



Ad-Hoc Query on collecting biometric data when applying for a long-stay visa at the consulate

Requested by FR EMN NCP on 30th July 2014

Responses from Austria, Belgium, Estonia, Finland, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovak Republic, Slovenia, Sweden, United Kingdom and Norway (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

France is considering to exempt some nationalities from providing biometric data when applying for a long-stay-visa at the French consulate abroad. However, they would be required to fulfil this obligation upon arrival in France, in accordance with the legislation. Thus, the collection of biometric data would take place at the prefecture instead of the consulate abroad.







We would like to ask the following question:

Does your Member State require applicants for long-stay visa to provide biometric data when applying for such a visa at the consulate of their place of residence?

We would very much appreciate your responses by **27th August 2014**.






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2. Responses

| | | Wider Dissemination? | |
|---|----------------|----------------------|---|
|  | 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 | No | This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further. |
|  | Estonia | Yes | Yes. According to Aliens Act and Regulation on Fingerprinting of applicants for visa granting procedures and the extension of the stay proceedings, an alien shall submit an application for a long-stay visa at a foreign mission of Estonia in person, for fingerprinting. All TCN applying their visa should be fingerprinted (except children under 12 years; persons who's fingerprinting is impossible; monarchs and kings, heads of state, heads of government, members of the government and they family members if they have an official invitation from Estonian government). An alien may send a long-stay visa application to a foreign mission of Estonia by post or through a representative if the state where an alien is permanently staying does not have a foreign mission of Estonia if no more than 59 months has passed from his last fingerprinting upon application for visa. |
|  | Finland | Yes | Finland only issues Schengen-visas (short-stay). For longer periods a residence permit is required. When applying for a first Schengen visa or a residence permit, applicants are required to provide biometric data (photograph and fingerprints). The biometric data is provided at the consulate when submitting the application. |
|  | France | Yes | According to Article L.611-6 of the Code on Entry and Residence of Foreigners and Right of Asylum (CESEDA), third-country nationals applying for a visa at the consulate of their place of residence are required to provide biometric data (photograph and fingerprints). Two types of long-stay visas may be issued, depending on the category of third-country nationals: <ul style="list-style-type: none"> - Long-stay visa are issued to the applicant by French consulates abroad. Within the 2 months following his/her arrival in France, the applicant has to apply for a residence permit at decentralized state services ("prefectures"). - 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. |
|  | Germany | Yes | Yes. When making application for national long-stay visa (category D), measures to confirm the identity are always carried out by collecting biometric data in the form of photographs and fingerprints of the applicants in accordance with § 49, section 5, number 5 and section 6a, German Residence Act. An exception is made only for children under the age of 12, doubts regarding the age of the children will always have to be dispelled at the expense of the person making the application (§ 49, section 6, German Residence Act) and an exception is also |




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| | | | made for third-country nationals who do not come under the regulations of the Residence Act (diplomats on accreditation in Germany as well as family members of EU and EEA citizens with rights to free movement). |
|  | Hungary | Yes | Yes, in Hungary, third-country nationals applying for long-stay visa at the consulate of their place of residence are required to provide biometric data (photograph and fingerprints). |
|  | Italy | Yes | Article 4 of the Consolidated Act on Immigration provides that a TCN may enter Italy with a valid passport and a short or long-stay visa. The holder of a long-stay visa will be issued a residence permit on the same grounds as those specified in the visa. Under Article 5 of the Decree of the President of the Republic No. 394, 31 August 1999, issuing entry visas is the responsibility of Italian consular authorities that are enabled to do so. Regulating different types of visa and visa requirements is the responsibility of the Ministry for Foreign Affairs by Ministerial Decrees. Decree No. 850 of the Ministry for Foreign Affairs of 11 May 2011 lists the different types of long-stay visas. Under Article 4, it establishes that the assessment of the documentation specified in EU Regulation No. 810/2009 (Visa Code) for short-stay visas, including biometric data, is required for student visas only. Both Decree No. 850 and the <i>Consolidated Act on Immigration</i> specify which documents are needed for applying for any type of long-stay visa. No relevant provisions indicate biometric data. The recent Communication of the Ministry for Foreign Affairs No.1, 31 July 2014, confirmed that when a TCN applies for a long-stay visa, they do not have to provide biometric data (namely fingerprints), on account of the absence of such a provision in the <i>Consolidated Act on Immigration</i> . |
|  | Latvia | Yes | Person is not required to submit biometric data when applying for a long-stay visa. |
|  | Lithuania | Yes | Yes. While lodging an application for a national visa, the third country national must also provide his/her photograph and fingerprints. This concerns both the single-entry national visa, and a multiple entry national visa. |
|  | Luxembourg | Yes | If a third country nationals wishes to enter to Luxembourg for a period superior of 3 months, he/she must first apply for an authorisation to stay. Applications for an authorisation to stay can be submitted either at a consular representation of Luxembourg abroad or directly at the Immigration Directorate of the Ministry of Foreign and European Affairs. Applications submitted at the consular representation are sent to the Immigration Directorate which is responsible for granting an authorisation to stay for a stay longer than 3 months. If the third country national comes from a country without visa obligation, he/she can enter to Luxembourg with this authorisation to stay. If he/she comes from a country with visa obligation, he/she has to apply for a long-term visa (visa D) at the consular representation of Luxembourg. As Luxembourg does not have many diplomatic representations abroad, it depends in most of third-countries on other Member States (i.e. Belgium, Netherlands, France, Germany, Portugal, Spain and Hungary) for issuing the visas. In the Luxemburgish consulates abroad there is no biometric data collection for long-term visas. In the other diplomatic missions representing Luxemburgish interests abroad the collection of the biometric data will depend of each one of the diplomatic missions of the Member States. |





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| | | | Once the person has entered Luxembourg, the holder of an authorisation to stay has to apply for a residence permits. S/he must apply for it personally at the Directorate of Immigration. The third country national who applies for a residence permit or its renewal must have his/her picture taken and undergo fingerprinting because the biometric data is not registered outside of the chip. Luxembourg takes two fingerprints of a third country national (left and right index) and a biometric picture to issue a biometric residence permit, as established in Council Regulation (EC) n° 380/2008 of 18 April 2008 modifying Council Regulation (EC) n° 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals. This measure was implemented on 20 May 2011. 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 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). |
|  | Netherlands | Yes | Based on EU Regulations, all the Dutch residence permits of third-country nationals who are 6 years and older contain a picture and two fingerprints. Furthermore, on 1 March 2014 a non-EU based law has been implemented in the Netherlands, which makes it possible to take 10 fingerprints and a facial, and to store this information in a central file. Since this law is in practice, aliens of 6 years and older who intend to stay in the Netherlands for three months or longer have to cooperate. This means that fingerprints of all ten of their fingers are taken as well as a picture, for the purpose of identification and registration of their identity. Subsequently, third-country nationals, who intend to stay in the Netherlands for three months or more, need to apply for a Regular Provisional Residence Permit (mvv) before coming to the Netherlands. When they arrive in the Netherlands, they receive a temporary residence permit. 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 country of origin. On the other hand, American, Australian, New Zealand, Canadian, Japanese, South Korean, Monaco and Vatican City nationals, who intend to stay in the Netherlands for three months or longer are not required to apply for a Regular Provisional Residence Permit before they are coming to the Netherlands. They need to apply for a Regular Residence Permit upon arrival in the Netherlands. When they apply for a Regular Residence Permit, they are required to provide biometric data (photograph and 10 fingerprints) at the Dutch Immigration and Naturalization Service (IND). |
|  | Poland | Yes | Poland requires applicants for a long-stay national visa to provide recent photograph meeting requirements set in the ordinance of the Minister of Interior on the visas for foreigners, when applying at the Polish consulate. No other biometric data is collected. The applicant should provide information about having the fingerprints taken in the course of previous proceedings on the issue of a visa. |
|  | Slovak Republic | Yes | As for the Slovak Republic, applicants for a long-stay visa are required to provide their biometric data when submitting their visa applications at the respective diplomatic mission. |

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|  | Slovenia | Yes | According to the article 18 and 19 of the current valid Alien Act third-country national needs to apply for long-term visa (visa type D) before entering Slovenia at consular diplomatic representation of the Republic of Slovenia abroad. For issuing visa type D it's not required to provide fingerprints. |
|  | Sweden | Yes | Applicants for long-stay visa are not required to provide their biometric data, neither in their home country nor upon arrival to Sweden. Only persons applying for residence permit must provide biometrics. |
|  | United Kingdom | Yes | The UK is not subject to the long term visa regulation and is not party to EC Reg 265/2010. We do however take biometrics from people coming from overseas outside of the UK. For more information please see: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:085:0001:0004:EN:PDF |
|  | Norway | Yes | YES and NO. Norway does not capture biometrics for Long stay visas (D-visas). Norwegian D-visas have a short period of validity because they are connected with residence permits. However, biometrics are captured in connection with the issuance of a residence card after the granting of a residence permit. D-visas are issued in the following cases: - Most D-visas are issued after the granting of a residence permit. The applicant is instructed to present themselves to the local police for capture of biometrics for the residence card within seven days of arrival. - For certain categories, there is an additional possibility of applying for a D-visa for the entry to Norway to apply for a residence permit here (or for entry after applying, but before a decision has been made). - A D-visa may also be issued, if necessary, to a person with a residence permit for a new entry to Norway, e.g. when the foreigner has lost his residence card or if a renewed residence permit has been granted after the foreigner has left Norway for visiting his/her home country. |
