



Ad-Hoc Query on Residence Permit Cards and biometric identifiers

Requested by SE on 6th November 2012

Compilation produced on 8th January 2013

Responses from Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Portugal, Spain and Sweden, (18 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

Sweden would like to know how other Member States issue residence permit cards (RP Card) and in particular whether or not biometric identifiers are taken at the consulate (mission abroad) and the RP Card is sent out to the consulate and given to the applicant prior to entry into the Schengen area or if the applicant is able to enter the Schengen area by some other means, e.g. a D-visa, and the RP card (with biometric identifiers) is issued after entry. Sweden would also like to know whether or not Member States store the biometric data for RP Cards in a national database.

Our questions are as follows:

1. Do you take biometrics for the RP Card at the consulate?

2. At what stage do you issue the RP Card to the applicant?

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3. Do you store the fingerprints in a national database and if so, for what purposes can this data be accessed?

Please provide your responses by **4th December 2012**.

2. Responses

		Wider Dissemination? ¹	
	Austria	NO	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Belgium	Yes	<p>1. No</p> <p>2. RP cards are issued after entry into the Belgian territory and applicants enter the Schengen area by means of visas granted by the Belgian diplomatic or consular posts in the country of origin (depending on travel motive and documents requested upon application).</p> <p>Upon arrival in Belgium, the foreigner shall present him/herself, within eight days from the date of entry into the Kingdom, to the population or foreigners department in the municipality where he/she resides. After checking the actual residence, the municipality will deliver a Certificate of Registration in the Register of Foreigners (C.I.R.E.). The C.I.R.E. is valid for 1 year (renewable unless restrictions are provided for) and gives right to free movement in the other signatory countries of the Schengen area.</p> <p>3. The fingerprints are being stored during three months while the RP card is being produced, and they are afterwards destroyed. The data can only be accessed for the production of the RP.</p>
	Bulgaria	Yes	<p>1. Yes, Bulgaria processes/takes biometric identifiers from the visa applicants who wish to enter the country, at most of the Bulgarian Consular representations abroad. This happens in cases when the application documents comply with the conditions and terms and the request is allowed. When the request is not allowed for consideration, the biometric data shall be wiped out and the application documents shall be returned to the applicant.</p> <p>2. The Residence Permit Card is issued in Bulgaria after receiving the respective permission for stay if the legal grounds exist. The Residence Permit Card shall be delivered to the applicant in person by the responsible territorial service for administrative control over foreigners. The availability of Visa "D" for long-term stay is a requirement for application for prolonged or long-term stay.</p> <p>3. The biometric data taken shall be stored in a central data-base. These data may be used by the competent bodies for visa issuing as well as by the respective authorities responsible for border control, for the administrative control over TCNs, for granting</p>

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."

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			asylum and by the empowered national bodies or bodies of the member states responsible for the prevention, detection and investigation of terrorist offenses and crimes.
	Czech Republic	NO	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Estonia	Yes	<ol style="list-style-type: none"> 1. We have the same situation as in Sweden. Fingerprints shall also be entered on the residence permit card, upon applying for a residence permit, right of residence or residence permit card an alien must appear for fingerprinting in person at a service unit of the Police and Border Guard Board or at a foreign mission of the Republic of Estonia. 2. The same situation as in Sweden, the cards are made in Estonia and then sent to the embassy's which has responsibility for the area in which the applicant is residing. 3. Files of fingerprints images are stored to noncontact chip of a residence card, to national register of residence and work permits and to database of identity documents like other data being entered to documents: photo, signature, etc. There is no separate database for fingerprints. Access to personal data and processing of fingerprint images, public disclosure and delivery to the third persons is allowed only in cases and conditions provided by law. Fingerprint images entered to identity documents may be used in case of need for controlling the document holder's identity and for detecting counterfeiting of documents only.
	Finland	Yes	<ol style="list-style-type: none"> 1. Yes. Principally, a first residence permit shall be applied for abroad before entering Finland and biometric identifiers for the RP Card are taken at the consulate. Biometric identifiers are, however, taken in Finland at the police station from those TCN applicants who are entitled by law to apply for the first residence permit in Finland after having entered the country with visa/visa free. This exception mainly concerns the family members of Finnish citizens. 2. In case the residence permit application is filed and biometrics captured at the consulate the RP Card will be sent out to the consulate and given to the applicant prior to entry into the Schengen area. Thus, the RP card (with biometric identifiers) is necessary for the entry. The RP card is issued only if the decision on the application is positive. 3. In Finland the fingerprints are recorded in the card as well as in a central database. Section 3b of the Act on the Register of Aliens applies to the use and comparison of the fingerprint data recorded in the sub-register of applications associated with the Register of Aliens. Fingerprint data may be used by the Finnish Immigration Service, the police, the border control authorities as well as Finnish missions. Fingerprint data may be used exclusively for the purposes of verifying the authenticity of the RP Card and the identity of the holder of the RP, as well as for the purposes of the processing, issue of decisions on and supervision of matters concerning aliens' entry into and departure from the country and their residence and employment, and the protection of national security. Furthermore, the police may use the fingerprint data in case it is necessary in connection with severe accidents and for identifying victims. The data captured for comparison purposes may only be used for the duration of the comparison and must be destroyed immediately thereafter.
	France	Yes	<ol style="list-style-type: none"> 1) Residence permit cards are issued by French decentralized state services ("prefectures"). Biometrics identifiers are only taken for visas at the consulate. 2) - The visa is issued to the applicant by French consulates abroad. Then, the applicant has to apply for a residence permit at decentralized state services ("prefectures"), within the 2 months following his/her arrival in France.

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			<p>- The long stay visa equivalent to a residence permit (“visa de long séjour valant titre de séjour” = VLS-TS) is delivered by French consulates abroad. Holders of the VLS-TS are not required to apply for a temporary residence permit upon arrival in France, as long as their visa is still valid.</p> <p>3) The transitional regime introduced by France, in accordance with the timetable for implementation of Council Regulation (EC) n°1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, does not have a national biometric database. However, the implementation of such a database is planned, pursuant to Decree n°2011-638 of 8 June 2011 on case management system of third-country nationals in France and on residence permits and travel document of third-country nationals. One of the purposes of this database is to ensure the identification of applicants, when applying for a residence permit or during any checks, if they do not provide the requested documents. It will also avoid the need for a new registration in case of renewal of the residence permit.</p>
	Germany	Yes	<ol style="list-style-type: none"> 1. No. In the German representations abroad, biometric data are registered only for the purpose of issuing visas. 2. After the foreigner has entered Germany with a visa, he or she needs to apply to the alien’s authority of his or her place of sojourn for a residence title in due time prior to the expiry of the visa. The authority then decides on the application and, in case of a positive decision, orders the production of the residence permit, which is handed over to the foreigner after verifying his or her identity. 3. No. The fingerprints taken for storage in the residence permit card chip are not collected in a national database; they are stored only locally by the competent alien’s authority. The fingerprint data must be deleted at the latest after the residence title has been handed over to the foreigner (see § 61(a), para. 2, 2nd sentence of the German Ordinance on Residence (<i>Aufenthaltsverordnung</i>)).
	Greece	Yes	<ol style="list-style-type: none"> 1. No, biometrics for the RP Card will be taken at the competent migration offices in Greece, after the person concerned has entered the country, with a D – visa that was issued at the consulate, for the specific reason he/she requests entrance. 2. The RP Card will be issued after a positive decision on the application for the issuance of the residence permit, which is launched in Greek territory, at the competent migration offices. 3. The biometrics will be stored in a national central database at the Ministry of Interior and will be kept encrypted, solely for the time period of the validity of the specific residence permit. In any cases, biometrics can only be accessed for the purposes provided by Regulation EC 1030/2002, which is the identity checking of the person concerned.
	Hungary	Yes	<ol style="list-style-type: none"> 1. Hungary does not issue RP Cards at its missions abroad, the Card can be applied for at the competent Regional Directorate of the Office of Immigration and Nationality. The application shall be submitted within ninety-three days from the time of entry or from the date of initiation of the fact underlying the right of residence. 2. The RP Card can only be issued – and the whole process can be only started – after the applicant entered the territory of Hungary with a valid visa, which can be issued at a Hungarian consulate. 3. Biometric data is only stored in the Card. After the immigration authority read the personal data from the storage medium for the purposes specified in point 4 of Article 1 of Council Regulation (EC) No. 380/2008 of 18 April 2008 amending Regulation (EC) No. 1030/2002, the data in question must immediately be deleted.
	Italy	Yes	<ol style="list-style-type: none"> 1. Missions abroad are not in charge of issuing the residence permit. Italian diplomatic-consular representations are responsible for the issuance of the entry visa granting the authorization to enter the territory of the Italian Republic. When the applicant submits a visa application, his/her biometrics are uploaded into the Visa Information System (VIS). Applicants who do not require an entry-visa to travel to Italy shall supply their biometric identifiers after entry into the national territory.

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			<ol style="list-style-type: none"> 2. Once entered regularly in Italy, if a foreign national intends to stay longer than 90 days, he/she is required to apply for a residence permit, which will be issued for the same reason and duration of the visa. It is at this stage that Police authorities take biometrics for the RP Card and issue the permit. 3. The Guarantor for the protection of personal data on 05.06.2012 has given a favorable opinion on the draft ministerial decree adapting the residence permit issued to third-country nationals in Italy to the uniform model adopted by the other EU Member States. Under the new decree, “Technical rules and safety requirements regarding the residence permit”, aliens obtaining a stay permit will be given a card with contact-less microprocessor containing the information necessary to verify the authenticity of the document and the identification data, photograph and fingerprints of the holder. As suggested by the Guarantor, the microprocessor will only be read by the control bodies and just to verify the holder’s identity and the authenticity of the document. When issuing the card, the data of the alien will be recorded in a separate electronic file stored at the National Electronic Centre (CEN) of the State Police: these data cannot be stored for more than ten years. Only in the event that a stay permit for EC long-term residents is issued, personal data and photograph of the holder can be stored in the database for the duration of the permit. Fingerprints, however, should be kept only for the time required to complete administrative procedures related to the issuance or renewal of the permit. The data on the card and those held at the CEN may be used only for purposes relating to the verification and management of the residence permit.
	Latvia	Yes	<ol style="list-style-type: none"> 1. Latvia does not take biometrics for the RP Card at the consulate. 2. Latvia issues the RP Cards only in Latvia at the Office of citizenship and migration affairs. Commonly for the first time entering Latvia on purposes which requires residence permit applicant should submit all documents in consulate outside the Schengen area. On case of positive decision applicant can enter Latvia with visa and go to the Office of citizenship and migration affairs to get the RP Card. The biometric identifiers are taken at this stage at the Office of citizenship and migration affairs. So the RP Card in Latvia is issued after entry. 3. Latvia stores the fingerprints in a national database. Those data can be accessed for the state institutions, court and prosecutor’s office within the competence. Concerning migration those data can be used: <ul style="list-style-type: none"> - for checking identity issuing visa, residence permit, travel document, and identity document, and - for checking identity at border and controlling residence of foreigners.
	Lithuania	Yes	<ol style="list-style-type: none"> 1. No. 2. Firstly, a positive decision on application to issue a residence permit is made, then one entry national D visa (or none with regard to the Regulation No. 539/2001) is issued, finally, the alien enters Lithuania and applies for the execution of the residence permit with biometrics. 3. No, in this case fingerprints are stored in the residence permit.
	Luxembourg	Yes	<ol style="list-style-type: none"> 1. No. Luxembourg does not take the biometric identifiers for the RP Card at the mission abroad as residence permits are not issued by consulates. In case that the authorisation of stay is granted and the applicant needs a visa to enter the Schengen Area, the applicant must apply for a D-Visa that will be issued by the diplomatic mission. Once, the applicant enters the country the biometric identifiers will be taken at the Directorate of Immigration before issuing the residence permit. 2. The residence permit will be issued at the Directorate of Immigration once the third country national has entered the country

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			<p>(independent if s/he needs a visa or not) and fulfil the requirements for applying for the residence permit (registration at the municipality and pass the medical exams). The residence permit will only be given to the applicant in person at the Directorate of Immigration offices.</p> <p>3. The biometrical data gathered (fingerprints and photo) for the issuing of the residence permit are stored until the handing over of the residence permit to its holder, or at the most six months after the production of the residence permit (art. 2 of the Grand-Ducal regulation of 19 May 2011 that modifies:</p> <p>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</p> <p>2. the Grand-Ducal regulation of 26 September 2008 on the creation of a database for treating personal data)</p>
	Netherlands	Yes	<p>1. No, we do not take biometrics (for the residence permit) at the counter of the consulate. But this is foreseen for the second half of 2013. At the moment we are working on the technical adaptations of the systems. The foreign national gets a D visa. Only after arrival in the Netherlands, when applying for the residence permit, the biometrics are taken (still in a pilot phase).</p> <p>2. The foreign national receives the residence permit after a positive decision on an application for admission in the Netherlands.</p> <p>3. No, it is not allowed. There is a proposal for an amendment (Amendment of the Aliens Act 2000 in connection with the extension of the use of biometrics in the immigration process in connection with the improvement of the identification of the foreign national).</p>
	Portugal	Yes	<p>1. No. The enrolment (biometric identifiers collection) for RP Card is done inland, only</p> <p>2. RP Card must be required by the holder of a residence permit visa on Portuguese territory, after being admitted in the country.</p> <p>3. In this framework, fingerprints are stored in the national foreigners database and are used for individual identification purposes only.</p>
	Spain	Yes	<p>1. The Spanish Consulates are responsible for the issuing of D visas, but not Residence Permit Cards. The biometrics for resident cards are taken in Spain (at the Aliens Affairs Offices or the Police Stations where the residence permit was issued) when applying for the foreign citizen identity card.</p> <p>2. According to the Spanish legal framework (Article 210 of the Aliens Act Implementing Regulation), third country nationals have the right and the obligation to apply for the foreign citizen identity card (TIE in Spanish) when they possess a residence permit valid for a period of six months or longer, and they must apply within one month from having entered Spanish territory or one month from the issue date of the permit. This document identifies third country nationals and provides proof of their legal situation in Spain.</p> <p>3. Third country nationals' fingerprints are stored in the foreigners' database, the Foreigners Central Register. Database-wide fingerprint searches (identifications) are not possible and matches can only be carried out manually one by one (verifications). Searches based on alphanumeric data are possible. The foreigners' database can be accessed for immigration administrative procedures (visa applications, issuance of residence permits, border checks, return procedures, asylum procedures) and police investigations.</p>

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	Sweden	Yes	<ol style="list-style-type: none"> 1. Sweden takes biometric identifiers for the RP Card at the mission abroad for all applicants that require a visa to enter the Schengen area. Applicants that do not require an entry-visa to travel into the Schengen area may, after a positive decision on their application, supply their biometric identifiers after entry into Sweden. 2. The RP Card is manufactured in Sweden and then sent out to the mission abroad which has responsibility for the area in which the applicant is residing. Thus, the RP Card is usually issued to the applicant prior to entry into the Schengen area. In some cases of great urgency, a D-visa can be used to allow entry prior to issue of the card. However, a positive decision on the residence permit application must always be taken prior to entry. 3. In Sweden the fingerprints are stored in the card only and not in a central database.
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