and Asylum is responsible as of 2014 for both international protection and return procedures in the first instance. The Federal Administrative Court is responsible for second-instance decisions in such cases, which may entail also establishing identity of the third-country national concerned.

[108] "Establishing Identity for International Protection: Challenges and Practices" (2013), European Migration Network, Section 3.1. https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/establishing-identity/0_emn_id_study_synthesis_migr280_finalversion_2002013_en.pdf
[109] AT, EL, FI, FR, IE, SI, UK and NO
[110] AT, FI, IE, SI
[111] EL, FI, NL, PL
[112] DE, EL, PL, SE
[113] DE, EL
[114] AT, BG, CY, CZ, DE, EL, ES, FI, FR, HU, IE, LU, NL, NO, SE, SI, SK
[115] BE, EE, IT, LT, LV, PL, PT, SE, SI, UK
[116] "Establishing Identity for International Protection: Challenges and Practices" (2013), European Migration Network, https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/establishing-identity/0_emn_id_study_synthesis_migr280_finalversion_2002013_en.pdf

★ In **Germany**, in order to improve the coordination of the return efforts, the Return Support Centre was established in March 2017, which holds a central role in obtaining travel documents for return purposes.

Institutions involved in legal migration procedures

The institutional framework in place for establishing identity in legal migration procedures was not part of the scope of the 2013 Study.

The current study found that generally, a distinction is to be made between procedures linked to short-stay visas and residence permits.

As a rule, national authorities responsible for the issuance of short-stay visas are embassies or consulates abroad. In certain third countries, (Member) States also make use of external contractors for the processing of visa applications. Authorities responsible for issuing such visas abroad can also receive support from specialised staff where there may be doubts about the verification of an identity or the authenticity of documents. Such support can include either staff of police authorities accompanying the missions or consular staff consults with central authorities of the (Member) State. Furthermore, visitors' visas can be issued at border crossing points by border authorities in cases where visas could not be issued at the consulates.

As regards verifying the identity of applicants for residence permits, the authorities responsible for the application can vary according to national legislation and the place of submission of the application. Applications for residence permits can be either lodged abroad at consulates or diplomatic missions or on the territory of the (Member) State concerned.

Establishment of Central Competence Centres

A central competence centre is not a defined concept across (Member) States due to differences in institutional organisation and competencies, and centralisation within one authority is not common. Inspiration for the establishment of such a centre and its competencies can be drawn from the **Norwegian example of an ID centre**. The latter was established as an independent administrative body under the Norwegian Police Directorate in 2012.[117] Its objective is to strengthen and support national authorities (asylum, immigration, and police) in establishing the identity of new arrivals to the country or foreign nationals applying for residency.

> The **Norwegian ID Centre** is an expert agency, in charge of assessing the authenticity of a foreigner's ID and travel documents. Its aim is to support the work by other national authorities to establish the identity of foreign nationals who wish to enter or reside in Norway (i.e. immigration authorities, law enforcement agencies and others) by facilitating the exchange of relevant information and developing tools and methods for carrying out this task more efficiently. The Centre also provides training programmes on identity control and verification work to different groups of professionals who need to be up to date with developments in the field. These training programmes also aim to improve cooperation amongst all relevant actors working on identity issues. The Centre is staffed with trained and experienced professionals, and has a laboratory with the most recent technology to assess the authenticity of documents. It contributes to the development of national and international reference databases. The Centre prepares an annual report on detected misuse of ID by foreigners.

A number of Member States have established an equivalent of such centres or entities in their institutional framework.[118] This constitutes a significant change since 2013, when only a few (Member) States had such centres in place, namely **Finland, the Netherlands** and **Norway**. In **Sweden**, for example, the field of work of this entity has expanded and its workload has increased in recent years, mainly due to the substantial increase in asylum applications.

[117] https://www.nidsenter.no/en/. For more information, see Norway's National Report to this Study, and the presentation of Mr. Vegard Pettersen at the EMN Conference "The Establishment of Identity in the Migration Process" hosted in Vienna, Austria in May 2015. Conference's full report can be found here: http://www.emn.at/en/national-emn-conference-austria-the-establishment-of-identity-in-the-migration-process/.

[118] AT, BE, CY, CZ, FI, IT, NL, NO, PT, SE, SK

In these (Member) States, competence centres are either independent authorities[119] or departments within law enforcement authorities[120], immigration services[121] , ministries of interior[122] or asylum authorities[123].

These centres are responsible for establishing identity and/or issues relating to the verification of documents in respect of the procedures for some or all of the asylum and immigration processes. In the **Czech Republic**, **Cyprus** and **Slovakia**, the relevant authority is however only responsible for the verification of the authenticity of documents.

The centres have generally developed their own database for genuine documents and for false documents, and make use of other systems such as FADO, and EDISON[124]. Other services provided by these centres are advisory services, assistance through the development of identity management methods, trainings to frontline officers and support with difficult cases. Some of these centres also have a forensic document unit[125] but generally forensic expertise is to be found in a separate department or authority.[126]

In Member States without a central competence centre or an equivalent entity, access to the above mentioned databases and provision of services is typically ensured by several national authorities or units[127] or departments within the same authority[128] working together. The competence of these authorities, units or departments vary depending on the migration procedure concerned. As an example, in the **Netherlands**, the Identity and Document Investigation Unit (within the national immigration service) and the Centre for expertise for identity fraud and documents (within law enforcement authority) share the responsibility to verify documents and provide expertise in the asylum procedure and other immigration procedures. In **Ireland**, responsibility for establishing document authenticity submitted to support an application is divided between the national asylum authority, the immigration authority and the law enforcement authorities. The Travel Document Evaluation Centre within the Police and Border Guard Board in **Estonia** assists case workers in establishing identity of applicants when needed in all migration procedures.

Institutional Access to EU databases (Eurodac, VIS, SIS II)

In most (Member) States, authorities responsible for determining the identity of third-country nationals in international protection and migration procedures have access to EU Databases such as Eurodac, VIS and SIS II. Access to these databases is regulated by their respective legal instruments and further depends on the institutional framework of each Member State (see additional background in the Introduction). Table A.1.2 in the Annexes sets out in more detail which authorities have access to which database.

A common pattern can be observed as, generally, asylum services are granted access to all databases, in particular Eurodac, law enforcement authorities to SIS II and consular authorities and other authorities responsible of issuing residence permits to VIS. In some (Member) States, access to these databases is possible only via one or a few authorised authorities.[129] Access to the databases is also dependant on the purpose of the query and the migration procedure concerned (international protection procedures, return, visas and/or residence permits) – see Section 4 and Annex 1 for further details. As an example, in **Austria**, the Federal Office for Immigration and Asylum can access the three databases for establishing identity of applicants for international protection, and it also makes use of information contained in Eurodac and SIS II for return purposes.

[119] NO
[120] AT, CZ, CY, FI, IT, SK
[121] PT
[122] AT
[123] SE
[124] EDISON is the 'Electronic Documentation Information System on Investigation Networks' system. It was developed by the National Police Services Agency of the Netherlands. It provides examples of genuine travel documents, in order to help identify fakes. It contains images, descriptions and security features of genuine travel and identity documents issued by countries and international organizations.
[125] AT, FI, NO
[126] CY, ES, PT, SK, SE
[127] DE, ES, FR, HU, IE, LT, LU, MT, NL, PL, SI
[128] BE, EE, UK
[129] AT, BE, DE, EL, HR, HU, LT, LU, MT, PL, PT, SI, SK

2 Methods for Establishing Identity

2.1 DEFINITION AND DOCUMENTS REQUIRED FOR ESTABLISHING IDENTITY

Legal and/or operational definitions of identity in national legislation

In the majority of (Member) States[130] no legal and/or operational definition of "identity" is used in the framework of the different migration procedures[131] and the return process. The term 'identity' is generally defined as a set of characteristics that unmistakably characterize a certain person.[132] Such characteristics can include the person's name, date and place of birth, nationality and biometric characteristics.

Operational definitions of the term 'identity' are used by competent authorities in AT, CZ, DE, EE, ES, FI, LU, NO, SK, NO.[133] As defined in Art. 34(2) of the Aliens Police Act and Art. 36 (2) of the **Austrian** Federal Office for Immigration and Asylum Procedures Act, the establishment of identity by representatives of the public security service refers to "recording a person's names, date of birth, nationality and address of residence". Article 1, 14° of the **Belgian** Immigration Act describes the term "identified foreigner" as a person in possession of a valid travel document, a valid passport, a valid identity document or a person belonging to the category for whom the country of origin or the Belgian minister could issue a *laissez-passer*.[134] In **Germany**, for each of the migration procedures, different legal bases define which biographical or biometric features of a person make up the term 'identity'.

The operational definitions of identity serve as the basis for the various types of documents and methods used by (Member) States as (contributing to) establishing identity in the different migration procedures, which are presented below.

Types of documents accepted as (contributing to) establishing identity

In all (Member) States, valid/official travel documents[135] are accepted as (contributing to) establishing identity. With a few exceptions, other types of documents (e.g. birth certificates, marriage licences, etc.) are also used by the relevant national authorities to establish identity or as contributing to prove it, notably in the context of procedures for establishing the identity of applicants for international protection. In most cases, informal (residence) documents (such as UNHCR registration ones[136]) were accepted as (contributing to) establishing identity. These are rarely used by national authorities, as regards legal migration and visa procedures. The types of documents accepted as (contributing to) establishing identity by (Member) States in the different migration procedures are mapped in Table A.3.1 in Annex 3.

In most (Member) States, copies of original documents are accepted as contributing to the establishment of identity but not to establish identity, namely as supporting documents as regards asylum, legal migration or visa procedures. In the majority of (Member) States, copies are accepted within the return process. An ad-hoc basis approach is used in **Austria**. Depending on the circumstances of each individual case, copies of identity documents could be considered in principle as evidence for establishing an individual's identity.[137] In **Germany**, where copies can serve as contributing to the establishment of identity in asylum, return and visa procedures, they will not be used during issuance procedures for residence permits.

Documents accepted in international protection procedures

All (Member) States accept as (contributing to) establishing identity all official/valid travel documents, including ID cards and passports within international protection procedures. Other types of documents (e.g. birth certificates, driving licence, etc.) could be accepted (as contributing) to establish identity. However in some (Member) States, this depends on the country of origin of the applicant.

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[130] CZ, CY, EL, ES, FR, HR, HU, IE, IT, LT, LV, NL, MT, PT, SE, SI, UK
[131] The migration procedures considered in this study include: applications for international protection and applications for short-stay and long-stay visas, permits for the purposes of study, family reunification and remunerated activities.
[132] Dictionary for Civil Registration and Identification, at https://publications.iadb.org/bitstream/handle/11319/3679/Dictionary%20for%20Civil%20Registration%20%20and%20Identification%202015.pdf?sequence=7
[133] The term of identity in the Norwegian legislation comes from law of evidence in criminal and administrative procedures. That is why operational definitions are used.
[134] This general legal definition is valid for all migration procedures and is in particular relevant in the framework of legal migration procedures and the return process.
[135] A travel document is a document issued by a government or international treaty organisation which is acceptable proof of identity for the purpose of entering another country. Passports and visas are the most widely used forms of travel documents. Some States also accept certain identity cards or other documents, such as residence permits. (Source: EMN Glossary).
[136] Informal (residence) documents include registration documents of applicants for international protection issued by national authorities or international organisations, such as UNHCR. For more information on the UNHCR registration documents, please refer to http://www.unhcr.org/publications/legal/43171ac42/procedural-standards-refugee-status-determination-under-unhcrs-mandate.html
[137] Art. 46 Austrian General Administrative Procedures Act

Other types of documents are not accepted by **Greece** within international protection procedures, and can only contribute to establishing the credibility of international protection applicants in **Ireland**.

As regards informal (residence) documents (such as UNHCR registration ones), with the exception of **France**, all (Member) States accept these documents as (contributing to) establishing identity as regards international protection procedures. Most (Member) States clarified that these documents mainly contribute to establishing identity rather than being used to prove it, in the absence of other documents.

Copies were generally not accepted or only used as supporting documents (not used in establishing or proving identity).[138] In some (Member) States[139], copies of identity documents could be accepted in the framework of the asylum procedure (as helping) to establish identity. However should the applicant not be able to submit an original document, she/he was generally requested to provide a valid reason (CY, UK) or submit a written statutory declaration (CZ) justifying the lack of original documentation.

Several (Member) States[140] accept exceptions to the obligation to present official travel documents for international protection beneficiaries.

German legislation lists the obligatory presentation of a passport as one of the preconditions for the issuance of a residence title, but includes exceptions to this obligation for residence applications on humanitarian grounds submitted by persons entitled to asylum, recognised refugees/beneficiaries of subsidiary protection and victims of trafficking. **Germany** and **Sweden** foresee a thorough check/assessment of the application before waiving the obligation to present an official travel document. In the case of asylum seekers from Afghanistan, a personal document referred to as a "tazkira/tazkera" is frequently accepted by **Austrian** authorities as an alternative to an official travel document.

Documents accepted in Return procedures

In contrast to the assessment of an application for international protection where proof of identity and/or nationality is generally only one of the elements contributing to establishing its credibility, (Member) States reported that an established identity is of particular importance, and therefore has more weight, in implementing the return of applicants whose claims are rejected[141]: returns may not be implemented in cases where identity or travel documents are lacking.[142]

A much narrower range of documents are normally accepted by the (presumed) countries of origin if a rejected applicant for international protection has to be returned. All countries of origin accept a valid passport or other travel documents. In general, depending on the country of origin's willingness to cooperate, original official travel documents will suffice. Other types of documents (including comprehensive personal data, such as school or training certificates, birth certificate, driving licence etc.) are generally used by relevant authorities in Member States as contributing to establishing identity.[143] Depending on the country in question, other types of documents can establish or contribute to establish identity of returnees.[144] Copies of ID documents are generally accepted as identification in the framework of a forced return procedure in BE, CY, CZ, HR, FI, FR and LT. In almost half of the (Member) States[145], copies are accepted as supporting documents and used by relevant consular authorities to undertake an additional verification (for further investigation). However, issues may arise when the returnee's country of origin do not accept copies as proof of nationality.

Documents accepted in legal migration procedures

Establishing identity within visa application procedures is generally a straight-forward process. In contrast to the situation of applicants for international protection, third-country nationals must submit valid international travel documents to lodge an application for a short-stay visa.

The procedure is fully harmonised at EU level, with applicants' biometric data being recorded in the VIS database (see also Section 4 on data sharing and collection).

[138] DE, EE, FI, FR, EL, HU, IE, LT, LU, LV, NL, NO, PT, SE, SI, SK
[139] AT, BE, CY, CZ, DE, FR, UK
[140] CY, DE, EL, FI, IE, LU, NO, SE
[141] E.g. CZ, ES, FI, SE, SI
[142] E.g. DE, ES, FR, MT, SK, UK
[143] AT, BE, CY, DE, EE, FI, HR, HU, IE, LT, LU, LV, MT, NL, NO, SE, SI, UK
[144] For example, the Czech Republic mentioned, that it is not possible to state whether the assumed country of origin accepts documents other than those which are sufficient for Czech authorities (it depends on the Embassy in question).
[145] CY, DE, FR, HR, LV, MT, NL, NO, PT, SE, SI, SK

Third-country nationals applying for residence permits, (i.e. for stays longer than three months) are required to provide identity documents and biometric data (e.g. photo, fingerprints). The application procedures vary between (Member) States, but generally such applications are submitted by third-country nationals to diplomatic or consular offices of (Member) States abroad. No (Member) States reported concern with regard to the identity checks to be performed by (external) agencies assisting these offices.

In most (Member) States, official travel documents are required as proof of identity of applicants for work/visit, student and family visas (or long-term visas). With some exceptions[146], most (Member) States accept other types of documents (i.e. birth certificate, marriage licence, etc.) as (contributing) to establishing identity of legal migration and visa procedures. Marriage/birth certificates could be used to prove family links for people wanting to join their spouse, but not as proof of identity.[147]

Informal (residence) documents (such as UNHCR registration documents) are not accepted as proof of identity for third country applicants for visitors' visa and residence permits for the purposes of study, family reunification and remunerated activities.[148] In most cases, this type of document is regarded as supporting the claim of a visa applicant (Schengen and national visa) but is considered insufficient to establish identity for residence permit applications.[149]

Exceptions to the obligation to present a valid identity document are generally made for temporary residence or short-visa applications (e.g. PT, SI). However, applicants were obliged to submit as soon as possible an original travel document in **Croatia**, make a declaration or submit other valid documents to prove identity in **Greece**[150], the **Netherlands** and **Slovenia**[151], when applying for the extension/renewal of temporary residence permits. Specific exemptions were reported by the following (Member) States:

- **Portugal** exempted from the obligation to present a valid identity document third-country nationals, born on the national territory, who could apply for a residence permit.
- In **Finland** and **Sweden**, these exceptions were especially applied for family reunification purposes and for some specific residence permit categories.
- In **Germany,** in justified individual cases (e.g. if the person lost his / her passport on the plane) the German Federal Police or diplomatic missions abroad may apply for an exemption from the passport obligation with the Federal Office for Migration and Refugees as the responsible authority designated by the Federal Ministry of the Interior, before the person concerned enters into national territory.
- Similarly, consular authorities in **France** could issue a consular pass in exceptional circumstances and after consultation with the national administration. In **France**, holders of EU residence cards (or spouse and/or children of holders) could apply for temporary residence permit[152] without submitting an official travel document.

In all (Member) States copies of identity documents are not accepted when lodging an application for visas or residence permits or within other legal migration procedures. In **Sweden**, applications submitted online (electronically) for study purposes and remunerated activities could include scanned copies of travel documents. Original documents in these applications are, however, produced by applicants at Swedish missions abroad and verified there. Similarly, in **Cyprus** a certified copy is accepted after presentation of original travel documents and included in the application as an additional proof.

Authenticity (or genuineness) of documents

Main issues faced when determining the authenticity (or genuineness) of documents

Since the 2013 Study, most (Member) States reported an increased number of forged/false identity documents submitted when lodging an application within the context of the various migration procedures, as a consequence of the increased influx of asylum seekers and migrants.

[146] EE, HU, IE, LT, LU, PT and SK
[147] E.g. in IE, SK and UK
[148] CZ, EE, CY, EL, HU, HR, IE, IT, LT, LU LV, PT, SI, SK
[149] DE, FI, FR, NO, UK
[150] These document could be from the consular authority of the country of origin of the third country national (officially validated and translated) or documents from Greek public authorities.
[151] According to the Aliens Act-2 a residence permit (issued for any legally defined purpose, which includes family reunification, study and remunerated activities), except for the first temporary residence permit, can be issued to an alien who does not have and cannot acquire a travel document of their home country, if his/her identity is not disputable.
[152] Exemptions for temporary residence applications under the categories "visitor", "student", "research", "artistic and cultural profession", "professional activity" or for family and private life reasons (only for applicants over 18 years old who have been living in France for five years).

Generally, fraud (fake documents, false declarations, multiple applications under different identities) was one of the main issues encountered by consular authorities. Some countries[153] also identified as main issues: the collection of and access to specimens (or reference material) for comparison purposes; the availability of background information about issuance techniques; and the lack (or poor quality) of security features (such as barcode, binding, biodata/photo/signature integration, microchip etc.[154]) of submitted documents.

The level of corruption in some third countries was also taken into account by national authorities[155] when verifying the authenticity of identity documents, as in these cases documents (notably passports and ID cards) were generally considered as less reliable (e.g. Afghanistan's identity card "tazkira/tazkera").

Changes since the 2013 EMN Study on 'Establishing identity'

In most States there have been few changes since 2013. However, those reported include:

- **Czech Republic** set up the National Centre for Document Verification (see also section 1.3 on the Central Competence Centres).
- **Germany** restructured the examination activities related to the physical and technical examination division at the Federal Office for Migration and Refugees. Until 2015, all original documents were examined at the seat of the Federal Office for Migration and Refugees in Nuremberg. Now, a three-stage procedure is in place. Documents from the most important countries of origin are examined in the branch offices and arrival centres. Documents which are suspected to be counterfeit are sent on to the central division or one of three regional examination centres. A final examination, whose results can be used in court, can then be carried out at the seat of the Federal Office for Migration and Refugees in Nuremberg.
- During 2015, **Greece** underwent a number of changes to its asylum system, simplifying the process of issuing documents and the registration process and upgrading the Police online system in Samos. The Hellenic Police officers started to be supported by the European Border and Coast Guard Agency (Frontex), in order to better detect cases of fraud, especially as regards declared nationality.
- Since 2016, linguists of IND in **the Netherlands**, with the assistance of language analysts, have been conducting a language indicator assessment for documented as well as undocumented Syrians. Furthermore, to assure the quality of the source document investigation, the Identity and Document Investigation Unit of the IND has implemented new measures, including the employment of additional staff, the development of a faster form and a new categorisation of documents.[156] The latter change in particular enabled the Unit to process and analyse documents at a faster pace and more efficiently, with positive effects on the whole system.

National guidelines for the control of identity and identity documents

Twelve (Member) States[157] have national guidelines for the control of identity of persons and identity documents. These guidelines are generally intended for all or some of the following authorities:

- Ministry of Interior/Home Office and/or Ministry of Foreign Affairs;
- Authorities involved in the asylum procedures, and the national migration agency;
- Police and State Coast/Border guard;
- Prefectures and municipal officials responsible for issuing and renewing residence cards;
- Consular authorities and staff responsible for checking visa applications.

[153] CZ, DE, EE, FI, LV, NL, NO, SE, SK, UK
[154] For a full list of security features included in the iPRADO, please refer to the Council of the European Union, Public Register of authentic travel and identity documents (PRADO), at https://www.consilium.europa.eu/prado/en/prado-glossary/prado-glossary.pdf
[155] BE, FI, HU
[156] As a result of the high influx in the second half of 2015, a different way of working has also been implemented, in which the experts of the Identity and Document Investigation Unit have divided incoming documents into categories. Documents in the highest risk category are selected for a more in-depth investigation.
[157] AT, BE, CY, DE, EE, FI, FR, NL, NO, PL, SE, UK

In other cases, no specific guidelines for the control of identity documents are currently available,[158] however, relevant authorities may refer to general national guidelines concerning identification procedures during the various migration procedures or border control (CZ, EL, HU and SK) or to short and concise internal documents (*circulaire)* (LU) or to information available in training course for Border Guard officials (PT).

Situations in which false/forged documents are detected

Most (Member) States prepare statistics on the number of false/forged ID-documents detected. Generally no information is collected with regard to the situations in which forged documents were most commonly detected in connection with applications for visas and residence permits (e.g. in border control, by immigration authorities or other state agencies). Forged documents were generally detected:

- by police or border guard during border control (i.e. airports, train stations, land or sea borders or spot checks on the roads);
- by consular offices during visa checks;
- By immigration authorities (e.g. during residence permit application procedures, in particular long-term residence applications).

For instance, in **France**, most forged documents are detected in the French Prefectures and consulates when processing visa and residence permit applications, notably by officers specially trained in documentary fraud detection. Similarly, in **Greece**, the Hellenic Police mostly detect forged documents at consulates and at border controls. **Lithuania** noted that the number of cases of aliens presenting passports with forged border crossing stamps increased in 2016. Forged stamps are used to imitate previous entries/exits to/from the Schengen Area thus expecting to more easily obtain a Schengen visa and to arrive in the Schengen Area.

2.2 METHODS USED IN THE ABSENCE OF DOCUMENTARY EVIDENCE OF IDENTITY

A wide range of methods for establishing identity is in use across the (Member) States in the context of the different migration procedures.

As Tables A.3.2 and A.3.3 (methods used for establishing identity in the asylum/ return procedures) and Table A.3.6 (methods used for establishing identity in legal migration procedures) in Annex 3 indicate, over ten different methods of establishing identity in the absence of credible documents are used, including:

- Language analysis to determine probable country and/or region of origin;
- Age assessment to determine probable age;
- Interviews to determine probable country and or region of origin;
- Identity related paper and e-transactions with the authorities (e.g. tax, social benefits);
- Identity related paper and e-transactions with the private sector (e.g. bank);
- Identity related e-transactions in connection with social media;
- Smartphones and other digital devices: confiscation (temporarily or permanently) of such devices and access to their content in the efforts to establish or verify an identity by law enforcement/immigration authorities;
- Fingerprints for comparison with national and European databases;
- Photograph for comparison with national and European databases;
- DNA analysis;
- Other methods (e.g. personal belongings search, other type of electronic data carriers, inquiries to Interpol, body search, social media analysis, other type of investigations and interviews, etc.);
- Cooperation with third countries, including missions abroad and consultation with country liaison officers based in (presumed) country of origin.

[158] e.g. CZ, EL, ES, HR, HU, IE, IT, LT, LU, LV, MT, PT, SI, SK

Since 2013, new methods have been introduced by some (Member) States, including analysis of identity related paper and e-transactions with the authorities (e.g. tax, social benefits), with the private sector (e.g. bank) and with social media in the context of asylum and return procedures. Social media analysis and confiscation of smartphones and other digital devices have also started to be used by some national authorities, in particular in the context of international protection and return procedures.

Table A.3.4 and Table A.3.5 (methods national authorities plan to use for establishing identity in the asylum/ return procedure) and Table A.3.7 (methods national authorities plan to use for establishing identity in legal migration procedures) in Annex 3 indicate that there are also a number of methods that (Member) States plan to use in the future.

For instance, in the context of international protection and return procedures, **Cyprus** and **Slovakia** are planning to introduce the comparison of fingerprints and photographs with their national and European databases. **Germany** and **Lithuania** are planning to introduce the comparison of photographs with national databases as a standard practice in the context of international protection procedures.

Methods for establishing identity in international protection procedures

The methods used by (Member) States for establishing identity of applicants for international protection are similar. All (Member) States interview asylum seekers to determine probable country and/ or region of origin (or other elements relevant for establishing identity, such as faith and ethnicity). The majority of (Member) States conducts language analysis to determine probable country and/or region of origin. With the exception of **Malta**, all (Member) States compare fingerprints with either national or European databases and most (Member) States take photographs for comparison with national and European databases. In most (Member) States, age assessment is undertaken when there is doubt about the age of an applicant who claims to be a minor.[159] The use of DNA analysis by national authorities is optional in ten Member States,[160] or can be conducted on a voluntary basis in **Luxembourg**.

(Member) States also share a similar approach on how these methods are used as part of the process of establishing the identity of asylum seekers. Conducting an interview/interviews with the applicant for international protection was reported as an obligatory or standard practice in all (Member) States.

Compared to the 2013 Study, some (Member) States have introduced new methods to establish the identity of applicants for international protection. For example, the analysis of identity related paper and e-transactions (e.g. tax, social benefits, bank statements) is a standard practice in **Czech Republic**[161] and **Greece**. In some (Member) States[162] these methods can be used as an optional practice.

The analysis of social media became a standard practice in **Belgium**, **Czech Republic**, **Greece**, **the Netherlands** and **Norway**, while it is optionally used by eleven Member States.[163] Similarly, confiscation of smartphones and other devices is a standard practice in **the Netherlands** and **Estonia,** and optional in **Croatia**, **Germany**, **Lithuania** and **Norway**. In **Latvia**, confiscation of such devices is obligatory only within the framework of the Criminal Procedure Law. In **Luxembourg**, smartphones are seized only in the context of criminal procedures and following the public prosecutor's request for a warrant to the investigation judge.

A more varied picture emerges for other types of methods (e.g. personal belongings search, other type of electronic data carriers, inquiries to Interpol, body search, other type of investigations and interviews, cooperation with third countries, etc.). While cooperation with liaison officers and/or missions in the country of origin was reported as a standard practice by **Cyprus**, **France** and **Slovakia**, this is an optional practice in **Austria**, **Lithuania**, **Norway** and the **UK**. **Estonian** authorities might submit an enquiry to Interpol to establish identity of applicants for international protection.

Methods for establishing identity in the return procedure

In general, a similar range of methods is used for establishing identity in return procedures as for international protection procedures.

[159] For more information on the use of medical age assessment and social maturity assessments as tools for the over-all age assessments in international protection procedures, please refer to the EASO Report on Age assessment practice in Europe, at https://www.easo.europa.eu/sites/default/files/public/EASO-Age-assessment-practice-in-Europe1.pdf
[160] AT, EE, EL, ES, FI, HR, IT, LV, NL and the UK. Please note that in EE, this method has not been used so far.
[161] If the applicant him/herself submits such documents, they serve as supporting documents for assessing reliability of his/her claims.
[162] HR, DE, EE, HU, IE, LT, MT, NO, SE, SK, UK
[163] AT, HR, EE, HU, IE, LT, MT, SE, SI, SK, UK.

With the exception of **Cyprus**[164] and **Sweden**, which establish the identity of rejected applicants for international protection during the asylum procedure, all (Member) States may conduct interviews with the rejected asylum applicants for the purpose of establishing their identity or nationality; most (Member) States take fingerprints for comparison with national and/or European databases, while fewer (Member) States take photographs for comparison with national and/or European databases, as in most cases these methods are already used in the context of the asylum procedures; the majority of (Member) States use language analysis and age assessment (with **Germany** only assessing age for rejected asylum seekers of 14 years old or over).[165]

As for return procedures, since 2013 (Member) States have started to use new methods to establish the identity of rejected applicants for international protection. For instance, CZ[166], DE, EE, IE, NO, and the UK may use identity related papers and e-transactions with the authorities (e.g. tax, social benefits). As regards social media analysis, fewer (Member) States[167] use this method to establish the identity of rejected asylum seekers, compared to those using it in the context of international protection application procedures.

Whether (Member) States apply such methods as a standard, obligatory or optional practice to establish the identity of rejected applicants is similar to how they are applied in respect to asylum applicants. For instance, in most (Member) States, it is obligatory or a standard practice to conduct interviews and to carry out age assessments when doubt arises about the age of a rejected applicant who claims to be a minor. Of the fifteen (Member) States[168] that take fingerprints for comparison of national databases, eleven[169] have this as a standard or obligatory practice and of the fifteen (Member) States[170] who compare fingerprints with a European database, only five[171] apply it as an optional method (e.g. when fingerprints have already been compared during the asylum process).

Language analysis is likewise an optional method for nearly half of the (Member) States, a standard practice in **Hungary**, **Luxembourg**, **the Netherlands** and **Slovenia** and obligatory in **Croatia**. In **Luxembourg**, language analysis methods are used if necessary when the identity of the applicant could not be established otherwise, or if doubts on the statements of the applicant prevail.

Methods for establishing identity in legal migration procedures

As regards the methods used for establishing identity in legal migration procedures, these were not included in the 2013 Study.

With a few exceptions,[172] most (Member) States take fingerprints for comparison with European databases for short-stay visa applications, while only some (Member) States[173] compare these data with national databases.

Whether (Member) States apply such methods as a standard, obligatory or optional practice to establish the identity of visa or residence permit applicants is similar to how they are applied in respect to asylum applicants. Generally fingerprints are not taken for comparison with national and/or European databases in the context of residence permit applications.

As regards residence permits for family reasons, most (Member) States[174] take photographs for comparison with national databases and eleven (Member) States[175] (may) perform DNA analysis for comparison with national databases. In **Germany**, DNA analyses may be used to establish the family relationship in the case of family reunification. However, this happens on voluntary basis and the results are not crosschecked against databases. Similarly, in **Finland** and **Norway**, DNA-tests are only made to verify a claimed family relationship and the results are not compared with national or European databases.

[164] The identity, the age or other personal data of rejected applicants should be already examined and determined by the Cypriot Asylum Service since it is the responsible authority for the cases of international protection.
[165] For the full list of countries which use these methods, please refer to Tables A3.2 and A.3.3 in Annex 3.
[166] If such documents are at disposal, they are sent to the relevant Embassy as supporting documents to an application for identity verification. This is valid generally for returns of foreigners, not only to returns of rejected applicants for international protection.
[167] EE, HU, IE (only if the individual volunteers to provide this information), NO, SE
[168] AT, BE, CZ, DE, EE, EL, ES, FR, LT LV LU NL SI, SK UK
[169] BE, CZ, EE, EL, ES, FR, LT, LV, SI, SK, UK
[170] AT, BE, CZ, DE, EE, EL, ES, FI, FR, IT, LT, LU, LV, NL, SK
[171] DE, FI, LU, LV, NL
[172] CY, LV, MT, PT, UK
[173] DE, EL, ES, IE, LT, LU, LV, NL, NO, SK, UK
[174] With the exception of HR, IE, LT, MT, SE, SI
[175] BE, EE, FI, EL, ES, IE, LT, NL, NO (only made to verify a claimed family relationship), SE, UK

Whether (Member) States apply such methods as a standard, obligatory or optional practice to establish the identity in the context of legal migration and visa procedures, varies significantly. Of the thirteen (Member) States[176] that take fingerprints for comparison with national databases in the context of residence permit applications for the purpose of remunerated activities, **Austria** and **Belgium** have this as an optional practice and of the twelve (Member) States[177] who take photographs for comparison with national databases for the same applications, **Belgium** and **Czech Republic** have this as an optional practice.

[176] BE, DE, FI, FR, EL, IE, IT, LU, LV, NL, PT, SK UK
[177] BE, CZ, FI, FR, EL, ES, LU, LV, PT, SK NL, UK

3 Decision-making process

3.1 STATUS AND WEIGHT OF DIFFERENT METHODS AND DOCUMENTS TO DETERMINE IDENTITY

The use of methods to verify identity and the weight given to the different methods vary widely across the (Member) States. Twelve (Member) States[178] reported to be giving more weight to some methods of identity establishment than others, while nine declared not to be doing so.[179] **Austria**, **the Netherlands** and **Slovenia** explained that the circumstances of the individual case determine the way in which a person's identity is established.

International protection procedure

Some Member States[180] rely first and foremost on documentary evidence to establish asylum seekers' identity and subsequently use interviews[181] and/or fingerprint scans[182] for verification. The **Czech Republic**, **Hungary**, **Norway** and **Sweden** give most weight to the results of fingerprint scans as a means of identity verification.

DNA analysis is used by **Ireland** for establishing family connections with reference to the Dublin Regulation or sometimes in the case of family reunification and in **Lithuania** when there was legitimate doubt regarding the person's age or in cases where an alien is not able to prove kinship otherwise.

Return procedure

With regard to return, (Member) States generally stressed the importance of identifying the returnee as a national of the country of origin in question in order to be able to obtain the required travel documents. **Belgium** and **France** highlighted the increased importance of fingerprints to do so (using VIS and country of origin databases), while at the same time conceding that a match in these databases is not accepted by all countries of origin as sufficient to establish identity.

Legal migration procedures

In the case of legal migration procedures, a valid travel document is considered the most decisive means to verify an applicant's identity and issue a residence permit or visa. While some Member States unequivocally require the presentation of a travel document,[183] others accept other means of identity verification in exceptional circumstances (e.g. AT, NO).

In **Belgium**, in the framework of family reunification, a DNA test can be proposed by the Immigration Office and a positive DNA result can lead to a positive decision on the family reunification permit, even if there is doubt as to the personal documents submitted. In **Slovenia**, during the process of issuing a visa, taking fingerprints is considered the most reliable method. Generally, (Member) States encourage applicant family members and sponsors to supply passports or similar identification documents.

The need for consistency between the results obtained from the various methods

Despite the differences in national practices with regard to the use of methods to establish identity, the majority of (Member) States agreed that there needs to be consistency between the results obtained from the various methods.[184] However, **Finland** and **Belgium** noted that in the case of return procedures, a mismatch in the personal data of the returnee is not necessarily a problem as long as the document establishing identity is approved by the receiving third country.

The Czech Republic, Germany and **Luxembourg** also reported different national practices depending on the procedure; while in legal migration procedures, inconsistencies invariably lead to a rejection of the residence permit or visa application, in the case of international protection, it is the credibility of the facts advanced by the applicant in conjunction with the elements collected through the procedure that determine the outcome of the application.

[178] BE, CZ, DE, EE, ES, FR, HR, IT, MT, PL, SE, UK
[179] CY, FI, HU, LT, LU, LV, NL, PT and SI
[180] BE, DE, EL, FI, HR, LU, MT, SK, and UK
[181] BE, DE, EL, FI, and MT
[182] BE, DE, IT, and PT
[183] e.g. BE, CZ, DE, IE, LT, LU, MT, SK, and UK
[184] BE, DE, ES, FI, FR, HU, IE, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK, and UK

Seven (Member) States make use of a grading structure or spectrum to denote the degree of identity determination.[185] In **Poland**, priority is given to those documents most difficult to fake. In the case of **Latvia** and **Lithuania**, a grading structure is only used in international protection procedures. While in **Norway**, such a grading structure merely consists of two levels and is used for all types of procedures ("Probable ID" and "Not probable ID"), other Member States employ more elaborate ones and use different grading systems for each procedure. **Sweden**, for example, introduced in 2016 a grading structure comprising four categories, ranging from "Passport or 'hit' in VIS" (Category 1) to "no identity documents, further efforts to establish identity needed" (Category 4). **Germany** does not use a grading system to denote the degree of identity determination, however, it does scale the authenticity of identity documents.

3.2 THE ROLE OF IDENTITY ESTABLISHMENT

International protection procedure

(Member) States place varying degrees of significance on the outcome of the identity establishment procedure of an applicant for international protection. Five (Member) States[186] reported that the failure to establish identity leads to a negative asylum decision, while sixteen may grant protection without a proven identity.[187] In the latter cases, the establishment of identity is not regarded as the only, decisive factor to decide on the merits of the application for international protection. For example, as **Ireland** reported, credibility as opposed to identity is examined in the context of the wider protection case. However, three Member States[188] explicitly stated that in case an applicant misrepresents or refuses to state his/her identity, the asylum application is invariably rejected. In **Estonia**, the use of false identity is not a basis for denying protection. **Lithuania** places substantial importance on the country of origin of the applicant; if this cannot be determined, asylum is denied as it is not possible to assess whether the applicant had been persecuted in his/her country of origin.

Only a small number of Member States noted an impact on the decision-making process as a consequence of an increase in the number of asylum applicants in recent years.[189] **Belgium** and **Finland** reported the difficulty of increasing the output and sustaining the quality of asylum procedures at the same time, but did not consider this to have had a negative impact on the quality of methods or the reliability of decisions. **Ireland** explained that the decision-making process had become more difficult as a result of various jurisprudence at both European and national level. **Lithuania** saw an increase of workload due to the commitments made in the framework of the two Council relocation decisions,[190] and **Italy**, **Luxembourg** and **Sweden** mentioned a substantial increase in the number of applicants for whom it is difficult to establish identity. **France** noted that the quality of methods to establish identity in fact increased as a result of the augmented number of asylum applications.

Return procedure

In (forced) return procedures, the establishment of identity (which is needed to prove nationality) is a decisive factor in all (Member) States, in particular as this is necessary to draw up the required travel documents with the country of origin. **Luxembourg** recently implemented a video conference pilot project in cooperation with **Belgium** and **Poland** in order to make the interviews between the third-country nationals and the diplomatic mission of the presumed country of origin easier. With a view to assisting the authorities preparing forced return, most national immigration and/or asylum authorities make the results of their work to establish identity available to them; only **Cyprus** and **Portugal** reportedly refrain from doing so. In June 2017, **Greece** introduced the new e-application 'Mapping the Movement of Third-Country Nationals' with a view to improving cooperation between the Hellenic Police and the Asylum service in matters of forced return. Since the beginning of 2017, the **Slovak Republic** does not only match fingerprints collected from migrants awaiting return against Eurodac and Interpol databases, but also against VIS.

The extent to which receiving countries are involved in identity establishment depends both on the national practices of the (Member) State and those of the third country, as different countries require different levels of certainty as to what is considered a sufficiently established identity.

Germany and the **Netherlands** reported that in case the third-country national does not possess a passport and the identity cannot be (fully) established, a third-county national can still be presented to diplomatic representatives of the presumed country of origin for the purpose of the establishment of identity

[185] LT, LV, MT, NL, NO, PL, and SE
[186] CY, MT, PL, NO and SK
[187] BE, CZ, DE, EE, EL, ES, FI, HU, IE, LT, LU, NL, NO, SE, SI and UK
[188] DE, LV, NL
[189] DE, FI, IE, IT, LT, LU and SE
[190] Council Decision (EU) 2015/1601 of 22 September 2015 and Council Decision (EU) 2015/1523 of 14 September 2015

and/or nationality. In **Germany**, interviews in the presence of delegation from the presumed country of origin can also take place. Similar practices were reported by **Finland** and **Hungary,** where the authorities of some third countries conduct personal hearings/interviews with the migrant to be returned to establish identity.

The **Czech Republic** stressed the need to examine the individual circumstances of the returnee. In case the third-country national demonstrates sincere efforts to obtain the required travel documents but the Embassy responsible for verifying the identity is not cooperating, then the issuance of a visa for tolerated stay of more than 90 days may be considered.

Whilst establishing identity in return procedures remains critical, **Belgium** noted that successful identification by the Immigration Office does not automatically imply that the country of origin will issue a laissez-passer for return.

Legal migration procedures

In the procedure for third-country applicants for visas and residence permits, the outcome of identity establishment plays a key role in determining whether the decision is positive or negative. All (Member) States uphold a practice preventing the issuance of a permit/visa in case the identity of the individual concerned cannot be established with sufficient certainty. However, a number of national authorities make exceptions to this rule with regard to residence permits.[191] For example, **Austria, Finland** and **Sweden** provide an exception to this in particular when a residence permit is applied for on the basis of family ties and the applicant originated from a country where a travel document cannot be obtained. **Italy**, **Norway** and **Luxembourg**[192] also make an exception on strong humanitarian grounds.

[191] AT, HR, FI, EL, IT, LU, NL, NO, SE, SI

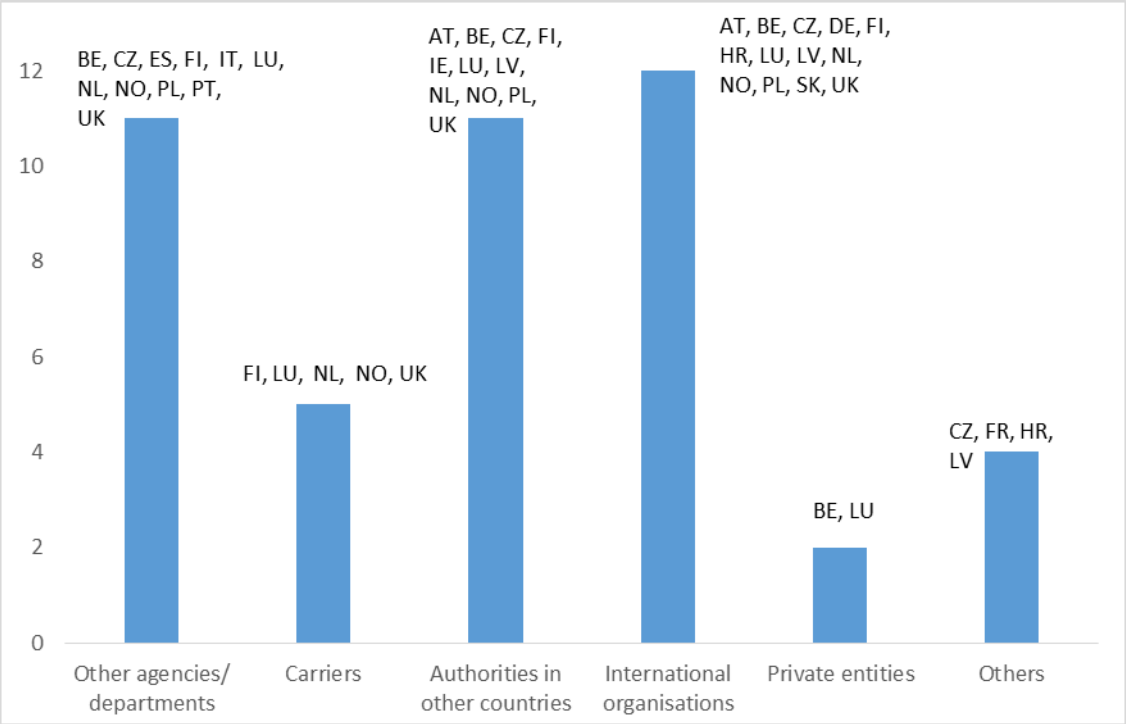
[192] In the case of an authorisation of humanitarian reasons of exceptional gravity (i.e. serious health issues), the establishing of identity will not be a de facto element for the refusal of granting an authorisation of stay on humanitarian grounds.

4 Data sharing and data collection

4.1 DATA-SHARING MECHANISMS

As regards data-sharing mechanisms within the framework of migration procedures, the identity determination/verification authorities of thirteen (Member) States have Memoranda of Understanding and/or other agreements in place.[193] This is particularly the case with international organisations such as the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR), as well as other agencies and departments within the Member State, such as the police and municipalities. However, it has to be noted that a lack of formal agreements or Memoranda of Understanding does not necessarily mean that no cooperation is taking place. For instance, in the case of **Austria, Finland, Germany** and **Ireland**, the sharing of personal data among individual authorities and with private entities is regulated primarily through legislation. Figure 1 below provides an overview of the type of entities or organisations with which Member States and Norway have signed an agreement/Memorandum of Understanding regarding the sharing of personal data, or have a legal basis in place for sharing data.[194]

Figure 1: Type of agreement / Memorandum of Understanding / legal basis in place for sharing data



Source: EMN NCPs

4.2 TYPES OF DATA COLLECTED

With the exception of **Croatia**, which only collects biographic data, all (Member) States collect and store biographic and biometric information of the applicants for each of the migration procedures. These always include the full name, nationality, date and place of birth, passport number and may include the personal details of family members, in addition to various other details depending on the (Member) State. With regard to biometric data, usually facial images and fingerprints are stored. The databases in which the biographic and biometric data are stored are usually managed by the Immigration authorities and/or the police.

For example, the Eurodac National Access Point is managed by the immigration authority in ten (Member) States[195] and by the police in six countries.[196] In the **Netherlands**, the ICT Service of the police is responsible for the technological management of Eurodac however, the functional management is divided between the Immigration and Naturalisation Service and the Department of Immigration Coordination.

[193] AT, BE, CZ, DE, ES, HR, LU, LV, NL, NO, PL, PT, and UK
[194] BE, DE, FI, IE and LV reported that next to agreements/Memorandum of Understanding, the sharing of personal data with different organisations and entities is also regulated through legislation.
[195] BE, EL, FI, HR, HU, IT, NO, PT, SE and SK
[196] CY, CZ, DE,[196] ES, LU and SI. In DE, the Eurodac National Access Point is the Federal Criminal Police Office.

Suggestions for improvements

Twelve (Member) States pointed out improvements that could be made to the type of data currently collected.[197] For instance, Member States suggested the collection of the following types of data:

- a digital copy of the travel document in VIS (BE);
- information concerning forged documents for the purpose of international protection proceeding (CZ);
- the name of the father and mother of applicants for Schengen visas (EL);
- more data on the genuine stamps of the authorities of various third countries and on stolen travel documents (FI);
- National identification/citizenship number from country of origin (IE).

With regard to the interoperability of the European databases, **Belgium** maintained that this could generally be improved, while **Sweden** suggested a more extensive use of the Interpol database. Table A.3.8 in Annex 3 provides an overview of the type of databases used in the various migration procedures by (Member) States.

4.3 RECENT CHANGES IN DATA PROCESSING

A number of Member States and Norway reported on recent changes in relation to the processing of personal data within the framework of migration-related procedures and databases. Such changes mainly related to (re-)allocating responsibilities among relevant authorities and included the following:

- In **Austria**, a legal provision was put forward on 1st June 2016 for automated photograph comparisons using the Central Aliens Register. The measure has yet to be implemented;
- Since 2014, residence cards for foreigners in **Belgium** contain a chip with biometric data. In the framework of Eurodac, a system of so-called pre-registration of the asylum application was introduced in March 2016;
- In 2016, **Germany** introduced the "proof of arrival" document for asylum seekers who have not yet filed their application. This came in parallel to the nationwide introduction of the standardised "PIK" registration stations in the reception centres of the Länder and the arrival centres of the Federal Office for Migration and Refugees, which enable the authorities to store biometric data even before the asylum application as such is filed. Registration authorities were also provided with fast fingerprint crosscheck facilities and the application "PassTA" (Passport tracking application) was developed to make it easier to track the status and storage location of passports. The "Act to Improve the Enforcement of the Obligation to Leave the Country" from July 2017 has entitled the Federal Office for Migration and Refugees to analyse data carriers in order to establish the identity and nationality of an asylum applicant.
- As of December 2014, foreign nationals applying for their first residence permit in **Finland** have the possibility to request registration into the Finnish Population Information System and to receive a Finnish personal identity number when they are issued the permit;
- From autumn 2017, the **Irish** immigration authorities will begin to automatically collect and analyse Advanced Passenger Information (API) data from carriers on inbound flights from outside the EU. In addition, the European Uniform Format Residence Permit (EURP), in accordance with Council Regulation (EC) No 1030/2002 will be rolled out;
- As of November 2015, **Italy** has extended the use of biometric data to take and process facial images and fingerprints of all third-country nationals older than sixteen years, for the issuance of the new electronic residence permits;
- Since 2016, **Latvia** is issuing visas with biometric identifiers. In the same year, a new Asylum Seekers Fingerprint Information System was set up on the platform of the Biometric Data Processing System. By the end of 2017, it will be possible to add two sets of photos and fingerprints. Latvia also planned to expand the amount of data information entered into the Asylum Seekers Register, adding identity documents, and establishing a link with the Register of Returned Foreigners and Entry Bans. Lastly, a Register of Returned Foreigners and Entry Bans was established in 2015;

[197] BE, CY, CZ, EE, EL, FI, LU, MT, NO, SE, SK, UK

- In the **Netherlands**, on 1st March 2014, the Dutch Aliens Act was amended to facilitate and extend the use of biometric data by the organisation concerned, for example making it possible to take and process a facial image and fingerprints of all third-country nationals in all immigration law processes. Furthermore, in April 2017, the 'ID Kiosk' facility was launched, integrating identification and registration processes for immigration law, criminal law and third-country nationals in criminal law into one system;
- In 2016, the **Slovak Republic** gained access to Interpol's Automated Fingerprint Identification System database (AFIS), which is relevant for returns.

4.4 RECENT AND PLANNED PILOT PROJECTS

(Member) States reported on a number of recent and planned pilots in the field of identity management and data sharing, mainly with a view to increasingly automating the collection and analysis of data and improving the interoperability of different national and European databases. Such pilots include the following:

- In **Belgium**, the electronic gateway between the Immigration Office and the Federal Police for the transfer of biometric data will be completed in the near future. In addition, the central database of the Immigration Office is currently rebuilt and modernised, with the aim of automating processes as much as possible. Similarly, in the course of 2018, it was foreseen to begin with the collection and storage of biometric in the SIS;
- **Cyprus** is planning to introduce a new national Visa Information System;
- **Germany** was testing several projects, for example concerning the analysis of data carriers held by asylum applicants, the automated crosscheck of newly taken and stored photographs, as well as the automatic transliteration of names from the Arabic to the Latin alphabet;
- The Asylum Unit of the Immigration Service in **Finland** will soon launch the 'Flow 2 project', which aims at developing a method for searching and using identity-related information on social media. The overall aim of the Flow project is to develop methods for establishing identity;
- In **Lithuania**, a Migration Information System (MIGRIS) was under development to allow the virtual migration processes to move to the virtual space, automate the management, provision and control of documents and data as well as ensure connection with other national registries and information systems;
- In **Latvia**, the project "The State Border Guard Automated Fingerprint Identification System integration with the Biometric Data Processing System" was undergoing pilot testing. The aim was to automatically compare the fingerprints in Eurodac with the Central Visa Information System;
- **Luxembourg** has recently introduced a pilot project entitled Video Conferencing for Identification (VCI) (together with **Belgium** and **Poland**), thereby allowing the diplomatic representatives in Brussels to identify their nationals via video conference without having to travel to **Luxembourg**;
- In the **Netherlands**, as of 1 July 2017, not only residence permit holders, but all asylum seekers are registered in the Municipal Personal Records Database;[198]
- In 2018, **Norway** will begin to enrol facial photos suitable for facial recognition and fingerprint identification in the Automated Biometric Information System (ABIS), with the goal of ensuring that third-country nationals are registered with one identity in **Norway**;
- In **Sweden**, the Migration Agency is planning a pilot study in cooperation with Swedish missions abroad related to document verification. The aim is to establish a common standard for examining and authenticating documents at missions abroad;
- In the **Slovak Republic**, several changes are underway to improve the functioning and interoperability of migration-related information systems.

[198] There are three groups to which this does not apply: (a) third-country nationals from a safe country of origin; (b) third-country nationals who applied for asylum elsewhere in Europe before; (c) third-country nationals who are still undergoing a security screening or enforcement investigation

5 Debate and evaluation

A majority of Member States[199] have reported no major debates in relation to processing of personal data within the framework of migration-related procedures and databases used to establish identity. Nevertheless, in the process of establishing the identity of third-country nationals within the migration process several (Member) States[200] have highlighted a number of key issues that have generated debates at national level among relevant stakeholders.[201] For example in **Germany** the intensification of asylum-related immigration since 2014 has pushed authorities to develop new methods to establish identity (e.g. language-biometrics) which did not receive wide political or societal consensus. At the same time, more stringent quality-control measures were implemented to avoid errors in establishing the identity of asylum seekers.

The main topics of debate in the aforementioned (Member) States are presented below:

- Analysing data carriers (i.e. mobiles, tablets or laptops) owned by asylum seekers to establish identity and associated data protection concerns (**DE**);

In **Germany** the Act to Improve the Enforcement of the Obligation to Leave the Country has entitled the Federal Office for Migration and Refugees to analyse data carriers from asylum applicants, even without their consent. The German Federal Commissioner for Data Protection and Freedom of Information criticised this provision as an infringement of basic rights (the core area of private life was not sufficiently protected) and as not necessarily justified considering that the information could be an indication of nationality or identity at best. On the other hand, proponents of this provision argued that this measure facilitated a better quality of decisions about whether a return was admissible and also that the measure was one of last resort, it was not taken in secrecy and the person concerned had the opportunity to provide information before the measure was enacted.

- Using language-biometrics software to analyse audio records of asylum seekers to give indication of geographical origin (**DE**);

Germany tested a new language-biometrics software that analysed audio records of asylum applicants in order to match them with a language and dialect which helped decision-makers identify their origin. Local media were critical of this programme due to shortcomings in the software (e.g. lack of precision due to possible variations within a specific dialect) which made it difficult to match a language to a region of origin also because dialects are often used cross-border. The German Federal Office for Migration and Refugees considers the tool as an assistant which helps its employees to establish the identity of asylum applicants.

- Taking fingerprints and facial images of asylum seekers for identity verification (**DE, FR, IE**);

In 2016, **Germany** decided that for the purpose of identity verification of asylum seekers facial images may be taken of children aged 6 to 14. This decision to decrease the age to 6 was criticised by NGOs. The NGOs argued that facial images would soon become out of date with no informative biometric data. In 2017, NGOs criticized a bill for an Updated Data Exchange Improvement Act containing provisions to lower the age for taking fingerprints from 14 to 6 years. The rationale behind this decision was to make it easier to establish and verify the identity of children, particularly for their own protection. NGOs, on the other hand, argued that children aged less than 14 lacked the legal capacity to participate in proceedings and complained about the procedure.

In **France**, the French data protection authority has assessed the act of processing third-country nationals' biometric data and acknowledged that such processing was expressly authorised by national legislation. However, these actions have to follow strict personal data protection guarantees. Given the specificity of fingerprints it was important to carefully consider the proportionality of resorting to biometric measures compared to the stated objectives. The French data protection authority called for the adoption of failsafe guarantees to protect undue access to biometric data and noted that legislative provisions did not describe the exact process of data capture and storage.

The authority concluded that processing data such as fingerprints was only permitted if this was required by strong public order or security requirements.

[199] CY, CZ, EE, EL, ES, HR, HU, LT, LU, LV, MT, NL, PL, PT, SE, SI and UK
[200] AT, BE, DE, FI, FR, IE, IT, NO and SK
[201] These may include: national media, parliamentary debates and statements of NGOs or INGOs.

In **Ireland**, the Department of Justice and Equality described fingerprinting as an essential and reliable method to verify identity which was recognised internationally. This was considered as one of the key technologies to combat identity fraud which enhanced the security and integrity of documents issued to non-nationals. At the same time in cases of family reunification where documentary proof was not available (or incomplete) DNA testing provided a greater degree of certainty of a family link.

- Expanding the Eurodac database and its implications on fundamental rights;

The proposed recast Eurodac Regulation would expand the existing database which according to the European Council on Refugees and Exiles (ECRE) would violate Articles 7 and 8 of the EU Charter of Fundamental Rights. ECRE questioned the premise that collecting and storing fingerprints and facial images of migrants in an irregular situation in the Eurodac would help control irregular migration and identify migrants. The proposal would allow (Member) States to store and search data belonging to third-country nationals or stateless persons who are not applicants for international protection and found to be irregularly staying in the EU in order to be identified for return purposes.

- Challenges in establishing identity due to insufficient, wrong or no documentation. (**IE, NO**);

In **Ireland**, *Nasc*, the Irish Immigrant Support Centre (an NGO) observed that quite often official documents from countries of origin included inaccurate personal data (e.g. incorrect dates of birth) which took time to verify against the data in their possession and then correct, making the process very time consuming. The Immigrant Council of Ireland (an NGO) observed that establishing identity was particularly challenging for stateless persons and obtaining a valid passport in some cases was difficult due to war or political instability.

To improve the registration process, **Norway** was reported to explore the possibility to cross-search between the immigration and national passport registry databases in order to establish that any new ID was unique. The information would be marked on a person's registration in the National Population Register.

- Standardising procedures for age assessment and using the least invasive methods to determine age (**IT**, **SK**);

According to the recent **Italian** law no. 47 of 2017, age is established through the available documents and an interview with qualified staff of the host structure. If the case is doubtful, the prosecutor's office at the Tribunal for minors (*Procuratore della Repubblica presso il Tribunale dei minori*) may order social-health examinations. Such examinations must be carried out by specialised personnel with the least invasive methods.[202]

In **Slovak Republic**, NGOs considered the X-ray examination as being too invasive to determine the age of asylum seekers and proposed less invasive methods such as psychological examination.

- Keeping a balance between security and right to privacy and data protection in light of the recent terrorist attacks in Europe (**AT, BE, FI, IE**);

In **Belgium**, the Belgian Privacy Commission indicated that the security issues after the terrorist attacks in Europe (e.g. Brussels or Paris) have had an impact on the opinions of the Privacy Commission and a new balance must be found between security and rights to privacy and data protection. However, this does not prevent the Belgian Privacy Commission from providing crucial opinions on legislative amendments.

Similarly, in **Ireland** concerns about national security have been raised in parliament following the terror attacks in Europe which also touched upon the challenges and practices to establish immigrant identity.

The increased number of asylum seekers has also generated debates in **Finland** among the general public and authorities. The debates concerned, among other issues, the identity of asylum seekers and possible abuse of the Finnish asylum system by persons who may have themselves participated in combat operations or terrorist groups.

- Targeted surveillance of dangerous persons instead of mass data collection (**BE**).

[202] The person must be informed beforehand of the type of examination and of the result. If the case remains questionable, it is assumed that the person is underage. The person may appeal to the court against the decision denying the status of minor.

Before the Passenger Name Record (PNR) was transposed into **Belgian** national law in late 2016 some NGOs (e.g. *La Ligue des droits de l'Homme*) criticized the mass collection of data. It argued that critical information about genuinely dangerous people could be lost amongst information collected unnecessarily and favoured instead, a targeted surveillance of persons who posed a threat. When establishing the identity of persons found in the migration process the PNR data allows authorities to check conformity between the travel forms and the identity of the passenger to guarantee that the data meets the legal standards. As a result, the effective use of PNR data can detect and identify persons by comparing it with other relevant databases.

The effective use of PNR data can detect and identify persons by comparing it with various databases on persons. It can serve as a prevention tool as well as enhance security and help the investigation and prosecution of terrorist offences or serious crimes. **Belgium** carriers (e.g. air, train, road or maritime transport) are obliged to send their passenger data to a special passenger database which can analyse the data in the fight against terrorism.

6 Conclusions

This Study presents the main findings of the EMN Focussed Study on *Challenges and practices for establishing the identity of third-country nationals in migration procedures* based on National Reports from twenty-six Member States. It aims to provide an overview of the challenges faced by national authorities in their efforts to reliably establish and verify the identity of third-country nationals within the context of various migration procedures - namely those related to asylum, return and legal migration channels (including both short-stay and long-stay visas and residence permits). In addition, this study reports on national practices to address those challenges.

Main findings

The establishment of identity is a crucial factor in determining the legitimacy of applications in all migration processes. However, (Member) States face a two-fold challenge in establishing and verifying identity, mainly as a result of missing or false/invalid identity documents. This challenge became particularly evident in international protection procedures in past years, as the number of applications increased from 287,000 in 2009 to 1.26 million in 2016. Most (Member) States reported that the number of applicants for international protection not able to provide neither an official travel document nor identity document, has increased since 2013, and has caused national authorities to turn to other means of identity establishment, such as comparison of fingerprints and DNA analysis.

Along with the number of applicants for international protection, the number of return decisions also increased in past years, bringing to the fore specific challenges related to a lack of (valid) identity documents in return procedures and the refusal of countries of origin to accept returnees as a result. (Member) States reported such challenges to relate to both a lack of cooperation from third-country nationals, as well as the degree of cooperation from authorities in the presumed country of origin.

Although the responsibility of providing credible and verifiable documentation for long-stay visa and/or residence permits generally lies with the applicant, the need to verify this documentation also creates challenges for the responsible authorities in legal migration procedures. These mainly relate to forged or counterfeit documents, while six (Member) States also highlighted specific challenges in family reunification procedures.

Since 2013, some (Member) States reported changes in the legislative and institutional framework for identity establishment, which can mainly be attributed to the need of transposing relevant EU Directives and/or the need for more efficient procedures as a result of the significant rise in applications for international protection in recent years. Such changes included strengthening the obligation of third-country nationals to cooperate in the identity establishment process, as well as a more extensive use of biometric data, particularly in return procedures. In order to strengthen and support national authorities in establishing identity, so-called central competence centres or equivalent centres have been established in ten (Member) States, which generally make use of their own database for genuine documents and false documents. As regards EU-wide information management systems, authorities responsible for determining the identity of third-country nationals in international protection and migration procedures have access to databases such as Eurodac, VIS and SIS II in most (Member) States.

Methods for establishing identity

Although the majority of (Member) States does not define the term “identity” in the framework of the different migration procedures and the return process, the competent authorities in nine (Member) States do use operational definitions which usually refer to biographical or biometric features of a person. All (Member) States accept valid/official travel documents to establish identity in all migration procedures covered by this Study, and most also make use of other types of documents (e.g. birth certificates, marriage licences) in international protection and return procedures. Next to this, (Member) States reported on a wide range of methods in the context of the different migration procedures, such as language analysis and interviews to determine the country or origin, different age assessment methods for determining probable age, the comparison of fingerprints and photographs for comparison with national and European databases, as well as confiscation of digital devices and social media analysis. The latter two are used particularly in international protection and return procedures and are relatively new methods introduced since 2013.

Decision-making process

The weight given to the various methods of identity establishment varies across (Member) States, with twelve countries placing more weight on some methods than others, and nine treating each method as equally important. In international protection and return procedures, (Member) States generally use a combination of documentary evidence, interviews, fingerprint scans and DNA analysis for identity establishment. In the case of legal migration procedures, many (Member) States verify an applicant's identity merely through travel documents, although **Austria** and **Norway** also accept other means in exceptional circumstances. Overall, (Member) States agreed that the results obtained from the various methods need to be consistent, whereby seven (Member) States make use of a grading structure to denote the degree of identity determination.

In case the identity of an international protection applicant cannot be determined, sixteen (Member) States may grant protection nevertheless, while this leads to a negative asylum decision in five (Member) States. (Member) States did not observe a negative impact on the quality of methods or reliability of decisions as a result of the increased number of asylum applicants in recent years, although some (Member) States reported the difficulty of increasing the output and sustaining the quality of decision at the same time.

In return procedures, the establishment of identity is a decisive factor in all (Member) States, as it is crucial in order to be able to draw up the required travel documents with the country of origin and carry out the return. Several (Member) States reported on recently introduced measures and pilot projects to improve cooperation between authorities in this field, both among authorities on a national and European level and with diplomatic missions of third countries.

Databases and data procedures

With a view to fostering the sharing of identity-related data in migration procedures, thirteen (Member) States have signed Memoranda of Understanding and/or have other agreements in place, mostly with international organisations and authorities in third countries. With the exception of Croatia, all (Member) States collect and store both biographic and biometric data of applicants for each of the migration procedures, and several (Member) States pointed to recent changes and pilot projects in relation to the processing of such personal data. These generally relate to increasingly automating the collection and analysis of data and improving the interoperability of different national and European databases.

Debate and evaluation

Although the majority of (Member) States reported no major debates in relation to processing personal data for the purpose of identity establishment, eight (Member) States have noted a number of key issues debated at national level. In **Germany,** for example, these related particularly to the extent to which authorities should have access to data carriers for identity establishment purposes, and whether fingerprints and facial images should be taken of minors. Four (Member) States reported on debates about the balance between security and the right to privacy in light of the recent terrorist attacks in Europe.

Annex 1 Overview of national authorities/institutions involved in identity establishment

Table A1.1: National authorities/ institutions involved in identity establishment in various migration procedures

	International protection	Return	Short-stay visas	Long-stay visas/ permits for family reasons	Long-stay visas/ permits for study reasons	Long-stay visas/ permits for the purposes of remunerated activities
Consulates/Embassies	EE, PL, SE	DE, EE, EL, FR, HR, IE, LT, MT, NO, PT, SE, SK	AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HU, IE, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK	AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK	AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK	AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK
Immigration authorities[203]	AT, BE, EE, ES, FR, LT, LU, LV, MT, NL, NO, PL, PT, SE, UK	AT, BE, DE, EE, ES, FR, HR, HU, LT, LU, MT, PT, SE, UK	BE, DE, EE, ES, IE, LT, LV, MT, NL, NO, PT, SE, UK	AT, BE, CY, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, LV, MT, NL, NO, PL, PT, SE, UK	AT, BE, CY, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, LV, MT, NL, NO, PL, PT, SE, UK	AT, BE, CY, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, LV, MT, NL, NO, PL, PT, SE, UK
Asylum authorities	AT, BE, CY, CZ, DE, EL, EE, ES, FI,[204] FR, HR, IE, LT, LU, LV, MT, NO, PL, PT, SE, SK, UK	AT, DE, EE, FI,[205] HR, MT, SE, SK				
Police	BE, CZ, DE, EE, ES, FI, HR, LT, LU, LV, MT, NL, NO, PT, SE, SI, SK, UK	BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, LT, LU, MT, NO, PT, SE, SI, SK	AT, EE, ES, LT, LU, SI, SK	DE, EE, EL, HR, LT, LU, NO, SK	DE, EE, EL, HR, LT, LU, NO, SK	DE, EE, EL, HR, LT, LU, NO, SK
Border guard	BE, DE, EE, ES, FI, HR, IE, LT, LU, LV, NL, PL, PT, SE, SI, UK	BE, CY, EE, FR, HR, IE, LT, LV, PL, PT, SE, SI	BE, CZ, DE, EE, FI, IE, LU, LV, NL, PT, SI, UK	BE, DE, EE, ES, FI, IE, LU, PT, UK	BE, DE, EE, ES, FI, IE, LU, PT, UK	BE, DE, EE, ES, FI, IE, LU, PT, UK
Security services	BE, DE, EE, HR, HU, LT, LU, LV, MT, NO, PT, SE, SK	EE, FR, HR, LT, LU, MT, SE, SK	DE, LU, MT, SK	DE, LU, MT, SK	DE, LU, MT, SK	DE, LU, MT, SK
Identification centre	CY, EE, IE, NO, PT, SE, UK	CY, EE, IE, NO, SE	IE, UK	IE, NO, UK	IE, NO, UK	IE, NO, UK
Central Squad against Forgery of the Federal Police (CDBV-D/OCRF-D)	BE	BE		BE	BE	BE
Homeland security attaché and network of immigration liaison officers in the embassies		FR				
State Forensic Science Bureau, National Forensic Centre	LV					
The Office for Foreigners	PL			PL, SI	PL, SI	PL, SI

Notes:

*DE: The foreigners' authorities.

[203] In the case of Germany, the foreigners' authorities
[204] In the case of Finland, Asylum Unit within the Immigration Service
[205] In the case of Finland, Asylum Unit within the Immigration Service

Table A1.2: National authorities granted access to European databases

	Eurodac	SIS II	VIS
AT	Federal Office for Immigration and Asylum (international protection)	Federal Office for Immigration and Asylum (in international protection and return procedures); authorities issuing visas; authorities implementing the Settlement and Residence Act	Federal Office for Immigration and Asylum (in international protection procedures, authorities issuing national and short-stay visas);
BE	Immigration Office CGRS via the Immigration Office (in international protection procedures)	Federal Police (return, entry at the border); Diplomatic posts; Immigration Office	Immigration Office; diplomatic posts and FPS Foreign Affairs (visas)
CY	Asylum service	Police	Consular services
CZ	Ministry of Interior; Police;	Police	Police, Ministry of Interior, Embassies
DE	Federal Criminal Police Office (national access point); authorities responsible for asylum procedures, for return procedures and the issuance of residence permits via the Federal Criminal Police Office	Authorities responsible for return procedures and the granting of residence permits as well as visa authorities via the Federal Office for Administration	Authorities responsible for asylum procedures, return procedures, for the issuance of residence permits and visas via the Federal Office for Administration
EE	Police and border guards officials	Police and border guards officials; authorities issuing long-term visas	Police and border guards officials
EL	Asylum service via Police	N/A	N/A
ES	National Police; Asylum (by National Police)	National Police, Consular Offices	National Police, Asylum Service, Consular Offices
FI	Asylum Unit of the Finnish Immigration Service; Police and Finnish Border Guard	Finnish Immigration Service; Finnish diplomatic missions under the Ministry of Foreign Affairs; Police and Finnish Border Guard	Finnish diplomatic missions under the Ministry of Foreign Affairs; Police and the Border Guard; Finnish Immigration Service
FR	Prefecture (international protection); national authorities responsible for establishing identity during expulsion procedures	National authorities responsible for establishing identity during return procedures (access to the SIS II national file); authorities processing visa applications (consulates, Ministry of the Interior officials and prefectural officers; authorities issuing residence permits (consulates, Ministry of the Interior officials and prefectural officers)	consulates and the central administration (Sub-directorate for Visas); Prefecture officers (visas issuance); Prefecture officers (residence permits)
HR	Asylum authorities; Authorised officers of the border police	Authorised officers of the border police	Authorised officers of the border police
HU	Asylum authorities; immigration services	Consular services and Immigration services	Consular services and Immigration services
IE	International Protection Office, through An Garda Síochána (Police), exchanges information with EURODAC	N/A	N/A
IT	Police	Police	Police and consular and diplomatic authorities
LV	State Border Guard officials	State Border Guard officials; Office of Citizenship and Migration Affairs; diplomatic missions;	State Border Guard officials; Office of Citizenship and Migration Affairs; diplomatic missions
LT	Asylum services via the Police Forensic Science Centre	Asylum service, Ministry of the Interior, consular posts, the SBGS and the migration divisions of the police	Asylum service, Ministry of the Interior, consular posts, the SBGS and the migration divisions of the police
LU	Directorate of Immigration, Refugees and Returns Department; Grand-Ducal Police	Directorate of Immigration, Foreigners Department, Directorate of Immigration, Refugees and Returns Department; Grand-Ducal Police	Directorate of Immigration, Foreigners Department; Directorate of Immigration, Refugees and Returns Department

	Eurodac	SIS II	VIS
MT	Asylum authorities via Immigration Police	Relevant authorities via Immigration Police	Relevant authorities via Immigration Police; Central Visa Unit as well as Consulates
NL	Kmar (law enforcement authority); AVIM (police); IND (Immigration and naturalisation service)	Kmar (law enforcement authority); AVIM (police); IND (Immigration and naturalisation service); Ministry of Foreign Affairs	Kmar (law enforcement authority); AVIM (police); IND (Immigration and naturalisation service); Ministry of Foreign Affairs
PL	Officers of the Office for Foreigners via Border Guard Officers	Border Guard Officers	Border Guard Officers
PT	Immigration and Borders Service	Immigration and Borders Service	Immigration and Borders Service
SK	Dublin Centre of the Migration Office (MO) MoI; Police officers working for the Bureau of the Border and Alien Police of the Police Force Presidium (BBAP PFP) have access to all EU databases; Consulates via requests to Central Visa Authority of the Alien Police Department of the BBAP PFP	Dublin Centre of the MO MoI; Police officers working for the BBAP PFP have access to all EU databases; Consulates via requests to Central Visa Authority of the Alien Police Department of the BBAP PFP	Police officers working for the Border Police (BBAP PFP) have access to all EU databases; Consular officers of the Ministry of Foreign Affairs
SE	Swedish Migration Agency	Swedish Migration Agency	Swedish Migration Agency
SI	Ministry of the Interior; Police, authorised asylum officers responsible for Dublin	Authorised officers of the border police	Ministry of Interior; Police, Ministry of Foreign Affairs, consular services
UK	Home Office officials	N/A	N/A
NO	Asylum authorities	Asylum authorities; Immigration authorities; Visa authorities;	Asylum authorities; Immigration authorities; Visa authorities;

Source: EMN NCPs

Annex 2 Identity establishment procedures

Table A2.1: Procedural steps taken to establish identity of third-country nationals in various migration procedures

Migration procedure	Steps in the procedure to establish identity
International protection	• Submission of identification documents such as passport, ID, family book, driving licence, birth certificate, etc. The submitted documents are then checked for authenticity and data is registered. (**AT**, **BE, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK and UK**) • Fingerprints and facial images of asylum seekers are taken (if applicable) which are then cross-checked with national and international databases such as Eurodac, VIS, SIS II, Europol or Printrak to verify identity. (**AT, BE, CZ, DE, EE, ES, FI, FR, HU, IE, IT, LT, LU, LV, NL, NO, PL, PT, SE, SI, SK and UK**) • A personal interview is carried out to clarify the individual situation, motivation and circumstances which led to a request for international protection. The interview is essential in the absence of any documents proving identity. (**AT, BE, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI and SK**) • The statements and documents of the asylum applicant are assessed to verify identity (credibility assessment) using i.a. interviews, the submitted evidence, data carriers information, COI information, social media, etc. (**AT, BE, CY, CZ, DE, EE, FI, FR, IE, IT, MT, NL, NO, PL, SE, SI, SK and UK**) • An age assessment may be performed in cases of doubts regarding the age of the asylum seeker or to identify the actual age. (**AT, CZ, EE, ES, FI, IE, IT, LT, LV, NO, SE and SK**). In other MS this step takes place at a different point in the overall procedure (e.g. DE). • Baggage and body search may also take place (**NL**).
Forced return	• Identity is verified based on travel documents which are checked for authenticity. If all identification documents are missing the claimed identity is verified and real identity is established and data is registered. The country of origin has to issue a travel document (laissez-passer) in case no valid travel document exists. (**AT, BE, CY, CZ, DE, EE, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK and UK**) • Fingerprints and facial images are taken (if applicable) which are then cross-checked with national and international databases such as Eurodac, VIS, SIS II, Printrak or Interpol to verify identity. (**AT, BE, CZ, DE, ES, FI,**[206] **FR, HR, HU, IE, IT, LU, LV, NL**[207]**, PL, PT, SE, SI and SK**) • Returnees are heard prior to the start of return procedures explaining the decision and protocol and they may also be involved in a personal interview to establish identity. (**AT, BE, CZ, DE, EE, FI, FR, HR, HU, IE, IT, LV, NL, NO, PL, PT, SE, SI, SK and UK**) • An age assessment is performed in cases of doubts regarding the age of the individual or to identify the actual age. (**AT, CZ, DE, EE, ES, IT, LU, SE and SK**) • Information may be exchanged between EU Member States and third countries (not necessarily the country of citizenship of the returnee) to identify a third-country national. (**BE**, **CZ**, **DE, ES, FI, EE, FI, IT, LU**, **LV, NL and NO**)
Short-stay visas	• Identity is verified based on travel documents and other documents which are checked for authenticity and data is registered. (**AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK and UK**) • Fingerprints and facial images are taken (if applicable) which are then cross-checked with national and international databases such as VIS, SIS II, Interpol or Europol to verify identity. (**AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, LU, IE, LV, MT, NL, NO, PL, PT, SE, SI, SK and UK**) • A personal interview may be carried out to clarify the individual motivation or ask for additional documents to prove identity (e.g. birth certificate or national identity cards). (**CZ, DE, ES, FI, FR, HR, IE, NO, SE and SK**)
Long-stay visas/ permits for family reasons	• Identity is verified based on travel documents and other documents which are checked for authenticity and data is registered. (**AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK and UK**) • Fingerprints and facial images are taken (if applicable) which are then cross-checked with national and international databases such as VIS, SIS II, Interpol or Europol to verify identity. (**AT, BE, CY, DE, EE, EL, ES, FI, FR, HR, IE, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK and UK**) • A personal interview may be carried out to clarify the individual motivation or ask for additional documents to prove identity (e.g. birth certificate or national identity cards). (**AT, BE, CZ, DE, EE, ES, FI, FR, IE, NO, SK and UK**) • An age assessment is performed in cases of doubts regarding the age of the individual or to identify the actual age. (**AT, IE**) • DNA tests may be performed in some cases to confirm a family link. (**AT, DE**, **ES, FI**, **IE, LV, NO, SE and UK**)

[206] In case this has not been done within the asylum process.

[207] This has been done within the asylum procedure. The Repatriation and Departure Service (DT&V) would receive a transfer file from the IND in which all information on the establishment of identity has been recorded

Migration procedure	Steps in the procedure to establish identity
Long-stay visas/ permits for study reasons	• Identity is verified based on travel documents and other documents which are checked for authenticity and data is registered. (**AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK and UK**) • Fingerprints and facial images are taken (if applicable) which are then cross-checked with national and international databases such as VIS, SIS II, Interpol or Europol to verify identity. (**AT, BE, CY, DE, EE, EL, ES, FI, FR, HR, IE, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK and UK**) • A personal interview may be carried out to clarify the individual motivation or ask for additional documents to prove identity (e.g. birth certificate or national identity cards). (**AT, CZ, DE, EE, ES, FI, FR, IE and SK**) • An age assessment is performed in cases of doubts regarding the age of the individual or to identify the actual age. (**AT and IE**)
Long-stay visas/ permits for the purposes of remunerated activities	• Identity is verified based on travel documents and other documents which are checked for authenticity and data is registered. (**AT, BE, CY, CZ, DE, EL, EE, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK and UK**) • Fingerprints and facial images are taken (if applicable) which are then cross-checked with national and international databases such as VIS, SIS II, Interpol or Europol to verify identity. (**AT, BE, CY, DE, EE, EL, ES, FI, FR, HR, IE, IT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK and UK**) • A personal interview may be carried out to clarify the individual motivation or ask for additional documents to prove identity (e.g. birth certificate or national identity cards). (**AT, CZ, DE, EE, ES, FI, FR and SK**)

Source: EMN NCPs

Notes:

CZ: Information from Czech Republic regards the returns in general, it does not necessarily concern former applicants for international protection. The conditions for return of former applicants for international protection are the same as for returns of other migrants.

FI: Fingerprints of visa applicants are cross-checked with VIS. Cross-checking with other databases is not performed in all cases, only when deemed necessary.

Annex 3 Documents accepted by (Member) States

Table A3.1: Documents accepted as (contributing to) establishing the identity of third-country nationals

Type of document	(a) applicants for international protection		(b) for the return process		(c) third country applicants for visitors visa and permits for the purposes of study, family reunification and remunerated activities	
Valid/Official travel documents: Passports, ID cards	***Yes*** AT, BE, CZ, HR, CY, DE,[208] EE, EL, ES, FI,[209] FR, HU, IE, IT, LT, LU, LV, MT, NL, NO, PT, SE, SI, SK, UK	***No***	***Yes*** AT, BE,[210] CZ,[211] CY, DE, EE, EL, ES, FI[212], FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, NO[213], PT, SE, SI, SK, UK	***No***	***Yes*** AT, BE,[214] CZ, CY, DE,[215] EE,[216] EL, ES, FI,[217] FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, NO, PT, SE, SI, SK, UK	***No***

[208] All documents which serve to illustrate a history of persecution can be used during the asylum procedure. All original documents are subject to a physical and technical examination.
[209] An identity card is approved if it contains the required information (or together with another document if these two documents provide together the required information).
[210] Passport or other valid travel document (e.g. laissez-passer)
[211] This concerns return procedures in general. The conditions for the return of former applicants for international protection are the same as for the return of other migrants.
[212] A temporary travel document issued by a diplomatic mission of the applicant's country of origin may also be used to confirm identity.
[213] Type of documents accepted will vary between different countries, and vary over time. Each and every document in this table could "contribute to establishing" or "establish" identification of a person in the country of origin, depending on the country in question
[214] Passport or other valid travel document (e.g. laissez-passer)
[215] Residence permit: a passport or passport substitute are regarded as sufficient.
[216] Travel documents only (No ID card).
[217] A valid national passport (also a refugee travel document issued by another country) can be used for Visa applicants. Depending on the applicant's country of origin, an identity card of the country in question is also required. As for residence permit applicants, a valid national passport or a national identity card/certificate of nationality; a travel document issued by another state can be used to establish identity.

Type of document	(a) applicants for international protection		(b) for the return process		(c) third country applicants for visitors visa and permits for the purposes of study, family reunification and remunerated activities	
Other documents: birth certificates, driving licence, divorce certificates, marriage licences, qualification certificates, house books etc.	***Yes*** AT, BE, CZ,[218] DE,[219] HR, CY, DE, EE, ES, FI[220], FR[221], HU, IE, IT, LT, LU, LV, MT, NL, NO, PT, SE, SI,[222] SK, UK	***No*** EL	***Yes*** AT, BE, CZ,[223] CY, DE, EE, ES, FI[224], HR, HU, IE, LT, LU, LV, MT, NL, NO, SE, SI,[225] U	***No*** FR[226], PT, SK	***Yes*** AT, BE,[227] CY,[228] CZ, DE,[229] EL,[230] ES, FI,[231] FR, HR, LV, MT,[232] NL, NO,[233] SE, SI,[234] UK[235]	***No*** EE, HU, IE, LT, LU, PT, SK
Informal (residence) documents, such as UNHCR registration documents	***Yes***	***No***	***Yes***	***No***	***Yes***	***No***

[218] All presented documents (passport, national ID card, driving license, military identity card) are accepted, while documents which do not contain a photograph (marriage certificate, birth certificate, divorce certificate, etc.) are treated as supporting documents in establishing identity and assessing the reliability of the applicant's statements.
[219] All documents which serve to illustrate a history of persecution can be used during the asylum procedure. All original documents are subject to a physical and technical examination.
[220] On a case-by-case basis, the Finnish Immigration Service may also approve a driving licence, a certificate of nationality, or marriage and birth certificates as documents proving identity, depending on the applicant's country of origin and the information the document contains. If a document is issued by an authority, deemed to be reliable and has the required personal data and identifying characteristics, the person's identity can be considered as having been verified.
[221] OFPRA does not accept any other documents. The one-stop-shop services at the Prefectures (cf. Q7) also accept birth certificates, marriage licences and driving licences; some Prefectures also accept the other documents mentioned.
[222] In practice, Slovenian authorities accept all documents and other information that may contribute to the confirmation of a person's identity. However, such documents cannot prove the individuals identity beyond doubt.
[223] If such documents are at available, they are sent to the relevant Embassy as supporting documents to an application for identity verification. However, CZ does not have information about whether the assumed country of origin accepts documents other than those which suffice for Czech authorities.
[224] Civil status documents (including a military passport) are used on a case-by-case basis, provided that they contain a name as well as a date and place of birth.
[225] In practice, SI authorities accept all documents and other information that may contribute to the confirmation of a person's identity. However, such documents cannot prove the individuals identity beyond doubt.
[226] Passports and ID cards are deemed more reliable for establishing the identity of a third-country national. Other documents are merely prima facie evidence. Exceptionally, for certain countries, other types of document may be considered as evidence of nationality. This depends on the agreements or protocols signed with the country of origin.
[227] All civil status certificates can be used to establish the family relationship in case of family reunification.
[228] Only in limited cases, where no valid passport is available.
[229] Residence permit: If no passport can be presented, official documents with a photograph may be used instead of a passport under exceptional circumstances.
[230] Birth certificate (it is not provided by law but it is accepted in the case where the passport is missing, as proof of identity) (Law 4332/2015)
[231] Documents can substantiate identity of Visa applicants but which documents must be checked, depend on the country of origin and the applicant's situation. As for residence permit applicants, other type of documents may be considered, on a case-by-case basis.
[232] Only for Family reunification
[233] These documents do not contribute to establish identity for visa application or for Remunerated activities
Study purposes: Birth certificate for applicants under the age of 18
[234] In practice, SI authorities accept all documents and other information that may contribute to the confirmation of a person's identity. However, such documents cannot prove the individuals identity beyond doubt.
[235] For applicants for work/visit, student and family visas – official documents are required as proof of identity. Marriage/birth certificates can be used to prove family link for people who want to join their spouse, but not as proof of identity.

Type of document	(a) applicants for international protection		(b) for the return process		(c) third country applicants for visitors visa and permits for the purposes of study, family reunification and remunerated activities	
	AT, BE,[236] CZ, DE,[237] CY, DE, EL,[238] ES, FI,[239] HU, HR, IE, LT, LU, MT, NL, NO, PT, SE, SK,[240] SI, UK,[241]	EE[242], FR	AT, BE,[243] CY, DE, EL, FI,[244] HR, IE, LT, LU, MT, NL, NO, SE, UK	CZ, EE,[245] FR,[246] HU, PT, SI, SK	AT, BE,[247] DE,[248] ES, FI,[249] FR,[250] HU, MT, NL, NO,[251] SE, UK[252]	CY, CZ, EE, EL, HR, HU, IE, LT, LU, PT, SI, SK

Table A3.2: Methods **used** for establishing identity in the asylum/ return procedure (I)

Method	Applicants for international protection				Return of rejected applicants for international protection			
Language analysis to determine probable country and/or region of origin	***Yes: obligatory***	***Yes: standard practice*** FR, HU, NL,[253] NO, SI[254]	***Yes: optional*** AT, BE,[255] DE, EE, FI, HR, IE, IT, LT, LU,[256] LV, SE, UK	***No*** CY,[257] CZ, EL, FR, MT, PT, SK[258]	***Yes: obligatory***	***Yes: standard practice*** HU, LU , SI[259]	***Yes: optional*** AT, BE[260] DE, FI, FR,[261] HR,	***No*** *CZ, EE, MT, PT, SE,*[262] *SK*

[236] Copies of ID-documents and civil status certificates, etc.; UNHCR/UNRWA registration documents, diplomas and qualification certificates, etc.…
[237] All documents which serve to illustrate a history of persecution can be used during the asylum procedure. All original documents are subject to a physical and technical examination.
[238] The documents used for the registration to the UNHCR, are also taken into account to identify the applicant without being a certificate of identity.
[239] The documents can substantiate identity, but they cannot usually be used to verify identity.
[240] Only supporting documents
[241] Only as a possible indicator
[242] Informal documents are used as additional evidence along with the statements given during an interview.
[243] All documents (original or copies)
[244] The documents can substantiate identity, but they cannot usually be used to verify identity.
[245] Other documents are used as additional evidence along with the statements given during an interview.
[246] Prima facie evidence unless covered by an exemption.
[247] UNHCR registration documents could contribute to establish the identity when no official ID/travel document could be submitted (generally in case of family reunification involving a beneficiary of international protection).
[248] Informal documents are regarded as supporting the claim of a Visa applicant (Schengen and national visa); informal documents are not sufficient to establish identity for residence permit applicants.
[249] Documents that prove identity issued by international organisations are used with limitations.
[250] UNHCR documents are accepted by consular services so as to assist in establishing identity during visa applications.
[251] Yes, but limited value as evidence.
[252] Only for family reunification
[253] Standard with some particular nationalities like Syrian otherwise its optional
[254] Special language analysis is not enshrined in law. In practice, the official who administers the procedure asks questions aimed to clear up these circumstances during the course of the personal interview. The interpreter in the procedure also gives his/her opinion about the probable country/region of origin based on the language of the individual.
[255] Language analysis can be performed in very exceptional cases.
[256] If necessary when the identity of the applicant could not be established otherwise, or if doubts on the statements of the applicants prevail
[257] The country of origin should be determined by the Asylum Service
[258] It was used in the past, but not currently. However, it is planned to be used in the asylum procedure
[259] Special language analysis is not enshrined in law and has not been used. Implementation of this method would not be possible because of the lack of qualified staff. However, the official who administers the procedure may in the course of the personal interview ask particular questions with the aim to clear up these circumstances.
[260] A rudimentary form of language analysis can be performed. The embassy or consulate of the country of origin may also perform a language analysis
[261] Such analysis has already been carried out during the asylum procedure, so there is no need to undertake a new analysis for the return procedure.
[262] If necessary it is done earlier in the application process. The same also for the method of age assessment

Method	Applicants for international protection				Return of rejected applicants for international protection			
							IE, IT, LT, LU, LV, NL, NO, UK	
Age assessment to determine probable age	***Yes: obligatory*** CY, CZ,[263] EL, ES,[264] LT,[265] MT, NO,[266] PT	***Yes: standard practice*** BE, DE	***Yes: optional*** AT, CY,[267] EE FI, HR,[268] HU, IE, LU, LV, NL, SE, SI[269], SK, UK	***No*** FR[270]	***Yes: obligatory*** LT MT, SI,[271] SK	***Yes: standard practice*** BE, CZ	***Yes: optional*** AT, DE,[272] EE, ES,[273] HU, LU, LV NL, UK	***No*** *FI, FR, NO, PT, SE*
Interviews to determine probable country and or region of origin (or other elements of identity, such as faith and ethnicity)[274]	***Yes: obligatory*** AT, BE, CZ, DE, ES, FI, FR, HR, IT, LT, LU, LV, MT, NO, PT, SE, UK	***Yes: standard practice*** CY,[275] EE, EL, HU, NL, SE,[276] SK	***Yes: optional***	***No*** CY[277]	***Yes: obligatory*** IE, LT, PT	***Yes: standard practice*** CY, CZ, DE,[278] FI, FR[279], HU, MT, NO, SK, SI, UK	***Yes: optional*** AT, BE, EE, ES, LU, LV, NL[280]	***No*** *SE*
Identity related paper and e-transactions with the authorities (e.g. tax, social benefits)	***Yes: obligatory***	***Yes: standard practice*** CZ,[281] EL	***Yes: optional*** AT, DE, EE, FR, HU, IE, LT, MT, NO, SE, SK, UK	***No*** BE, CY, FI, HR, LU, LV, NL, PT, SI	***Yes: obligatory*** IT	***Yes: standard practice*** CZ,[282] NO	***Yes: optional*** AT, DE, EE, ES, IE, LV, UK,	***No*** *BE, CY, FI, FR, HR, LT, LU, MT, NL, PT, SE, SI, SK*

[263] In the case of persons claiming to be minors, where doubts exist
[264] In the case of persons claiming to be minors, where doubts exists.
[265] When there is legitimate doubt regarding the person's age or in cases where an alien is not able to prove kinship otherwise.
[266] In case of unaccompanied minors only
[267] Only obligatory in some cases
[268] Age assessment of the unaccompanied minor is carried out if there is a doubt in the age of the minor
[269] According to the International Protection Act, the age assessment can be made on the basis of the opinion of the officers or persons involved in the work with the unaccompanied minor if there is doubt in his/her age during the procedure. However the age assessment is currently not used in practice.
[270] Realised for assessing the age and family isolation so that the minor falls in the national care system.
[271] According to the Aliens Act, the age assessment can be made when the identity of a minor has not been confirmed and there is doubt that he/she is actually a minor, in practice this procedure is not used.
[272] Only permissible on persons aged 14 or over
[273] In the case of persons claiming to be minors, where doubts exists.
[274] 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
[275] The Asylum Service has already examined the country of origin or rejected applicants
[276] The interview deals with the entirety of the claim for international protection.
[277] The Asylum Service has already examined the country of origin or rejected applicants
[278] If the documents in the file of the applicant are not sufficient to obtain a passport substitute
[279] Such interviews are held during the asylum application and the results of it are used as such for the return procedure
[280] Presentations (interviews) can take place at the diplomatic representation for the purpose of establishing the identity and/or nationality
[281] If the applicant him/herself submits such documents, they serve as supporting documents for assessing reliability.
[282] If such documents are at disposal, they are sent to the relevant Embassy as supporting documents to an application for identity verification.

Method	Applicants for international protection				Return of rejected applicants for international protection			
Identity related paper and e-transactions with the private sector (e.g. bank)	***Yes: obligatory***	***Yes: standard practice*** CZ[283]	***Yes: optional*** AT, DE, EE, FR, IE, IT, LT, MT, NO, SK, UK	***No*** BE, CY, DE, EL, FI, HR, HU, LU, LV, NL, PT, SE	***Yes: obligatory***	***Yes: standard practice*** CZ[284]	***Yes: optional*** AT, EE, ES, IE, IT, NO, UK	***No*** *BE, DE, CY, FI, FR, HR, HU, LT, LU, LV, MT, NL, PT, SE, SK*
Identity related e-transactions in connection with social media	***Yes: obligatory***	***Yes: standard practice*** BE, CZ,[285] EL, NO	***Yes: optional*** AT, DE, EE, FR, HU, IE, IT, LT, MT, SE, SI, SK, UK	***No*** CY, DE, FI, HR, LU, LV, NL, PT	***Yes: obligatory***	***Yes: standard practice*** CZ,[286] HU, NO	***Yes: optional*** AT, EE, ES, FI, IE, IT, SE	***No*** *BE, DE, HR, CY, FR, LT, LU, LV, MT, NL, PT, SI, SK, UK*
Smartphones and other digital devices: law enforcement/immigration authorities may confiscate (temporarily or permanently) such devices and access their content in their efforts to establish or verify an identity	***Yes: obligatory*** LV[287]	***Yes: standard practice*** DE, EE, NL	***Yes: optional*** HR, IT, LT, NO	***No*** AT, BE, CY, CZ, FI, FR, IE, LU,[288] MT, NO, PT, SE, SI, SK[289]	***Yes: obligatory***	***Yes: standard practice***	***Yes: optional*** DE, EE, ES, FI, IT, LT, LV, NL, NO, SE	***No*** *AT, BE, CY, CZ, FR, HR, IE, LU, MT, PT, SI, SK*
Other (e.g. personal belongings search, other type of electronic data carriers, inquiries to Interpol, body search, social media analysis, other type of investigations and interviews, cooperation with third countries, etc.)	***Yes: obligatory*** NL[290]	***Yes: standard practice***	***Yes: optional***		***Yes: obligatory***	***Yes: standard practice***	***Yes: optional***	

[283] If the applicant him/herself submits such documents, they serve as supporting documents for assessing reliability.
[284] If such documents are at disposal, they are sent to the relevant Embassy as supporting documents to an application for identity verification.
[285] If the applicant him/herself submits such documents, they serve as supporting documents for assessing reliability.
[286] If such documents are at disposal, they are sent to the relevant Embassy as supporting documents to an application for identity verification.
[287] Only within the framework of the Criminal Procedure Law.
[288] In the context of a criminal procedure and the public prosecutor requests the investigating judge for an order even if the investigation is not open. The judicial police will seize the smartphone and other digital devices and draw up a report.
[289] This option adopted for the international protection procedure is not currently used. However, it is planned to incorporate checking of technical and recording devices in the legislation and start using it in practice.
[290] baggage search, pat-down search

Method	Applicants for international protection			Return of rejected applicants for international protection		
		CY,[291] FR,[292] NL,[293] SK[294]	AT,[295] EE,[296], DE,[297] FI,[298] LT,[299] NO,[300], SI, UK[301]		BE, CZ,[302] DE,[303] EE,[304] LU[305]	AT,[306] FI,[307] LT,[308] LV,[309] NL,[310] NO,[311] SI,[312] UK[313]

[291] Cooperation with Cyprus consulates abroad
[292] OFPRA regularly conducts fact-finding missions in the countries of origin. These missions afford the Office the opportunity to gather information for subsequent comparison with accounts given by asylum applicants.
[293] body search / on social media open sources are searched for indications of the identity of third-country nationals
[294] Cooperates with institutions based in the third countries. Depending upon the particular case, it is possible to request information or verification from the contacts in the country of origin in the international protection procedure
[295] See chapter 8 of the Austrian national contribution.
[296] Regarding applicants for international protection, an inquiry to Interpol may be initiated by PBGB
[297] It is possible to have a trusted lawyer conduct investigations into the identity of the person concerned in the country of origin
[298] The Finnish Immigration Service's Country Information Service supports decision-making and the establishment of identity. Photographic evidence and other materials found through electronic sources, for example, may be used in the process of verifying an applicant's identity.
[299] Migration/asylum institutions can send inquiries to institutions in third countries, Lithuanian institutions, international organisations and other institutions and experts, with the exception of institutions of the asylum seeker's country of origin.
[300] Contact Norwegian Foreign Service Missions and / or cooperating countries within the Schengen framework
[301] Contact may be made with UK diplomatic missions to check visa details if not electronically stored and other enquiries on a case by case basis.
[302] If necessary for establishment of the identity of a foreign national, cooperation involves actual verification of identity. If the Embassy requires an interview, such interview may be held with the foreign national
[303] Two procedures are used to establish nationality in cooperation with the putative countries of origin:
(a) interview in the presence of representatives of the diplomatic or consular mission of the putative country of origin and (b) interview in the presence of delegations from the putative country of origin
[304] Estonia has posted a liaison officer to India in connection with Eurlo
[305] Cooperation with the diplomatic missions of presumed third-countries of origin in order to identify their nationals, in case that the rejected international protection applicant does not have any documents. The use of video conference in order to execute this identification is also used.
[306] See chapter 8 of the Austrian national contribution.
[307] The Police cooperates with Interpol, if necessary. The police may search a returnee's personal belongings when necessary.
[308] When necessary, information is shared via immigration contact officers and contact points.
[309] Cooperate with consulates, embassies, missions of third countries to check the information provided by the third-country national on his/her identity as well as to obtain more information about the third-country national; cooperate with the competent authorities of third countries to verify the information obtained
[310] Presentation of the third-country national to the foreign representatives of the presumed country of origin of that third-country national, in order to be certain that a foreign national comes from that country. If this is established, the country concerned can issue a replacement travel document. It is possible to share photographs or fingerprints with the presumed country of origin of the third-country national, in order to find out in this way whether the third-country national comes from that country.
[311] The National Police Immigration Service has different types of contact with third countries and carries out both diplomatic missions to relevant third countries and also receives visits from third countries to Norway
[312] On the grounds of a completed form or conducted interview with the foreigner which is made by the consular representatives, the authority of the country of origin checks the data in its national records. If the identity is confirmed, the authority of the country of origin issued the required travel document for return. This method is optional and depends on the cooperation of the foreigner. The practice differs from country to country, however, countries normally refuse cooperation in such procedures unless an express consent of the foreigner for cooperation in the procedure is given.
[313] Returns Logistics in the Home Office make use of interview missions from a number of countries on a bi-lateral basis or organised through EURINT.

Table A3.3: Methods used for establishing identity in the asylum/return procedure (II)

Method	Applicants for international protection		Return of rejected applicants for international protection	
	National database	European database	National database	European database
Fingerprints for comparison with National and European databases	***Yes, obligatory*** CY, CZ, EE, FI, FR, EL, HR, IE, IT, LT, LV, NL, NO, SK, UK	***Yes, obligatory*** AT, CZ, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, NL, NO, PT, SK, SI, UK	***Yes, obligatory*** CZ, EE, EL, ES, IT, LT, SK, UK	***Yes, obligatory*** EE, EL, ES, FR, IT, LT, SK
	Yes, part of standard practice BE, DE, SE	***Yes, part of standard practice*** BE, DE, SE	***Yes, part of standard practice*** BE, FR, LV	***Yes, part of standard practice*** BE, CZ, PT
	Yes, optional AT	***Yes, optional***	***Yes, optional*** AT, DE, LU, NL	***Yes, optional*** AT, DE, FI, LU, LV, NL
	No HU, LU, MT, PT, SI	***No*** MT	***No*** CY, HU, IE, MT, NO, PT, SE, SI	***No*** HU, IE, MT, NO, SE, SI,[314] UK
Photograph for comparison with National and European databases	***Yes, obligatory*** CZ, EL, FI, FR, HR,IT, NL, UK	***Yes, obligatory*** EL, FI, HR, IT, LU NL, SI, UK	***Yes, obligatory*** UK	***Yes, obligatory*** EL
	Yes, part of standard practice BE, DE,[315] ES	***Yes, part of standard practice*** DE,[316] ES	***Yes, part of standard practice*** BE, EL, HR, SK	***Yes, part of standard practice*** ES, SK
	Yes, optional LV, SE, SK	***Yes, optional***	***Yes, optional*** DE, LU, LV, SE	***Yes, optional*** DE, LU, LV, SE
	No AT, CY, EE,[317] HU, IE, LU, LT, MT, NO, PT, SI	***No*** AT, BE, CZ, EE, HU, IE, LT, LV, MT, NO, PT, SE, SK	***No*** AT, CZ, EE, HU, IE, LT, MT, NL, NO, PT, SI	***No*** AT, CZ EE, HR, HU, IE, LT, MT, NL, NO, PT, SI,[318] UK
Iris scans for comparison with National databases	***Yes, obligatory***	***NA***	***Yes, obligatory***	***NA***
	Yes, part of standard practice		***Yes, part of standard practice***	
	Yes, optional		***Yes, optional***	
	No AT, BE, CY, CZ, DE, EL, ES, FI, HU IE, IT, LT, LU, LV, MT, NL, NO, PT, SE, SI, SK, UK		***No*** AT, BE, CZ, DE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, MT, NL, NO, PT, SE, SI, SK, UK	
DNA analysis (*If Yes to National databases), briefly describe what for and under what conditions).*	***Yes, obligatory*** IE,[319] LT,[320] NO[321]	***NA***	***Yes, obligatory***	***NA***
	Yes, part of standard practice		***Yes, part of standard practice***	

[314] Because the fingerprints are already taken in the international protection procedure a new procedure is not necessary.
[315] Photographs are taken and stored but are currently not compared with databases.
[316] Photographs are taken and stored but are currently not compared with databases.
[317] Although the applicant´s photo is taken, there is no database to compare the photo
[318] Because the photograph is already taken in the international protection procedure, a new procedure is not necessary.
[319] For establishing family connections with reference to the Dublin Regulation or in the case of family reunification
[320] Obligatory when there is legitimate doubt regarding the person's age or in cases where an alien is not able to prove kinship otherwise.
[321] Only to control claimed family ties.

Method	Applicants for international protection		Return of rejected applicants for international protection	
	National database	**European database**	**National database**	**European database**
	Yes, optional AT, EE,[322] EL, FI, HR, LV, NL, UK		***Yes, optional*** AT, BE, EE, ES, LV	
	No BE, CY, CZ, DE, ES, FR, HU, IT, LU, MT, PT, SE, SI, SK		***No*** CZ, DE, EL, FI, FR, HR, HU, IE, IT, LT, LU, MT, NL, PT, SE, SI, SK, UK	
Other (e.g. type of co-operation with or contacts in third countries, such as diplomatic missions)	***Yes, obligatory*** LU[323]	***Yes, obligatory*** LU[324]	***Yes, obligatory***	***Yes, optional*** LU,[325] NO[326]
	Yes, part of standard practice EE[327]		***Yes, part of standard practice*** CZ,[328] EE[329]	
	Yes, optional AT, FR,[330] IE,[331] LT,[332] SE[333]		***Yes, optional*** AT, FI,[334] FR,[335] LT,[336] LU,[337] SE[338]	
	No CY, CZ, DE, EL, NL, NO, PT, SI		***No*** DE, EE, EL, NL, SI	

[322] The legislation gives the opportunity to conduct DNA analysis, however it is not part of a standard procedure and it had not occurred in practice.
[323] Article 6 (3) paragraph 2 of the Law of 18 December 2015 on international protection and temporary protection
[324] Article 6 (3) paragraph 2 of the Law of 18 December 2015 on international protection and temporary protection
[325] Article 120 (4) of the amended Law of 29 August 2008
[326] The National Police Immigration Service has different types of contact with third countries and carries out both diplomatic missions to relevant third countries and also receives visits from third countries to Norway
[327] There is close cooperation with LT; LV; FI and SE. In case of suspicion if an applicant uses false identity, other member states can be consulted
[328] Cooperation with third countries, with Embassies of the CR, with FRONTEX, with INTERPOL NCB and SIRENE NB
[329] By using SIRENE it is possible to make queries to other member states where the alien has a living permit.
[330] OFPRA only ever contacts the authorities in cases of statelessness, to verify that the person is not recognised by the country in question.
[331] Co-operation through the Dublin net system e.g. in the absence of a fingerprint match on EURODAC, a visa query would be raised with other EU states.
[332] Migration/asylum institutions can send inquiries to institutions in third countries, Lithuanian institutions, international organisations and other institutions and experts, with the exception of institutions of the asylum seeker's country of origin
[333] The Migration Agency can as, for example, Swedish missions abroad for assistance
[334] The police cooperates with the diplomatic missions of third countries and local authorities as necessary.
[335] Identification missions undertaken by national experts may be arranged in order to conduct hearings with persons facing removal orders.
[336] When necessary, information is shared via immigration contact officers and contact points.
[337] Article 120 (4) of the amended Law of 29 August 2008.
[338] The Police can ask, for example, Swedish missions abroad for assistance. At some missions specialised return liaison officers are deployed

Table A3.4: Methods national authorities **plan to use** for establishing identity in the asylum/ return procedure (I)

Method	Applicants for international protection	Return of rejected applicants for international protection
Language analysis to determine probable country and/or region of origin	***Yes, obligatory*** EE	***Yes, obligatory*** EL
	Yes, part of standard practice DE,[339] HU	***Yes, part of standard practice*** HU
	Yes, optional HR, LV[340]	***Yes, optional***
	No CY, CZ, IE, MT, PT, SI, SK	***No*** CZ, IE, FR, MT, PT, SI, SK
Age assessment to determine probable age	***Yes, obligatory*** CY, PT	***Yes, obligatory*** EL
	Yes, part of standard practice SK	***Yes, part of standard practice***
	Yes, optional EE, HR, HU, LV[341]	***Yes, optional*** HU
	No IE, MT, SI[342]	***No*** IE, MT, PT, SE, SI,[343] SK
Interviews to determine probable country and or region of origin (or other elements of identity, such as faith and ethnicity)[344]	***Yes, obligatory*** EE, HR, PT	***Yes, obligatory*** PT
	Yes, part of standard practice CY, DE,[345] HU, LV, SK	***Yes, part of standard practice*** HU
	Yes, optional	***Yes, optional***
	No IE, MT, SI	***No*** EL, IE, MT, SI, SK
Identity related paper and e-transactions with the authorities (e.g. tax, social benefits)	**Yes, obligatory**	***Yes, obligatory***
	Yes, part of standard practice	***Yes, part of standard practice***
	Yes, optional HU, LT, NO, SK	***Yes, optional***
	No CY, EE, IE, LU, LV, MT, NL, PT, SI	***No*** EL, FR, IE, LT, LU, MT, NL, PT, SE, SI, SK
Identity related paper and e-transactions with the private sector (e.g. bank)	***Yes, obligatory***	***Yes, obligatory***
	Yes, part of standard practice	***Yes, part of standard practice***
	Yes, optional LT, SK	***Yes, optional***
	No CY, EE, IE, LU, LV, MT, NL, PT, SI	***No*** EL, FR, IE, LT, LU, LV, MT, NL, PT, SE, SI, SK
	Yes, obligatory	***Yes, obligatory***

[339] The Federal Office for Migration and Refugees has started a project on language analysis.
[340] Yes (if necessary) according to the law
[341] Yes (if necessary) according to the law
[342] The method is already regulated in national legislation, but is currently not used in practice.
[343] The method is already regulated by national legislation but not used in practice. The police does not see the need to use the method in the future.
[344] 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.
[345] The Federal Office for Migration and Refugees is currently working on a programme which will provide intelligent interview support to staff of the Federal Office for Migration and Refugees. It will offer them specific information on the region and country of origin during the interview and thus enable them to ask targeted questions concerning aspects of identity.

Method	Applicants for international protection	Return of rejected applicants for international protection
Identity related e-transactions in connection with social media	***Yes, part of standard practice*** LT	***Yes, part of standard practice*** HU
	Yes, optional FI, HR, SK	***Yes, optional***
	No CY, EE, IE, LU, LV, MT, NL, PT	***No*** EL, FR, IE, LT, LU, LV, MT, NL, PT, SK
Smartphones and other digital devices: confiscation (temporarily or permanently) by law enforcement/immigration authorities of such devises and access their content in their efforts to establish or verify an identity	***Yes, obligatory*** DE, HR, LT, LV	***Yes, obligatory***
	Yes, part of standard practice	***Yes, part of standard practice***
	Yes, optional	***Yes, optional*** EL, LT
	No CY, CZ, EE, IE, LU, MT, PT, SI, SK[346]	***No*** CZ, FR, IE, LU, MT, PT, SI, SK

Table A3.5: Methods national authorities **plan to use** for establishing identity in the asylum/ return procedure (II)

	Applicants for international protection		Return of rejected applicants for international protection	
	National database	**European database**	**National database**	**European database**
Fingerprints for comparison with National and European databases	***Yes, obligatory*** CY, SK	***Yes, obligatory*** LT, PT, SK	***Yes, obligatory*** LT	***Yes, obligatory*** CY, LT, LV, PT
	Yes, part of standard practice	***Yes, part of standard practice*** SI	***Yes, part of standard practice*** SI, SK	***Yes, part of standard practice*** SK
	Yes, optional CY, LV	***Yes, optional***	***Yes, optional*** FR[347]	***Yes, optional***
	No IE, MT, PT, SI	***No*** EE, IE, MT	***No*** CY, IE, MT, PT	***No*** IE, MT, SI
Photograph for comparison with National and European databases	***Yes, obligatory*** *CY*	***Yes, obligatory*** *EE, LT*[348]	***Yes, obligatory***	***Yes, obligatory***
	Yes, part of standard practice DE[349]	***Yes, part of standard practice*** SI	***Yes, part of standard practice*** HU, SK	***Yes, part of standard practice*** HU, SK
	Yes, optional LT,[350] LV, SK	***Yes, optional*** NO, SK	***Yes, optional*** LV	***Yes, optional*** LV
	No EE, IE, MT, PT, SI	***No*** IE, MT, PT	***No*** CZ, IE, LT, MT, NL, PT, SI	***No*** CZ, IE, LT, MT, NL, PT, SI

[346] It is planned to start checking technical and recording devices, however, it needs to be incorporated in the legislation before it can be done in practice
[347] Fingerprints to compare with databases in third countries through consulates, when the conditions for protecting data are fulfilled.
[348] The functionality of EURODAC is likely to be expanded in the future by adding face visuals and other biometric data to the collected data
[349] The Federal Office for Migration and Refugees is currently testing a biometric crosscheck of newly taken photographs with photographs already stored in the asylum database MARiS in order to prevent double registrations (image-based biometrics)
[350] It is planned to use it in the future (to keep and check photographs in the Register of Aliens) if additional technical capabilities are developed.

	Applicants for international protection		Return of rejected applicants for international protection	
	National database	**European database**	**National database**	**European database**
Iris scans for comparison with National databases	***Yes, obligatory***	***NA*** SI	***Yes, obligatory***	***NA*** SI
	Yes, part of standard practice		***Yes, part of standard practice*** EE	
	Yes, optional		***Yes, optional*** SK	
	No CY, CZ, DE, EE, FR, HU, IE, LT, LU, LV, MT, NL, PT, SK, SI		***No*** CY, CZ, DE, FR, HU, LT, LU, LV, MT, NL, PT, IE, SI	
DNA analysis	***Yes, obligatory*** LT	***NA*** SI	***Yes, obligatory***	***NA*** SI
	Yes, part of standard practice		***Yes, part of standard practice***	
	Yes, optional SK		***Yes, optional***	
	No CY, CZ, DE, FR, HU, IE, LU, MT, NL, PT, SI		***No*** CY, CZ, DE, FR, HU, IE, LU, MT, NL, PT, SI, SK	

Table A.3.6 Methods used for establishing identity in legal migration procedures

Short-stay visas		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	***Yes, obligatory*** *DE,*[351] *EL, FI,*[352] *IE,*[353] *LU, NL, UK*	***Yes, obligatory*** AT, BE, CZ, DE,[354] EE, EL, ES, FI, FR, HU, IE, LU, NL, SI
	Yes, part of standard practice ES, NO, SK	***Yes, part of standard practice*** NO, SE,[355] SK
	Yes, optional AT, LT	***Yes, optional*** LT
	No BE, CY, CZ, EE, FR, HR, HU, LV, MT, PT, SE	***No*** CY, LV, MT, PT, UK
Photograph for comparison with National and European databases	**Yes, obligatory** CY, ES, FI,[356] EL, LU, NL, SI, UK	***Yes, obligatory*** CY, EL, ES, FI, FR, IE,[357] LU, NL, SI
	Yes, part of standard practice DE,[358] NO	***Yes, part of standard practice*** DE, NO
	Yes, optional BE,[359] CZ,[360] LV[361]	***Yes, optional*** CZ
	No AT, EE, FR, HR, HU, IE[362], LT[363], MT, PT, SE, SK	***No*** AT, EE, HU, LT, LV, MT, PT, SE, SK, UK
Others (e.g. use of document verification experts, etc.…)	BE,[364] PT[365]	
Residence permit for study reasons		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	***Yes, obligatory*** BE,[366] EL,[367] FI,[368], FR, IE, IT, LU, NL, UK	***Yes, obligatory*** IE, LU, NL

[351] Fingerprinting for the purpose of crosschecks with national databases is an integral part of the visa procedure. The fingerprints are compared with the databases of the Central Register of Foreigners, the visa database, the visa alert database and the protected border-crossing records.
[352] Fingerprints are not saved in the national visa register (SUVI). Fingerprints are not compared to national or international registers automatically.
[353] obligatory for biometric enrolment enabled countries
[354] Fingerprinting for the purpose of cross-checks with European databases is an integral part of the visa procedure. The fingerprints are compared with the VIS and SIS II databases.
[355] VIS only
[356] The photograph is saved, but it is not compared to national or international registers automatically
[357] for comparison with UK database only
[358] Taking a photograph/accepting a photograph provided by the applicant is an integral part of the visa procedure.
[359] in case the visa application is transferred to the Immigration Office for consultation by the diplomatic post and if the person is already in the database of the IO a comparison can take place
[360] Where doubt exists, a search may be performed in the visa archiving system (component to the National Visa Database) for previous applications by the same applicant and photographs compared.
[361] The photograph can be used for comparison with visas that have been issued previously
[362] A photograph is taken, but it is only for use on the GNIB registration card.
[363] Photographs are kept in a database but no comparison is performed, such feature is unavailable
[364] A number of consulates have locally recruited document verification officers (DVO), who reinforce the visa section.
[365] All the collected personal information (such as photos) will be available at the VIS – Visa Information System. All the information collected there migrate daily to the National Visa System and will be available to check at the National Schengen Information
[366] In the framework of issuing the residence card (fingerprints are stored on the card but not on a central database).
[367] But case by case by the Hellenic Police. Biometric data is collected for new permits, in general. Since February 20, 2017, fingerprints are required, which are kept in the database of the Ministry for Migration Policy (not in a central national database)
[368] UMA, Not compared to national or international registers automatically

	Yes, part of standard practice DE,[369] LV,[370], PT, SK	***Yes, part of standard practice***
	Yes, optional AT, BE[371]	***Yes, optional***
	No CY, CZ,[372] EE, ES, HR, HU, LT,[373] MT, NO, SE	***No*** AT, BE, CY, CZ, DE,[374] EE, ES,FI, FR, EL, HR, HU, LT, LV, MT, NO, PT, SE, SK, UK
Photograph for comparison with National and European databases	***Yes, obligatory*** CY, ES, FI[375], FR, IT, LU, NL, UK	***Yes, obligatory*** LU, NL
	Yes, part of standard practice DE,[376] LV,[377] PT, SK	***Yes, part of standard practice*** SK
	Yes, optional BE,[378] CZ[379]	***Yes, optional***
	No AT, EE, EL, HR, HU, IE,[380] LT,[381] MT, NO, SE, SI	***No*** AT, BE, CY, CZ, DE,[382] EE, EL, ES, FI, FR, HR, HU, IE, LT, LV, MT, NO, PT, SE, SI, UK
Others (e.g. electronic signatures, etc.)	FI[383]	

Residence permits for the purposes of remunerated activities		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	***Yes, obligatory*** EL,[384] FI,[385] FR, IE, IT, LU, NL, UK	***Yes, obligatory*** IE, LU, NL
	Yes, part of standard practice *DE,[386] LV,[387] PT, SK*	***Yes, part of standard practice***
	Yes, optional *AT, BE*[388]	***Yes, optional***
	No CZ[389], EE, ES, HR, HU, LT,[390] MT, NO, SE, SI	***No*** AT, BE, CZ, DE,[391] EE, EL, ES, FI, FR, HR, HU, LT, LV, MT, NO, PT, SE, SI, SK, UK
	Yes, obligatory	***Yes, obligatory***

[369] Fingerprints are taken at the time of the application.
[370] Fingerprints are compared automatically when issuing new residence permit document (eID).
[371] In the framework of the visa-application
[372] Fingerprints are taken, but not sent to any database for comparison
[373] Fingerprints are taken when a person applies for a visa and are not additionally taken in cases of permits.
[374] Fingerprints are taken at the time of the application for a residence title, but they are not crosschecked against European databases.
[375] UMA. Not compared to national or international registers automatically.
[376] A photograph is taken and stored in the Central Register of Foreigners at the time of the application.
[377] The photograph can be used for comparison with residence permits that have been issued previously.
[378] Optional in the framework of visa applications. A residence card contains a photograph, but no automated comparison takes place when issuing or renewing the card.
[379] Where doubt exists, a search may be performed in the visa archiving system for previous applications by the same applicant and photographs compared.
[380] A photograph is taken, but it is only for use on the GNIB registration card
[381] Photographs are kept in a database but no comparison is performed, such feature is unavailable.
[382] A photograph is taken at the time of the application for a residence title, but it is not crosschecked against European databases.
[383] Electronic signature (UMA)
[384] Since February 20, 2017, fingerprints are required, which are kept in the database of the Ministry for Migration Policy (not in a central national database)
[385] UMA
[386] Fingerprints are taken at the time of the application.
[387] Fingerprints are compared automatically when issuing new residence permit document (eID).
[388] Currently not in the framework of visa applications. Obligatory in the framework of issuing the residence card (fingerprints are stored on the card but not on a central database).
[389] Fingerprints are taken, but not sent to any database for comparison.
[390] Fingerprints are taken when a person applies for a visa and are not additionally taken in cases of permits.
[391] Fingerprints are taken at the time of the application for a residence title, but they are not crosschecked against European databases.

Photograph for comparison with National and European databases	EL, ES, FI, FR, IT, LU, NL, UK	LU, NL
	Yes, part of standard practice DE,[392] LV,[393] PT, SK	***Yes, part of standard practice*** SK
	Yes, optional BE,[394] CZ[395]	***Yes, optional***
	No AT, EE, HR, HU, IE,[396] LT,[397], MT, NO, SE, SI	***No*** AT, BE, CZ, DE, EE, EL, ES, FI, FR, HR, HU, IE, LT, LV, MT, NO, PT, SE, SI, UK
Residence permit for family reasons		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	***Yes, obligatory*** BE,[398] EL, FI, FR, IE, IT, LU, LV, NL, PT, UK	***Yes, obligatory*** IE, LU, NL
	Yes, part of standard practice DE, EE, SK	***Yes, part of standard practice***
	Yes, optional AT, NO	***Yes, optional***
	No *CY, CZ,[399] ES, HR, LT, MT, SE, SI*	***No*** *AT, BE, CZ, DE, ES, FI, FR, LT, LV, MT, NO, PT, SE, SI, SK, UK*
Photograph for comparison with National and European databases	***Yes, obligatory*** *CY, EL, ES, FI, FR, IT, LU, NL, UK*	***Yes, obligatory*** *LU, NL*
	Yes, part of standard practice *DE,[400] EE, SK*	***Yes, part of standard practice*** *SK*
	Yes, optional *BE, CZ,[401] LV, NO*	***Yes, optional***
	No *AT, HR, IE, LT, MT, SE, SI*	***No*** *AT, BE, CZ, DE, ES, FI, FR, IE, LT, LV, MT, NO, PT, SE, SI, UK*
DNA analysis	***Yes, obligatory***	***Yes, obligatory***
	Yes, part of standard practice *NO[402]*	***Yes, part of standard practice***
	Yes, optional BE, DE,[403] EE, EL, ES, FI, IE, IT, LT,[404] NL, SE, UK	***Yes, optional*** *DE,[405] NL*
	No AT, CY, CZ, HR, FR, LU, LV, MT, SI, SK	***No*** AT, BE, CZ, ES, FI, FR, IE, LT, LU, LV, MT, NO, PT, SE, SI, SK, UK
Other (please specify)	FI[406]	

[392] A photograph is taken and stored in the Central Register of Foreigners at the time of the application.
[393] The photograph can be used for comparison with residence permits that have been issued previously.
[394] Optional in the framework of visa applications. A residence card contains a photograph, but no automated comparison takes place when issuing or renewing the card.
[395] Where doubt exists, a search may be performed in the visa archiving system for previous applications by the same applicant and photographs compared.
[396] A photograph is taken, but it is only for use on the GNIB registration card.
[397] Photographs are kept in a database but no comparison is performed, such feature is unavailable.
[398] Currently not in the framework of a visa application (but planned) and obligatory in the framework of issuing a residence card
[399] Fingerprints are taken, but not sent to any database for comparison
[400] A photograph is taken and stored in the Central Register of Foreigners at the time of the application.
[401] Where doubt exists, a search may be performed in the visa archiving system for previous applications by the same applicant to compare photographs.
[402] To verify claimed family relationship.
[403] DNA analyses may be used to establish the family relationship in the case of family reunification. However, they are not crosschecked against databases.
[404] However, the results of such analysis are not registered or compared in any databases
[405] DNA analyses may be used to establish the family relationship in the case of family reunification. However, they are not crosschecked against databases.
[406] Electronic signature

Table A.3.7: Methods national authorities **plan to use** for establishing identity in legal migration procedures

Short-stay visas		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	***Yes, obligatory*** CY, EE, NO	***Yes, obligatory*** CY, CZ, IE
	Yes, part of standard practice NO, SK	***Yes, part of standard practice*** SI, SK
	Yes, optional IE[407]	***Yes, optional***
	No CZ, LT, LV, SI	***No*** EE, LT, LV
Photograph for comparison with National and European databases	***Yes, obligatory*** CY	***Yes, obligatory*** CY IE
	Yes, part of standard practice HU, IE, NO, SI	***Yes, part of standard practice*** SI
	Yes, optional	***Yes, optional***
	No CZ, EE, HU, LV, SK	***No*** CZ, EE, HU, LV, SK
Residence permit for study reasons		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	***Yes, obligatory*** IE, NO	***Yes, obligatory*** IE
	Yes, part of standard practice IE	***Yes, part of standard practice***
	Yes, optional	***Yes, optional***
	No CY, CZ, EE, HR, HU, LV, MT, SI, SK	***No*** CY, CZ, EE, HU, LV, MT, NO, SI, SK
Photograph for comparison with National and European databases	***Yes, obligatory*** CY, IE, NO	***Yes, obligatory*** IE
	Yes, part of standard practice	***Yes, part of standard practice***
	Yes, optional	***Yes, optional***
	No CZ, EE, HR, LV, MT, SI, SK	***No*** CZ, CY, EE, LV, MT, NO, SI, SK
Residence permits for the purposes of remunerated activities		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	***Yes, obligatory*** IE, NO	***Yes, obligatory*** IE
	Yes, part of standard practice	***Yes, part of standard practice***
	Yes, optional	***Yes, optional***
	No CY, CZ, EE, HR, HU, LV, MT, SI, SK	***No*** CY, CZ, EE, HU, LV, MT, NO, SI, SK

[407] Adaptation of the NS VIS system which, after adaptation, will be capable of automatic fingerprint check against CS VIS

Photograph for comparison with National and European databases	***Yes, obligatory*** CY, IE, NO	***Yes, obligatory*** IE
	Yes, part of standard practice	***Yes, part of standard practice***
	Yes, optional	***Yes, optional***
	No CZ, EE, HR, LV, MT, SI, SK	***No*** CY, CZ, EE, LV, MT, NO, SI, SK
Residence permit for family reasons		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	***Yes, obligatory*** *IE, NO*	***Yes, obligatory*** IE
	Yes, part of standard practice	***Yes, part of standard practice***
	Yes, optional *BE*[408]	***Yes, optional***
	No CY, CZ, EE, HR, HU, LV, MT, SI, SK	***No*** CY, CZ, EE, HU, LV, MT, NO, SI, SK
Photograph for comparison with National and European databases	***Yes, obligatory*** CY, IE, NO	***Yes, obligatory*** IE
	Yes, part of standard practice	***Yes, part of standard practice***
	Yes, optional	***Yes, optional***
	No CZ, HR, EE, LV, MT, SI, SK	***No*** CY, CZ, EE, LV, MT, NO, SI, SK
DNA analysis	***Yes, obligatory***	***Yes, obligatory***
	Yes, part of standard practice	***Yes, part of standard practice***
	Yes, optional	***Yes, optional***
	No CY, EE, FR, HR, HU, IE, LU, LV, MT, SI, SK	***No*** CY, EE, FR, HU, IE, LU, LV, MT, NO, SI, SK

Table A3.8: The type of databases used in the various migration procedures

Migration procedure	VIS	SIS	EURODAC	National databases and watch lists
International protection	AT, BE, CZ, DE, EE, ES, FI, FR, LT, LU, LV (where applicable), MT, NL, NO, PL, PT, SE, SI, SK	AT, BE, CZ, ES, FI, FR, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI	AT, BE, CY, CZ, DE, EE, EL, ES FI, FR, HR, HU, IE, LT, LU, LV (for persons over 14 years old), MT, NL, NO, PL, PT, SE, SI, SK, UK	AT, BE, CZ, DE, EE, ES, FI, FR, HU, IE, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK, UK
Return	BE, HR, DE, EE, ES, FI, FR, HU, LT, LU, MT (as required), LV, PL, PT, SI, SK	AT, BE, CY, CZ, HR,EE, ES, FI, FR, HU, LT, LU, MT (as required), LV, PL, PT, SE, SI, SK	BE, CZ, HR, CY, EE, ES (optional), FI, FR, HU, IE,[409] LT, LU, MT (as required), LV, PL, PT, SK	BE, CY, CZ, DE, HR, EE, ES, FI, FR, IE, LT, LU, LV, MT (as required), NL, PL, PT, SE, SI, SK, UK

[408] The decision has been taken to collect fingerprints in the framework of applications for a long-term visa in a more systematic manner, including in the framework of family reunification. The legal framework has been adapted to make this possible and the practical implementation is foreseen in the near future.
[409] In the context of initial asylum procedures

Migration procedure	VIS	SIS	EURODAC	National databases and watch lists
Short-stay visas	AT, BE, CY, CZ, DE, EE, EL, ES, FI, FR,HU, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK	AT, BE, CZ, DE, EE, EL, ES, FI, FR, HU, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK	MT, NO	BE, CZ, DE, EE, EL, ES, FI, FR, HU, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK, UK
Long-stay visas and residence permit for study reasons	AT, BE, CZ, DE, EE, ES, FI, FR, LT, LU, LV, MT, NL, PL (only for permits), PT, SI, SK	AT, BE, CZ, DE, EE, ES, FI, EL, FR, HU, LT, LU, MT, LV, NL, NO, PL, PT, SE, SI, SK	DE (depends on case), MT	BE, CY, CZ, DE, EE, EL, ES, FI, FR, HU, IE, LT, LU, MT, LV, NL, NO, PL, PT, SE, SI, SK, UK
Long-stay visas and residence permits for family reasons	AT, BE, CZ, DE, EE, ES, FI, FR, LT, LU, LV, MT, NL, PL, PT, SI, SK	AT, BE, CZ, DE, EE, EL, ES, FI, FR, HU, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK	DE (depends on case) , MT	BE, CY, CZ, DE, EE, EL, ES, FI, FR, HU, IE, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK, UK
Long-stay visas and residence permits for the purposes of remunerated activities	AT, BE, CZ, DE, EE, ES, FI, FR, LT, LU, LV, MT, NL, PL, PT, SI, SK	AT, BE, CZ, DE, EE, EL, ES, FI, FR, HU, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK	DE (depends on case), MT	BE, CY, CZ, DE, EE, EL, ES, FI, FR, HU, IE, LT, LU, LV, MT, NL, NO, PL, PT, SE, SI, SK, UK

Annex 4 Statistical information on international protection and return procedures (2012-2016)

The following tables present indicators where data was provided by two or more (Member) States, namely there is data from: DE, EE, EL, FI, IE, LT, LV, NE, NO, PL, SE, SK and UK.

Table A4.1: Number of applicants for international protection whom identity was not documented at the time when the application for international protection was lodged

Member State	Indicator	2012	2013	2014	2015	2016
Finland[410]	Number of applicants for international protection whom identity was not documented at the time when the application for international protection was lodged	2,278	2,295	2,504	26,286	2,691
	Total number of asylum and first time asylum applicants	3,095	3,210	3,620	32,345	5,605
	Percentage of applicants for whom identity was not documented at time of application	74%	71%	69%	81%	48%
Lithuania	Number of applicants for international protection whom identity was not documented at the time when the application for international protection was lodged	218	123	179	115	273
	Total number of asylum and first time asylum applicants	645	400	440	315	430
	Percentage of applicants for whom identity was not documented at time of application	34%	31%	41%	37%	65%
Latvia	Number of applicants for international protection whom identity was not documented at the time when the application for international protection was lodged	46	29	46	104	116
	Total number of asylum and first time asylum applicants	205	195	375	330	350
	Percentage of applicants for whom identity was not documented at time of application	22%	15%	12%	32%	33%
Norway	Number of applicants for international protection whom identity was not documented at the time when the application for international protection was lodged	8,931	10,834	9,931	26,504	2,614
	Total number of asylum and first time asylum applicants	9,675	11,930	11,415	31,445	3,485
	Percentage of applicants for whom identity was not documented at time of application	92%	91%	87%	84%	75%
Sweden	Number of applicants for international protection whom identity was not documented at the time when the application for international protection was lodged[411]	39,593	49,319	66,453	132,018	23,901

[410] The statistical information is only approximate. Between the years 2012 - 2015 it was not mandatory to record in the UMA electronic case management system information on how the identity was documented.
[411] Refers to applicants not in the possession of a passport.

Member State	Indicator	2012	2013	2014	2015	2016
	Total number of asylum and first time asylum applicants	43,855	54,270	81,180	162,450	28,790
	Percentage of applicants for whom identity was not documented at time of application	90%	91%	82%	81%	83%
Slovak Republic[412]	Number of applicants for international protection whom identity was not documented at the time when the application for international protection was lodged				330	
	Total number of asylum and first time asylum applicants	730	440	330	330	145
	Percentage of applicants for whom identity was not documented at time of application	--	--	--	100%	--

***Source**: Eurostat migr_asyappctza (data extracted 27/09/2017) and National Reports 2012-2016 data*

***Note**: The table presents indicators where data was provided by two or more (Member) States.*

Table A4.2: Number of applicants for international protection for whom identity was wholly or partially established during the asylum procedure thereby allowing the relevant authorities to reach a particular decision on the application for international protection (e.g. grant, refuse, defer)

Member State	2012	2013	2014	2015	2016
Estonia	77	97	157	231	111
Lithuania	544	296	386	287	412
Norway[413]	5,091	5,604	4,739	6,135	10,546

***Source**: National Reports 2012-2016 data*

***Note**: The table presents indicators where data was provided by two or more (Member) States.*

[412] This concerns overall statistics of asylum seekers. It is not possible to provide detailed statistical data on the number of persons with established identity at the beginning of asylum procedure and at the point of issuing the decision. The only exception is, however, 2015 when applicants from Iraq were resettled into Slovakia.
[413] The NO numbers in tables A4.2 and A4.4 reflect that the Norwegian Directorate of Immigration (UDI) register the ID of an asylum seeker as being sufficiently established when the probability that it is correct to be higher than that it is incorrect.

Table A4.3: Total Number of Positive Decisions for applicants for international protection whose identity was not documented at the time of application

Member State	2012	2013	2014	2015	2016
Estonia	4	3	11	16	18
Lithuania	23	14	7	7	179
Latvia	12	9	6	22	44
Norway	5,035	5,401	4,360	5,577	10,284

***Source**: National Reports 2012-2016 data*

***Note**: The table presents indicators where data was provided by two or more (Member) States.*

Table A4.4: Total Number of Positive Decisions for applicants for international protection whose identity was considered sufficiently established by the decision-making authorities

Member State	2012	2013	2014	2015	2016
Estonia	23	10	23	100	81
Finland	655	571	608	3,985	947
Lithuania	54	61	80	83	195
Norway[414]	5,183	5,648	4,806	6,146	12,037
Slovak Republic[415]	136	49	113	49	179

***Source**: National Reports 2012-2016 data*

***Note**: The table presents indicators where data was provided by two or more (Member) States.*

[414] The NO numbers in tables A4.2 and A4.4 reflect that the Norwegian Directorate of Immigration (UDI) register the ID of an asylum seeker as being sufficiently established when the probability that it is correct to be higher than that it is incorrect.
[415] Identity of these persons was stable but not established at the time of issuing the decision. In the case of 149 internally displaced applicants from Iraq who were granted asylum, the identity was established at the very beginning of the proceedings as they had arrived with their travel documents in 2015.

Table A4.5: Total Number of Negative Decisions for applicants for international protection whose identity was not documented at the time of application

Member State	2012	2013	2014	2015	2016
Estonia	23	25	15	46	23
Lithuania	32	38	56	54	31
Latvia	13	7	13	51	49
Norway	4,667	5,114	3,791	3,220	6,623

***Source**: National Reports 2012-2016 data*

***Note**: The table presents indicators where data was provided by two or more (Member) States.*

Table A4.6: Total Number of Negative Decisions for applicants for international protection whose identity was not considered to be sufficiently established by the decision-making authorities

Member State	2012	2013	2014	2015	2016
Finland	1,040	1,247	1,238	8,795	949
Slovak Republic[416]	153	49	41	24	13

***Source**: National Reports 2012-2016 data*

***Note**: The table presents indicators where data was provided by with two or more (Member) States.*

Table A4.7: Total Number of (Forced) Returns undertaken of all rejected applicants for international protection

Member State	2012	2013	2014	2015	2016
Germany[417]	7,651	10,198	10,884	20,888	25,375
Greece	11,557	16,313	20,293	17,097	12,998
Finland	226	150	148	410	1,244
Ireland	236	139	53	197	367
Latvia	21	11	20	93	14
Netherlands[418]	245	155	105	160	205
Norway	2,511	2,875	3,868	3,334	3,359
Poland	384	568	380	159	102
Sweden	2,774	3,227	2,617	2,491	2,498

[416] Statistics on identity which was not established during proceedings of refused applicants is not collected.
[417] Data shows all deportations carried out without differentiating for the reasons of the decision on terminating the stay.
[418] Forced departure to the Country of Origin.

Member State	2012	2013	2014	2015	2016
Slovak Republic[419]	11	4	11	15	9
United Kingdom[420]	5,068	4,828	4,372	3,398	2,117

***Source**: National Reports 2012-2016 data*

***Note**: The table presents indicators where data was provided by two or more (Member) States.*

Table A4.8: Total Number of (Forced) Returns of rejected applicants for international protection whose identity was established at the time of return

Member State	2012	2013	2014	2015	2016
Germany[421]	7,651	10,198	10,884	20,888	25,375
Netherlands[422]	3,325	2,675	1,930	1,770	3,430
Norway	828	954	1,157	1,289	1,240

***Source**: National Reports 2012-2016 data*

***Note**: The table presents indicators where data was provided by two or more (Member) States.*

[419] Low number of forced returns of rejected applicants for international protection is caused primarily by the overall low number of asylum applications in the SR and consequently in the misuse of asylum procedure by foreigners in order to avoid return for secondary migration to other MS (at the time of decision on rejecting asylum such foreigners are often no longer in the territory of the SR which prevents their return).
[420] Data reports those who have been in the asylum procedure who have been forcibly returned. It does not specifically refer to rejected applicants, but it is safe to assume that most people in this category will have had their asylum application rejected.
[421] In general, deportations can only be carried out, if travel documents are at hand. If the identity of the person concerned is not clarified, no travel documents can be issued and, thus, the person concerned cannot leave.
[422] This concerns the number of notifications of travel documents or replacement travel documents per year.

Annex 5 Statistical information on other migration-related procedures (2012-2016)

Table A5.1: Total number of visas applied for in consulates in third countries

Member State	2012	2013	2014	2015	2016
Austria	304,805	313,579	266,356	259,167	268,388
Belgium	233,523	233,273	219,758	239,500	219,687
Czech Republic	603,486	649,470	519,819	421,355	489,920
Denmark	100,408	105,119	109,694	123,951	145,143
Estonia	175,368	201,056	170,731	130,197	122,872
Finland	1,392,051	1,569,961	1,205,034	784,286	550,046
France	2,324,370	2,551,196	2,894,996	3,356,165	3,265,865
Germany[423]	1,851,547	2,062,979	2,061,137	2,022,870	2,004,235
Greece	1,001,385	1,531,384	1,375,287	876,786	986,032
Hungary	322,647	356,869	309,894	290,798	295,226
Iceland	1,088	2,821	3,923	3,987	5,771
Italy	1,707,427	2,036,829	2,164,545	2,023,343	1,806,938
Latvia	182,496	205,230	207,185	164,000	165,814
Lithuania	416,851	471,838	463,709	423,189	421,143
Luxembourg	10,558	11,222	11,567	10,267	9,902
Malta	53,777	79,559	56,886	39,445	27,767
Netherlands	441,074	458,824	485,267	520,809	558,101
Norway	130,933	197,826	179,550	185,557	188,737
Poland	1,091,461	1,126,150	1,125,520	970,907	1,096,465
Portugal	148,721	159,421	183,216	192,220	204,596
Slovakia	75,730	131,194	104,988	76,491	62,472
Slovenia	42,127	38,885	26,492	26,895	25,876
Spain	1,838,516	2,080,175	1,923,016	1,629,753	1,583,848
Sweden	215,763	200,543	191,009	192,852	227,005
Switzerland	464,596	475,171	466,329	481,886	460,653

[423] For Germany, only MEVs valid for more than one year are included.

Member State	2012	2013	2014	2015	2016
United Kingdom[424]	2,560,594	2,829,327	2,747,958	2,840,027	2,893,053

***Source**: DG HOME statistics on short-stay visas issued by the Schengen States and National Reports 2012-2016 data*

***Note**: All data is from DG HOME visa statistics apart from UK data which was taken from the National Reports 2012-2016*

Table A5.2: Total number of visas not issued in consulates in third countries

Member State	2012	2013	2014	2015	2016
Austria	10,334	9,651	7,204	8,564	8,173
Belgium	37,362	35,178	37,120	33,420	33,659
Czech Republic	17,851	17,976	11,509	13,263	19,062
Denmark	4,291	4,476	5,008	6,296	8,281
Estonia	3,379	3,704	1,777	2,234	1,745
Finland	18,203	15,777	12,262	9,571	7,984
France	217,062	245,540	277,355	333,657	363,454
***Germany**[425]	116,025	162,241	118,084	114,118	122,370
Greece	11,491	17,224	27,465	27,668	27,359
Hungary	7,157	7,797	7,359	8,194	10,325
Iceland	10	34	37	12	12
Italy	64,619	71,691	80,587	111,806	126,300
Latvia	1,515	1,763	1,396	1,787	2,262
Lithuania	3,830	4,262	4,253	5,757	4,472
Luxembourg	181	84	241	98	252
Malta	4,506	8,055	8,441	9,928	5,868
Netherlands	29,912	29,585	29,386	39,197	48,733
Norway	12,185	13,753	15,559	8,627	9,301
Poland	16,299	19,161	19,477	24,926	32,050
Portugal	9,867	11,085	18,435	23,383	26,788
Slovakia	935	1,461	1,693	2,190	1,397
Slovenia	1,769	1,805	1,548	1,837	1,732

[424] Figures include all visas (work, study, family dependants joining/accompanying, other visitor and transit) for people from third countries (outside the EU).
[425] For Germany, only MEVs valid for more than one year are included.

Member State	2012	2013	2014	2015	2016
Spain	96,094	108,768	116,945	124,323	127,607
Sweden	19,639	17,608	19,764	19,277	22,176
Switzerland	17,290	16,815	28,105	29,517	32,187
United Kingdom[426]	325,511	331,591	308,399	372,139	402,015

***Source**: DG HOME statistics on short-stay visas issued by the Schengen States and National Reports 2012-2016 data*

***Note**: All data is from DG HOME visa statistics apart from UK data which was taken from the National Reports 2012-2016*

Table A5.3: Total Number of visas refused in consulates in third countries due to the applicant having presented a travel document which was false, counterfeit or forged

Member State	2012	2013	2014	2015	2016
Estonia	27	7	4	25	1
Spain	2,780	2,919	3,349	2,568	281
Sweden	100	183	51	45	34
Slovak Republic	43	136	39	65	23
Slovenia	4	3	0	4	0

***Source**: National Reports 2012-2016 data*

***Note**: The table presents indicators where data was provided by two or more (Member) States*

[426] idem

Annex 6: Statistical information on methods used to establish identity (2012-2016)

Table A6.1: Total Number of Cases in which language analysis was performed to establish the identity of the third-country national

Member State	2012	2013	2014	2015	2016
Germany[427]	735	764	762	431	1,405
Finland[428]	405	429	566	1,818	2,939
Netherlands[429]	4,480	1,890	310	350	450
Norway	1,102	1,123	898	1,646	83
Sweden	1,891	2,158	2,466	2,553	2,111

***Source**: National Reports 2012-2016 data*

***Note**: The table presents indicators where data was provided by two or more (Member) States.*

Table A6.2: Total Number of Cases in which an age assessment was performed to determine whether the third-country national was a minor

Member State	2012	2013	2014	2015	2016
Belgium	953	536	537	1,187	1,296
Finland[430]	55	52	70	149	630
Malta	350	555	203	53	23
Norway	575	811	980	1,512	1,746
United Kingdom[431]	467	406	466	718	908

***Source**: National Reports 2012-2016 data*

***Note**: The table presents indicators where data was provided by two or more (Member) States.*

[427] The data presented pertains to the speech and text analyses carried out or commissioned by the Federal Office for Migration and Refugees itself or via the Office by way of administrative assistance for other authorities.
[428] Total per year. Top 5 nationalities: Iraq, Somalia, Afghanistan, Eritrea, Syria
[429] Numbers are rounded to tens. For language analysis, the amounts mentioned here are the number of cases in which language analysis is performed. Language analysis is mainly requested in order to take a decision on an asylum application, but are also performed in withdrawals, naturalization requests and return procedures.
[430] Total per year. Top 5 nationalities: Afghanistan, Iraq, Somalia, Congo DRC, Iran.
[431] Age disputes raised and resolved for asylum applicants, by country of nationality. This data reports all cases where an age dispute was completed.

Table A6.3: Total Number of Cases in which a DNA Analysis was used to establish the family relationship in family reunification cases

Member State	2012	2013	2014	2015	2016
Belgium[432]	975	1,036	1,082	1,219	1,234
Finland[433]	27	64	162	117	235
Norway	111	812	958	688	800
Sweden	2,135	2,406	1,498	1,470	1,187

***Source**: National Reports 2012-2016 data*

***Note**: The table presents indicators where data was provided by two or more (Member) States.*

[432] The number only refers to DNA analysis performed in the framework of a visa-application.
[433] Total per year. Top 5 nationalities: Somalia, Iraq, Afghanistan, Syria, Vietnam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