



Ad-hoc query on fingerprint biometry and facial image in identity documents

Requested by EE EMN NCP on 19th February 2014

Compilation produced on 13th March 2014

Responses from Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Romania, Slovak Republic, Slovenia, Sweden and United Kingdom (21 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

Following the Council Regulation 13/12/2004 No. 2252/2004/EU and Council Regulation 06/13/2002 No 1030/2002/EC biometric data (facial image, fingerprint images) is implemented in travel documents and residence cards. Estonia would like to know what is the time interval on capturing fingerprint and facial biometry in other MS.







Questions:

1. How often (time interval) does your MS capture fingerprint biometry?
2. How often (time interval) does your MS capture facial biometry?






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We would very much appreciate your responses by **11th March 2014**.





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	Yes	<p><u>Answer to questions 1 and 2:</u> Belgian authorities capture biometric data, both facial and fingerprint images, each time travel documents and residence cards are issued, regardless of the elapsed time interval. For example, both facial and fingerprint images will be captured again if documents/cards are reported as lost and new ones are issued shortly after the issuance of the first ones. Although this is not the case in practice, it would be theoretically possible to avoid capturing facial images again (as long as resembling applicants) as such images are stored in the National Register. This is not the case for fingerprint images which are not stored in a central database and which are kept only for three months.</p>
	Bulgaria	Yes	According to the Bulgarian Personal Documents Act “The applicant may not appear personally to be taken biometric data, if there is no change to the name, the unified citizen’s number, sex, citizenship or there are no substantial and permanent changes to the image of the face and the required biometric data has been taken less than 59 months prior to the date of filing the application”.
	Cyprus	Yes	<p>The Civil Registry and Migration Department of the Republic of Cyprus is now undergoing the preparation of the system for issuing residence permits for third-country nationals with the uniform format. This procedure is expected to be completed in the upcoming months. Regarding the relevant provisions of Regulation 2252/2004, they were implemented once Cyprus started issuing passports with biometric data in 2010. According to the relevant national legislation, fingerprint data is deleted within 48 hours of the issuing of the passport, but as far as the photo image and facial biometry there is no provision in the legislation.</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.
	Estonia	Yes	<ol style="list-style-type: none"> 1. According to the Estonian legislation an applicant, who applies travel document or residence permit, does not need to undergo fingerprinting if less than two years have passed from the last fingerprinting of him or her and the biometric data has not changed. 2. According to the Estonian legislation photo has to be taken within 6 months before submitting an application.







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	Finland	Yes	<p>1. At the moment fingerprinting is done for every passport or residence permit application. There is draft law that fingerprinting is not necessary for passport application if less than 6 years have passed from the last fingerprinting of the applicant. The bill has not yet been passed.</p> <p>2. According to legislation of Finland photo has to be taken within 6 months before submitting an application</p>
	France	Yes	<p>1 and 2. According to Article R.311-2-1 of the Code on Entry and Residence of Foreigners and the Right of Asylum (CESEDA), biometric data (photograph and fingerprints) are collected upon applying for a residence permit (first application or renewal). It thus depends on the duration of validity of the residence permit.</p> <p>Biometric identifiers are also captured when issuing or renewing travel documents.</p> <p>Regarding both residence permits and travel documents, photographs have to be taken within 6 months before submitting an application.</p>
	Germany	Yes	<p>1. The fingerprints of the foreigner stored by the local foreigners office and taken in order to create the document for which the fingerprints are required must be deleted at the latest at the moment of handing over the document (§ 61 a, section 2, German Ordinance on Residence). This means that for each new document to be issued, be it a residence title, a passport or identity replacement document or other document, fingerprints of the foreigner must be taken once more.</p> <p>2. The photograph must be a „current“ photograph and the foreigner for whom a residence title, a passport or identity replacement document or other document is to be issued, must produce such a photograph upon the request of the immigration authority to the same authority or cooperate in the making of such a photograph (§ 60 section 1 and 2 Ordinance on Residence in conjunction with § 5 Ordinance on Passports). The concept of the term on time “current” has not been defined in the relevant Ordinances and in individual cases will therefore be subject to the assessment of the local foreigners offices.</p>
	Greece	Yes	<p><u>TRAVEL DOCUMENTS</u></p> <p>1. According to our national legislation, fingerprints to be incorporated in Greek passports are captured every time that a citizen applies for a passport issuance or renewal. Consequently, there is not specific time interval for fingerprint capture.</p> <p>2. According to our domestic legislation the applicant’s photo has to be taken within one (1) month before submitting the application.</p> <p><u>RESIDENCE PERMITS</u></p> <p>In the case of residence permits both biometrical features (photo and fingerprints) will be captured each time, the document is issued or renewed (in most cases every two years). It should be noted that this procedure will be shortly applied in full.</p>
	Hungary	Yes	<p>In respect of travel documents, fingerprint biometry is captured upon request of a new travel document, every 5 or 10 years, while facial biometry is captured every 1, 3, 5 or 10 years, depending on the period of validity of the travel document, respectively. In case of</p>

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			residence permit applications, fingerprint and facial biometry identifiers shall be recorded by the consulate officer if the application is submitted at a foreign mission, and by the regional directorate if submitted in the territory of Hungary, the immigration authority shall be allowed to process this data until the binding and enforceable decision is adopted, relating to the application for residence permit is issued, after which the data in question must be deleted immediately.
	Latvia	Yes	<ol style="list-style-type: none"> 1. Every new application for identity document requires new enrolment of biometric data. Previously captured biometric data is not used to create new application. 2. Every new application for identity document requires new enrolment of biometric data. Previously captured biometric data is not used to create new application. If photo made in photo studio is submitted during application procedure, it has to be taken not earlier than 3 months before submission.
	Lithuania	Yes	Fingerprint and facial biometry is captured each time when the person applies for a travel document or a residence permit.
	Luxembourg	Yes	<p>1. and 2. In Luxembourg a third country national who applies for a residence permit or renew a residence permit 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:</p> <ol style="list-style-type: none"> 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 2. the Grand-Ducal regulation of 26 September 2008 on the creation of a database for treating personal data) <p>The picture will be taken every time that the residence permit will be renewed (this period can go up to 5 years).</p>
	Malta	Yes	<ol style="list-style-type: none"> 1. All persons aged 12 years and over who apply for a travel document must have their fingerprints scanned upon each application submitted. 2. All persons aged 6 years and over who apply for a travel document must have their biometric photo taken upon each application submitted. <p>With regards to residence permits, fingerprints and facial images are captured with every application for a residence permit submitted by a Third Country National, including for renewals of such applications and changes to details (such as change of addresses or changes of permit types)</p> <p>Since in most cases, permits are renewed every year, such time interval is usually annual. It can be more than once a year if such permit is renewed more than once a year or in the case of change of permit type or change of address.</p>

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	Netherlands	Yes	<p>According to the Dutch legislation an applicant, who applies for a (temporary) residence permit, should reduce fingerprints and make a facial image. The biometric data are stored in a central database.</p> <p>Children need a new facial image taken on 12 and 18 years of age.</p> <p>The facial images and fingerprints are no longer saved than:</p> <ol style="list-style-type: none"> five years after the application of temporary residence is rejected; during lawful stay: five years after the foreigner, whose lawful stay is ended, has left the Netherlands verifiable; or if a entry-ban against the foreigner has been issued or if the foreigner has been issued an exclusion order: five years of the end of the period of validity of the entry ban or the exclusion order.
	Romania	Yes	<p>1.2. According to the provisions of art. 2 (2) of the Government Decision 898/07.09.2011 on setting the form and content of the residence permits, travel documents as well as of other documents that are issued to aliens, biometric identifiers – facial image and two fingerprints (according to the provisions of art. 4b of the Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals) are captured upon submission of each application for issuing a residence permit and/or an EU Blue Card.</p>
	Slovak Republic	Yes	<p>1. and 2. When issuing a new identity document (either a residence card or a travel document), the police take fingerprint and facial biometry. The biometric data are compared with the old ones and they are valid until the expiry date of the document.</p>
	Slovenia	Yes	<p>1. According to the Slovenian legislation (115 Article of the Alien Act) from applicant, a third-country national, who applies travel document or residence permit the biometric data on the fingerprints and facial images are taken each time when an applicant applies for a document.</p> <p>2. According to the Slovenian legislation both biometric data on the facial image and fingerprints were kept in the record for 30 days from a final decision on the application. After this period were erased from the records. In case of replacing the document prior to its expiry, biometric data on the facial image and fingerprints were kept in the record of residence permits for thirty days from the service of document.</p>
	Sweden	Yes	<ol style="list-style-type: none"> Fingerprint biometry is not stored apart from the on chip. New biometric data is collected for each application Photo is usually captured at the same time as fingerprints are collected. Otherwise the ICAO standard is followed with a 6 month age limit.
	United Kingdom	Yes	<ol style="list-style-type: none"> In reference to residence permits issued to third country nationals, fingerprinting takes place whenever a third country national makes an application within the UK for an immigration product. <p>The UK has not opted in to EC 1030/2002 and UK citizens applying for travel documents are not required to provide fingerprints for the</p>

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			<p>travel document.</p> <p>2. In reference to residence permits issued to third country nationals, the applicant's biometric facial image is taken at the same time as they enrol their fingerprints so there is no time interval between the two.</p> <p>In reference to travel documents issued to UK citizens, the biometric photo needs to have been taken within a month of the applicant submitting their application.</p>
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