



EMN Ad-Hoc Query on Member States' practice regarding the storage of photographs and fingerprints in national systems/databases.

Requested by Adolfo SOMMARRIBAS on 5th December 2018

Miscellaneous

Responses from Austria, Belgium, Cyprus, Czech Republic, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Slovak Republic, Sweden (16 in total)

Disclaimer:

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

Background information:

Member States issue the majority of national residence permits in the form of a card as required by the Council Regulation (EC) No 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third countries nationals. According to the regulation, the photograph and fingerprints of the cardholder shall be stored in the chip, which is integrated in the card-residence permit. Slovenia is interested to learn about other Member States' practice regarding the storage of photographs and fingerprints in national systems/national databases. According to the Slovenian legislation, photographs and fingerprints shall be kept in the national database for a maximum of 30 days after the final decision on the application for a residence permit is issued. After this period, photographs and fingerprints have to be deleted from the national database.

Questions




1. *Does your country keep the photos and fingerprints in the national system? (Yes /No)*
2. *In case of a positive answer to the first question: How long are the photographs and fingerprints kept in the national database?*
3. **In addition we would like to learn about Member States` practice regarding residence permits for work/employment in case the applicant is legally present on the territory of the Member State.**


Where can be application for residence permit for work/employment submitted in case applicants are legally on the territory of a Member State (visa free regime, holders of visa...)? At the consulate only or at competent authority on the territory of the Member State or both is possible?



4. *In case of residence permits for work/employment: at what point in time are fingerprints collected? When the application is submitted or after the decision has been taken to grant the residence permit?*
5. *In case of residence permits for work/employment: which authority is responsible for collecting fingerprints? Consulates only or competent authority on the territory of the Member State or both?*
6. *In case of residence permits for work/employment: which authority hands over the residence permit/negative decision to the applicant? Consulates or competent authorities on the territory of the Member State?*



Responses


	Country	Wider Dissemination	Response
--	---------	---------------------	----------


	Austria	No	
	Belgium	Yes	<ol style="list-style-type: none"> 1. Yes (Fingerprints are taken when a residence permit card is created and are stored in the database for three months. The only purpose of the storage of these fingerprints is to verify whether the person who applied for the card is the same person as the one who comes to collect the card). 2. 3 months 3. After the decision has been taken to grant the residence permit. 4. Fingerprints are collected at the municipality when the residence permit is requested upon a positive decision. 5. Applicants who are legally on the territory have to introduce their request for a residence permit for work/employment at the competent Regional Service for Economic Migration (as from 3 January 2019). This concerns the request for a work permit and a residence permit at the same time and results into a single permit if both competent authorities (Regional for the work permit, Federal Immigration Office for the residence permit) approve the request. (for other reasons than economic a request for a residence permit can be introduced at the municipality). 6. In case of a positive decision the applicant has to go to the municipality to get his residence permit. In case of a negative decision by the Regional Service for Economic Migration (work permit denied) they notify their decision to the applicant. In case of a negative decision by the Immigration Office (residence permit denied) they notify their decision to the applicant.
	Cyprus	Yes	<ol style="list-style-type: none"> 1. Yes 2. According to the migration legislation in place, fingerprints are erased from our national database within 48 hours from the time of issuance of the residence permit. No such provision is in place for the photographs.


			<p>3. Application its submitted to the Civil Registry and Migration Department, the competent authority, in Cyprus exclusively.</p> <p>4. Biometric data are collected by the Civil Registry and Migration department, the competent authority, at the time of the submission of the application.</p> <p>5. Biometric data are collected by the Civil Registry and Migration department, the competent authority,</p> <p>6. The applicant is notified for any decision and gets his/her residence permit by the Civil Registry and Migration department.</p>
	<p>Czech Republic</p>	<p>Yes</p>	<p>1. YES</p> <p>2. Biometric data are stored in production database for the purpose of issuing the biometric passport and the data are deleted 60 days since card is taken over from the production by the Ministry of the Interior of the Czech Republic. (Section 15, par. 160 (6) of the Act No. 326/1999 Coll., on the Residence of the Foreign Nationals in the Territory of the Czech Republic). Data are also stored in the Foreigners Information System during the whole stay of the person on the territory. After the termination of stay all data (including photograph) are deleted from the system according archiving rules that varying according to number of conditions stated by the law (Section 15, par.160 (2) of the Act No. 326/1999 Coll., on the Residence of the Foreigners in the Territory of the Czech Republic).</p> <p>3. A third-country national is allowed to submit his/her application to the Ministry of the Interior in the territory of the Czech Republic only if he/she was granted a long-term visa or a long-term residence permit for the purpose other than employment; not if he/she stays in the Czech Republic on the basis of a short-term visa or as a foreigner entitled to a visa-free stay up to 90 days (in that case he/she has to lodge the application in his/her country of origin via the Representation of the Czech Republic) .</p> <p>4. Fingerprints are collected after the positive decision has been taken and person has been invited to the office of the Ministry of the Interior. Person applying abroad, first receives Visa for the Purpose</p>



			<p>of Collecting a Residence Permit. In maximum of three days following the arrival to the country, the person has to visit the office of the Ministry of the Interior to arrange subsequent operations.</p> <p>5. Ministry of the Interior is responsible for collecting fingerprints.</p> <p>6. When applying from abroad negative decision is handed over by consulates. If a decision is positive, the Ministry of the Interior hands a residence permit over to a foreigner in the territory of the Czech Republic. When application is submitted on the territory, the Ministry of the Interior is responsible for handing over the decision.</p>
	Estonia	Yes	<p>1. YES</p> <p>2. Since photo and fingerprints are part of identification data, we keep them permanently.</p> <p>3. Application can be submitted both in consulate or in the competent authority (Police and Border Guard Board service points).</p> <p>4. Fingerprints are collected at the time when application is submitted either in the consulate or service point.</p> <p>5. The authority where application is submitted – either service point or consulate.</p> <p>6. Decision is sent with email or regular post, residence permit card is issued by consulate or service point.</p>
	France	Yes	<p>1. YES in VISABIO which is the national visa database. In Agdref which is the national central database for residence permits, fingerprints and the scanned image of the photo are kept.</p> <p>2. 5 years in Visabio and 5 years after the expiry of the residence permit in Agdref.</p> <p>3. The visa application has to be filed with the competent consulate in the country of residence. The residence permit application has to be filed in France with the Prefecture competent for the address</p>


			<p>of residence, once the applicant has arrived in France with the adequate long term visa.</p> <p>4. Fingerprints are collected at the French consulate for the visa application. Then they are also collected by the Prefecture for the residence permit application.</p> <p>5. See above</p> <p>6. the Prefecture competent for the address of residence in France.</p>
	Germany	Yes	<p>1. Yes. A photograph of each foreigner stored in the Central Register of Foreigners is also registered in the general database that is kept there. Fingerprints are only recorded there for foreigners who have stated a request or lodged an application for asylum.</p> <p>2. As a matter of principle, data are erased from the general database of the Central Register of Foreigners ten years after the foreigner leaves the country, or five years after his or her death.</p> <p>3. Applications are submitted in Germany to the immigration authority with local responsibility. The foreigner must however leave the country and apply for a re-entry visa at a consulate if his or her previous residence status does not permit the purpose of his or her stay to be changed to a work permit.</p> <p>4. Fingerprints are not taken until a decision has been taken to issue the residence permit.</p> <p>5. Both.</p> <p>6. Both. If the applicant is abroad, the consulate issues the visa or rejects the visa application. Once the foreigner has entered the country with the visa, he or she must re-apply at the local immigration authority for the appropriate residence permit to be issued.</p>
	Greece	Yes	<p>1. Yes</p> <p>2. According to national legislation, photographs and fingerprints are kept for the validity period of</p>

			<p>the residence permit.</p> <p>3. The applicants could apply for a residence permit for work/employment in case they are legally on the territory if they hold a national visa as appropriate in each case and submit their application only at Alien Services in Greece.</p> <p>4. Fingerprints are collected upon application.</p> <p>5. Only the competent authority on the territory is responsible and in Greece this is the case of the Aliens Service.</p> <p>6. Only the competent authority on the territory and in Greece this is the case of the Aliens Service</p>
	Hungary	Yes	<p>1. Yes. Fingerprints are recorded only in cases of applicants older than 14 years.</p> <p>2. The authority keeps the data for ten years after the rejection of the request, the termination of the procedure or the cessation of the international protection.</p> <p>3. An application for residence permit may be submitted to any consulate officer of Hungary, or at any other place authorised to accept applications for residence permit located in the country where the applicant's permanent or temporary residence is located, or in the country of the applicant's nationality. Third-country nationals may apply for an entry visa for receiving a residence permit before admission to the country in the application for residence permit, without having to lodge a separate application. Hungarian law also provides for the possibility of submitting such applications in Hungary as well. Third-country nationals residing in the territory of Hungary may submit an application for residence permit at the regional directorate responsible for the place of accommodation of the third-country national is located if there are special circumstances (i.e. cover any event related to medical treatment, family reunification) to justify the submission of the application in Hungary, or if they are already lawfully residing in the territory of Hungary as a national of the States listed in Annex II of Council Regulation 539/2001/EC, or together with such third-country national in the capacity of a family member. However, application for prolongation of</p>


			<p>the residence permit can be handled only in Hungary.</p> <p>4. When submitting the application the applicant is required to appear before the authority in person. When the application is submitted, the applicant's facial likeness and – over the age of six years – fingerprint will be taken for the residence permit to be issued with biometric data.</p> <p>5. Both the consulates and competent authorities.</p> <p>6. It depends on the place where the application was handled. If the application is submitted at the consulate, they hands over the decision, however, in the case of a positive decision, the applicant is required to visit the regional directorate of the Immigration and Asylum Office responsible for the place where their future accommodation is located as soon as possible after entering Hungary in order to receive the residence permit. The consulate never hands over the residence permit. If the application is submitted while already residing in Hungary, the competent immigration authority shall deliver the residence permit document to the client by post. The applicant may collect the residence permit at the competent authority in person if able to prove that he/she is not in a position to receive the residence permit document at the mailing address given.</p>
	Italy	Yes	<p>1. YES</p> <p>2. Primary biometric elements (photos): for long term residence permits: kept in the national database as long as they are valid; for other residence permits: kept in the national database for 10 years Secondary biometric elements (fingerprints): kept only as long as they are needed for the administrative procedures for issuance of the first residence permit or renewal of the residence permit, and are permanently deleted afterwards. Source: Schema di guide tecniche per la gestione degli elementi biometrici nelle fasi di emissione e di verifica del permesso di soggiorno conforme al Regolamento (CE) n.1030/2002 così come modificato dal Regolamento (CE) n.380/2008, 2010</p> <p>3. It depends on the status of the person who is in Italy, and on the specific work permit the person applies to. The table in the file uploaded, from the National Report for the EMN 2015 Study on Change of Status Study summarises in which cases the person legally on the territory of the MS can apply for a work permit at the competent authorities of the MS, without returning to the home</p>

			<p>country. SEE file uploaded</p> <p>4. Fingerprints are collected when the application is submitted</p> <p>5. Competent authority – immigration offices of police - are responsible for collecting fingerprints for the purpose of issuing a work/employment residence permit.</p> <p>6. Competent authorities in the MS (police) hand over the decision on the application for the residence permit. Consulates are competent for the visa application, if needed. The visa for subordinate employment is granted only if the one-stop-shop positively assesses the request by the employer and provide the green light.</p>
	Latvia	Yes	<p>1. Yes</p> <p>2. The biometric data are stored permanently in the relevant information system.</p> <p>3. A general principle stipulates that an application for a residence permit shall be submitted abroad – at consulates/embassies. However, an applicant who stays legally in Latvia is entitled to submit a request for a temporary residence permit for work at the Office of Citizenship and Migration Affairs if s/he is from the country whose citizens are not required a visa to enter Schengen area or s/he has a residence permit issued by other Schengen country. There are some other exceptions – EU Blue card applicants, teachers/professors, researchers, artists, professional sportsmen, persons who have been employed on the ground of visa and who want to change a visa for a residence permit.</p> <p>4. In case of residence permits for work/employment, fingerprints are collected after the decision has been taken to grant the residence permit.</p> <p>5. Only the Office of Citizenship and Migration Affairs in Latvia is allowed to collect the fingerprints for residence permits for work/employment.</p> <p>6. In case of residence permits for work/employment, the residence permits are handed over by the Office of Citizenship and Migration Affairs and if necessary the applicant is informed about negative</p>

			decision by Consulates or the Office of Citizenship and Migration Affairs via e-mail or post.
	Lithuania	Yes	<p>1. Yes</p> <p>2. Photographs (facial images) and fingerprints are stored in the Residents' Register of the Republic of Lithuania indefinitely. Photographs and fingerprints are stored until new photographs or fingerprints are submitted for issuing a new document of the same kind. If a person does not query about issuing a new document, photographs and fingerprints that were submitted for issuing the last document are stored indefinitely.</p> <p>3. An alien who is legally staying in the territory of Lithuania may lodge an application for the issue of a residence permit, including one lodged for the first time, with the institution authorised by the Minister of the Interior, however, the lodging of such an application shall not entitle the alien to stay in the territory of Lithuania before the alien's application is examined and a decision is taken.</p> <p>4. Photographs (facial images) and fingerprints are collected in the territory of Lithuania, when the decision to issue the residence permit is approved and the alien applies for the residence permit to be personalised.</p> <p>5. The Migration Department and the migration offices of the place of residence are responsible for collecting fingerprints.</p> <p>6. The Migration Department and the migration offices of the place of residence.</p>
	Luxembourg	Yes	<p>1. No. As of May 20th 2011, Luxembourg issues residence permit card based on the Regulation n° 380/2008 of the Council of 18 April 2008. Biometric identification data is stored on the residence permit card chip. This information includes facial image and two finger prints. The information is not stored in the national system.</p> <p>2. N/A.</p> <p>3. In accordance with article 40 of the amended law of 29 August 2008 on free movement of persons</p>

			<p>and immigration the application for an authorisation of stay can only be applied from the country of origin. This authorization is granted in form of a “temporary authorization to stay”, which is a formal letter issued by the Directorate of Immigration of the Ministry of Foreign and European Affairs. With this temporary authorization, and not later than 90 after its issuing, the third country national is allowed to enter Luxembourg or, if required, to apply for a visa (if required) to enter Luxembourg. Once the third country national entered in the country, he/she has to apply for the residence permit card at the Directorate of Immigration in Luxembourg.</p> <p>4. Fingerprints are collected at the Directorate of Immigration after having obtained the temporary authorisation to stay which will allow the applicant to apply for a residence permit.</p> <p>5. Only the Directorate of Immigration in Luxembourg is allowed to collect the fingerprints for residence permits for work/employment.</p> <p>6. The Directorate of Immigration.</p>
	Netherlands	Yes	<p>1. Yes. According to the Dutch legislation an applicant (third country national) that is 6 years old and above who applies for a (temporary) residence permit, should give ten fingerprints and make a facial image for identification and registration of their identity. The biometric data are stored in a central national database shared by the organisations cooperating in the immigration process in the Netherlands (“Central Shared Database With Basic Information On Applicants” (BVV)). Based on Council Regulation (EC) No 380/2008 of 18 April 2008 the Dutch residence permits (the temporary and permanent regular residence permits and asylum residence permits) of aliens that are 6 years old and above, contain a picture and two fingerprints in an electronic component on the residence permit.</p> <p>2. The biometric data (ten fingerprints and the facial image) are saved for a maximum of five years after the refusal of the application for a Regular Provisional Residence Permit (mvv) or, in case of lawful residence, five years after the alien whose lawful residence has ended, has a demonstrable departure from the Netherlands or if an entry-ban against the alien has been issued or if the alien has been issued an exclusion order five years after the end of the period of validity of the entry ban or the exclusion order.</p>

			<p>3. Third-country nationals, who intend to stay in the Netherlands for three months or more (also in case of residence permits for work/employment), need to apply for a Regular Provisional Residence Permit (mrv) upon arrival to the Netherlands. In the Netherlands they receive a temporary residence permit from the Dutch Immigration and Naturalisation Service (IND). American, Australian, New Zealander, Canadian, Japanese, South Korean, Monaco and Vatican city nationals, who intend to stay in the Netherlands for three months or more, are not required to apply for a Regular Provisional Residence Permit upon arrival to the Netherlands. They need to apply for a Regular residence permit at the Immigration and Naturalisation Service (IND).</p> <p>4. The ten fingerprints are collected when the application is submitted/prior to the decision. Fingerprints are not collected from persons with the nationality of an EU/EEA country or Switzerland.</p> <p>5. Third-country nationals, who intend to stay in the Netherlands for three months or more (also in case of residence permits for work/employment), need to apply for a Regular Provisional Residence Permit upon arrival to the Netherlands. In the Netherlands they receive a temporary residence permit from the Dutch Immigration and Naturalisation Service (IND). In this case the third-country national is required to provide biometric data (photograph and 10 fingerprints) at the Dutch consulate or the embassy of their place of residence. American, Australian, New Zealander, Canadian, Japanese, South Korean, Monaco and Vatican city nationals, who intend to stay in the Netherlands for three months or more, are not required to apply for a Regular Provisional Residence Permit upon arrival to the Netherlands. They need to apply for a Regular residence permit in the Netherlands. At that moment it's required to provide biometric data (photograph and 10 fingerprints) at the Dutch Immigration and Naturalisation Service.</p> <p>6. The residence permits are handed over by the Dutch Immigration and Naturalisation Service (IND).</p>
	Slovak Republic	Yes	<p>1. Yes.</p> <p>2. This is not exactly specified.</p>

			<p>3. Application for temporary residence must be submitted in person by third-country national either at the diplomatic mission abroad accredited for the country that issued the travel document (or accredited for the country where his/her residence is) or at the respective Police unit in the Slovak Republic according to the place of his/her residence. The latter is possible if his/her residence in the territory of the SR is legal. There are certain exceptions given by the Act on Residence of Aliens in which this is not possible (e.g. asylum seekers, TCN who has been granted tolerated stay in specific cases, ...). In case of intra-corporate transferees, the application can only be submitted at the diplomatic mission abroad.</p> <p>4. In case the application was submitted at the Slovak diplomatic mission abroad, fingerprints are collected at the respective Police unit in the Slovak Republic only after the residence has been granted. If the application was submitted at the Police unit, fingerprints are collected during the submission of this application.</p> <p>5. In the matter of the residence proceedings and residence control of foreigners police unit, diplomatic missions and Ministry of Foreign and European Affairs are entitled to process personal and biometric data of TCNs. For collecting the fingerprints Police unit uses the national system IS ECU which serves as the database of legal residence of foreigners in the SR.</p> <p>6. Issuing the decision on (non)granting the residence permit for the purpose of employment is in the hands of respective Police unit.</p>
	Sweden	No	