



## **EMN Ad-Hoc Query on Identity checks on foreigners, fingerprinting, and prevention of misuse of travel documents and residence permits**

Requested by Bernd PARUSEL on 10th August 2017

### **Irregular Migration**

Responses from Austria, Belgium, Bulgaria, Croatia, Czech Republic, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Slovak Republic, Slovenia, Sweden, United Kingdom, Norway (19 in total)

#### Disclaimer:

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

## **Background information:**

The Government Offices of Sweden have appointed an enquiry to propose new legislation regarding foreign nationals in Sweden. The aim of the enquiry is to give the Swedish authorities better means to identify non-Swedish nationals when checked within the territory, i.e. after they have entered the country. The investigation will also look into actions that could be taken to prevent the misuse of foreign nationals' travel documents and residence permits issued in Sweden.


As part of this enquiry, we are gathering information on the the above-mentioned matters are regulated in other European countries.


## **Questions**

1. What is the law of your country on taking fingerprints of foreign nationals for identification purposes a) when they enter the country, b) when they apply for a residence permit (as asylum seekers or otherwise), c) when checked by the authorities within the territory, i.e. after the foreign national has entered the country? Do the authorities have the right to use any coercive measures?
2. From what age can a foreign national be subject to fingerprinting, and is the lower age limit the same for the three different situations as described above in 1 a)-c)?
3. What is the law of your country on storing fingerprints/fingerprint data?
4. What is the law on searching for, taking and holding a foreign national's passport and/or other identity documents when their right to stay in the country is checked by the authorities after they have entered the country? Do the authorities have the right to use any coercive measures to search for such documents when the person concerned does not present them?
5. What regulation is there to prevent the abuse of aliens' passports, travel documents and residence permits? (For example, are there any special requirements for detailed information/investigation when someone has lost such a document and applies for a new one? Is such information stored and analysed? Are there limitations as to how many documents can be issued for one person within a certain, limited period of time? What measures do the authorities take when they suspect misuse etc.?)

## **Responses**

	<b>Country</b>	<b>Wider Dissemination</b>	<b>Response</b>
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	Austria	Yes	<p><b>1.</b> a) For the purposes of border control, the police may take fingerprints of foreigners, if the establishment of their identity is not possible by other means. The police may also use coercive measures (Art. 12a para 2 Border Control Act). b) Applicants for residence titles under the Settlement and Residence Act above 5 years have to cooperate with the taking of their fingerprints (Art. 2b Regulation on the Implementation of the Settlement and Residence Act). The fingerprints of asylum seekers are usually taken if they are at least 14 years old (Art. 24 para 1 and Art. 42 para 1 Federal Office for Immigration and Asylum Procedures Act). c) The fingerprints of foreigners may be taken, especially if they have no right to stay in Austria and are at least 14 years old or if the establishment of their identity is not possible by other means (Art. 99 para 1 Aliens Police Act).</p> <p><b>2.</b> Please see the response to Question 1.</p> <p><b>3.</b> Fingerprints of foreigners may be stored especially in the Central Aliens Register (Art. 27 para 1 sub-para 14 Federal Office for Immigration and Asylum Procedures Act). The general access to the stored data has to be closed as soon as the data are not needed any more. Two years afterwards, the data have to be deleted (Art. 26 para 2 Federal Office for Immigration and Asylum Procedures Act).</p> <p><b>4.</b> The police may search the clothing and containers carried along by foreigners if there is a suspicion that they have no right to stay in Austria and that they have relevant evidence with them. The clothing and containers of asylum seekers may be searched especially if it cannot be excluded that they carry along relevant documents (Art. 38 Federal Office for Immigration and Asylum Procedures Act). The authorities may take and hold documents which are needed for asylum or return proceedings (Art. 39 Federal Office for Immigration and Asylum Procedures Act).</p> <p><b>5.</b> In cases of loss or theft of residence permits as well as modification of identity data, aliens have to notify the competent authority without any delay. To verify the loss or theft, the alien has to provide a notice of the loss or theft. The notice of the loss has to be made at the municipal authority, the one of a theft at the police department. In the case of a modification of identity data (change of name due to marriage or adoption), the alien has to submit the corresponding documents (like the marriage certificate). The authority will issue the relevant document (e.g. residence permit) anew upon application with the primarily period of validity and scope of entitlement, if required, with the new identity data. In doing so, the requirements for a residence permit don't have to be examined again.</p>
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			<p>The Central Aliens' Register – IZR – facilitates inquiries of all issued documents including biometric data (photo), useful for comparison. Moreover it is available to record information concerning lost residence permits as an additional specification. The misuse of documents (such as the usage of documents on behalf of another person) constitutes criminally relevant facts and will be prosecuted accordingly. Source: Federal Ministry of the Interior.</p>
	<p>Belgium</p>	<p>Yes</p>	<p><b>1.</b> Article 30bis §2 of the Immigration Act specifies for which categories of third country nationals biometric data (including fingerprints) can be collected: applicants who apply for a visa at a consular post, applicants who apply for a residence permit and in the framework of identifying persons in irregular stay who were ordered to leave the territory. Besides, article 51/3 of the Immigration Act provides the possibility of collecting fingerprints in the framework of an asylum application or when there are indications the foreigner already applied for asylum in the past. At the border crossing point, It is the border inspectorate of the Immigration Office, in close cooperation with the Federal Police who organises and sets up the border controls and takes the fingerprints. (In Belgium only the airports and Eurostar station in Brussels qualify as external borders). Do authorities have the right to use any coercive measures? Applicants for international protection who oppose the fingerprinting are rather exceptional in Belgium. If an asylum applicant is reluctant towards the fingerprinting, it is clarified that an application for international protection implies that the applicant is cooperative for taking fingerprints. It is not specified in the law what force or coercion can be used in order to take the fingerprints of asylum applicants. As regards the legal migration channels, if the person refuses to provide his fingerprints in the framework of a visa-application, the application can be rejected (inadmissible) on this ground. For what concerns the verification of persons apprehended on the territory, the police is authorised to apprehend a person in irregular stay and to identify the person (name, age, nationality), taking fingerprints and photographs and to seize the documents the person is carrying. Article 74/7 of the Immigration Act prescribes that the Police can put a person in administrative detention for 24 hours for identification purposes. This possibility to put a person in administrative detention could be seen as a “coercive measure” to convince the person to cooperate with the identification and fingerprinting. Furthermore, Article 37 of the Police Officers Act specifies that a police officer can use force, taking into account the risks that this entails, to pursue a legitimate aim that cannot be achieved otherwise. The law prescribes that any use of force must be reasonable and proportionate to the objective pursued. A warning should precede every use of force, unless such</p>

warning would make the use of force ineffective. However no legal provision prescribes in detail what “reasonable and proportionate” force could be used in the particular case of fingerprinting.

**2.** The Immigration Office fingerprints all asylum applicants aged 14 years or over. In the framework of a visa-application the lower age limit is 12 years.

**3.** Paragraph 4 of Article 30bis of the Immigration Act specifies that the biometric data may only be used to the extent that it is necessary to: 1 ° determine and / or verify the identity of the foreigner; 2 ° to determine whether the foreigner in question is a danger to public order or national security; 3 ° to fulfil the obligations laid down in the European regulations and directives adopted by the Council of the European Union. Paragraph 5 of Article 30bis of the Immigration Act stipulates that the storage, processing, management and transmission of biometric data is under the control of the Privacy Commission, in accordance with the Law of 8 December 1992 on the Protection of Privacy with regard to the Processing of Personal Data. Furthermore, Article 1 of the Royal Decree of 21 April 2007 specifies that the biometric data, collected in the framework of Article 30bis of the Immigration Act (see reply to question 1) can be stored for a duration of 10 years.

**4.** The police has the right to search for documents for identification purposes and to verify if the person is staying legally on the territory. Identification and verification of a person's identity by the police is carried out in accordance with Article 1 of the Royal Decree of 25 March 2003 on Identity Cards and Article 34 of the Police Officer's Act. Article 34, Section 4, defines the procedures for identity checks. This article 34 states that the identity documents may only be retained during the time required for the verification of the identity and must be returned to the person after the identity check. However, the duration of the identity check and the contents of the document depends on the circumstances, and of the nature of the submitted documents that may require additional verifications. A person's identity check also implies an authenticity check of the documents presented. The non-authentic, false or fake documents are the subject of legal seizure. The Immigration Office and the Office of the Commissioner for Refugees and Stateless Persons cannot use any coercive measures to search for documents in the framework of asylum or migration procedures. However, for what concerns asylum applicants, Article 48/6 of the current Immigration Act states that the asylum applicant must submit all the elements in support of his asylum application as soon as possible. The new Article 48/6 §1 of the Immigration Act clarifies “all the elements” and now explicitly refers to the


			<p>provision of all documents with regard to identity, nationality, age, background, places of residence and travel route. The adapted Immigration Law also provides that the national and international documents establishing the applicant's identity or nationality are retained during the asylum procedure and regulates the return of the documents (Article 48/6 §2). Besides, in the framework of the duty to cooperate the applicant has to submit the original documents as soon as possible. If there are good reasons to assume the asylum applicant withholds information, documents or other elements for the assessment of the asylum application the applicant can be invited to submit these elements without delay, whatever the information carrier is. The refusal of the applicant to submit these elements without satisfactory justification can be indication of the refusal to comply with the duty to cooperate. As regards legal migration and access to the territory, Article 2 of the Immigration Act states that the foreign national must be in possession of valid documents. For a person who is not visa exempted, this means a valid passport or equivalent travel document with a visa valid for Belgium issued by a Belgian diplomatic or consular representative or by a diplomatic or consular representative of another state which binds Belgium. If the person concerned cannot present these documents he will be refused access to the territory and can be held in a closed facility preceding the return (which could be considered as a coercive measure to convince the person to submit his documents).</p> <p><b>5.</b> The circular of 27 May 2016 on the coordinated approach and fight against identity fraud at federal and local level addresses the point of (multiple) loss or theft of the identity documents. The circular states that if the municipal official or official of the consular post finds out that the same person repeatedly reports the loss or theft of his identity document or passport and then requests a new identity document or new passport, caution is required and an inquiry is necessary whether the issuance of a new document is justified. The municipal or consular official has to be informed on the circumstances in which the document was lost by the applicants. Furthermore, the applicant must sign a statement on honour explaining the circumstances of loss or theft. Besides, the official should verify that the person does not use a false identity (including verification of the picture in BELPIC). The official can also ask specific questions to check the statements of the applicants and inform the police or Single Point of Contact (SPOC) for Identity Fraud in case of indications of identity fraud.</p>
	Bulgaria	Yes	<p><b>1.</b> The legislative act on the basis of which fingerprints of foreign nationals are taken for the purpose of identification is Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26</p>

June 2013. A) Persons who have applied for international protection Each Member State shall immediately take fingerprints of all the fingers of every person aged at least 14 years who has applied for international protection as soon as possible and no later than 72 hours after filing his / her application for international protection B) Third-country nationals or stateless persons detained in the event of an irregular crossing of an external border Each Member State shall immediately take fingerprints from all the fingers of any third-country national or stateless person aged at least 14 years who, in the event of an illegal crossing of the land, sea or air border, coming from a third country, has been detained by the competent authorities control bodies and has not been returned or remains physically in the territory of the Member States and who is not temporarily detained, detained or arrested during the entire period of time between the detention and deportation based on the decision to return. (C) third-country nationals or stateless persons residing unlawfully in the territory of a Member State In order to verify whether a third-country national or a stateless person residing illegally in the territory of a Member State has not lodged a prior application for international protection in another Member State, a Member State may transmit to the Central System fingerprint data on fingerprints that may have been removed from such third-country national or stateless person aged at least 14 years and the reference number given by that Member State.


**2.** Any foreigner of the above categories, at the age of 14, may be subjected to fingerprinting.

**3.** The fingerprints for the above-mentioned groups of persons shall be kept: (A) The data group for persons applying for international protection shall be stored in the Central System for a period of 10 years from the date on which the fingerprints were taken. (B) The data group for a third-country national or a stateless person detained in the event of an irregular crossing of an external border shall be stored in the Central System for 18 months from the date of the removal of his fingerprints. After this period, the central system automatically deletes this data.

**4.** Under the Law on Foreign Nationals in the Republic of Bulgaria, the foreign travel documents of a foreigner may be temporarily withheld by the relevant judicial authorities when criminal proceedings for a criminal offense of a general nature have been initiated by the respective officials at the place of execution of the punishment of imprisonment by the authorities of the Ministry of the Interior, where there is a reasonable suspicion that they are untrue or altered by the authorities of the Ministry of Interior when an expulsion, return or extradition order is issued by the authorities of the Ministry of

			<p>Interior in the case of foreigners returned from another country. The officials who seized the documents of the foreigner shall draw up a protocol on the basis of which the administrative control services of the foreigners shall issue a temporary document stating the identity of the person. The foreign travel document shall be returned to the foreigner when the grounds for temporary withdrawal are removed. Foreign travel documents for aliens enjoying immunity in the Republic of Bulgaria may not be withdrawn unless otherwise provided in the international treaties to which the Republic of Bulgaria is a party.</p> <p><b>5.</b> A foreigner whose passport or substitute travel document is lost or destroyed shall be obliged to notify immediately the services for administrative control of aliens.</p>
	Croatia	Yes	<p><b>1.</b> 1. a) According to the Article 39 of the State Border Protection Act, the Border Police may take a fingerprints of foreign national to verify the identity of the person. b) According to the Act on International and Temporary Protection, Article 33, in order to establish applicant's identity, an applicant older than 14 years shall be subject to having his/her fingerprints and photograph taken. An applicant who without justified cause fails to act accordingly shall have his/her fingerprints taken by police officers without his/her consent. Police officers or officers from the Reception Center, immediately following the expression of intention to apply for international protection, shall take the applicant's fingerprints and shall photograph him/her, establish his/her identity, how he/she entered the Republic of Croatia, the travel route from the country of origin to the Republic of Croatia, and personal circumstances of importance for assessing the private and procedural guarantees. They shall inform the Ministry of these things immediately and without delay. At the time of submission of the first short-term visa application, a foreigner shall require to appear in person at the Diplomatic Mission or Consular, so the following biometric data of a foreigner might be collected: photographs, scanned or taken at the time of application in conformity with by-laws regulating the visa issuing procedure, and his/hers 10 fingerprints taken flat an stored digitally, in conformity with by-laws regulating the Croatian VIS. c) According to the Article 136 of the Aliens Act, a foreigner who is residing illegally, and is without a document proving his/her identity or when suspicion in his/her identity exists may be photographed without his/her consent and fingerprints may be taken from him/her.</p>




			<p><b>2.</b> 2. The lowest age limit for fingerprinting in Croatia is a) not prescribed in the legislation when a foreign national enters the country b) 14 years when a foreign national applies for asylum (Act on International and Temporary Protection, Article 33), and 12 years when applying for a short term visa c) not prescribed in the legislation for the residence permit. A lower age is not prescribed in cases when the foreigner is residing illegally in the country or when VISA is not required.</p> <p><b>3.</b> 3. In Croatia, a right to collect, store, use, and analyse data on entrance of foreigners in the country is set up in the State Border Protection Act, while the Aliens Act prescribes a fingerprint collection of the foreigners that are residing illegally in the country. The fingerprints are stored in the Croatian Visa Information System, when the fingerprints are taken when foreign national is applying for a short-term visa. Fingerprints taken by the Police are stored in the Information System of the Ministry of Interior, and in the database managed by Interpol. Moreover, a residence permit form includes an electronic data carrier on which biometric data of a foreigner are stored.</p> <p><b>4.</b> 4. According to the Article 145 of the Aliens Act, the Police Administration or Police Station shall retain a passport, and other identification documents of a foreigner when there is a reasonable doubt that he/she has committed a criminal act subject to official persecution or a minor offence; he/she has failed to fulfil a due proprietary obligation at the request of the competent court or another competent authority, or it is deemed necessary for the reason of protecting the public order, national security or public health.</p> <p><b>5.</b> 5. A foreigner shall be obliged to report immediately the loss, disappearance of a travel document or a residence permit to the competent Police Administration or Police Station, according to the place of incident or the best knowledge of the incident, and a certificate shall be issued. Such information is stored in the police station. Police is obliged to carry out a criminal investigation if there is a doubt that foreigner national is falsely reporting a loss of his/her documents or abusing the system. There is no limitation how many documents a person is entitled to change during some period of time.</p>
	Czech Republic	Yes	<p><b>1.</b> a)The Visa Code regulates the process of fingerprinting when applying for short-term visa at the border crossing. The Schengen Borders Code and the VIS Regulation, Article 18 of Regulation (EC) No. 767/2008, deals with the process of verification of the identity at border check (for holders of short-stay visas or biometric passports). b) The Act No. 325/1999 Coll., on Asylum in accordance with</p>

Regulation (EC) No. 603/2013 of the European Parliament and of the Council, on the establishment of "Eurodac", deals with fingerprinting of foreigners when applying for international protection. The Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Czech Republic deals with fingerprinting when applying for long-term or permanent residence permit (Article 117a deals with the residence card, which is issued to the foreigners who has long-term or permanent residence permit on the territory of the Czech Republic). The possibility of taking fingerprints is laid down in Council Regulation (EC) No. 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals. c) The control of foreigners in the territory shall be governed by Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Czech Republic or Act No. 273/2008 Coll. about the Police of the Czech Republic. The police is entitled to take fingerprints (and the foreigner is obliged to tolerate the capture of fingerprints) for the reasons stated in Article 167 (1) b) of Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Czech Republic. These are the cases: application for a visa, when verifying the identity of a visa holder, declaring a visa to be invalid, within proceedings on administrative expulsion, during administrative expulsion itself, proceeding on obligation to leave the territory, when a foreign national is being detained for purpose of administrative expulsion, when establishing foreign nationals identity, when meeting obligations arising from an international agreement or a directly applicable legal regulation of the European Union. • The use of coercive means to overcome resistance is described in Article 63 (5) of Act No. 273/2008 Coll., on the Police of the Czech Republic, where the overcoming of the resistance must be proportional to the intensity of the resistance.

**2.** There is no age limit in the Czech Republic to identify a person (identifying the identity of a foreigner); for other reasons, the usual lower age limit is 15 years; 14 years under Regulation (EC) No. 603/2013 of the European Parliament and of the Council.

**3.** Foreigners' fingerprints which are taken for the reasons set out in points 1b) a) 1c) are kept according to Article 160 of Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Czech Republic for the period of 5 or 10 years and according to Article 71 of Act No. 325/1999 Coll., on Asylum for 20 years. At short-term visas the period is stated by the Visa Code.

**4.** The Police's authority to check the identity of a person is based on Act No. 273/2008 Coll., on the Police of the Czech Republic and Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the

			<p>Czech Republic. The document of foreign state, which the person proves identity during his/her stay in the territory, may be withhold in specified cases in accordance to Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Czech Republic. A foreigner receives a confirmation about the withholding of document. If the foreigner fails to prove his/her identity during police control of his/her residence, he/she shall be secured in order to establish his/her identity. In such a case, the police has the authority to take actions to determine the real status of the case.</p> <p><b>5.</b> In accordance with Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Czech Republic, foreigners are obliged to protect their documents from loss, theft, damage or misuse and are obliged to report to the competent authorities the loss or theft of the travel document or a residence permit issued by the Czech Republic or another state. Upon notification of loss or theft, this information is uploaded by the competent authority into the national information system for the registration of foreigners and further to the Schengen Information System. Items of loss and theft of these documents are not statistically monitored by the police. The number of documents that may be issued to foreigners during their stay in the territory due to the loss or theft is not limited. If there is a suspicion of abusing of document by a foreigner in the form of "lost" or "stolen", an investigations are conducted by the competent authority to clarify the case and, on the basis of outcome of the investigation, measures are taken to prevent further abuse of the documents by the foreigners.</p>
	Estonia	Yes	<p><b>1.</b> a) According to Article 91 of the State Borders Act a police officer shall take fingerprints of a TCN who is apprehended in connection with irregular crossing of the border, if he or she is at least 14 years of age, according to the Council Regulation No 2725/2000, and shall transmit the data collected upon the taking of the fingerprints for comparison to the Central Unit of Eurodac according to the Council Regulation No 407/2002. b) According to Article 276 of the Aliens Act in visa proceedings and the proceedings of a residence and work permit fingerprints shall be captured from a person and the respective personal data shall be processed without the person's consent. Article 279 of the same Act stipulates that upon the submission of an application for the issue of a temporary residence permit, the extension of a temporary residence permit, the issue of a residence permit for a long-term resident and the resumption of a residence permit for a long-term resident the applicant shall undergo fingerprinting. A TCN need not undergo fingerprinting if he or she has undergone fingerprinting in a proceeding concerning the issue of a residence permit, right of residence or work permit or a personal</p>

identification document and the captured fingerprints enable identification of a person and comply with the requirements established on the basis of the Identity Documents Act and Aliens Act. According to Article 15 (1) p 6 of the Act on Granting International Protection to Aliens (AGIPA) the Police and Border Guard Board takes the fingerprints of the third-country national immediately after the submission of the application for international protection. Article 47 of the same Act stipulates that if a residence permit has been issued to a refugee, a person eligible for subsidiary protection and his or her family member, they are required to submit an application for a residence permit card and their fingerprints shall be taken during the processing of the residence permit card. c) According to Article § 312 of the Obligation to Leave and Prohibition to Entry Act (OLPEA) the Police and Border Guard Board or the Estonian Internal Security Service may conduct fingerprinting and taking DNA tests with regard to a TCN with regard to whom the prohibition on entry has been applied unless it is possible to identify the person otherwise. According to Article § 3311 of the same Act the Police and Border Guard Board or the Estonian Internal Security Service may take fingerprints of a TCN of at least 14 years of age staying in Estonia illegally pursuant to the Council Regulation No 2725/ 2000. The data collected in fingerprinting may be transferred for review to the central unit of the Eurodac System pursuant to the Council Regulation No 407/ 2002. Do the authorities have the right to use any coercive measures? According to § 312 (2) of the OLPEA coercion may be applied with regard to a TCN to whom the prohibition on entry has been applied and who refuses to enable fingerprinting or taking DNA samples. Article § 3311 of the OLPEA stipulates with regard to a TCN who is illegally staying in Estonia and who refuses to enable taking fingerprints, coercion may be applied with the use of the means of restraint. With regard to asylum seekers the applicants for international protection are required to co-operate in every way in the clarification of the circumstances of the application for international protection and the fact that the applicant has refused or refuses to be fingerprinted can be seen as one of the basis to consider the application as clearly unfounded (Article 201 (8)).

**2.** a) According to the State Borders Act § 91 the fingerprints of a TCN who is apprehended in connection with irregular crossing of the border are taken if he or she is at least 14 years of age. b) According to AGIPA the foreign national is subject to fingerprinting if he or she is at least 14 year of age. In case the person cannot be identified or his or her filiation cannot be established otherwise he or she may be fingerprinted even if less than fourteen years of age. When a foreign national applies for a residence permit, the lower age limit for fingerprinting is 6 years. c) According to OLPEA the illegally staying TCN may be fingerprinted when he or she is at least 14 years of age. If it is not possible to

identify the person otherwise, the PBGB may also take fingerprints of a TCN under 14 years who is staying illegally in Estonia. The decision to take fingerprints from a TCN under 14 years of age must in particular take account of the rights and interests of the said person.

**3. AGIPA** - The fingerprints data of the applicant for international protection is sent to the Central Unit of Eurodac for comparison in accordance with Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 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 of fingerprint information with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending the 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. The data is stored according to the regulation. The data collected during fingerprinting of the asylum applicant shall also be entered into the national fingerprint register. Aliens Act - the data collected by capturing fingerprints in visa proceedings shall be entered into the Visa Database. The data collected in the course of a residence and work permit proceedings shall be entered into the Register of Residence and Work Permits. Identity Documents Act – the data collected by capturing fingerprints in identity documents (Aliens passports and e-resident digital identity cards) issuing proceedings shall be entered into the Identity Documents Database. OLPEA - Processing the data collected in course of fingerprinting shall be entered into the national register of fingerprints. The fingerprints of a TCN staying in Estonia illegally may be transferred for review to the central unit of the Eurodac System pursuant to the Council Regulation No 407/ 2002. State Borders Act – the fingerprints taken from a TCN who is apprehended in connection with irregular crossing of the border shall be transmitted for comparison to the Central Unit of Eurodac according to the Council Regulation No 407/2002. The fingerprints data shall also be entered in the national fingerprint database.

**4.** According to the State Border's Act in border checks, upon checking of crossing of the state border, the police shall check persons and establish whether a person may be granted authorization to cross the state border. Checking of persons shall include checking of a person's documents, bases for stay, baggage and means of transport (State Border's Act § 11 (2)). An applicant for international protection

is required to co-operate in every way in the clarification of the circumstances of the application for international protection, among others An applicant for international protection is required to co-operate in every way in the clarification of the circumstances of the application for international protection, among others: to enable the examination of his or her personal effects and his or her person, the performance of radiograph, the performance of a test for establishing his or her age and the admission for deposit of documents and personal effects (AGIPA § 11 (1) p 4). At the request of the Police and Border Guard Board an applicant is required to deposit his or her identity document until the termination of proceedings for international protection (AGIPA § 11 (9)). The following acts shall be immediately performed by an authority conducting the proceedings for international protection after the submission of an application for international protection: 2) examination of a person and his or her personal effects; 3) admission for deposit of personal effects and documents (AGIPA § 15); In case of illegally staying third-country nationals in order to prevent the risk of escape the Police and Border Guard Board may, by a precept or a decision, require an alien to comply with surveillance measures including depositing of travel document of a foreign country or an identity document of a TCN at the PBGB or the Estonian Internal Security Service (OLPEA § 10 (2) p 6);

**5.** As a general rule in order to receive a document, a person must personally appear to the Police and Border Guard Board or the Ministry of Foreign Affairs. Upon the issue of a document, the issuer of the document shall verify the identity of the applicant for the document. The applicant for a document shall sign against receipt of the document. (Identity Documents Act Article 121). The holder of a document is required to notify the government authority that issued the document of any change in the data entered in the document within one month after the change is affected. If a document becomes unusable or is lost or destroyed, the holder of the document is required to notify the government authority that issued the document thereof within 24 hours after the document becomes unusable or is lost or destroyed or as of the day on which the holder becomes aware thereof. Upon the issue of a document, the holder of the document is required to submit a valid document of the same type that was previously issued unless the document is lost or destroyed (Identity Documents Act Article 14). In Estonia there is an Identity documents database the purpose of which is to ensure the interior security of the state by keeping record of the identification of persons and the issue and revocation of identity documents provided for in subsection 15 (4) of this Act and of the persons applying for such documents. The data entered in the database has a legal meaning (Identity Documents Act Article 152).

+	Finland	Yes	<p><b>1.</b> a) Apart from performing fingerprint checks required by the European Union's Visa Information System (VIS), the Finnish Border Guard may check the fingerprints of other foreign nationals entering the country. According to Section 131 of the Aliens Act: “For the purposes of identification and registration, police or border control authorities may take fingerprints and a photograph and record other personal descriptions of aliens: 1) who have applied for asylum or a residence permit on the basis of subsidiary protection or temporary protection; 2) who have applied for a residence permit on the basis of family ties; 3) who have been issued with a residence permit as aliens admitted to Finland under the refugee quota; 4) who the authorities have decided to refuse entry into or deport from the country; or 5) whose identity is unclear. b) According to Section 60 d of the Aliens Act, fingerprints of residence permit applicants are taken by the Finnish Immigration Service or the Finnish embassy when the application is filed. The police and the Finnish Border Guard take the fingerprints of asylum seekers. c) According to section 131 of the Aliens Act, for the purposes of identification and registration, police or border control authorities may take fingerprints of aliens whose identity is unclear. Do the authorities have the right to use any coercive measures? According to Police Act chapter 2 section 1 police officers have the same right to establish identity on the basis of personal identifying characteristics (fingerprints), if a person refuses to give the information about his or her identity and his or her identity cannot otherwise be ascertained. To establish the person’s identity, police officers have the right to apprehend anyone who refuses to give the information about his or her identity referred to in subsection 1 or gives what is likely to be false information, provided that the apprehension is essential in order to establish identity. Persons apprehended shall be released as soon as the necessary information has been obtained, but no later than 24 hours after being apprehended. According to Aliens Act 117a, interim measures may be used, if it is essential and proportional in investigating the person’s staying in the country. According to Aliens Act section 121, if the interim measures are not sufficient, an alien may be ordered to be held in detention if it is necessary for establishing his or her identity. According to the Border Guard Act 35§, Border Guards may use coercive measures while performing their duties, including taking fingerprints, but these measures must be justified and in proportion to the level of resistance.</p> <p><b>2.</b> The Aliens Act does not specify a lowest age when fingerprints can be taken of a person entering the country. b) Fingerprints of asylum seekers and residence permit applicants are taken from persons who</p>
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are 6 years old and older. c) According to the police, fingerprints are usually taken from persons over 6 years of age, but they can be taken from even younger persons for the purposes of comparing.


**3.** Apart from the EURODAC database, asylum seekers' fingerprints are collected in Automated Fingerprint Identification System (AFIS), the same system that holds the fingerprints of criminal suspects. In accordance with the Aliens Act section 131, the information shall be kept separate from the personal descriptions of criminal suspects. According to the Act on the Processing of Personal Data by the Police (1) Data in the Data System for Police Matters is deleted as follows: 5) aliens identification data is deleted ten years after its recording; however, if the data subject has obtained Finnish citizenship, the data is deleted one year after the file keeper was informed of the Finnish citizenship in question. According to the Act on the Register of Aliens Section 9 a person's data is removed from the Register of Aliens a year after the person has obtained Finnish citizenship or deceased. The removed data is archived. Section 3b of the Act on the Register of Aliens applies to the use and comparison of fingerprint data. The data captured for comparison purposes may only be used for the duration of the comparison and must be destroyed immediately thereafter.

**4.** According to Aliens Act section 129 b, the Police and Border Guard have, for the purpose of monitoring foreign nationals and provided that it is necessary to establish the foreign national's citizenship and right to stay and work, the right to obtain information from the subject of monitoring, and to inspect the necessary documents pertaining to the foreign national's identity, citizenship and right to reside in Finland. According to Aliens Act Section 132 the police or border control authorities, the Finnish Immigration Service or Finnish missions may take possession of false or forged travel documents, or travel documents intended for giving false personal data, held or presented by an alien. Police or border control authorities may conduct a non-intimate body search of an alien to take possession of a document held by him or her. According to Police Act chapter 2 section 12 when apprehending, arresting or remanding a person, taking a person into custody or carrying out some other action affecting personal liberty, police officers have the right to search the clothing of such persons and anything else they have on them and their belongings in order to ensure that they are not carrying any objects or substances that they could use to jeopardise their custody arrangements or to cause danger to themselves or others. In connection with an action affecting personal liberty, the person and




his or her belongings may also be searched in order to find a document necessary for his or her identification.

**5.** According to Aliens Act section 137 aliens shall hand over their travel document to the Finnish Immigration Service before they are given an alien's passport or a refugee travel document. According to Aliens Act section 138, an alien's passport and a refugee travel document is cancelled if the document is lost and also, for instance, if the document has been damaged or any entries in it have been altered. According to Aliens Act section 60 g the recipient of a new residence permit card must hand over their previous residence permit card to the authorities. If the card is not in his/her possession, he or she must present a clarification on the matter. According to section 60 f, the validity of a residence permit card will end when the person holding the residence permit reports it is missing or stolen. If a residence permit card is stolen or lost when the card holder is abroad, he/she must report it to the local authorities and contact the Finnish embassy. The embassy will decide on the issuance of a visa for the purpose of returning to Finland. If visa is denied, the person must apply for a first residence permit to Finland. According to Aliens Act section 134 § aliens residing abroad who have been issued with a residence permit in Finland are issued with an alien's passport for return to Finland in replacement of a lost or damaged alien's passport or refugee travel document. Aliens residing abroad may be issued with an alien's passport for a maximum one month. ▪ Are there any special requirements for detailed information/investigation when someone has lost such a document and applies for a new one? The person must report the missing document to the police and present a clarification on the matter to the Finnish Immigration Service when applying for a new document. ▪ Is such information stored and analysed? The information is saved in the Finnish Immigration Service data system UMA. The police or the border guard enter an alert on the missing document on SIS II system and record the information to the Interpol Stolen and Lost Travel Documents database. The police will enter information of stolen or lost documents also in the Investigation and Legal Assistance System of the police data system. ▪ Are there limitations as to how many documents can be issued for one person within a certain, limited period of time? There is neither legislation nor guidelines on this regard. ▪ What measures do the authorities take when they suspect misuse etc.? Different registries and databases are checked, and the person may be heard. If the police or Border Guard suspect a crime, they will investigate the matter. According to Aliens Act Section 132 false or forged travel documents taken into possession by the police or border control authorities are sent to the Crime Laboratory of the National Bureau of Investigation. Travel documents intended for giving false personal data may be sent to the mission of

			<p>the State in question. When refusing a person entry into Finland, his or her travel document may also be sent to the authorities of the receiving State. Forged travel documents or travel documents intended for giving false personal data taken into possession by a Finnish mission may be sent to the authorities who issued them.</p>
	<p>France</p>	<p>Yes</p>	<p><b>1.</b> a) Fingerprints of foreign nationals apprehended in connection with the irregular crossing of an external border are registered in Eurodac. Once transferred for comparison, these fingerprints are no longer kept in Eurodac. b) Fingerprints of applicants for visa and residence permits are taken. Regarding asylum seekers, fingerprints are compulsory as indicated in the Eurodac regulation. If the application for international protection is accepted, the Prefecture will take the applicant's ten-print fingerprints and his/her ID photo. The current chip of French residence permits include only two-print fingerprints and an ID photo. The current process does not apply to TCNs who have not obtained a residence permit. In this case only alphanumeric data (civil status, nationality, height, eye colour, references of the identity papers, travel documents and visas issued for entry, family situation and residence) are kept in the AGDREF application (French central database for foreigners' residence permits). The new computer system SBNA, which should be operational by the end of 2017, will change the existing mechanisms for collecting biometric data. Indeed, with SBNA it will be possible to keep full sets of fingerprints for all foreign nationals that present themselves (including rejected asylum seekers and persons with irregular immigration status who have been apprehended). Applicants for residence permits who refuse to be fingerprinted are not subject to any criminal sanction. c) TCNs in an irregular situation or who are subject of a removal order can be fingerprinted. If a TCN cannot justify his/her identity, he/she can also be retained for verifying his/her identity or his/her right to stay or circulate (as indicated in article L.611-1 of the Code on Entry and Residence of Foreign Nationals and Right of Asylum - CESEDA, articles 78-1 à 2-2 of the Code of penal procedure, article 67 quater of the Customs Code). Such process is decided by a police officer under the control of a prosecutor. According to article 78-5 of the Code of penal procedure and article L.611-3 of CESEDA, if a TCN found to be in an irregular situation or who are subject of a removal order refuses to give his/her fingerprints or ID photo, he/she can be subject to a three months imprisonment and a 3 750 euros fine.</p> <p><b>2.</b> For a visa application filed outside the French territory, fingerprints are not taken from minors under the age of 12. A Member State can fingerprint all fingers of TCNs or stateless persons apprehended in</p>

connection with the irregular crossing of an external border if the TCN is at least 14 years old (article 14 of the EU regulation n°603/2013).

**3.** France's data protection authority (the National Commission for Information Technology and Civil Liberties, or CNIL) has assessed the measures establishing the national databases VISABIO (for visa applications) and AGDREF (for residence permit applications). In its Ruling N° 2011-036 of 10 February 2011, the CNIL recalled that the processing of foreign nationals' biometric data was expressly authorised by the legislator. Such processing needs to be covered by strict personal data protection guarantees. The CNIL recalled that any biometric comparison potentially entails false acceptances and false rejections, and that these need to be taken into consideration when identifying individuals. The CNIL underscored that, given the specificity of fingerprints, it is important to carefully consider the proportionality of resorting to biometric measures with regard to the stated objectives. It also called for: the adoption of failsafe guarantees, so as to prevent any undue access to these biometrics; explicit alternative solutions in case collection of these elements is impossible; and a precise reliability assessment of the identifying elements stored. The CNIL furthermore observed that the legislative provisions did not describe the exact processes to be followed regarding the data capture and storage for biometrics. Finally, the CNIL specified that processing – through an automated, centralised repository – of data such as fingerprints, is only permitted if necessitated by very strong public order or security requirements. National databases collecting fingerprints from TCNs: 1. FAED (Fichier automatisé des empreintes digitales) is a national fingerprint database, created by a decree of 8 April 1987 and managed by the Ministry of the Interior, used for searching and identifying the perpetrators of crimes and misdemeanours, as well as for the investigation, trial and adjudication of cases before the courts. In addition, FAED makes it possible to ascertain the true identity of persons facing criminal proceedings or custodial sentences in order to avoid, for example, a judicial error, by detecting false identities and repeat offences. Moreover, the aim is to undertake identification through a comparison with prints left by unknown persons at crime scenes. 2. The AGDREF database, which collects information relating to residence permit applicants and TCN in an irregular situation, is administered by the Ministry of the Interior's General Directorate for Foreign Nationals in France. It contains fingerprint images of ten fingers. 3. The VISABIO database contains biometric data of all applicants for long-stay visas. For short-stay visas, the VIS database is used. 4. The new computer system SBNA, which should be operational by the end of 2017, will change the existing mechanisms for collecting biometric data. Indeed, with SBNA it will be possible to keep full sets of fingerprints for


			<p>all foreign nationals that present themselves (including rejected asylum seekers and persons with irregular immigration status who have been apprehended). This system will allow to verify the identity of the applicant when he/she collects the residence permit with the data registered at the time of the application.</p> <p><b>4.</b> Articles L.611-1, L.611-1-1 and L.611-2 of the CESEDA provide that: - any foreign national should be able to present documents proving their right to circulate or stay in France if requested by police officers. - If during a control, he/she cannot prove his/her right to circulate or stay in France, he/she can be driven to a police / gendarmerie office in order to verify whether he/she is allowed to circulate or stay in France. The police officer gives him/her all necessary resources to prove it and realizes the required verification. If the foreign national does not provide the elements required to assess his/her right to circulate or stay in France, after informing the public Prosecutor, fingerprints and ID photos can be taken if they are the only way to establish the identity of the person. - Competent administrative authorities, police or gendarmerie officers are authorized to retain the passport or travel document of TCNs in an irregular situation and give them a receipt proving their identity and on which are indicated the date of detention and the conditions for returning back the document. Body search is forbidden.</p> <p><b>5.</b> The loss of a residence permit is mentioned in the AGDREF database since some identity frauds are based on theft or loss of residence permits. Moreover, the law of 7 March 2016 on the rights of foreign nationals in France introduced a criminal sanction for fraudulent use of authentic travel documents belonging to third parties ("look alike"). Such fraud is subject to a five year imprisonment and a 75,000 euros fine. Lastly, the mission for the secured issuance of residence permits has implemented an action plan which includes in particular a tool verifying anonymously the status of secured permits. By entering the permit's number and the applicant's identity on a dedicated website, it can be verified whether the permit is authentic and valid (nor lost or stolen).</p>
	Germany	Yes	<p><b>1.</b> The Residence Act (AufenthG) governs the cases in which the proof of identity has to be conducted through an administrative procedure, including the taking of fingerprints, in § 49 section 1 and 3 till 9 AufenthG. According to § 49 section 10 AufenthG a foreigner is obliged to tolerate the procedure. If he or she violates this duty to tolerate, it is the matter of a criminal offense, which will be penalized with a term of imprisonment of up to one year or with a fine, § 95 section 1 number 6 AufenthG. For the</p>

issuing of an electronic (chip equipped) residence permit, fingerprints are taken from the left and right index fingers, § 61a section 1 of the Ordinance of Residence (AufenthV). The Residence Act can be accessed in English (please note the status of the translation): [https://www.gesetze-im-internet.de/englisch\\_aufenthg/index.html](https://www.gesetze-im-internet.de/englisch_aufenthg/index.html). The Ordinance of Residence is only available in German: <http://www.gesetze-im-internet.de/aufenthv/index.html>. The identity of a foreigner, who is seeking asylum, is to be secured through the taking of fingerprints of all ten fingers (and, upon completion of one's 14th year, thru a photograph), § 16 section 1 of the Asylum Act (AsylG). The Asylum Act can be accessed in English (please note the status of the translation): [http://www.gesetze-im-internet.de/englisch\\_asylvfg/index.html](http://www.gesetze-im-internet.de/englisch_asylvfg/index.html). In case the foreign national is requesting asylum at the border, his/her fingerprints will be taken by the competent border authority. If the foreign national requests asylum at a foreign authority or the police of a Land after entering the country, fingerprints are taken by the respective authority. The Federal Office takes fingerprints of the foreign nationals that request asylum at one of its branch offices. The Federal Office is not authorized to use coercive measures for taking fingerprints, but has the option to request assistance from the police.

**2.** Fingerprints of a foreign national that is under 14 years old cannot be taken in any of the above mentioned cases. § 49 sections 6, 8 and 9 AufenthG respectively § 16 section 1 sentence 2 second half sentence AsylG.

**3.** The storage of fingerprint data in the national central register of foreign nationals is conducted in accordance with § 3 section 2 number 1 of the Law on national central register of foreign nationals (AZRG), the deletion of data is governed by § 18 of the implementation provision of the AZRG. Available online: <http://www.gesetze-im-internet.de/azrg/index.html> respectively <http://www.gesetze-im-internet.de/azrg-dv/index.html>. The deletion of data compiled in pursuance of § 49 section 1 and 3 till 9 AufenthG is to be conducted by all agencies storing this data in accordance with § 89 section 3 and 4 AufenthG. The fingerprints taken for the electronic residence permit stored by the foreigners' registration office are, at the latest, to be deleted after the handing over of the document, § 61a section 2 sentence 2 AufenthG.

**4.** The foreigner is, on request of the foreigners' registration office, obliged to exhibit, deliver and temporarily hand in the documents if it is necessary in order to perform and ensure provisions of the residence right, § 48 section 1 AufenthG. If a foreigner files an application for asylum, this obligation

			<p>arises out of his or her general obligation to cooperate, § 15 section 2 number 4 and 5 as well as section 3 number 1 AsylG. The Federal Office may search the foreign national and the items he/she carries if he/she fails to comply with the obligation to present, hand over or surrender the passport/passport substitute, all necessary certificates or any other documents in his/her possession. This only applies if there are indications that he/she is in possession of the respective documents. The foreign national may only be searched by a person of the same sex.</p> <p><b>5.</b> The loss of a passport, alternative identity document or replacement identity card is be reported immediately to the foreigners' registration office or, when abroad, a German diplomatic mission; if the document is found again, it has to be immediately presented, together with all documents issued as a substitute, to one of the aforementioned offices, § 56 section 1 number 5 and 6 AufenthV. The same applies for the loss and, where applicable, finding of an electronic residence permit, § 57a AufenthV. If a foreigner owns more than one identification document, he or she has to immediately present the documents to the foreigners' registration office, § 57 AufenthV. A German passport for a foreigner as an alternative identity document is not to be issued if the concerned foreigner has misused such a document in the past or if factual indications exist that misuse might be conducted in the future, § 5 section 4 AufenthV. To prevent misuse, a passport for foreigners can include restrictions regarding the territorial validity, the use of specific border crossing points or the appointment of an accompanying person, §§ 9, 10 AufenthV. A lost documents database has been established for foreign identification documents of nationals of states listed in annex I of Regulation (EC) No 539/2001, which have been found in Germany, §§ 49a, 49b AufenthG.</p>
	Italy	Yes	<p><b>1.</b> a) Royal Decree n. 773/1931 foresees that security authorities can order identification procedures for people who cannot prove or refuse to prove their identity. As set out in the Italian Roadmap 2015, foreign nationals entering the country shall be subjected to identification procedures (fingerprinting) both in hotspots and Police local Headquarters (Questura) for those who can't be identified in hotspots for capacity reasons. b) Art. 5 comma 2bis and comma 4bis of Legislative Decree 286/1998 foresees that a foreign who wants to apply for - or renew - a residency permit has to be identified through photography and digital fingerprint recognition. c) Art. 6 comma 4 of Legislative Decree 286/1998 foresees that if there is a reason to doubt about the personal identity of a third country nationals, he has to be identified through photography and digital fingerprint recognition. The protection of national</p>


security and public order justifies the adoption of coercive measures against those who oppose identification measure. Therefore, Authorities have the right to use coercive measures in a commensurate manner with the resistance made by the foreign national and with the authorization of the magistrate.

**2.** In compliance with European regulations, foreign nationals are subjected to fingerprinting at a minimum age of 14 years old. This lower age limit is the same for the three different situations.

**3.** In accordance to the adoption of the new EURODAC Regulation 603/2013, Italy ensures the transmission of fingerprint data through the national dactyloscopic biometric system, used by the Police Bureau of Records, called Automatic Fingerprint Identification System (AFIS), integrated with another system called Sistema di Indagine Interforze (SDI) used to check the location of any alias. Furthermore, Italy also adopted the Regulation No. 2252/2004 regarding the removal and retention of fingerprints.

**4.** a) As foreseen by the Legislative Decree n. 286, 25th July 1998, subsequently amended by art. 1, s.22 p. h), of the Law n. 94, 15th July 2009, to the request of police officers or agents, third country national has the obligation to display the identification documents (ID/Passport). If the foreigner is refusing or unable to try his own identity, or there are doubts about his personal identity, he may be subjected to identification surveys. The third country national must be equipped with the residence permit or other equivalent qualification too. Whenever the foreigner does not comply, without justified reason, with the order of displaying the passport or other identification document as well as the residence permit or other document attesting to the regular presence in the national territory, he shall be punished with the arrest (up to one year) and with a fine up to 2,000 euros. b) The protection of national security and public order justifies the adoption of coercive measures against those who oppose identification measure. Therefore, Authorities have the right to use coercive measures in a commensurate manner with the resistance made by the foreign national and with the authorization of the magistrate.

**5.** a) The Penal Code, art. 497 bis displays that anyone who is found to have a false identification documents (ID/passport) is punished by imprisonment from two to five years. This punishment is increased by one-third to half for those who manufacture or otherwise create the false document, or

			<p>holds it out of cases of personal use. As regards residence permits, the Italian Law 94/2009 foresees that anyone who counterfeits or alters an entrance or re-entry visa, a permit of a stay, a residence contract or a residence card, or counterfeit or alter documents in order to determine the issuance of an entry or re – entry visa, a residence permit, a contract of stay or a residence card, or uses one of these counterfeit or altered documents, may be punished with imprisonment up to six years. b) There are no special requirements for detailed information/investigation when someone has lost ID, travel documents or residence permit and applies for a new one. In case of loss, theft or duplication, the third country national has the obligation to file a complaint at police offices in order to prevent someone from using the residence permit for illicit purposes, issuing a new document by filling out a special provided form. No limitation about the number of documents that can be issued for one person within a certain limited period of time are provided.</p>
	Latvia	Yes	<p><b>1.</b> The State Border Guard of Latvia may take a foreign national’s fingerprints to verify the identity of the person, when carrying out border check of persons, verify the identity of the person when carrying out the control of conditions for residing of foreigners and to verify the identity of asylum seekers (Biometric Data Processing System Law, chapter 3, section 13 7-9). a) According to the Immigration Law of Latvia a foreigner has a duty, if it is requested by a State Border Guard, to present all the necessary documents for entering the territory of Latvia, as well as allow their fingerprints to be taken to check their identity (Immigration Law, chapter 1, section 5 3). If there are suspicions or the fact of using false documents (passport, visa, residence permit) while entering the territory of Latvia, the officials of the State Border Guard shall detain such person, establish the identity of the detainee, take his or her fingerprints and his or her photograph, conduct an inspection of a foreigner and his or her property, as well as, if necessary, ensure a medical examination of the foreigner and draw up a report thereof (Immigration Law, chapter 7, section 51, 57). b) According to the Asylum Law of Latvia the State Border Guard shall take fingerprints of each asylum seeker to verify his/her identity (Asylum Law, chapter 1, section 7, part 1 2). c) When issuing a residence permit, the fingerprints shall be taken from all foreigners who have reached 6 years age. If the foreigner has violated stay conditions in the territory of Latvia and is the subject to removal or return procedure, while in detention, the State Border Guard has the right to take foreigner’s fingerprints (Immigration Law, chapter 7, section 51). With a view to checking whether a third-country national or a stateless person found illegally staying within the territory of Latvia has previously lodged an application for international protection in</p>




another Member State, the State Border Guard has the right to take a foreigner's fingerprints (Regulation No. 603/2013, chapter 4, article 17). In order to identify the foreigner, if he/she is hiding his/her identity, the State Border Guard has the right to detain such person or apply one of the alternative means of detention due to reasons of humanitarian nature (Immigration Law, chapter 7, section 51). In the case of intentional non-compliance with a State Border Guard official's lawful order or requirement, when he/she is fulfilling social order protection or service duties, a fine could be imposed (Latvian Administrative Violations Code, chapter 14, section 175).

**2.** According to the Immigration Law the State Border Guard has the right to detain a foreigner, except a minor foreigner who has not reached the age of 14 years, and perform their fingerprinting (Immigration Law, chapter 7, section 57). Following the Asylum Law the State Border Guard shall take fingerprints of each asylum seeker who is at least 14 years of age in order to verify his/her identity (Asylum Law, chapter 1, section 7, part 1 2). The same is applicable to every third-country national or stateless person of at least 14 years of age who is apprehended by the State Border Guard in connection with the irregular crossing by land, sea or air of the border of Latvia having come from a third country and who is not turned back or who remains physically on the territory of Latvia and who is not kept in custody, confinement or detention during the entirety of the period between apprehension and removal on the basis of the decision to turn him or her back (Regulation No. 603/2013, chapter 3, article 14) and to any third-country national or stateless person of at least 14 years of age found illegally staying within the territory of Latvia with a view to checking whether a person has previously lodged an application for international protection in another Member State (Regulation No. 603/2013, chapter 3, article 17).

**3.** A right to take a third-country national's or stateless person's fingerprints is laid down in Immigration Law of Latvia and Asylum Law of Latvia. Biometric data processing system is regulated by Biometric Data Processing Law, which includes biometric data input, updating and storage, as well as use and supervision of this data. Data of detained foreigner's is kept in Automatized Fingerprint Identification System (AFIS) according to Regulation of the Cabinet of Ministers No. 99 (2009, 3rd February) "Regulation of the amount of included information and its use in Automatized Fingerprint Identification System (AFIS)". Included data is actively stored for 10 years, consequently transferred to archive for another 10 years and finally deleted from the register (AFIS Regulation, article 10, 11). In order to implement the Articles 9, 14, 17 of Regulation No. 603/2013 Latvia has created a national

Asylum seekers' fingerprints information system, which is regulated by the Regulation of Cabinet of Ministers No. 296 (2016, 16th May) "Regulation of Asylum seekers' fingerprints information system". Included data is stored for 10 years (for persons who meet the conditions of Regulation No. 603/2013, Article 9), 3 years (for persons who meet the conditions of Regulation No. 603/2013, Article 14) and until the conclusion of foreigner's fingerprint comparison performed by expert (for persons who meet the conditions of Regulation No. 603/2013, Article 17) (Regulation of Asylum seekers' fingerprints information system, chapter 2, article 10).

**4.** In Latvia, the authorities have the right to search for a foreign national's passport and/or other identity documents for identification purposes when he or she enters the country, as well as when controlling the enter, stay, emigration and transit conditions of foreigners in the territory of Latvia. An official of the State Border Guard has the right to seize the property and personal identification and travel documents of the detained foreigner by drawing up a report thereof or making a relevant record in the report regarding inspection of the property of a detainee. The documents shall be seized until the removal of the foreigner (Immigration Law, chapter 7, section 58). An official of the State Border Guard, when deciding the case regarding detention of a foreigner, may, due to reasons of humanitarian nature, take a decision to apply the alternative mean of detention - the handing over of a travel document and other personal identification documents at the disposal of the foreigner to an official of the State Border Guard (Immigration Law, chapter 7, section 51, part 3 2). In identifying an asylum seeker and ascertaining his or her nationality, the State Border Guard has the right to perform inspection of the asylum seeker and his or her possessions, and also to seize objects and documents, if they may have a significance in examination of the application or if they may pose a threat to the asylum seeker or those around him or her (Asylum Law, chapter 1, section 7). An asylum seeker shall hand his or her personal identity and travel documents over to the State Border Guard until the time when the final decision is taken to grant or to refuse to grant refugee or alternative status, except the case where the asylum seeker has another legal basis to reside in the Republic of Latvia (Asylum Law, chapter 1, section 8). Consequently, after the granting of the status of international protection all of asylum seeker's personal identity and travel documents are sent to the Office of Citizenship and Migration Affairs. In order to identify the foreigner, if he/she is hiding his/her identity with the suspected purpose of avoiding the removal, the State Border Guard has the right to detain such person


			<p>or apply one of the alternative means of detention due to reasons of humanitarian nature (Immigration Law, chapter 7, section 51).</p> <p><b>5.</b> Information about all lost and stolen ID documents (including travel documents, passports and residence permits) is included into the Register of Invalid Documents and into the respective module of SIS. There is certain procedure of investigation every time the document is lost/ stolen that has been regulated by the internal legislative act. Latvia does not restrict the number of documents a person is entitled to change during any period of time.</p>
	Lithuania	Yes	<p><b>1.</b> According to the Article 121 of the Republic of Lithuania Law on the Legal Status of Aliens, for the purpose of identification photographs of an alien are taken and his fingerprints are collected, when he: 1) lodges an application for asylum in the Republic of Lithuania; 2) has been detained for unlawful entry into the Republic of Lithuania, illegal stay, residence, transit through or departure from the Republic of Lithuania; 3) is expelled from the Republic of Lithuania or returned to a foreign state. Also, according to Republic of Lithuania on the Legal Status of Aliens, fingerprints shall be collected from an alien applying for a Schengen visa with the exception of the cases provided for in the Visa Code (Article 12(1), part 2) and from an alien applying for a national visa, with the exception of the cases where such requirement is not applied to the issue of visas in compliance with the Visa Code or for an alien who has the diplomatic passport, because the principle of reciprocity is applied (Article 17, part 6). a) According to the State Border Guard Service Law, of 10 October 2000 VIII-1996, when the officers of the State Border Guard Service are carrying out persons' and vehicles' border control, they have to check data in the databases and other sources of information about the persons that are crossing the border of the country. b) According to Republic of Lithuania law on the Legal Status of Aliens biometric identifiers – the facial image and two fingerprints – of an alien shall be electronically incorporated into a residence permit and into the Residence Card of a Family Member of the European Union Citizen to confirm the alien's identity, with the exception of the cases provided for in Regulation (EC) No 1030/2002 (Article 24, part 2, Article 99, part 2, Article 104, part 4), and these mentioned biometric identifiers that confirms the alien's identity is electronically incorporated into the alien's passport, the stateless person's travel document and the refugee travel document with the exception of the cases provided for in Regulation (EC) No 2252/2004 (Article 37, part 2, Article 38, part 2, Article 89, part 1). c) The collection of fingerprints of aliens that are detained for unlawfully entering the</p>

Republic of Lithuania or illegally staying in it is regulated by the description of the procedure (number 4-227) of the State Border Guard Service of the 17th July of 2015.

**2.** In the cases foreseen in the Republic of Lithuania law on the Legal Status of Aliens fingerprints are collected from the age of 14. Aliens who lodges documents for Schengen's or national visa fingerprints are collected if he has turned the age that is specified in the Visa Code. When issuing a residence permit or Residence Card of a Family Member of the European Union Citizen, the fingerprints from alien are collected from the age of 6, and when issuing alien's passport, the stateless person's travel document and the refugee travel document – from the age of 12.

**3.** Aliens' fingerprints are be registered by the Lithuania Criminal investigation center of the Police Department under the Ministry of Interior in the cases foreseen by the Republic of Lithuania Law on the Legal Status of Aliens Article 121. The fingerprints are processed in compliance with the requirements of the Law of the Republic of Lithuania on Legal Protection of Personal Data (Article 121, part 2). According to the law on the legal status of aliens Article 12(1) part 2 and Article 17 part 6, the fingerprints shall be collected from an alien applying for a Schengen or a national visa and entered on the Register of Aliens. The fingerprints, which are collected for issuing the Residence Card of a Family Member of the European Union Citizen, alien's passport, the stateless person's travel document or the refugee travel document, shall be processed according to the Republic of Lithuanian Population Registry regulations and Register of Aliens regulations.

**4.** According to the Republic of Lithuania law on the legal status of aliens Article 3, part 4, at the request of officers of the police or any other law enforcement institution, aliens must provide documents confirming their identity (travel document, residence permit or any other document) as well as other documents specifying the purpose and conditions of their stay in the country and attesting to the lawfulness of an alien's stay in the Republic of Lithuania. According to the same law Article 120, part 1 and 2, for the purposes of establishing the identity of a detained alien, an officer of the police or another law enforcement institution shall have the right to temporarily seize the alien's travel document, travel tickets, other documents (if the alien is in possession of any) until the identity of the alien and authenticity of his documents are established. When establishing the identity of an alien, an officer of the police or another law enforcement institution shall have the right to carry out his personal

			<p>search and inspect his personal belongings in accordance with the procedure established by laws of the Republic of Lithuania.</p> <p><b>5.</b> According to the documents that regulate procedure of issuing and renewal of residence permit, Residence Card of a Family Member of the European Union Citizen and travel documents (stateless person's travel document, alien's passport, or the refugee travel document), the alien that lost one of the above mentioned documents, have to submit a written notice to the department of migration, police institution or consular office and in this notice s/he have to specify the circumstances about the loss of the document (these notices are kept in the alien's files for issue of residence permit or other document). If one of the previously mentioned documents is lost, it is being changed in the general order, no additional checks are carried out. There are no regulation on how many times the same type of document can be issued in a certain time, but alien cannot have several valid documents at the same time, that grants or certifying the right to live in the Republic of Lithuania (residence permit and or Residence Card of a Family Member of the European Union Citizen) and few valid travel documents: the document is declared as not valid when the report about its loss is received or if the documents are changed for other reasons, after the new document is issued.</p>
	<p>Luxembourg g</p>	<p>Yes</p>	<p><b>1.</b> There are different procedures for taking fingerprints depending if the third-country national is an international protection applicant or if s/he is entering the country with a visa. a1) In the case of an international protection applicant once the application is introduced the Judicial Police of the Grand Ducal Police will interview the applicant to determine his/her identity and to verify his/her travel itinerary, in accordance with article 6 (3) of the Law of 18 December 2015 on international protection and temporary protection. In order to verify the identity of the applicant the Judicial Police will collect the fingerprints and takes the necessary pictures (article 6 (3) paragraph 2), if the applicant is 14 years old or older[i]. This is done in order to find any elements that will allow to determine if another Member State is responsible to examine the application.[ii] Additionally, the EURODAC database is consulted to verify if the same person had already submitted an application for international protection in another Member State. It is necessary to differentiate between third-country nationals which cross the internal borders and who are already on the Schengen area and those who are controlled at the external borders by the border guards: - the third-country nationals, who request international protection at the border: the fingerprints are collected and are introduced in the EURODAC system by</p>


a border guard. The border-crossing checkpoint is equipped with the EURODAC system. Afterwards, and officer of the Judicial Police (Service Police Judiciaire/Etrangers -SPJ-ETR) begins the investigation. - the third-country nationals, who request international protection inside the territory: they are guided by the agents of the Police to the premises of the Directorate of Immigration of the Ministry of Foreign and European Affairs, where an officer of the Judicial Police begins the investigation. a2) The third-country national who applies for a short-term visa will be subject to the Visa code. The VIS roll-out has been completed in February 2016 and all stations connected to the VIS are operational. Certain categories of applicants have to provide their fingerprints when they hand over their visa request. An offline procedure has been developed in view of enrolling applications in case of a temporary disconnection to the main server. In order to be able to verify the identity, the collection of fingerprints and biometrical data is practiced in the diplomatic representation. The applicant will be compelled to give his/her fingerprints (10 fingers). With this new system, the biometrical data will be saved in a common database, which will be used to control the visa's holder identity at the external border. The border-crossing checkpoint is equipped with the VIS. The border guards can exceptionally, issue a visa at the external border to a third-country national. Who fulfils the criteria of entry and stay of the Immigration Law. b) when they apply for a residence permit (as asylum seekers or otherwise) When applying for a residence permit (international protection or any other type of authorisation of stay) the Directorate of Immigration will collect the biometric data (photograph and fingerprints) before issuing the residence permit in accordance with regulation no. 380/2008 of the Council of 18 April 2008. c) when checked by the authorities within the territory, i.e. after the foreign national has entered the country? If an irregular migrant is detected and placed in detention, article 120 (4) of the amended law of 29 August 2008 on free movement of persons and immigration enables the police to take pictures of the persons who have to be returned. The collection of fingerprints is allowed only if it is strictly necessary to establish the identity of the detained foreigner or for the issuance of the travel document. Do the authorities have the right to use any coercive measures? Yes in the cases 1.a1 and 1.c). In cases 1.a2 and 1.b) if the individual refuses to have his/her fingerprints taken the visa and the residence permit will be refused.

**2.** The minimum age is 14 years of age in the cases 1.a.1), b) and c). The minimum age for collecting fingerprints in the case 1.a.2) is 12 years.

**3.** In Luxembourg there is not a fixed deadline to keep personal information in the databases related to entry and stay of foreigners in the country. This database is mainly composed by the data gathered from the foreigners that apply to enter and stay in the country (especially with the authorisations of stay for obtaining a residence permit). Only the biometrical data gathered, that is destined to issue residence permit in accordance with Regulation EC n° 380/2008 of the Council of 18 April 2008 that modified Regulation EC n° 1030/2002, which establishes a uniform model of residence permit for third country nationals are kept in a temporary file. Once that the residence permit is issued to the holder or at the most six months after the issuance of the residence permit, the ministry will have to erase the data (art. 2 of the Grand-Ducal regulation of 19 May 2011 that modifies: 1. the Grand-Ducal regulation of 5 September 2008 on the execution of certain disposition on administrative formalities foreseen by the Law of 29 August 2008 on free movement of persons and immigration; 2. the Grand-Ducal regulation of 26 September 2008 on the creation of a database for treating personal data).

**4.** Article 136 of the Immigration Law establishes that a third country national has to present his/her identity documents that justify his/her entry and stay in the territory when requested by the Police. The Police is allowed to withhold the travel document of the third country national if he/she is illegally in the country. If the third-country national is not able to produce the documents or refuses to show them the Police officer can detain the individual or can take the third-country national to the police station in order to establish his/her identity (article 45 (2) of the Criminal Procedure Code). The verification of identity will be done by the Judicial Police using all the means at their disposal (article 45 (3)). The maximum time for holding the individual is of 4 hours which counts from the moment when the police requested the documents (article 45 (5)). In case that the police determines that the third-country national is in an irregular situation, they will notify the Minister in charge of Immigration in order that the Minister decides if the individual will be placed in detention (article 120 (1) of the Immigration Law).

**5.** In Luxembourg the replacement of the identity card, passport or residence permit must be accompanied in case that it has been stolen or lost by a certificate of the Grand-ducal police. In case of loss or destruction of the identity card the commune will issue a certificate to the applicant but the identity card will not be renewed until the conditions of the lost or the destruction have been investigated (article 9 of the ministerial regulation of 12 June 1989). The same will happen if the certificate is destroyed or lost. In the case of passport or travel document of a refugee or a stateless

			<p>person the certificate of the police must be presented (article 7 of the Grand-ducal regulation of 25 January 2008 that establishes the modalities for obtaining a biometric passport, or a biometric travel document for foreigners, stateless persons and refugees). In case the residence permit of a third country national is stolen or lost the concerned person must make a renewal request at the Directorate of Immigration of the Ministry for Foreign Affairs. A statement of lost/robbery must be made at the Grand-ducal police. A copy of this document must be attached to the request. It is evident that in case there is a voluntary destruction the holder can be prosecuted in court. The same procedure has to be applied to resident permit holders. It is important to mention that in Luxembourg there is a national identification number so it is easy for the authorities to know how many times a person has applied for an identity card or a passport. There are no sanctions foreseen by the law for constantly losing the documents. As we mentioned above the only sanctions that can be applied are the penal sanctions in case that the police discovers that there was a voluntary destruction of the document.</p>
	<p>Netherlands</p>	<p>Yes</p>	<p><b>1. a)</b> The articles 106a and 107 of the Dutch Aliens Act hold legal basis for the capturing, storage and use of biometric data (10 fingerprints and a facial image). Article 106a refers to the categories from which biometric data can be collected, the purposes for which this is done (identification and verification) and the organizations which are authorized to collect this information. Article 107 contains a limited number of purposes which exceed the implementation of the Aliens Act and the Netherlands Nationality Act. Please see the following link for more information (in Dutch): <a href="http://wetten.overheid.nl/BWBR0011823/2017-01-01/0/#Hoofdstuk8_Paragraaf1">http://wetten.overheid.nl/BWBR0011823/2017-01-01/0/#Hoofdstuk8_Paragraaf1</a> <b>b)</b> Biometric data in the asylum procedure are captured at first contact with the applicant in the Netherlands (by the National Police (NP) and the Royal Netherlands Marechaussee (KMar), prior to the decision. Within the context of legal migration purposes (i.e. non asylum or irregular migration), the collecting of biometric data is generally performed by the Dutch embassy or consulate abroad. Foreign nationals from the United States, Australia, New Zealand, Canada, Japan, South Korea, Monaco and Vatican City who intend to stay in the Netherlands for three months or more, are not required to apply for a regular provisional residence permit (MVV) upon arrival to the Netherlands. They need to apply for a regular residence permit in the Netherlands. If they do so, they must provide biometric data (10 fingerprints and a facial image) at the Dutch Immigration and Naturalisation Service (IND). <b>c)</b> All government organizations (including supervisory bodies such as the National Police (NP) and the Royal Netherlands Marechaussee (KMar)) charged with the execution of the Dutch Aliens Act, have</p>



the right to verify the identity of foreign nationals. d) It is compulsory for foreign nationals who wish to reside in the Netherlands to provide biometric data (a photograph and fingerprints). In the case of the asylum procedure, supervisory bodies such as the National Police (NP) and the Royal Netherlands Marechaussee (KMar) have coercive powers to compel the foreign national to provide biometric data. Other specific measures can apply. If, for instance, it is not possible to take fingerprints (in case the fingers of the foreign national are damaged), the above-mentioned supervisory bodies can impose on the asylum seeker the duty to report so that fingerprints can be taken at a later stage.


**2.** See above. Children who have not yet reached the age of 6 are exempted from the requirement of providing fingerprints. This applies to all forms of residence in the Netherlands.


**3.** Effective as of 1st March 2014, Dutch national legislation (i.e. the articles 106a and 107 of the Dutch Aliens Act) makes it possible to store biometric data (10 fingerprints and a facial image) of third country nationals in a national database shared by the organizations cooperating in the immigration process in the Netherlands (in short: BVV). Based on Council Regulation (EC) No 380/2008, of 18 April 2008, the Dutch residence permits of foreign nationals that are 6 years of age or older (the temporary and permanent regular residence permits as well as the asylum residence permits), contain a photograph and two fingerprints electronically stored on the residence permit.

**4.** Supervisory bodies such as the National Police (NP) and the Royal Netherlands Marechaussee (KMar) have the power to search for, take and hold a foreign national's passport and/or other identity documents. These powers are exercised on the basis of the Dutch Aliens Act and legislation which specifically pertains to these organizations.

**5.** Loss of these documents must be reported to the police. The foreign national must present this written report from the police in order to obtain a new document. The IND registers in its database if a residence document is lost or stolen. In case of a lost or stolen residence permit, the IND also places an alert in the Schengen Information System (SIS-II). This alert will allow the authorities in other EU-member states, such as border control authorities, to verify whether a Dutch residence permit can still be in circulation. There are no limitations as to the number of residence documents one can obtain. The IND will issue, however, only one residence document to the foreign national. If the foreign national still holds a previous residence document, the IND will claim and destroy this residence document. In


			<p>the case of possible misuse or fraud, the IND will take enforcement action. In such case, the IND may invite the foreign national to explain his or her situation. If fraud is established, the IND will report this to the police.</p>
	Slovak Republic	Yes	<p><b>1.</b> a) At the entry, it is possible to take fingerprints of foreigners only in order to carry out border control, during border control (it is regulated by the Act on Residence of Aliens). b) Fingerprints are not taken when applying for the residence permit, only when the residence permit is issued or when an EU citizen is being registered (also regulated by the Act on Residence of Aliens). c) Taking fingerprints in these cases (regulated by the Act on the Police Force and the Act on the Residence of Aliens) is carried out if the control within the territory is carried out by a Police Officer in special cases if the person does not cooperate, rejects to show one's documents etc., the Officer is authorised to take this person to the police station and if the person shows resistance, the Officer is authorised to apply coercive measures. According to the Slovak legislation (Act on the Police Force), the Police Officer is authorised to take from the person brought to the police station his/her fingerprints, examine his/her physical features, take the body measures, make visual, audio or other records and take samples of his/her biological materials. The Police Officer is authorised to take identification marks also from a foreigner who entered or is staying in the territory of the Slovak Republic without authorisation, or against whom process of administrative expulsion has started or the process of an entry ban or in order to determine the age of a person unless it is obvious that the concern foreigner is a minor.</p> <p><b>2.</b> At the entry to the territory of the Slovak Republic – during border control – from 12 years based on the Information System (IS) VIS. Irregular migration – national IS MIGRA – from 10 years, from 14 years if the person is an asylum seeker (EURODAC). Legal migration – national IS ECU – from 6 years.</p> <p><b>3.</b> National database AFIS comprises two subsystems – criminal AFIS and alien AFIS which records data separately. Data in AFIS is stored for 80 years and there is no age threshold from which the fingerprints can be taken. In CODIS, data is stored for 99 years. When an alien is taken fingerprints, the data is checked in the national system AFIS and subsequently in the EURODAC. As for the central database EURODAC, the procedure is according to the Regulation (EU) no. 603/2013 (storage for 10 years, from the age of 14).</p>


			<p><b>4.</b> According to the Slovak legislation, if a Police Officer finds out that a foreigner showed false or forged document, he/she is authorised to seize this document. The same applies to documents which was not issued on the name of the checked foreigner and which are showed by the foreigner as his/her own or if the state authority, which issued the document, proclaimed this document as invalid or stolen. At the request of the Police Officer, the foreigner is obliged to present his/her identity and his/her residence permit by presenting a valid passport and residence document. If a third-country national refuses to present these documents, he/she is committing a misdemeanour in the area of residence. He/she may be fined by 1600 EUR. Apart from this, if the person refuses to present his/her identity, the Police Officer is authorised to take this person to the police station to determine his/her identity (see 1). The Police unit and the Ministry of Foreign and European Affairs of the Slovak Republic are authorised to process copies of travel and identity documents as well as other documents presented. The foreigner is obliged to undergo fingerprinting by the Police or the Diplomatic Mission if requested during the respective procedure.</p> <p><b>5.</b> According to the Act on Residence of Aliens, a third-country national is obliged to protect his/her documents (alien passport and residence documents) against loss, theft, damage or abuse and report loss, theft, damage or abuse within 5 working days. Loss of a travel document not issued by the Slovak Republic may be reported to the respective district Police unit which is liable to search for it. The loss is recorded in the respective information system – national IS PATRDOC from which the information is automatically sent to the Schengen Information System. If the document has been proclaimed as lost or stolen, i.e. reported as lost stolen to the Police, it loses its validity despite the fact that it is found and marked as valid. Such a document cannot be presented as in any other Schengen Member State. There is no limitation to the number of documents which can be issued to a third-country national within a certain period of time. However, each issue is charged. In case of repetitive loss, there is higher fee. If there is a suspicion that a foreigner has abused a document, i.e. his/her actions have characteristics of a criminal act, the foreigner may be taken to the Police station to explain the cause. The following procedures depend on the individual case, kind of abuse and existing evidence.</p>
	Slovenia	Yes	<p><b>1.</b> Fingerprinting may be used for the purpose of identification and/or purpose of verifying if the person is already in the system - check against fingerprint database. Coercive measures apply in case of non-</p>

			<p>compliance. Fingerprinting is applicable in cases of residence permit application. In the latter case the coercive measure is non-issuance of the document.</p> <p><b>2.</b> No age limits apply.</p> <p><b>3.</b> Fingerprints may be stored in the system for two years unless otherwise indicated by EU legislation.</p> <p><b>4.</b> Documents may be searched for in the process of identification of the person. Intensity of search depends on legal grounds. Holding of the documents is applicable in order to guarantee that the fine is paid or to prevent leaving the country. In the latter case it can be done only by judicial decision.</p> <p><b>5.</b> Such cases are investigated. Abused document is taken and returned to issuing authority for annulment or return to original owner, depending on the nature of the case and decision of issuing authority. No limits regarding number or time apply. Abuses are persecuted and punishable by national legislation.</p>
	Sweden	Yes	<p><b>1. a)</b> The Swedish Police Authority (the Police) or the Swedish Migration Agency (the Migration Agency) may take a foreign national's fingerprints when the foreign national enters Sweden without being able to provide proof of his or her identity (Aliens Act, chapter 9, section 8). There is also a possibility for fingerprinting to check if the person's fingerprints match their residence permit or Schengen visa (Aliens Act, chapter 9, sections 8 b-c). <b>b)</b> The Police, or the Migration Agency, may also take a foreign national's fingerprints when the foreign national applies for asylum (Aliens Act, chapter 9, section 8) or otherwise applies for a residence permit (Aliens Act, chapter 9, section 8 a). <b>c)</b> As of now, the authorities in Sweden do not have a right to fingerprinting when checking a foreign national within the territory unless he or she applies for asylum or a residence permit, or there is reason to take the person into custody (Aliens Act, chapter 9, sections 8-8 a). There is a possibility to summon the foreign national to an interview at the Police or the Migration Agency in order to check their right to stay in Sweden/the Schengen territory. If there is reason to believe that the person would not come to the interview voluntarily, the Police can bring them to an interview without prior calling. In some cases, when the person cannot identify themselves and cannot prove their right to stay within the territory, there may be reason to take the person into custody.</p>

**2.** a) The lower age limit for fingerprinting is 14 years when a foreign national enters the country without being able to prove their identity (Aliens Act, chapter 9, section 8). b) The lower age limit for fingerprinting is 14 years when a foreign national applies for asylum (Aliens Act, chapter 9, section 8). When a foreign national applies for a residence permit, the lower age limit for fingerprinting is 6 years. In this case, the fingerprints are taken solely to be stored in an information medium in the residence permit card, which is issued if a residence permit is granted (Aliens Act, chapter 9, section 8a). c) When there is reason to take the person into custody, the lower age for fingerprinting is 14 years (Aliens Act, chapter 9, section 8).

**3.** The fingerprints taken according to the Aliens Act, chapter 9, section 8, are stored in a database, which the Migration Agency keeps in accordance with the Aliens Data Act (2016:27), section 14. The fingerprint data can be stored for up to ten years from registration. It is removed when the person concerned becomes a Swedish citizen or ten years from registration of the data at the latest. The fingerprints are checked against Eurodac, against the Police's fingerprint records and against the Migration Agency's own fingerprint records. For asylum seekers, according to Regulation (EU) no 603/2013, fingerprint data is collected and transmitted to the Central System of the Eurodac database. Even here, the fingerprint data can be stored for up to ten years from registration. It is removed when the person concerned becomes a citizen of an EU member state or ten years from registration of the data at the latest (article 12). According to Regulation (EU) no 603/2013, article 14, fingerprints taken of third-country nationals or stateless persons apprehended when irregularly crossing the border, are to be stored in the central system of the Eurodac database for up to 18 months, or until the person has been issued a residence document, has become citizen of an EU member state or has left the territory of the Member states. Fingerprint data taken according to the Aliens Act, chapter 9, section 8a, is only stored until a residence permit card is issued and handed over to the person concerned, or until the application for a residence permit has been settled without the person being granted a residence permit. Fingerprint data taken according to the Alien Acts, chpt 9, par. 8b-c, is not stored. It is to be destroyed as soon as it has been checked against the information stored in a residence permit card or VIS. According to the Police Data Act (2010:361), chapter 4, section 11-12, the Police has a right to store fingerprints in a database, inter alia, if this is needed to meet international obligations and otherwise for crime investigation purposes. The data stored to meet international obligations may only be stored as long as this is needed for such purposes.

			<p><b>4.</b> In Sweden, the authorities have the right to search for a foreign national's passport and/or other identity documents for identification purposes when he or she enters the country but not thereafter, i.e. not in the situation that the authorities want to check the identity of someone who already is on Swedish territory, unless the person applies for a residence permit. If they apply for a residence permit, then the Migration Agency has the right to take and hold their passport and other identity documents. There are, however, no coercive measures to search for such documents if the person does not hand them over. When a decision is made to reject or expel a foreign citizen, the authorities also may take and hold the foreign national's passport and/or other identity documents until the decision is enforced.</p> <p><b>5.</b> When applying for an alien's passport or travel document, the applicant shall hand in such application personally and shall also hand in his or her previously issued passport or travel document. If it has been destroyed or lost, he or she is obliged to give detailed information on how this has happened. If it has been lost, the applicant shall also give information on which measures he/she has taken to get it back and hand in a copy of his/her report to the police on the matter. The Migration Agency has a policy not to grant an alien's passport if a previously issued alien's passport has been abused, for example by being handed over to another person for travel, or if it has been used in criminal cross-border activity such as smuggling or trafficking. If a person has lost several alien's passports in the past, a new one is usually not granted without a thorough investigation. When there is suspicion on misuse, the Migration Agency can also limit the validity area of the new alien's passport for a certain period of time, usually one year. For necessary and urgent trips, a temporary alien's passport can be issued. If a residence permit card has been lost, the applicant also shall give information in writing on which measures he/she has taken to get it back and hand in a copy of his/her report to the police on the matter. For regular Swedish passports, there are new provisions stating that a Swedish citizen only has the right to three regular passports during a five-year period and that, when a temporary passport is issued, another valid passport must always be revoked and thus cancelled in national and international databases of travel documents reported as stolen or lost. As of yet, there are no such provisions regarding alien's passports, travel documents and residence permit cards, but a recently appointed enquiry is assessing if such regulation is needed.</p>
	United Kingdom	Yes	<b>1.</b> A) Schedule 2 of the Immigration Act 1971, as amended, b) section 5 of the UK Borders Act 2005, as amended, c) Schedule 2 of the Immigration Act 1971, as amended – Yes, the authorities may use

			<p>coercive measure, which vary depending on the purpose for which fingerprints are being taken. Where a person has been detained or is liable to be detained officers may use reasonable force. In respect of an application for a residence permit, failure to co-operate may result in the residence permit not being issued, the person's leave being refused or cancel and/ or we issue a financial penalty.</p> <p><b>2.</b> 5. However, for residence permits the fingerprints are only stored on the document from the age of 6.</p> <p><b>3.</b> This is set out in the Immigration Act 2014 – fingerprints are normally stored for up to 10 years, unless the person is of risk of high harm to the UK or the person is a permanent resident. Fingerprints are deleted when the person becomes a British citizen.</p> <p><b>4.</b> The UK has a whole range of powers to search for a document for an illegal entrant and other immigration offender. These are set out in the guidance on Coercive Powers: overview which is available <a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/511251/Coercive_powers_v1.0.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/511251/Coercive_powers_v1.0.pdf</a></p> <p><b>5.</b> There is also a power to retain a passport or other evidence that would assist in the removal of an offender under Section 17 of the Asylum &amp; Immigration (Treatment of Claimants etc.) Act 2004 and guidance on this is available <a href="https://www.gov.uk/government/publications/retaining-valuable-documents">https://www.gov.uk/government/publications/retaining-valuable-documents</a></p>
	Norway	Yes	<p><b>1.</b> The Immigration Act § 100 concerning fingerprints and photo was changed in 2016 to open for further use of biometrics for the purpose of identification and verification. However, the further conditions about the use, including storing, is to be regulated in the Immigration Regulations, probably at the end of this year. According the Immigration Act §100 fingerprints can be taken of all third country nationals applying for a permission in Norway (asylum, visa and all type of residence permits) and of foreigners that are expelled or rejected or are staying illegal in Norway. The fingerprints shall be stored in a national register. The fingerprints will be taken by the police when applying from Norway, and by the foreign service missions when applying abroad. However, the technical changes required to take fingerprints of all applicants are not yet in place. The Directorate of Immigration is cooperating</p>

with the national police and Ministry of Foreign Affairs in a project to develop the necessary technical changes. Thus, at the moment, fingerprints are only taken in all asylum cases, in some family immigration cases and a few other cases, i.e. when there is doubt about a person's identity. When the equipment is in place, the authorities at the border and the immigration authorities within the territory can use/check the fingerprints in order to control and verify the applicant's identity and whether the person has submitted under another identity earlier. The police can use the fingerprints in criminal cases if the foreigner has committed a criminal offence that can lead to imprisonment for more than 6 months.

**2.** Fingerprints can be taken of foreigners 6 years of age and older. For applications for Schengen Visa the minimum age for fingerprinting is 12 years.

**3.** As mentioned above, in Norway we are in the process of revising the regulations about the use of fingerprinting. At the moment, fingerprints can be stored until the foreigner has got a permit that can give grounds for a permanent permit. Nevertheless, it is a condition that the person's identity is confirmed through sufficient documentation or that he or she has become a Norwegian citizen or a citizen of a country that participates Eurodac. For rejected asylum seekers, the fingerprints can be stored until 5 years after the enforcement of the rejection or earlier if he or she has become a citizen of a Eurodac country. If not deleted earlier, fingerprints shall be deleted ten years after the last registration. In cases of national security, the fingerprints are not deleted. In the upcoming change of the regulations, the storing period will probably be significantly extended.

**4.** In connection with enforcement of the provisions regarding foreign nationals' entry into and stay in the realm, the police may stop a person and request proof of identity when there is reason to assume that the person in question is a foreign national and the time, place and situation give grounds for such a check. In connection with such checks, the foreign national must show proof of identity and if necessary provide information in order to clarify his or her identity and the lawfulness of his or her stay in the realm. (Norwegian Immigration Act Section 21) Upon entry, and until correct identity is registered, foreign nationals are obliged to assist in clarifying their identity to the extent that the immigration authorities so require. The immigration authorities may also subsequently impose such an obligation on a foreign national if there is reason to suppose that the registered identity is not the correct identity. A foreign national may not be required to assist in clarifying his or her identity in a



		<p>manner which comes into conflict with a need for protection. Section 17 - 7 The foreign national's obligation to provide information (under section 83, second paragraph, of the Act) The immigration authorities may, when clarifying a foreign national's identity, order the foreign national to: (a) provide information on matters related to the foreign national's identity, including name, nationality, date of birth, place of birth, place of abode//whereabouts in the country of origin, civil status, family members, identity documents and travel route to Norway, (b) present a travel document or similar document issued by a public authority in Norway or abroad as confirmation of the foreign national's identity. A foreign national who does not have such a document in his//her possession may be required to procure it. The foreign national may also be required to assist in the procurement or issue of such document, including by allowing him//herself to be presented at a foreign service mission of the country concerned and providing such information as is necessary to have a travel document issued, (c) present documents produced by the foreign national him//herself, public authorities or others in Norway or abroad that contain complete or partial information on the foreign national's identity. A foreign national who does not have such documents in his//her possession may be required to procure them or to assist in their procurement, (d) present letters, notes, electronically stored information** etc., produced by the foreign national him//herself or others that contain complete or partial information on the foreign national's identity, (e) procure or assist in procuring information from public authorities in Norway or abroad about registrations which can contribute to clarifying the foreign national's identity, (f) procure or assist in procuring information about school attendance, employment, accommodation, banking and insurance details etc., in Norway or abroad which can contribute to clarifying the foreign national's identity, (g) present tickets, luggage receipts and the like, (h) participate in a language analysis, and (i) provide a handwriting sample to permit a comparative handwriting examination to be made. ** This means that the foreigner can be left with no other choice but to provide information stored on their cell phone, PC and memory sticks, etc. or face confiscation. A foreign national who applies for or has been granted protection may not be required to contact the authorities in his//her country of origin if this may conflict with a need for protection. Nor may the foreign national be required to clarify his//her identity in any other way that may conflict with a need for protection. If there is reason to presume that the registered identity of a foreign national is not the correct one, the foreign national shall be made aware of the basis for this presumption and be given the opportunity to make a statement about this before an order is made. A foreign national who is ordered to assist in clarifying his//her identity shall be made aware of the relevant provisions and that failure to comply with such an order may constitute</p>
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		<p>a criminal offence (see section 108, second paragraph (c), of the Act and section 18 - 13 of the Regulations). The foreign national shall also be made aware that providing substantially incorrect or obviously misleading information, (see section 108, second paragraph (c), of the Act), and making a false statement, (see section 166 of the General Civil Penal Code), may constitute a criminal offence. In the initial phase of the asylum registration process, the applicant is given an orientation about the consequences of providing false information and the expectation that the applicant will comply with the enquiry. Should they be lacking valid ID, then the applicant is asked to provide access to their cell phone and other electronic devices with stored data. In Norway's experience, most asylum seekers provide this access. The person in question is asked to sign a consent form indicating that they have agreed to this search. <b>FORCEFUL MEANS – SEARCHES</b> and/ or confiscation: When there is doubt about a foreigner's identity and there is no documentation and the person in question will not provide access to their electronic devices, forceful measures can be implemented. This normally comes into play if the foreigner refuses to cooperate about clarifying their identity and the police must use methods that go against the foreigner's will. It is possible too, to investigate to what extent the person in question may have committed a war crime or other crimes against humanity which would qualify for exclusion from the realm. Pictures on a cell phone are for this reason important and can justify further investigation. The person in question can also be searched because he/she is in the country illegally. According to the Norwegian Immigration Act (Section 103, Search of the foreign national's person, dwelling or the like), A foreign national's person, dwelling, room or other place of safekeeping may be searched if there are specific grounds for suspecting that the foreign national (a) is not cooperating on clarifying his or her identity in accordance with section 21 or section 83 of the Act, giving a false identity or concealing or withholding information of material significance to a case concerning a residence permit, (b) has money or other assets that can be used to meet expenses in connection with exit which the foreign national is obliged to meet, and there are specific grounds for suspecting that the foreign national will not meet the expenses voluntarily, or (c) has travel documents, tickets or other items which may ensure implementation of the decision, and there are specific grounds for suspecting that the foreign national will evade implementation, see section 106 a. No search may be made of the foreign national's dwelling, unless the foreign national is staying in the realm in a manner that is unlawful and prohibited by the penal provision or the matter involves a search, or the foreign national has failed to comply with an order to present travel documents. Without the written consent of the foreign national concerned, searches as mentioned may only be conducted under a court decision.</p>
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search, then the item(s) in question can be seized (Immigration Act § 104). If the foreigner refuses to accept the confiscation of his/her possessions, then the items can be seized.

**5.** Norway is not able to provide an exhaustive response to this question, but we refer to regulations about recurring loss of a passport (Norwegian Passport Act § 5 3.paragraph, letter e, and § 7 1.paragraph letter e; § 12 6. paragraph); which allows the authorities to refuse to issue a new passport if the passport is not kept in a safe place by the passport holder, or if it is found in someone else's property. The law stipulates that a passport can be reissued with limited validity under special circumstances even if previous passports have not been well taken care of. Each case has to be evaluated separately and if it is determined that the passport holder could not be held responsible for loss of the passport, a new one can be issued. Most cases are more closely investigated since experience has shown that explanations can sometimes easily be disproven which can lead to refusing to issue a new passport, or to withdrawing an already issued passport. If the passport holder is unable to provide a satisfactory explanation for loss of the passport, the following guidelines apply: □ If a person has reported loss of their passport twice in a ten-year period, the passport holder will be sent a written warning that any further loss could possibly lead to sanctions in the form of reissuing a passport with a short period of validation or even refusal to reissue a passport. The warning would also be noted on the passport renewal application. □ If a person has reported loss of their passport three times in a ten-year period, the authorities should consider whether there are grounds for refusing to renew the passport or if a new passport should be issued, that it only be valid a limited period of time, for example, 3 years. In these cases, previous reported loss of passport (above and beyond the 10-year period) should be taken into consideration as well. Should a new time-limited passport be issued and this too is reported lost, a new application for a passport replacement shouldn't be issued for at least three years. If it is clear that the intended use of the passport has been abused, a new passport should not be issued for five years from the time the abuse took place. (Only in Norwegian: Pkt. 8.3 Politidirektoratets rundskriv 2015/002 om Retningslinjer for passmyndighetens behandling av saker ihht passloven m/forskrifter.

[https://www.regjeringen.no/contentassets/60039b61237a4908ac8c4856476cd1eb/rundskriv-passloven\\_2015.pdf](https://www.regjeringen.no/contentassets/60039b61237a4908ac8c4856476cd1eb/rundskriv-passloven_2015.pdf))