

**Ad-Hoc Query on biometric residence permits**

**Requested by FR EMN NCP on 20<sup>th</sup> July 2010**

**Compilation produced on 6<sup>th</sup> September 2010**

**Responses from Austria, Belgium, Bulgaria, Estonia, France, Germany, Latvia, Lithuania, Netherlands, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom (15 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.*

**1. Background Information**

The EU Regulation 380/2008 provides that residence permits issued by the Member States shall, from June 2012, include an electronic component/device on which the foreigner's digitalized fingerprints will be stored.

In that context, the Ministry of Immigration would be interested in gathering information on the experiences of the Member States. We would therefore be very grateful to receive answers to the following questions.

It would be very much appreciated if we could receive your answers by **20<sup>th</sup> August**.

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## 2. Responses<sup>1</sup>

		Wider Dissemination? <sup>2</sup>	<p>1) Does your Member State already issue residence permits with an electronic component?</p> <p>2) Does your MS already collect fingerprints when issuing residence permits?</p> <p>3) If the answers to the two first questions are positive, are these fingerprints stored on the electronic component?</p> <p>4) Have your MS foreseen the possibility, to avoid queues, of entrusting the registration of digitalized fingerprints to local authorities, subcontractors, or any other organization, such as, for example universities for students?</p> <p>5) Have you planned to retrieve/save the fingerprints' data from the VIS (Visa Information System) to prevent a new recording?</p> <p>6) If you MS has not implemented biometric residence permits yet, when does it plan to do so?</p>
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Belgium	Yes	<p>1) From 05.11.2008, Belgian municipalities only deliver electronic ID cards and residence documents to foreigners aged 12+ who are staying legally in Belgium for longer than 3 months. The digitalization of residence documents issued to foreigners pursues three objectives: 1) tackle fraud and criminality; 2) equal treatment of foreigners and Belgian nationals who can already benefit from the advantages of electronic ID cards; 3) issue documents that comply with Regulation n°1030/2002 as modified by Regulation n°380/2008 establishing a common model for residence documents.</p> <p>2) No. Belgium has not taken any position yet on this subject. In case Belgium would to proceed with this, a change in legislation would be required. At this moment, it is unclear when such a change in legislation could take place.</p> <p>3) N/A</p> <p>4) N/A</p> <p>5) As regards to short stays (max. 90 days), Belgium fully supports an EU integrated policy and participates in the initiatives towards a common visa policy and the integration of the Schengen acquis. The implementation of the VIS was foreseen for 2010. The difficulty is that the Belgian legislation pertaining to entry and short stays of foreigners needs to be adapted in order to allow the registration of biometric data (picture and fingerprints). This legislation change has not occurred yet, also because there is no government since April 2010. It is intended that biometric data, i.e. fingerprints and ID photograph, will be used in the first place to establish or verify the identity</p>

<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

<sup>2</sup> A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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			of a foreigner. As a pilot Belgium has started the registration of biometric data at some of its consular posts abroad. The development of the system will comply with the introduction in phases decided at EU level. The posts in North Africa will be equipped first. (6) see answer 2) and 5)
	<b>Bulgaria</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. Yes</li> <li>2. Yes</li> <li>3. Yes</li> <li>4. No</li> <li>5. The Ministry of foreign affairs is responsible</li> </ol>
	<b>Cyprus</b>	<b>Yes</b>	
	<b>Czech Republic</b>	<b>Yes</b>	
	<b>Denmark</b>	<b>Yes</b>	
	<b>Estonia</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1) Yes, Estonia currently issues identity cards with information regarding residence permit. These identity cards have a chip, which enables the holder of the document to use e-services and digital signature. Please note that this electronic component does not store biometrics. Estonia will start issuing residence permits to third-country nationals in the uniform format from January 1, 2011.</li> <li>2) No, Estonia will start capturing fingerprints from third-country nationals when issuing residence permits as of January 1, 2011.</li> <li>3) Storing fingerprints on the electronic component of the residence permit will become applicable as of January 1, 2011.</li> <li>4) No, Estonia will continue with the practice of fingerprints being captured at the service bureaus of the Police and Border Guard Board and diplomatic and consular posts of Estonia.</li> <li>5) No.</li> </ol>
	<b>Finland</b>	<b>Yes</b>	
	<b>France</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1) No. France will start issuing these residence permits from the first quarter of 2011, only with a digitalized photo.</li> <li>2) No. France will start collecting fingerprints at the end of 2011.</li> <li>3) Not applicable at this time.</li> <li>4) In France, requests for residence permits are processed and residence permits issued by decentralized state services (prefectures). The collection of fingerprints will be undertaken by these services. France is not planning to subcontract to other actors, except for exceptional cases that are currently under study.</li> <li>5) France is planning to save these data but it is still uncertain whether it will be technically operational for spring 2012.</li> </ol>
	<b>Germany</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1) No.</li> <li>2) No.</li> <li>3) No.</li> <li>4) The recording of fingerprints during the application for a residence title shall only be carried out by the local public authority</li> </ol>

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			<p>responsible for aliens which is in charge of the issuance of the electronic document. Any and all authorities entrusted with the execution of the residence act (public authorities responsible for aliens, diplomatic representations, the Federal Police, Police Forces of the German Federal Länder) as well as the registry offices shall henceforth correct and process the data contained in the storage and processing media of the document to the extent to which this is necessary in order to fulfil their tasks; however, a need for changes with respect to the stored dactylogram of fingerprints, should only be required in exceptional cases.</p> <p>5) According to the information of the Federal Office this is not planned.</p> <p>6) The introduction of the electronic residence title has been scheduled for 1<sup>st</sup> May 2011.</p>
	<b>Greece</b>	<b>Yes</b>	
	<b>Hungary</b>	<b>Yes</b>	
	<b>Ireland</b>	<b>Yes</b>	
	<b>Italy</b>	<b>Yes</b>	
	<b>Latvia</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1) No. Latvia will start issuing eRP according the EU deadline (20 May 2011) the latest.</li> <li>2) No. We will start acquisition of fingerprint images to include in eRP (see point 1).</li> <li>3) N.A.</li> <li>4) No.</li> <li>5) We have not considered that yet.</li> </ol>
	<b>Lithuania</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. No.</li> <li>2. No.</li> <li>3. The draft law which will introduce the biometric residence permits foresees that the residence permits will have an electronic component which will contain biometric data and also a certificate for person's recognition in the e-space and a certificate of a qualified e-signature.</li> <li>4. Local migration authorities have the necessary equipment for collecting biometric identifiers, as they collect them for issuing ID cards and passports. The same equipment will be used for residence permits.</li> <li>5. Cannot answer to this yet.</li> <li>6. We will do it as soon as all the preparatory work is finished, but no later than on 20 May 2012.</li> </ol>
	<b>Luxembourg</b>	<b>Yes</b>	
	<b>Malta</b>	<b>Yes</b>	
	<b>Netherlands</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. No</li> <li>2. No</li> <li>3. Not applicable</li> </ol>

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			<ol style="list-style-type: none"> <li>4. No, the Netherlands are not planning to entrust the registration to other organizations. To avoid queues, the Dutch Immigration and Naturalization Service (INS) will work with an appointment system. It will also be possible for aliens to come to the INS unannounced. In these cases there probably will be a queue, but as far as we can foresee this now, that will be an acceptable one.</li> <li>5. Yes.</li> <li>6. May 2011</li> </ol>
	<b>Poland</b>	<b>Yes</b>	
	<b>Portugal</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1) Yes.</li> <li>2) Yes.</li> <li>3) No. Fingerprints are not stored on the electronic component of the card.</li> <li>4) No.</li> <li>5) No. So far, the possibility was never foreseen.</li> </ol>
	<b>Romania</b>	<b>Yes</b>	
	<b>Slovak Republic</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. The SR doesn't issue residence permits with an electronic component in accordance with the EU regulation 380/2008.</li> <li>2. N/A</li> <li>3. N/A</li> <li>4. The SR doesn't plan to entrust the registration of digitalized fingerprints to local authorities or any other organizations. These tasks will be carried out by the departments of alien police of the Police Force responsible for issuing the decisions on residence permits.</li> <li>5. N/A</li> <li>6. The SR is planning to implement biometric residence permits in the first quarter of 2011. Residence permits will include two biometric data a) electronic face picture and b) digitalized fingerprints.</li> </ol>
	<b>Slovenia</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1.) No. Slovenia will start issuing the new permit with fingerprints and facial image stored in the chip in the first quarter of 2011.</li> <li>2.) No.</li> <li>3.) N.A.</li> <li>4.) Fingerprinting will be carried out by decentralized state services (Administrative Units) and Diplomatic and Consular Representations abroad. Subcontractors are currently not envisaged.</li> <li>5.) No.</li> </ol>
	<b>Spain</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1) No.</li> <li>2) No.</li> <li>3) Not applicable at this time.</li> <li>4) In Spain, residence permits are issued by National Police. The collection of fingerprints will be undertaken by this Organisation. Spain is not planning to subcontract to an external provider.</li> <li>5) Spain didn't take any decision about this matter.</li> <li>6) Spain is working in order to fulfil the deadline established in the Regulation.</li> </ol>

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	<b>Sweden</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1) No.</li> <li>2) No.</li> <li>3) N/A</li> <li>4) No decision taken as yet, but not anticipated.</li> <li>5) Fingerprints stored in the VIS can only be used for the express purposes listed in the VIS Regulation. The issue of a residence permit card is not one of those purposes.</li> <li>6) At the beginning of 2011, by May 2011 at the latest. Sweden anticipates issuing the residence permit card with stored photo and fingerprints from the outset, i.e. not to delay the introduction of fingerprints.</li> </ol>
	<b>United Kingdom</b>	<b>Yes</b>	<ol style="list-style-type: none"> <li>1. Yes, we already issue residence permits with electronic components</li> <li>2. Yes, we already collect fingerprints</li> <li>3. Yes, the fingerprints are stored in the electronic component</li> <li>4. Yes, the Post Office</li> <li>5. The UK is not part of the VIS</li> </ol>

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