



Ad-hoc query on Council Directive 2005/85/EC article 11 (b) the applicants for asylum have to hand over their documents to relevant authorities until the end of the asylum process
Requested by EE EMN NCP on 20th November 2012

Compilation produced on 18th February 2013

Responses from Austria, Belgium, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom. (24 in Total)




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1. Background Information

According to the Council Directive 2005/85/EC Article 11 (b) the applicants for asylum have to hand over documents in their possession relevant to the examination of the application, such as their passport. In Estonia there are currently on-going processes of amendments to the Act on Granting International Protection to Aliens and one of the issues under discussion is whether the passports should be held by the authorities until the end of the asylum process. We would like to gain a better understanding of how these issues are managed in other Member States. It would be very much appreciated if we could receive the answers by **7th December 2012**.

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2. Responses

		Wider Dissemination? ¹	<p>1) Are Member States authorities taking hold of asylum-seekers passports and other identification documents in the beginning of the asylum procedure?</p> <p>2) On what grounds are the authorities taking the passports? Is there a legal ground in the national law?</p> <p>3) Are the passports taken from all the asylum-seekers?</p> <p>4) Are the asylum-seekers provided with substitute documents in case their identity documents are taken from them? Is it possible to use the substitute document as an identification document for example to use for marriage, bank deeds etc.?</p> <p>5) Are the documents held by the responsible authorities until the end of the asylum process/appeal?</p> <p>6) Are the asylum seekers allowed to get hold of their passports before the end of the asylum procedure?</p> <p>7) Is taking hold of the asylum-seekers passport considered a restriction to personal freedom in your country?</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) In principle the Belgian authorities will not hold original identity documents, unless there are indications that the identity documents are falsified.</p> <p>2) Article 23 of the Royal Decree regulating the activities of the Office of the Commissioner-general for Refugees and Stateless persons (CGRS), stipulates that, in principle, officials are not permitted to hold on to the original national or international documents corroborating a person's identity or nationality but must take a copy of these documents. However, article 23 of this RD does stipulate that "If the official in charge of the interview were to deem that one or several of these documents merit further investigation, the documents in question may be withheld for as long as it takes to carry out the investigation. The original national or international identity documents retained shall be returned to the asylum seeker as soon as possible. "</p> <p>3) No, see answer on question 1 and 2</p> <p>4) As mentioned, original identity documents are in principle not taken, unless there has to be carried out an investigation regarding the authenticity of the document. In that case the asylum applicant will receive a receipt from the CGRS that indicates what documents he has transmitted to the CGRS. This receipt can not serve as an identity document. The CGRS will return the original identity document to the asylum seeker as soon as possible (unless it actually concerns a false document).</p> <p>5) No</p> <p>6) yes</p> <p>7) yes, since article 23 of the royal decree regulating the activities of the asylum instance does not permit to hold original documents corroborating a person's identity.</p>
	Bulgaria	Yes	-

¹ 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."



EMN Ad-Hoc Query: fingerprint biometry in travel documents and residence cards

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	Cyprus	Yes	<p>1) Are Member States authorities taking hold of asylum-seekers passports and other identification documents in the beginning of the asylum procedure? Yes</p> <p>2) On what grounds are the authorities taking the passports? Is there a legal ground in the national law? According to the Cyprus Refugee Law, Art 16(2)(b), during the examination of an asylum application, the applicant must hand over his passport or travel documents either to the Asylum Service or the Police; the Police must immediately hand over to the Asylum Service the passport or travel documents together with the application for international protection; the applicant receives a document certifying that his passport is being held by the Asylum Service or the Police upon submission of this application and a copy of the passport is given to the applicant.</p> <p>3) Are the passports taken from all the asylum-seekers? Yes.</p> <p>4) Are the asylum-seekers provided with substitute documents in case their identity documents are taken from them? Is it possible to use the substitute document as an identification document for example to use for marriage, bank deeds etc.? A document certifying that the applicant's passport is being held by the Asylum Service or the Police, as well as, a true copy of the original passport or identification document is provided to the asylum seeker. These documents, in addition to the confirmation of the submission of an asylum application are accepted by Banks and other governmental services.</p> <p>5) Are the documents held by the responsible authorities until the end of the asylum process/appeal? Yes</p> <p>6) Are the asylum seekers allowed to get hold of their passports before the end of the asylum procedure? Only in special circumstances.</p> <p>7) Is taking hold of the asylum-seekers passport considered a restriction to personal freedom in your country? No.</p>
	Czech Republic	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Denmark	Yes	-
	Estonia	Yes	<p>1) Yes, all the identification documents are taken from the asylum seekers in the beginning of the asylum procedure.</p> <p>2) Act on Granting International Protection to Aliens § 14 (5) stipulates that an applicant for asylum is required to submit all of the following documents in his or her possession immediately after submission of an application for asylum: 1) identification documents and proof of nationality and other documents that may facilitate verification of identity and nationality; Act on Granting International Protection to Aliens § § 15 (1) stipulates that the body conducting the asylum proceedings shall immediately perform the following acts after the submission of an application for asylum: 3) admission for deposit of personal effects and documents.</p> <p>3) Yes.</p> <p>4) The applicants are provided with an asylum seeker's certificate. This is not an identity document; it only certifies that the person is an asylum seeker in Estonia.</p> <p>5) Yes, the documents are held until the end of the appeal.</p> <p>6) In some justified cases the applicants are allowed to get their documents temporarily in their possession before the end of the asylum proceedings.</p> <p>7) Yes, in principle it is considered a restriction to personal freedom.</p>
	Finland	Yes	<p>1) The passport and/or other identification documents are taken from the asylum seeker by police (against a receipt) when the asylum application is filed.</p> <p>2) This action is based on the Aliens Act.</p> <p>3) Police takes hold of the passport from all asylum applicants against a receipt.</p>



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			<p>4) Yes. It depends on the service provider for which private purposes the replacing document is accepted.</p> <p>5) Yes.</p> <p>6) The travel document will be returned at the end of the asylum process.</p> <p>7) No.</p>
	<p>France</p>	<p align="center">Yes</p>	<p>1/2/3/7) In France, decision-making authorities are not explicitly allowed to take hold of asylum-seekers' passports and other identification documents at the beginning of the asylum procedure. Indeed, the Code on Entry and Residence of Foreigners and Right of Asylum (Code de l'entrée et du séjour des étrangers et du droit d'asile = CESEDA) does not provide any provision in that sense. However, in practice, the authorities often take the passports and other identity documents of asylum seekers since they provide them after being invited to do so in the application form given by the prefecture.</p> <p>Identification is a major step in the process of establishing the facts that are meant to justify international protection. That is why decision-making authorities often keep passports and identification documents presented by the applicants at the first stage of the asylum procedure. The authorities consider that the possible use of passports by asylum-seekers before a decision has been taken on their need of protection is incompatible with asking for a protection in France. Anyway, asylum seekers can ask the authority to return them their passports and identity documents at any time.</p> <p>4) No. Only a certificate of registration of the asylum application or a temporary residence authorization is delivered to the applicant at the beginning of the procedure.</p> <p>5) Passports and identity documents are returned to failed asylum seekers as they are given a month after their application has been rejected to leave France voluntarily. Decision-making authorities take hold of passports and other identification documents of asylum-seekers who are granted refugee status in the case where new civil or travel documents have to be delivered but return them to applicants who obtain subsidiary protection as they were subject to threats which did not involve the authorities of their country of origin.</p> <p>6) Passports and other identification documents could be temporarily returned to asylum-seekers on the basis of a motivated request. In that case, asylum-seekers are informed that they are exposed to the possibility that their application is examined as being in contradiction with the grounds for asking for a protection in France.</p>
	<p>Germany</p>	<p align="center">Yes</p>	<p>1) Yes, passports and other identification documents are taken into custody by the competent authorities.</p> <p>2) § 21 Asylum Procedure Act stipulates that</p> <p>(a) Any authority referring a foreigner to a reception centre shall take into custody the documents pursuant to Section 15 (2) nos. 4 and 5 and transmit them without delay to the reception centre. Any identification records shall be enclosed.</p> <p>(b) If a foreigner reports directly to the reception centre responsible for receiving him, the documents shall be taken into custody by the reception centre.</p> <p>(c) The reception centre responsible for receiving the foreigner shall forward the documents without delay to the assigned branch office of the Federal Office.</p> <p>(d) Copies of the documents taken into custody shall be provided to the foreigner on request.</p> <p>(e) The documents shall be returned to the foreigner when they are no longer needed for the asylum procedure or for measures terminating</p>




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			<p>residence.</p> <p>3) Yes.</p> <p>4) Asylum seekers are provided with a document within the meaning of Article 6 of the EU Reception Conditions Directive testifying the asylum seekers permission to stay in Germany. This is not an identification document.</p> <p>5) The permission to stay is valid for the duration of the asylum procedure.</p> <p>6) The passport or passport substitute may be temporarily returned to an asylum seeker under specific conditions, e.g. for a necessary travel or in order to renew the passport or to prepare the foreigner's departure.</p> <p>7) The regulations concerning the retention of the asylum seekers passports are designed to monitor the stay of the foreigners.</p>
	Greece	Yes	<p>1) The asylum seekers are obliged to hand over their travel document or any other document in their possession relevant to the competent authorities to receive an application for international protection.</p> <p>2) This obligation derives from the national legislation [article 9 of P.D. 114/2010 which transposed article 11 of Directive EC/2005/85]. The article explicitly provides for: "Applicants are obliged to cooperate with the competent authorities to the extent that this is necessary in order to process their application. In particular and in all cases applicants shall hand over their travel document or any other document in their possession relevant to the examination of the application and to the identity of themselves, their family, their country and place of origin and their family status. Granting international protection status does not require the submission of formal documentation. Whenever such documents are being handed, a relevant receipt is being issued."</p> <p>3) Yes, as long as they have a travel document in their possession.</p> <p>4) Immediately after the date of their interview is set, they shall be provided, free of charge, by the competent authorities to receive with a special individual document ("asylum seeker's special card") which bears the applicant's photograph and certifies that she/he is allowed to remain in the Greek territory. The members of the applicant's family are also provided with the same card under the same conditions. This card is not issued when the applicant is in detention and during the examination of an application submitted at the border. It allows the applicant to access every right provided in P.D. 220/2007, which transposed into the national legislation the Reception Conditions Directive.</p> <p>5) The alien is obliged to hand over the above mentioned card to the competent service upon receiving the final decision on his application and is then destroyed; a relevant note on this destruction is drafted and included in the applicant's file.</p> <p>6) P.D. 96/2008, which transposed into the national legislation the Qualification Directive, allows the applicants to use their valid passports, while the asylum procedure is pending, for exceptional reasons (especially humanitarian ones) and only if a trip abroad has to take place. Additionally, the travel document or any other document is handed over to the applicant when he / she explicitly withdraws from the asylum procedure and wishes to return to his / her country of origin.</p> <p>It is not considered a restriction to personal freedom, since this procedure is provided in the EU legislation and the applicants are obliged to remain within the Greek territory throughout the asylum procedure.</p>
	Hungary	Yes	<p>1) Yes, if the asylum seeker has a travel document, it shall provide to the refugee authority.</p> <p>2) According to the Act LXXX of 2007 on Asylum a person seeking recognition shall be obliged to cooperate with the refugee authority, in particular to reveal the circumstances of his/her flight, to communicate his/her personal data and to facilitate the clarification of his/her identity, to hand over his/her documents.</p> <p>3) The asylum seeker is obliged to hand over the travel document. Note that asylum seekers in Hungary normally do not have a travel</p>




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			<p>document.</p> <p>4) In the absence of the requirements for a residence permit, any third-country national who applied to the refugee authority for asylum, or who applied to the refugee authority for any subsidiary form of protection or temporary protection shall be granted a residence permit on humanitarian grounds. This residence permit is not identification document, so it can not be used in situations in which identity document is required for administration.</p> <p>5) Documents held by the responsible authorities until the end of the asylum process, but the asylum seeker may retrieve the document during the procedure if it is not required for further procedures.</p> <p>6) Yes, if during the investigation the original of the document was found and it is not required for further procedures.</p> <p>7) No. The aim of the delivery of the document is the evidence and check the credibility of the applicant and escape history and is not the restriction of free movement.</p>
	Ireland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Italy	Yes	<p>1) Yes, the applicant is obliged to hand over all documents in his/her possession that are considered relevant for application purposes, including the passport.</p> <p>2) Yes, the obligation to hand over the above-mentioned documents is regulated by art. 11 of Legislative Decree n. 25 of 28th January 2008, implementing Directive 2005/85/EC.</p> <p>3) Yes.</p> <p>4) Police Office provides the asylum applicant with a stay permit that, nevertheless, is not an ID document. The asylum applicant may submit a provisional anagraphic registry enrollment request to the Municipality of residence, thus obtaining an identity card that is not valid for expatriation. The identity card is issued based on the information provided by the Police Office to the Municipality concerning documents handed over by the asylum applicant.</p> <p>5) Yes.</p> <p>6) No. However, in the case of proven necessity to obtain a travel document, the Police, in special cases, may issue to the applicant a "travel document for foreigners" in lieu of the passport.</p> <p>7) It is a limitation of freedom of movement de facto; however, from a strictly legal point of view, delivery of the passport cannot be considered as such, otherwise there should be a remedy (appeal to the court against the provision that limits the freedom of movement, guarantee principle enshrined in the Italian Constitution).</p>
	Latvia	Yes	<p>1) Yes, all the identification documents are taken from the asylum seekers in the beginning of the asylum procedure by State Border Guard.</p> <p>2) The Asylum Law (Art. 7) stipulates that 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 regarding granting or refusal to grant refugee or alternative status, except the case where the asylum seeker has another legal basis to reside in the Republic of Latvia (for example, valid visa or residence permit).</p> <p>3) Please, see the answer above.</p> <p>4) An asylum seeker in the Republic of Latvia shall be issued a personal document of the asylum seeker. The form and procedures for the issuance thereof shall be determined by the Cabinet of Ministers. This is not an identity document. It only certifies that the person is an asylum seeker in the Republic of Latvia. The personal document of an asylum seeker gives the right to stay at an accommodation centre for asylum seekers. The document shall not be issued to the asylum seeker, if he or she is detained.</p> <p>5) Yes, the documents are held until the end of the asylum procedure.</p>



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			<p>6) In some justified cases the applicants are allowed to get their documents temporarily in their possession before the end of the asylum procedure.</p> <p>7) Yes, in principle it can be considered as a restriction to personal freedom.</p>
	Lithuania	Yes	<p>1) Yes.</p> <p>2) Article 69 (paragraph 1) of the Law on the legal status of aliens stipulates that a civil servant authorised by the state institution or agency which has received an alien's asylum application shall collect all the documents and travel tickets held by the asylum applicant;</p> <p>3) Yes. Article 69 (paragraph 2) stipulates that the documents confirming the asylum applicant's identity shall be kept in his personal file pending the examination of his asylum application;</p> <p>4) Yes. According to Article 78 (paragraph 1) the Migration Department shall, within 48 hours, issue the asylum applicant who has been granted temporary territorial asylum with an alien's registration certificate;</p> <p>5) Yes, as it was mentioned in answer 3, the documents confirming the asylum applicant's identity shall be kept in his personal file pending the examination of his asylum application;</p> <p>6) No.</p> <p>7) No.</p>
	Luxembourg	Yes	<p>1) Yes. According to article 6 (4) of the Law of 5 May 2006 (Asylum Law), the applicant must render to the Directorate of immigration its identity documents (i.e. Passport, ID card, etc.) and any other document that might be useful for the establishment of the identity and origin.</p> <p>2) Refer to question 1.</p> <p>3) Yes. Please refer to question 1 and 2. This disposition applies to all international protection applicants without any exception.</p> <p>4) Yes. The Ministry has the obligation to establish, not later than three days after the deposit of the asylum application an official document asserting the due filing of an application for international protection (article 6(5)). However, this document is not considered as an identity document and it cannot be used as such (for banking deeds for example) and does not give the right to grant a residence certificate. Nevertheless, as a derogation to this principle the document can be used as a proof of residence for fulfilling the formalities to get married (article 6 (6)).</p> <p>5) The identity documents of the applicants are held until the end of the procedure in case that the applicant is granted international protection. In this case the documents will be returned to him. If the application is rejected, the documents will only be returned at the moment the expulsion is executed (not only after the appeals are ended).</p> <p>6) No.</p> <p>7) No. It is foreseen by the law and it guarantees that the applicant will be disposable during all the procedure.</p>
	Malta	Yes	<p>1) Yes. When a third country national (TCN) applies for international protection, the Office of the Refugee Commissioner responsible from receiving and assessing such applications, request the person to present the documents that are in his/her possession. Such documents are retained by the Office against a receipt given to the applicant.</p> <p>2) The Office of the Refugee Commissioner has a procedure in place whereby documents presented by asylum-seekers are retained so that these could be photocopied, scanned and analysed by the asylum determination officers using the forensic equipment at the Office.</p> <p>In relation to the above, the Office also notes the following articles found in the Legal Notice 243 of 2008 of the Refugees Act, Chapter 420 of the Laws of Malta</p> <p>Article 12 (2) (d) of states that 'an applicant for asylum shall hand over all documents in his possession'.</p>





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			<p>Article 5 (1) states that ‘the Commissioner may, from time to time, lay down the rules and guidelines applicable to the procedure for the determination of an application’.</p> <p>Article 5 (2) states that ‘the Commissioner shall examine the application as soon as possible and shall endeavour to gather all relevant information that will enable him to make a recommendation taking due account of the applicant’s cooperation in the proceedings in the assessment of the credibility of an applicant’s allegations’.</p> <p>3) Yes. However if an asylum-seeker expresses his desire to retain the passport giving justifiable reasons then such request is considered by the Refugee Commissioner.</p> <p>4) The Office of the Refugee Commissioner issues a document known as ‘Asylum Seeker’s Document’ to all third country nationals who are staying in the community, irrelevant of whether they presented documents or not.</p> <p>5) No. The Office of the Refugee Commissioner notes that after the issuance of the first instance decision such documents are returned back to the applicant, against the presentation of the receipt.</p> <p>6) Yes. Refer to answer of question 3.</p> <p>7) No since the asylum-seekers are provided with another document (Asylum Seekers Document) that enables them to move freely in the country.</p>
	<p>Netherlands</p>	<p align="center">Yes</p>	<p>1) Yes, the authorities take hold of them for the purpose of investigation.</p> <p>2) Yes, article 52 and article 55 of the national Aliens Act stipulate that the authorities can take hold of travel or identity documents of aliens.</p> <p>3)Yes</p> <p>4) No, they are not provided with a substitute document because of the intake of their identity documents. However, they are provided with an acknowledgement of receipt and with a copy of the documents.</p> <p>A provisional identity document is provided to asylum seekers whose claims cannot be processed in the general asylum procedure of 8 days.</p> <p>5) No, in principle the documents are returned to the asylum seeker after the document investigation is concluded. This is generally before the end of the asylum procedure. Only if the documents turn out to be falsified or if confiscation of the documents is deemed necessary in order to facilitate potential removal in the future, the documents are not or not immediately returned to the asylum seeker.</p> <p>6) See question 5.</p> <p>7) No, it is only for the purpose of investigation.</p>
	<p>Poland</p>	<p align="center">Yes</p>	<p>1) Yes. All travel documents are taken from the asylum seeker at the beginning of the procedure for granting the refugee status.</p> <p>2) According to Art. 37 sec. 1 of Act of 13 June, 2003 on granting protection to foreigners within the territory of the Republic of Poland (Journal of Laws of 2012, item 680) a foreigner who submits the application for granting the refugee status shall be obliged to deposit his/her travel document as well as travel documents of minor children accompanying him/her and of the spouse referred to in the application, to the Head of Office for Foreigners through the authority admitting the application (Border Guard).</p> <p>3) Yes. Passports are taken from all the asylum seekers.</p> <p>4) A person who has submitted an application for granting the refugee status receives the provisional identity certificate of a foreigner, for the period of validity of 30 days. The identity certificate, within the period of its validity, confirms an applicant’s identity and entitles him to stay on the territory of the Republic of Poland. When the validity of first identity certificate has</p>



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			<p>expired, successive identity certificates may be issued to a foreigner, for the periods of validity not exceeding 6 months until the completion of the proceedings for granting the refugee status. The identity certificate contains the name of the issuing authority, date of issue as well as the period of its validity and the following information of the foreigner:</p> <ol style="list-style-type: none"> 1) name (names) and family name as well as parents' names; 2) date of birth or age; 3) place and country of birth; 4) citizenship; 5) names, family names and dates of birth of minor children accompanying the foreigner. <p>The identity certificate shall also contain the photograph and signature of its holder.</p> <p>It is possible to use the identity certificate for example for employment (after 6 months from the moment in which asylum application had been submitted), marriage or to open bank account.</p> <ol style="list-style-type: none"> 5) Yes. Head of Office for Foreigners stores travel documents deposited until the final decision on granting the refugee status is rendered, and then returns them to the foreigner. 6) Applicants are not allowed to keep their travel documents before the end of the asylum proceedings. 7) A foreigner applying for the refugee status is obliged to stay on the territory of the Republic of Poland until the day of delivery of the final decision on the refugee status. The identity certificate given to the foreigner while applying for asylum, confirms his identity and entitles him to stay on the territory of the Republic of Poland. Storing asylum seeker's travel document during the procedure is not perceived in Poland as a restriction because the provisional identity certificate of a foreigner entitles him to many official duties.
	Portugal	Yes	<ol style="list-style-type: none"> 1) to 5) – No. 6) – Yes. 7) - There is no legal ground in national asylum legal framework for holding of passports. PT practice concerning the asylum procedures does not foresee for passports to be retained. The passport is photocopied for the examination of the application concerned and will be seized only if its fake/counterfeit.
	Romania	Yes	-
	Slovak Republic	Yes	<ol style="list-style-type: none"> 1) Yes. In the beginning of the asylum procedure the authorities take hold of the asylum seekers passport or other ID document. This is not happening in cases stated in the point 3. 2) Yes, this is regulated by the Act on Asylum No. 480/2002. 3) No. If the asylum seeker is a foreigner with a permanent or temporary residence in the Slovak Republic the documents are not taken. For the purposes of the asylum proceeding the copies of these documents are taken. 4) All asylum seekers are issued with an asylum seekers card. If the authorities took hold of the asylum seekers passport or identity documents this asylum seekers card is considered as an ID document. 5) Yes. The taken documents are returned to the asylum seekers following his/her requests at the end of asylum proceeding. 6) No. Following the Act on Asylum the documents are returned only after the asylum proceeding is concluded. 7) No.
	Slovenia	Yes	<ol style="list-style-type: none"> 1. Passport and other identification documents are taken from asylum seeker, under its previous approval, in the beginning of the asylum application procedure. In the phase of lodging application for international protection status responsible authorities make a copy of the



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			<p>applicant's passport and its identification documents while during further phase, such as personal interview, the documents are send on further examination to the National Forensic Unit and return back to asylum applicant once examination of the documents is finished.</p> <p>2. Yes there is a legal ground, Article 23 of the International Protection Law.</p> <p>3. Only those asylum seekers which posses passport or any other identification documents. Majority do not posses any identification documents.</p> <p>4. Under Article 122 of the International Protection Law all asylum seekers, applicants for recognition of the international protection status, are provided with Identification Card - IC which justify their rights to stay in the country until the application process is not finished. IC can not be use as an identification document in cases such as marriage, bank deeds, etc.</p> <p>5. No. Only in cases when responsible authorities for examination of the authentic of the documents, a National Forensic Unit, discovered that documents are false or forged. In that case a responsible authority launch further procedure and take of documents from asylum seeker.</p> <p>6. Yes.</p> <p>7. No. According to the International Protection Law applicant for asylum are allowed to move freely in the territory also without passport or identification documents but they need to possess the IC which they received when they lodge an application (see Question 4). Article 51 of the International Protection Law describes special cases when limitation of the movement is foreseen.</p>
	Spain	Yes	<p>1)Yes, the Spanish authorities take hold of the asylum seekers passport once the asylum claim has been declared admissible.</p> <p>2)According to Article 18.2.b of the Asylum Act (Law 12/2009), the asylum seeker has the duty to present all those elements that together with his/her own statements help to support his/her claim. Among others, they shall present the available documentation on the age, identity, nationality, countries where they have lived before, if they have requested for asylum in other countries, travel routes, and the reasons why they seek asylum.</p> <p>Furthermore, the implementing asylum regulation (Royal Decree 203/1995), in Article 13, provides for the deposit of the asylum seeker' personal and travel documents, which shall be kept in deposit in case of a positive decision on the asylum claim.</p> <p>3)Yes, the passports from all asylum seekers are taken without exception.</p> <p>4)Yes, asylum seekers are provided with a provisional document issued on his/her name certifying his/her condition as asylum seeker. If needed, the Spanish Office for Asylum and Refugees provides administrative support to asylum seekers and beneficiaries of international protection by issuing certificates when requested by other administrative authorities for administrative processing.</p> <p>5)Yes, the documents are held by the authorities until the end of the asylum administrative procedure. Once a final decision on the claim is taken by the determining authority at first instance, the documents are returned to the asylum seeker in case of a negative decision. At the appeal phase, documents are not taken on hold.</p> <p>6)No, as a general rule they are not allowed to get their passport back until the end of the administrative procedure.</p> <p>No, the asylum seeker provisional document mentioned above entitles to stay in Spain and to the right to free movement within the country during the procedure.</p>
	Sweden	Yes	<p>1, Yes</p> <p>2, The Aliens act of 2005 Chapter 9 Section 4 states that if an alien applies for a residence permit upon arrival in Sweden or subsequently, the Swedish Migration Board or the police authority may retain his or her passport or other identity documents until the alien receives permission to stay in this country or leaves it.</p> <p>3, Yes.</p>

EMN Ad-Hoc Query: fingerprint biometry in travel documents and residence cards

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			<p>4, No, they are not provided with substitute documents. They are given a card that states that the holder of the card is an asylum seeker but the card is not valid as an ID card. If they need their passport for marriage, bank deeds etc we can either give them their passport back or give them an attested copy.</p> <p>5, Yes</p> <p>6, They can if the Swedish Migration Board considers that a copy of the passport will do for the purposes of the Migration Board. If the person in question is about to be returned, the passport will not be handed out.</p> <p>7, Yes, in principle it is considered a restriction to personal freedom.</p>
	United Kingdom	Yes	<p>Generally, whilst an application for international protection in the United Kingdom is being considered, the person remains legally liable to removal. Any genuine document proffered can strongly support the applicants claimed identity and nationality. All valuable documents are retained by the UKBA, the power to do so residing in Section 17 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.</p> <p>Where a decision is taken to grant protection, valuable documents for instance passports, ID cards and Birth/marriage certificates, are returned. However, where a decision is made to refuse to grant leave, valuable documents, particularly travel documents, are not returned since they can be used to support an application for a travel document, or for direct removal. Where the applicant chooses to depart voluntarily documents will be retained until they are handed to the individual at the port of departure.</p>
	Norway	Yes	-
