EMN FOCUSSED STUDY 2017

Challenges and practices for establishing applicants' identity in the migration process

Estonian national report

Tallinn 2017

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This document was produced by Silver Stõun the expert of EE EMN NCP. This report was compiled based on public and available information. Furthermore, experts of this topic were consulted.

Estonian national contact point
Tallinn University
Narva mnt 25
10120 Tallinn
emn@tlu.ee

Challenges and practices for establishing applicants' identity in the migration process

Common Template of EMN Focussed Study 2017

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Subject: Common Template for the EMN Focussed Study 2017 on "Challenges and practices for establishing applicants' identity in the migration process".

Action: EMN NCPs are invited to submit their completed Common Templates by 5th July 2017. If needed, further clarifications can be provided by directly contacting the EMN Service Provider (ICF) at emn@icf.com

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1 STUDY AIMS AND RATIONALE

1.1 STUDY AIMS

The **overall aim** of the Study is to offer an overview of the important challenges faced by national authorities in their efforts to reliably establish and verify the identity of third-country nationals within the context of various migration procedures -namely those related to asylum, return and legal migration channels (including both short-stay and long-stay visas and residence permits)- and of national practices to address those challenges.

More specifically, the Study aims to:

★ Identify **common challenges** concerning the establishment and verification of a third-country national's identity when processing applications for international protection, managing return procedures and handling applications for short and long stay visas and residence permits;

★ Present available statistics on the **estimated scale** of the population of asylum applicants, irregular migrants and returnees lacking (reliable) identity documents, as well as the reasons why such statistics are not available or not published;

★ Document (Member) States' **policies and practices** in addressing identity issues (including the lack of satisfactorily documented identity) in the handling of migration procedures;

★ Map (Member) States' approaches to establish the identity of third-country nationals in **situations of disproportionate migratory pressure** at the external borders or on the national territory, including under the EU 'Hotspot' approach;

★ Gain an insight into the use of **innovative technologies and methodologies** (including e.g. biometrics, databases and language analysis) to support identification and identity verification processes;

★ Uncover any recent **changes in identity management policy and practice**, in particular in those (Member) States affected by the increasing number of arrivals within the context of the European migrant and asylum crisis;

★ Identify possible steps towards **further joint actions** in this area to make (Member) States' efforts more effective;

The Study will update and supplement the 2013 EMN Study on 'Establishing Identity for International Protection: Challenges and Practices', especially in light of the application of the recast Directives on Qualification for

international protection[1] and Asylum Procedures,[2] the experiences gained by some (Member) States since 2014 from handling higher numbers of asylum seekers and irregular migrants and the use of new identity management technologies and techniques. The Study will also explore identity management issues emerging within the context of legal migration channels, a thematic area which was not addressed in the 2013 EMN Study.

1.2   TARGET AUDIENCE

The **target audience** of the Study consists of national and EU officials/practitioners concerned with asylum, return and legal migration channels, and in particular with the establishment and verification of the identity of the third-country nationals concerned.

The results of the Study will assist the target audience in taking informed decisions on the need (or not) to introduce modifications to current policies and practices used to establish and verify the identity of third-country nationals within the context of migration procedures.

1.3   RATIONALE

Identity management in migration procedures has become ever more crucial in recent years in light of the increase in the number of applications for international protection since 2014/2015 and of current security challenges. The ability to unequivocally establish the identity of a third-country national is of key importance when considering applications for visas to legally enter the Member State both for short and long stays, or for asylum following irregular entry, as well as for the return of irregular migrants to third countries. It is also essential to ensure that vulnerable persons such as unaccompanied minors have access to adequate standards of care. Moreover, effective identity management policies and practices are a prerequisite not only for the proper functioning of the migration and asylum system but also for maintaining the citizen's trust in their integrity and reliability.[3]

Many applicants for international protection cannot provide documents substantiating their identity. Those who flee persecution often do not have the possibility to take identity documents with them when leaving their country of origin. Some of those who apply for protection may not want to reveal the identity by which they are known to the authorities in the country of origin, for valid fears or other reasons. It also appears that in some cases migrants are advised to destroy their identification documents upon arriving in the EU. Moreover, when third-country nationals do provide identity documents as part of their application for international protection, these documents are sometimes considered false or otherwise invalid by the responsible authorities in the (Member) States. These issues clearly limit the authorities' ability to assess the validity of the applicant's claims and to make decisions on their asylum cases. Without establishing the identity of an asylum seeker it can be very difficult for the authorities to determine the credibility of their asylum claim, and also whether responsibility for assessing such application lies with the (Member) State where this has been lodged in accordance with the rules governing the Dublin system.

These challenges are compounded by the surge in the number of asylum applications in recent years, especially since 2014/2015. Based on statistics provided to Eurostat, the number of applications for international protection more than doubled between 2009 (287,000) and 2014 (662,000), with a sharp increase witnessed especially since 2013. In 2015, more than double the number of applications for asylum were lodged compared to 2014, reaching a total of 1.39 million applications. At 1.26 million, the number of asylum applications remained similar in 2016.[4] Against this background, establishing the identity of individual applicants for international protection often takes place in the face of the elevated migratory pressures manifested in very high numbers of migrants arriving in the

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[1] Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) , OJ L 337, 20.12.2011.

[2] Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), OJ L 180, 29.6.2013.

[3] For a reflection on these issues, see the Introduction to the proceedings of the Conference 'The Establishment of Identity in the Migration Process', Vienna (Austria), 2 May 2016, available at: http://www.emn.at/en/national-emn-conference-austria-the-establishment-of-identity-in-the-migration-process/ [last accessed on 20 March 2017]

[4] Eurostat, 'Asylum Statistics (Data extracted on 2 March 2016)', available at: http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics [last accessed on 12 March 2016].

EU irregularly. The EU has established the **'Hotspot' approach** to provide operational support to the Member States concerned, in particular in relation to the registration and identification processes.

In circumstances where the person's age is in doubt, **age assessment** constitutes an element of the identification procedure that the authorities may need to undertake. Establishing whether an individual is an adult or a child is essential to ensure that children are afforded the protection they are entitled to by law and also to prevent that adults are placed among children and have access to rights and services which are not intended for them.[5] Over 96 thousand unaccompanied minors (UAMs) applied for asylum in the EU in 2015, with Sweden receiving around 36% of them.[6] The Study will review the age assessment procedures followed by the (Member) States for UAMs when the date of birth is not credibly documented.

The Study also addresses the challenges associated with identity determination in the context of the **return of rejected applicants for international protection**, i.e. those who receive a negative decision, or who have exhausted or abandoned the asylum procedure. This group will be referred to in short as "rejected applicants" for international protection or "rejected asylum seekers". It is widely recognised that an efficient return policy is needed to safeguard the integrity of the common asylum procedure. However, effective returns are often complicated by the fact that only a small minority of applicants for international protection hold (valid) identity documents. In the absence of valid proof of identity, it is not possible to return rejected asylum seekers to their assumed country of origin since this may not then accept the person. While an important distinction exists between assisted (voluntary) and forced return of rejected applicants for international protection, this Focussed Study only addresses the regulations and procedures which exist in relation to forced return.

Identity management tasks are also performed at the Member States' embassies and consulates abroad. In 2015 almost 15.5 million applications for Schengen visas were processed at EU consulates in third countries and over 14 million visas were issued (up from around 12 million in 2011).[7] Unlike in the asylum and return procedures, where credible identity documents are often lacking (see above), visa applicants are under a strong obligation to establish their identity by presenting a valid travel document. In order to ascertain whether the person concerned meets entry conditions, the competent consulate is responsible for verifying the authenticity of the travel document presented. However, before the Visa Information System (VIS) was in operation in November 2015, (Member) States faced important difficulties in ascertaining whether a visa applicant was using a false identity to obtain a Schengen visa.[8]

For stays longer than three months, third-country nationals should obtain a **long-stay visa and/or a residence permit** for the purposes of work, study or family reunification. Applicants for long-stay visas and/or residence permits are also required to provide credible and verifiable documentation of their identity,[9] and to satisfy the other conditions applicable for the granting of the visa or permit. As in other migration procedures, however, the need to verify this documentation and link it to the applicant creates challenges for the responsible authorities. Moreover,

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[5] EASO, 'Age assessment practice in Europe, December 2013', available at:
https://www.easo.europa.eu/sites/default/files/public/EASO-Age-assessment-practice-in-Europe1.pdf, last accessed on 24th March 2017.
[6] See Eurostat, 'Asylum applicants considered to be unaccompanied minors by citizenship, age and sex Annual data (rounded)',
[migr_asyunaa], available at http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_asyunaa&lang=en, last accessed on 24th March 2017, last accessed on 24th March 2017.
[7] See the Complete statistics on short-stay visas issued by the Schengen States available from the European Commission website at
https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en#stats, last accessed on 5th April 2017.
[8] European Commission, Commission Staff Working Document, 'Evaluation of the implementation of Regulation (EC) No 767/2008 of the European Parliament and Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) / REFIT Evaluation', SWD(2016) 328 final, 14.10.2016.
[9] A partial exception to this rule concerns family reunification. While in family immigration cases the obligation for the applicant to establish and clarify the identity of the applicant is also stronger than in the asylum procedure, if it is impossible to get the requisite documents, the authorities may resort to other means in order to identify the person and ascertain the family relationship. See Oxford Research, 'Comparative study of ID management in immigration regulation – Norway, Sweden, the Netherlands and United Kingdom', 2013, available at: https://www.udi.no/statistikk-og-analyse/forsknings-og-utviklingsrapporter/comparative-study-of-id-management-in-immigration-regulation.-norway-sweden-the-netherlands-and-united-kingdom-2013/, last accessed on 5th April 2017.

the EU rules on free movement within the Union mean that this is not only a national concern but one in which national capacities and practices have consequences for all (Member) States.

The Study will also look into the **technical solutions and methodologies** used by the Member States to support the identification process. Identity management is an area where technical innovations are occurring at a fast pace. To support the identification of third-country nationals in the immigration process, the EU has three main centralised information systems (i) the Schengen Information System (SIS) with a broad spectrum of alerts on persons and objects, (ii) the Visa Information System (VIS) with information on short-stay visas, and (iii) the EURODAC system with fingerprint information of applicants of international protection and third-country nationals who have crossed the external borders irregularly. All three systems work on the basis of biometric technology, whereby unique identifiable attributes of people are used for identification and authentication.[10] In addition, at the national level Member States use various methods to help establish migrants' identity or, at the very least, their nationality, such as language analysis and interviews.

2   DEFINITIONS

The following key terms are used in the Common Template. The definitions are taken from the EMN Glossary v4.0[11] unless specified otherwise in footnotes.

The EU acquis does not give a definition of "identity." Whilst, for the purposes of this study, identity is also understood to include a person's nationality, more specific criteria used by the (Member) States are requested in Section 1.3. On the basis of the responses received, the Synthesis Report will then consider commonalities amongst the (different) definitions used. As a starting point, within the context of this Study, **identity** is defined as follows: "a unique set of characteristics related to a person such as name, date of birth, place of birth, nationality, biometric characteristics, etc. making it possible to individualize a person." For a definition of **identification** and **identity verification**, see subsection **Error! Reference source not found.** above.

Other relevant definitions are:

'Applicant for international protection': is defined as "a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken".

'Application for international protection': is defined as "a request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection, outside the scope of Directive 2011/95/EU,[12] that can be applied for separately".

'Asylum seeker' is defined in the global context as "a person who seeks safety from persecution or serious harm in a country other than their own and awaits a decision on the application for refugee status under relevant international and national instruments; and in the EU context as a person who has made an application for protection under the Geneva Convention in respect of which a final decision has not yet been taken."

'Compulsory return' in the EU context is defined as "the process of going back – whether in voluntary or enforced compliance with an obligation to return– to:
- one's country of origin; or
- a country of transit in accordance with EU or bilateral readmission agreements or other arrangements; or
- another third country, to which the third-country national concerned voluntarily decides to return and in which they will be accepted.

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[10] Biometric institute: Definition of biometrics, available at: http://www.biometricsinstitute.org/pages/definition-of-biometrics.html, last accessed on 24th March 2017.

[11] Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf, last accessed on 24th March 2017.

[12] Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, OJ L 337, 20.12.2011.

Synonym: Forced return

'Forced return' is defined in the EU context as "the process of going back – whether in voluntary or enforced compliance with an obligation to return– to: one's country of origin; or a country of transiting accordance with EU or bilateral readmission agreements or other arrangements; or another third country, to which the third-country national concerned voluntarily decides to return and in which they will be accepted."

Synonym(s): compulsory return, removal, refoulement

'Irregular stay': is defined as "the presence on the territory of a Member State, of a third-country national who does not fulfil, or no longer fulfils the conditions of entry as set out in Art. 5 of the Schengen Borders Code or other conditions for entry, stay or residence in that Member State".

'Rejected applicant for international protection': is defined as "a person covered by a first instance decision rejecting an application for international protection, including decisions considering applications as inadmissible or as unfounded and decisions under priority and accelerated procedures, taken by administrative or judicial bodies during the reference period".

'Residence permit': is defined as "any authorisation issued by the authorities of an EU Member State allowing a non-EU national to stay legally in its territory, in accordance with the provisions of Regulation 265/2010 (Long Stay Visa Regulation)."[13]

'Return decision': is defined as "an administrative or judicial decision or act, stating or declaring the stay of a third-country national to be illegal and imposing or stating an obligation to return".

'Return': is defined as "the movement of a person going from a host country back to a country of origin, country of nationality or habitual residence usually after spending a significant period of time in the host country whether voluntary or forced, assisted or spontaneous".

'Risk of absconding': is defined as "in the EU context, existence of reasons in an individual case which are based on objective criteria defined by law to believe that a third-country national who is subject to return procedures may abscond".

'Third-country national': is defined as "any person who is not a citizen of the European Union within the meaning of Art. 20(1) of TFEU and who is not a person enjoying the Union right to free movement, as defined in Art. 2(5) of the Schengen Borders Code".

'Unaccompanied minor': is defined as "a minor who arrives on the territory of the Member States unaccompanied by the adult responsible for them by law or by the practice of the Member State concerned, and for as long as they are not effectively taken into the care of such a person. It includes a minor who is left unaccompanied after they have entered the territory of the Member States."

Synonym(s): UASC, unaccompanied and separated child

In addition, the forthcoming EMN Glossary 5.0 (2017) includes the following entries that may be relevant:

'Establishment of identity of individuals in international protection': is defined as "process which is commonly carried out on the basis of a review of documentary evidence, but which makes use of different procedures and methods e.g. a physical-technical examinations of the documents, investigations in the country of origin via the embassies, the taking of finger prints, speech-text-analysis and age assessment, when documentary evidence is inauthentic, inadequate, insufficient or absent."

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[13] Regulation (EU) No 265/2010 of the European Parliament and of the Council of 25 March 2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa, OJ L 85, 31.3.2010

'***False and Authentic Documents Online':*** is defined as "a European Union internet-based image-archiving system set up to support the rapid sharing between EU Member States of images of genuine, false and forged documents in order to aid the combating of irregular migration and the use of fraudulent documents."

'***Language analysis for the determination of origin':***, is defined as "analysis of mainly spoken, but also written, language as a method for helping to establish the nationality, region or ethnic origin of applicants for international protection."

'***Public Register of Authentic Travel and Identity Documents Online':***, is defined as "a reference database containing information about authentic travel and identity documents and other important documents issued by authorities from EU Member States and Schengen countries and some third countries."

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Top-line "Factsheet" (National Contribution)

National contribution (one page only)

Overview of the National Contribution – drawing out key facts and figures from across all sections of the Study, with a particular emphasis on elements that will be of relevance to (national) policy-makers.

Current study focuses on the challenges and practices for establishing applicants´ identity in the migration process in Estonia.

Establishing applicants´ identity is an important part of the proceedings of international protection, forced return, long and short stay visas and residence permits. However, taking into account the low number or applicants for international protection, it cannot be regarded a major challenge in the field of international protection. Moreover, if the applicant does not have any documents on him his/her, the identity is usually determined based on his/her statements and the absence of documents does not influence granting international protection.

In return procedures it has occurred, that statements may not be sufficient enough to successfully proceed with the return of the applicant to his/her country of origin. There have occurred cases, where it has not been possible to return some TCNs to their country of origin due to the difficulties in establishing their true identity. Although there have been few such cases, it is a visible indicator of the importance of establishing identity of a TCN.

In the proceedings of visitor visas and residence permits, establishing identity of the applicant is significant since it is not possible to get a visa nor residence permit without establishing the identity of a TCN.

The national authority responsible for establishing the identity of a TCN is Estonian Police and Border Guard Board.[14] Identity of TCN is checked at the border or established during the proceedings of international protection, return, granting visas or residence permits. In establishing applicants identity PBGB officials may use the help of Travel Document Evaluation Centre which is a sub-unit under PBGB. The recognition of various documents as travel documents is administrated through the Consular Department of the Ministry of Foreign Affairs.[15]

Although there are no significant problems or shortcomings in the field of establishing applicants identity, PBGB is constantly working on the improvement of identity establishment by upgrading and developing databases, training officials and making use of European databases mostly in the proceedings of international protection but also forced return.

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[14] *PBGB*
[15] *MFA*

Section 1: The National Framework

The aim of this Section is to provide an insight into the scale and scope of the issue at national and EU level, as evidenced by quantitative and qualitative information. The section will also analyse the extent to which the processes for establishing identity are laid down in legislation across (Member) States, and the institutional framework for these processes. Differences in the capacity of (Member) States to meet the challenges identified (e.g. in terms of having the (trained) human resources needed, being able to draw on expertise, access databases, or have a legal basis for using certain methods) will be presented.

SECTION 1.1 CHALLENGES IN RELATION TO IDENTITY MANAGEMENT IN THE MIGRATION PROCESS (IN RELATION TO PROCEDURES ON INTERNATIONAL PROTECTION, RETURN, VISA AND RESIDENCE PERMITS)

Q1. Is the issue of establishing identity considered an issue/ challenge within the framework of the procedure for?

a) Considering the need for international protection?; *No*

b) Preparing for the forced return of a rejected applicant for international protection to their (presumed) country of origin?; *Yes*

and

c) Verifying applications for the following categories:

- Visitors visa; *No*

Residence permits issued for:

- Family reasons; *Yes*

- Study reasons; *Yes*

- Remunerated activities; *Yes*

- Non-EU harmonised protection status (i.e. resident permit on humanitarian or medical grounds. *N/A*

If Yes, please briefly outline for any or all the cases above the main issues, challenges and difficulties within your (Member) State (e.g. no identification documents, false documents, multiple identities, applicants from certain third countries)

> a) *Identification of TCNs might be considered a challenge (although not a significant one) only if they do not have any documents on them. In such cases, establishing the identity of an applicant is based on his/her statements. There have been cases, where an applicant has used false identity. This brings additional administrative burden since the identification process needs to be done again. If a TCN or applicant has documents on him but he/she uses falsified document with his own identity when entering the country, the falsified document will be identified already at the border. There are not many cases where falsified documents have been used, but in such cases a TCN or an applicant usually explains during the interview the cause of using a falsified document (mainly because it was the only way to leave his/her country of origin either on his own or using the help of smugglers).*
> b) *Establishing identity is a crucial process in preparing for a forced return of a rejected applicant for international protection to their country of origin. Usually the applicants identity is already established prior to the return proceedings and therefore is he/she not identified for the second time. If PBGB has not identified or has trouble with identifying during the return process, help from Ministry of Foreign Affairs and embassies is used. Moreover, the identity of the returnee has to be verified by the country of origin.[16]The help of Eurlo and Eurint networks are also used in the process of identity establishing.[17]*
> c) *Regarding visitor visas, establishing identity is not considered a significant issue/challenge.*

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[16] *Interview with PBGB expert, 16.05.2017.*
[17] *Ministry of the Interior comments, 26.07.2017.*

> *Residence permit is connected with the individual. Therefore the main objective is to establish the identity of the applicant and if the person is who he/she claims to be. There have been cases where applicants have tried to use other identity to gain a residence permit. In residents permit proceedings it is obligatory to have identity document. The PBGB controls the authenticity of the document. Also PBGB takes fingerprints during the first application in order to avoid identity theft later on.[18]*

Q2a. Please also indicate which factors have contributed to the issues identified in Q1 (*e.g. the volume of cases where no credible documentation is available has increased, the measures used to substantiate the applicants' identity are considered ineffective, there is no enough funding or qualified staff etc.*).

Please support your answers with reference to statistics (e.g. those presented under Section 1.2 below), research or any other sources of information (e.g. media debates, case-law, policy documents, practitioners' views).

> *There is no available statistics regarding the usage of fake documents when applying for residence permit. During the year there might occurred few isolated cases of fake documents or identity theft, but it is not possible to say that the volume of cases where no credible documentation available has increased.[19]*

Q2b. In relation to Q2a above, has your (Member) State experienced a change in the number of received applications for international protection and irregular migrants in recent years? *No*

If Yes, was this change an important reason for the above-mentioned challenges and difficulties? *No*

If Yes, please further elaborate on how this factor has contributed to the identified challenges and difficulties.

> *There are not many such cases, possible only one or two cases during the year. In 2016 there were over 150 applicants of international protection. This year the numbers seems not to rise above it. There has occurred one incident where a false identity has been used by quota refugees and where new procedure of international protection has been initiated with the true identity.[20]*

Q3. Has your (Member) State faced challenges in considering asylum applications/ implementing the return of third-country nationals as a result of their identity not being acknowledged by the (presumed) country of origin? Yes

If Yes, please provide the list of countries of (claimed) origin for which establishing identity was considered to be particularly difficult as of 31st December 2016, (i) when considering asylum applications; (ii) for implementing return.

> *In the case of forced returns, there have been incidents when it is not possible to establish the identity of the TCN because the absence of documents or because the TCN has given false statements about his/her identity. Such problems have occurred with the citizens of Vietnam, Mali and also Guinea.[21]*

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[18] *Interview with PBGB expert, 10.05.2017.*
[19] *Interview with PBGB expert, 10.05.2017.*
[20] *Interview with PBGB expert, 10.05.2017.*
[21] *Interview with PBGB expert, 16.05.2017.*

SECTION 1.2 STATISTICAL INFORMATION

Q4. Please provide, to the extent possible, the following statistics (with their source) along with, if necessary, an explanatory note to interpret them if, for example, the statistics provided are partial, had to be estimated (e.g. on the basis of available statistics that differ from the ones requested below, or of first-hand research) or if they reflect any particular trends (e.g. a change in policy, improved methods of establishing identity, a change in the country of origin of applicants for international protection or of rejected asylum seekers, etc.) If statistics are not available, please try to indicate an order of magnitude. Statistics already available through Eurostat have not been requested in order to facilitate the task of filling in the Common Template.

Table 1: Statistical information on international protection and return procedures

	2012	2013	2014	2015	2016	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)
						If statistics cannot be provided, please indicate the reasons why,
						˄ The necessary registrations are not made; Yes/No
						˄ The registered information cannot easily be extracted for reporting and statistics; Yes/No
						˄ The statistics are only produced for internal use, and are not available to the public. Yes/No
						˄ Other reasons, please describe:
Number of applicants for international protection whom identity was not documented[22] at the time when the application for international protection was lodged[23]	32	52	46	53	27	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)
						If statistics cannot be provided, please indicate the reasons why,
						˃ *The necessary registrations are not made; Yes/No*
						˃ *The registered information cannot easily be extracted for reporting and statistics; Yes*
						˃ *The statistics are only produced for internal use, and are not available to the public.* Yes/No
						Other reasons, please describe:

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[22] Through the presentation of a formal identity document (identity card or passport) or other document(s) accepted in the Member State for the purposes of identity verification (e.g. driver's license).

[23] *The identity of such applicants was established based on their sayings (during interview)*

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						Additional Information
Number of applicants for international protection for whom identity was wholly or partially[24] established during the asylum procedure thereby allowing the relevant authorities to reach a particular decision on the application for international protection (e.g. grant, refuse, defer)[25]	77	97	157	231	111	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) If statistics cannot be provided, please indicate the reasons why, › The necessary registrations are not made; Yes/No › The registered information cannot easily be extracted for reporting and statistics; Yes/No › The statistics are only produced for internal use, and are not available to the public. Yes/No Other reasons, please describe:
Total Number of Positive Decisions for applicants for international protection whose identity was not documented[26] at the time of application[27]	4	3	11	16	18	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) If statistics cannot be provided, please indicate the reasons why, › The necessary registrations are not made; Yes/No › The registered information cannot easily be extracted for reporting and statistics; Yes/No › The statistics are only produced for internal use, and are not available to the public. Yes/No Other reasons, please describe:
Total Number of Positive Decisions for applicants for international protection whose identity was considered sufficiently established by the decision-making authorities[28]	23	10	23	100	81	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) If statistics cannot be provided, please indicate the reasons why, › The necessary registrations are not made; Yes/No › The registered information cannot easily be extracted for reporting and statistics; Yes/No

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[24] For example, if some elements of identity (e.g. nationality) could be established but not others (e.g. full name, date of birth).
[25] *Identity was established based on the sayings of the applicant or using documents*
[26] Through the presentation of a formal identity document (identity card or passport) or other document(s) accepted in the Member State for the purposes of identity verification (e.g. driver's license).
[27] *The identity of such applicants was established based on their sayings (during interview)*
[28] *Identity was established based on the sayings of the applicant or using documents*

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					Additional Information
Total Number of Negative Decisions for applicants for international protection whose identity was not documented[29] at the time of application[30]	23	25	15	46	23	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) If statistics cannot be provided, please indicate the reasons why, › The necessary registrations are not made; Yes/No › The registered information cannot easily be extracted for reporting and statistics; Yes/No › The statistics are only produced for internal use, and are not available to the public. Yes/No Other reasons, please describe:
Total Number of Negative Decisions for applicants for international protection whose identity was not considered to be sufficiently established by the decision-making authorities	N/A	N/A	N/A	N/A	N/A	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) If statistics cannot be provided, please indicate the reasons why, › The necessary registrations are not made; Yes/No › The registered information cannot easily be extracted for reporting and statistics; *Yes* › The statistics are only produced for internal use, and are not available to the public. Yes/No Other reasons, please describe:
Total Number of (Forced)[31] Returns undertaken of all rejected applicants for international protection						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) If statistics cannot be provided, please indicate the reasons why, › The necessary registrations are not made; Yes/No

› The statistics are only produced for internal use, and are not available to the public. Yes/No

Other reasons, please describe:

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[29] Idem.

[30] *The identity of such applicants was established based on their sayings (during interview)*

[31] While the scope of this Focussed Study (with respect to Returns) includes only the forced return of rejected applicants for international protection, it is acknowledged that distinguishing between forced and voluntary returns in official statistics may not be possible. Where possible, do make this distinction.

Challenges and practices for establishing applicants' identity in the migration process

					› *The registered information cannot easily be extracted for reporting and statistics;* Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*
Total Number of (Forced)[32] Returns of rejected applicants for international protection whose identity was established at the time of return	N/A	N/A	N/A	N/A	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes › *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*
Total Number of (Forced)[33] Returns of rejected applicants for international protection whose return could not be executed due to the authorities of the (presumed) country of origin refusing to recognise their nationals or considering their identity as not sufficiently[34] established	N/A	N/A	N/A	N/A	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes › *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*

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[32] Idem.

[33] Idem.

[34] For example if the authorities were unable to formally identity the third-country national by nationality, surname, first name and date of birth and support such identification with the documents required by the third county.

Table 2: Statistical information on other migration-related procedures

	2012	2013	2014	2015	2016	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)
Total Number of visas applied for in consulates in third countries[35]	N/A	N/A	N/A	N/A	N/A	*If statistics cannot be provided, please indicate the reasons why,* > *The necessary registrations are not made; Yes/No* > *The registered information cannot easily be extracted for reporting and statistics; Yes/No* > *The statistics are only produced for internal use, and are not available to the public. Yes/No* > *Other reasons, please describe:*
Total Number of visas refused in consulates in third countries[36]	N/A	N/A	N/A	N/A	N/A	*If statistics cannot be provided, please indicate the reasons why,* > *The necessary registrations are not made; Yes/No* > *The registered information cannot easily be extracted for reporting and statistics; Yes/No* > *The statistics are only produced for internal use, and are not available to the public. Yes/No*

The "Additional Information" column header for each data row also includes:

Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)

Other reasons, please describe:

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[35] If your Member State is part of the Schengen area this statistics are collected at EU level and need not be repeated
[36] Idem.

Challenges and practices for establishing applicants' identity in the migration process

Total Number of visas refused in consulates in third countries due to the applicant having presented a travel document which was false, counterfeit or forged	27	7	4	25	1	*Other reasons, please describe:* Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* ➢ *The necessary registrations are not made;* Yes/No ➢ *The registered information cannot easily be extracted for reporting and statistics;* Yes/No ➢ *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*
Total Number of residence permits for remunerated activities refused due to the identity of the applicant not being considered sufficiently established	N/A	N/A	N/A	N/A	N/A	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* ➢ *The necessary registrations are not made;* Yes ➢ *The registered information cannot easily be extracted for reporting and statistics;* Yes/No ➢ *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*
Total Number of residence permits for study purposes refused due to the identity of the applicant not being considered sufficiently established	N/A	N/A	N/A	N/A	N/A	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) *If statistics cannot be provided, please indicate the reasons why,* ➢ *The necessary registrations are not made;* Yes ➢ *The registered information cannot easily be extracted for reporting and statistics;* Yes/No ➢ *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*

Challenges and practices for establishing applicants' identity in the migration process

	2012	2013	2014	2015	2016	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)
Total Number of residence permits for family reasons refused due to the identity of the applicant/ the family relationship not being considered sufficiently established	N/A	N/A	N/A	N/A	N/A	*If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*

Table 3 Statistical information on methods used to establish identity

	2012	2013	2014	2015	2016	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)
Total Number of Cases in which language analysis was performed to establish the identity of the third-country national	N/A	N/A	N/A	N/A	N/A	*If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes/No › *The statistics are only produced for internal use, and are not available to the public.* Yes/No › *Other reasons, please describe:* *If statistics cannot be provided, please indicate the reasons why,* › *The necessary registrations are not made;* Yes/No › *The registered information cannot easily be extracted for reporting and statistics;* Yes › *The statistics are only produced for internal use, and are not available to the public.* Yes/No *Other reasons, please describe:*

						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)
Total Number of Cases in which an age assessment was performed to determine whether the third-country national was a minor	N/A	N/A	N/A	N/A	N/A	N/A	If statistics cannot be provided, please indicate the reasons why, ＞ The necessary registrations are not made; Yes/No ＞ The registered information cannot easily be extracted for reporting and statistics; Yes ＞ The statistics are only produced for internal use, and are not available to the public. Yes/No Other reasons, please describe:
Total Number of Cases in which a DNA Analysis was used to establish the family relationship in family reunification cases	0	0	0	0	0	0	If statistics cannot be provided, please indicate the reasons why, ＞ The necessary registrations are not made; Yes ＞ The registered information cannot easily be extracted for reporting and statistics; Yes/No ＞ The statistics are only produced for internal use, and are not available to the public. Yes/No Other reasons, please describe:
Total Number of Cases in which Interviews were used to determine probable country and/or region of origin	N/A	N/A	N/A	N/A	N/A	N/A	If statistics cannot be provided, please indicate the reasons why, ＞ The necessary registrations are not made; Yes/No ＞ The registered information cannot easily be extracted for reporting and statistics; Yes ＞ The statistics are only produced for internal use, and are not available to the public. Yes/No Other reasons, please describe:

SECTION 1.3 RELEVANT EU AND NATIONAL LEGISLATION

EU acquis

[To be provided by the EMN Service Provider]

National legislation

Q5. Has the legislative basis for the procedures used to determine identity within the procedure for international protection and/or return been changed since the 2013 EMN Study on 'Establishing identity'? *No*

If 'yes', please describe the reasons for this change *(e.g. whether this is due to a change in the number of asylum applications and irregular migrants in your (Member) State as of 2014).*

> *Although the legislations concerning both international protection and return have been amended[37], the legislative basis for the procedures used to determine identity has not changed.*

Q6. Is the process used when verifying the identity of third country applicants for visitors' visa, work and study permits and family reunification permits, laid down in national legislation? *Yes*

If Yes, briefly specify which legislative documents regulate the process of identity determination in relation to these procedures.

> *Articles 24-28 of the Aliens Act[38] would apply, regulating the identification and verification of person´s identity.*

SECTION 1.4 THE INSTITUTIONAL FRAMEWORK AT NATIONAL LEVEL

Q7. Have there been any changes concerning which national authorities have the responsibility for establishing the identity of applicants for international protection and return following the 2013 EMN Study on 'Establishing identity'? *No*

If 'yes', please describe those changes and specify whether they are a consequence of a surge/decrease in asylum applications and irregular immigration in recent years.

> *No.*

Q8. Which national authorities have the responsibility for verifying the identity of third country applicants for visitors' visa and permits for the purposes of study, family reunification and remunerated activities? Please describe which authorities take part in which procedures in your (Member) State and specify the name of the relevant authorities below (providing an English translation if possible, *e.g. Rajavartiolaitos – Finnish Border Guard; Migrationsverket – Swedish Migration Agency*).

[Please insert your response below and also complete the summary table provided in Annex 1]

> *Estonian foreign representations processing visa applications (22 representations) and external service providers (2 ESPs acting in 6 third countries according to agreements with MFA and representations) are responsible for verifying identity of the visa applicants if applicable. Estonian Police and Border Guard Board (Politsei- ja Piirivalveamet) is responsible for identifying persons crossing the border, applying for visa on the border or applying for visa/prolongation of period of stay in Estonia, as well as persons applying for residence permits.*

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[37] *Act on Granting International Protection to Aliens in force from 18.01.2017 and Obligation to Leave and Prohibition on Entry Act in force from 18.01.2017.*
[38] *Aliens Act, Articles 24-28, RT I, 26.06.2017, 71, available at:* www.riigiteataja.ee

Q9. For each of the migration procedures considered (applications for international protection, returnees, visa and residence permit applicants), please briefly describe the different steps followed to establish the identity of third country nationals, including:

- Parts of the process which have been automated;[39]

- Biometric technologies used, if any;

- Identification/ identity verification tasks carried out by a decision-maker or specialised officer;

- Centralised or decentralised identification function(s).

[Insert response in table in Annex 2]

Q10. Does your (Member) State have in place specific procedures to establish the identity of third-country nationals within the context of exceptional migratory flows *(e.g. under the EU 'Hotspot' approach)? No*

If Yes, please briefly describe the various steps followed to establish the identity of third-country nationals within the context of such procedures, explaining in particular how these differ from the regular procedures described in response to **Q9** above.

> *There are no specific procedures.[40]*

Q11. Does your (Member) State have a central competence centre or similar entity for issues related to identification/ identity verification? *Yes*

If Yes, is that centre responsible for?

- Issues relating to the determination of identity in respect of the procedure for granting international protection OR in respect of the procedure for executing the return of rejected asylum seekers) OR in respect of third country applicants for visa and residence permit, OR in respect of several (if so, specify which) or all of these procedures

- Issues relating to the verification of documents in respect of the procedure for some or all of the abovementioned immigration categories.

> *Yes, however there is no separate competence centre that deals with document analysis and identity verification alone. In PBGB there is Travel Document Evaluation Centre - a sub-unit of PBGB that evaluates documents provided by applicants for international protection, third country applicants for residence permit and others whose documents or identity needs to be evaluated and verified. This unit evaluates documents mostly for PBGB.*
>
> *On national level there is Estonian Forensic Science Institute that has also the competence to evaluate the validity of documents. The institute is under the Ministry of Justice and it provides forensic expertise mainly in criminal cases. It also has the necessary facilities and equipment to evaluate the authenticity of documents. The recognition of various documents as travel documents is administrated through the Consular department of the Ministry of Foreign Affairs.*

If Yes:

- Has such Centre developed its own database / reference base for:

  - Genuine documents? *Yes*

  - False documents? *Yes*

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[39] Automation is defined as 'The use or introduction of automatic equipment in a manufacturing or other process or facility' (see Oxford Dictionary https://en.oxforddictionaries.com/definition/automation, last accessed on 24th March 2017). For example, the use of a document reader would be understood as partially automating the task of performing document checks).

[40] *Interview with PBGB expert, 25.08.2017.*

- Does such Centre make use of the database iFADO (iPRADO) for checking false ID documents? *Yes*

- Does such Centre make use of the EDISON system? *Yes*

- Does such Centre provide:

  - Advisory services? *Yes*

  - Assistance through the development of identity management methods? *Yes*

  - Training of frontline officers? *Yes*

  - Support with difficult cases? *Yes*

- Does such Centre have a forensic document unit? *Yes*

If your (Member) State **does not** have a central competence centre, what other institutions / systems are available to provide advisory services/other forms of support to officials responsible for establishing the identity of applicants for international protection or third-country nationals applying for visitors visa and permits for the purposes of study, family reunification and remunerated activities?

N/A

Q12. Are the officials responsible for determining the identity of the abovementioned immigration categories authorised to access EU databases holding identity information about third-country nationals *(e.g. EURODAC, SIS II, VIS, etc.)*? *Yes*

If Yes, please specify the authorities given access to each of the various EU databases *(e.g. asylum authorities have access to EURODAC and VIS)*

PBGB officials/specialists of international protection and return proceedings are authorised to access EURODAC, VIS and SIS.[41] All short-stay visa applicants are checked against SIS and VIS. Long-stay visa applicants are checked against SIS.[42] PBGB Travel Document Evaluation Centre experts can use the assistance of specialists of international protection or return if needed to access the above mentioned databases while conducting additional control on travel documents.[43]

If No, are the officials responsible for determining the identity of these applicants authorised to liaise directly with the authorities who do have access to these databases? Yes/No*.*

If Yes, please specify how such interactions take place

N/A

Section 2: Methods for Establishing Identity

The aim of this Section is to provide an overview of the types of documents and methods used to establish the identity of third-country nationals within the context of various migration processes.

SECTION 2.1: DEFINITION AND DOCUMENTS REQUIRED FOR ESTABLISHING IDENTITY

This Subsection looks into the documents required/ accepted to establish the identity of third-country nationals in various migration processes.

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[41] *Interview with PBGB expert, 10.05.2017.*
[42] *MFA response to EMN query, 15.06.2017.*
[43] *Interview with PBGB expert, 25.08.2017*

Q13 What legal and/or operational definitions (if any) of identity is/are used with regard to (a) applicants for international protection and (b) the return process and (c) applications for short stay and long stay visas and permits for the purposes of study, family reunification and remunerated activities?

> *There is no separate operational definition of identity in international protection or forced return process, however PBGB is obliged to identify a person and verify his identity. The identification and verification of identity is stipulated by Identity Documents Act and also by Aliens Act and Act on Granting International Protection to Aliens (AGIPA). (According to general definition, identity is coherent, comprehensive and unique set of personal data. Personal data that can be entered in a document and therefore used to for identification is by law the holders name; date and place of birth; personal identification code; photo of a facial image; sex; citizenship; fingerprint images; signature or image of signature; iris images; hair colour. Other personal data is if prescribed by a treaty, law or other legislation of general application established on the basis thereof.[44])*
>
> *In addition it is stipulated that in the absence of controllable documents, then, as necessary, he/she shall be identified or his/her identity verified of the basis of other evidence (on basis of biometric data, DNA data or other evidence).[45]*

Q14. What types of documents and other information do the authorities in your (Member) State accept as (contributing to) establishing the identity for the abovementioned immigration categories? For example:

- Official travel documents: Passports, ID cards;

- Other documents: birth certificates, driving licence, divorce certificates, marriage licences, qualification certificates, house books etc.;

- Please indicate if your (Member) State takes informal (residence) documents into consideration in the identification process, such as UNHCR registration documents.

Table 4 Documents accepted as (contributing to) establishing the identity

Type of document	(a) applicants for international protection[46]	(b) for the return process[47]	(c) third country applicants for visitors visa and permits for the purposes of study, family reunification and remunerated activities[48]
Official travel documents: Passports, ID cards	*Yes* *If 'yes' please specify which document(s)* *Passport and ID cards.*	*Yes* *If 'yes' please specify which document(s)* *Passport and ID cards.*	*Yes* *If 'yes' please specify which document(s)* *Passports recognised by Estonia.*
Other documents: birth certificates, driving licence, divorce certificates, marriage licences, qualification	*Yes* *If 'yes' please specify which document(s)* *Birth certificate is used for establishing identity of minors mostly.*	*Yes* *I 'yes' please specify which document(s)* *All the mentioned documents contribute and*	*No* *If 'yes' please specify which document(s)*

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[44] *Identity Documents Act, Article 9 (3), RT I, 22.03.2017, 2, available at:* www.riigiteataja.ee
[45] *AGIPA, Article 13³ (2), RT I, 03.01.2017, 14, available at:* www.riigiteataja.ee
[46] *Interview with PBGB expert, 10.05.2017.*
[47] *Interview with PBGB expert, 16.05.2017.*
[48] *MFA response to EMN query, 15.06.2017.*

certificates, house books etc.		*are used in establishing the identity if needed.*	
Informal (residence) documents, such as UNHCR registration documents	*No* *If 'yes' please specify which document(s)* *Other documents are used as additional evidence.*	*No* *If 'yes' please specify which document(s)* *Other documents are used as additional evidence along with the statements given during an interview.*	*No* *If Yes, please specify which document(s)*

Q15a. To the extent possible, please indicate whether <u>copies</u> are accepted by the relevant authority(ies) and which type of documents are considered by the national authorities as core or supporting documents.

> *Identity of a TCN is established using original documents of which copies are made. Copies are not used for establishing identity but exceptions can occur.[49]*

Q15b. Which are the major issues faced by your (Member) State concerning <u>determining the authenticity (or genuineness) of documents</u>?

> *In determining the authenticity of documents, issues may occur with documents unknown to the officials. In such cases the official tries to identify the document using iFADO or uses the help of PBGB document experts.[50]*

Q15c. Have any of these issues changed compared to those described in your contribution to the 2013 EMN Study on 'Establishing identity'? *No.*

If Yes, please indicate the reasons why this has been the case, *e.g. the (Member) State has receiving high numbers of immigrants and asylum seekers in recent years and this has increased the workload of the authorities responsible for verifying documents.*

> *No.*

Q16. In your Member State, are there any <u>national guidelines</u> for the control by the relevant authorities of identity of person and identity documents in the various migration procedures? *No.*

If Yes, please give reference to the relevant guidelines if possible and the procedure under which framework they apply.

> *Document experts of PBGB do not use specific national guidelines in their work, but rather guidelines for separate databases, that help to identify documents. Border guard officials however use separate guidelines when establishing identity at the border.[51]*

Q17. In which situations, and by which authorities, are <u>forged documents</u> most commonly detected in connection with applications for visa and residence permit (*e.g. in border control, by immigration authorities or other state agencies)*?

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[49] *Interview with PBGB expert, 10.05.2017.*
[50] *Interview with PBGB expert, 10.05.2017.*
[51] *Interview with PBGB expert, 25.08.2017.*

> *Forged documents are most commonly detected by PBGB officials who check documents at the border. It is also possible, that the PBGB official conducting the proceedings (international protection or residence permit) or a consul also detects forged documents, but there occur less such cases.[52]*

Q18. Are there any <u>exemptions to the obligation to present an official travel document</u> for third country applicants for visa and residence permit? *Yes*

If Yes, for which groups and/or major nationalities are there exemptions, and are these exemptions stated in national legislation and/or guidelines?

> *The exemption to the obligation to present an official travel document is for minors who do not have to present an official travel document. In case of minors, birth certificate is enough, however, travel document is needed for crossing the border.[53]*

SECTION 2.2: METHODS USED IN THE ABSENCE OF DOCUMENTARY EVIDENCE OF IDENTITY IN THE ASYLUM/RETURN PROCEDURE

This Subsection looks into the methods used in the absence of credible documentation to ascertain the credibility of the third-country national's statements, and the relative weight that is given to the outcomes of the methods used across the (Member) States. The Subsection focuses on the asylum and return procedure, where the absence of credible documentation is a common challenge.

Various methods are listed in the tables below. Where applicable, please succinctly identify any changes introduced with respect to the situation described in the 2013 EMN Study on 'Establishing identity'. For each method listed, please indicate whether any changes introduced since 2013 were made as a result of legislative reforms and/or due to considerations of reliability, efficiency and/or workloads.

Q19a. In your (Member) State, do national authorities make use (or plan to make use) of the methods identified below to establish the identity of third-country nationals subject to asylum/return procedures?

*Please indicate, per method used, who executes the method (i.e. all-round decision makers, in-house specialists or external parties). Please also indicate whether the method is **obligatory** (i.e. enshrined in law), whether it is part of **standard practice** (i.e. used in most cases but not enshrined in law) or whether it is **optional** (i.e. not enshrined in law and used in some cases only).*

Table 5: Methods **used** for establishing identity in the asylum/ return procedure (I)

Method	Applicants for international protection[54]	Return of rejected applicants for international protection[55]
Language analysis to determine probable country and/or region of origin	*Yes: obligatory, part of standard practice or optional* *It is possible to use language analysis put it is not part of a standard procedure.*	*Yes: obligatory, part of standard practice or optional* *It is optional but seldom used.*
Age assessment to determine probable age	*Yes: obligatory, part of standard practice or optional*	*Yes: obligatory, part of standard practice or optional*

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[52] *Interview with PBGB expert, 10.05.2017.*
[53] *Interview with PBGB expert, 10.05.2017.*
[54] *Interview with PBGB expert, 10.05.2017.*
[55] *Interview with PBGB expert, 16.05.2017.*

	If Yes: briefly describe what for and under what conditions. *Although it is not a standard practice, PBGB uses age assessment often in case of doubt in the applicant´s age. The consent of the TCN/applicant is needed however. Since there are not many cases of unaccompanied minors in Estonia, age assessment is not a daily procedure.*	*If Yes: briefly describe what for and under what conditions.* *According to Obligation to Leave and Prohibition to Entry Act it is possible (optional) to assess the age of the alien with the consent of the alien or his/her representative.[56]*
Interviews to determine probable country and or region of origin (or other elements of identity, such as faith and ethnicity)[57]	*If Yes: obligatory, part of standard practice or optional* *PBGB determines the country and region of origin (as well as other elements of identity) using personal interviews, which are conducted with all applicants. That is part of standard procedure.* *It is the right of the applicant to be given a chance for an interview*	*If Yes: obligatory, part of standard practice or optional* *PBGB (as well as Ministry of Foreign Affairs) may conduct an interview with the TCNs if needed during the procedures of forced returns. It is optional.*
Identity related paper and e-transactions with the authorities (e.g. tax, social benefits)	*If Yes: obligatory, part of standard practice or optional* *Optional. Those can be used as additional evidence if the applicant has such documents with him. Since applicants usually don´t have such documents with them and since it is not possible to turn to the authorities of the country of origin, it is not a common practice.* *No*	*If Yes: obligatory, part of standard practice or optional* *Optional. Used as additional evidence.*
Identity related paper and e-transactions with the private sector (e.g. bank)	*If Yes: obligatory, part of standard practice or optional* *Optional and can be used as additional evidence although the occurrence of such documents is not common.* *No*	*If Yes: obligatory, part of standard practice or optional* *Optional. Used as additional evidence.*
Identity related e-transactions in connection with social media	*If Yes: obligatory, part of standard practice or optional* *Optional and can be used as additional evidence in conjunction with other documents and evidence gathered. Usually an additional interview is conducted after it is revealed, that the applicant has for example used identity other than his own.*	*If Yes: obligatory, part of standard practice or optional* *Optional. Used as additional evidence.*

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[56] *Obligation to Leave and Prohibition to Entry Act, Article 12[1], RT I, 03.01.2017, 16, available at:* www.riigiteataja.ee
[57] This would depend on the elements included in your national definition of "identity" used within the procedures covered by this Study. See Section 2.1.

	No	
Smartphones and other digital devices: May your law enforcement/immigration authorities confiscate (temporarily or permanently) such devices and access their content in their efforts to establish or verify an identity?	*If Yes: obligatory, part of standard practice or optional* *Such methods are used but the findings are not absolute proof but considered as additional evidence in conjunction with other findings. If an applicant has a telephone, it is controlled but the person has to give his agreement so that the official can access the data stored in the device.* *No*	*If Yes: obligatory, part of standard practice or optional* *Optional. Used as additional evidence.*
Other	*Please describe, e.g. type of co-operation with or contacts in third countries, such as diplomatic missions.* *Please specify if the method is obligatory, part of standard practice or optional* *Regarding applicants for international protection, an inquiry to Interpol may be initiated by PBGB, however it is not a standard procedure for establishing identity.*	*Please describe, e.g. type of co-operation with or contacts in third countries, such as diplomatic missions* *Please specify if the method is obligatory, part of standard practice or optional* *Estonia has posted a liaison officer to India in connection with Eurlo.*

Table 6 Methods **used** for establishing identity in the asylum/return procedure (II)[58]

Method	Applicants for international protection[59]		Return of rejected applicants for international protection[60]	
	National database	**European database**	**National database**	**European database**
Fingerprints for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *It is obligatory to take fingerprints for comparison. The fingerprints are uploaded to ESTODAC which will send them to EURODAC. In Dublin cases, fingerprints are in*	*If Yes: obligatory, part of standard practice or optional* *Always compare with EURODAC. It is obligatory.*	*If Yes: obligatory, part of standard practice or optional* *It is obligatory to take fingerprints for comparison. The fingerprints are uploaded through ESTODAC.*	*If Yes: obligatory, part of standard practice or optional* *Obligatory. EURODAC and SIS.*

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[58] *Interview with PBGB expert, 10.05.2017.*
[59] *Interview with PBGB expert, 10.05.2017.*
[60] *Interview with PBGB expert, 16.05.2017.*

	addition forwarded for to EFSI for validation.			
Photograph for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No* *Although the applicant´s photo is taken, there is no database to compare the photo.*	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No* *Although the applicant´s photo is taken, there is no database to compare the photo.*	*If Yes: obligatory, part of standard practice or optional* *No*
Iris scans for comparison with National databases	*If Yes: obligatory, part of standard practice or optional* *No*	*NA*	*If Yes: obligatory, part of standard practice or optional* *No*	*NA*
DNA analysis	*If Yes: obligatory, part of standard practice or optional* *No* *If Yes, briefly describe what for and under what conditions.* *Yes. The legislation gives the opportunity to conduct DNA analysis, however it is not part of a standard procedure and it had not occurred in practice.*	*NA*	*If Yes: obligatory, part of standard practice or optional* *No* *If Yes, briefly describe what for and under what conditions.* *The legislation[61] gives the opportunity to conduct DNA analysis.*	*NA*
Other (please describe e.g. type of co-operation with or contacts in third countries, such as diplomatic missions)	*If Yes: obligatory, part of standard practice or optional* *No* *If Yes, briefly describe what for and under what conditions.*	*There is close cooperation with LT; LV; FI and SE. In case of suspicion if an applicant uses false identity, other member states can be consulted (in accordance with law).*	*No*	*By using SIRENE it is possible to make queries to other member states where the alien has a living permit.*

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[61] *Obligation to Leave and Prohibition on Entry Act, Article 31², RT I, 03.01.2017, 16, available at:* www.riigiteataja.ee

Table 7 Methods national authorities **plan to use** for establishing identity in the asylum/ return procedure (I)

Method	Applicants for international protection[62]	Return of rejected applicants for international protection
Language analysis to determine probable country and/or region of origin?	*Yes*: obligatory, part of standard practice or optional *Yes. It is possible to use the help of language experts in cases where it is difficult to determine probable country/region of origin. The means remains obligatory.*	*Yes: obligatory, part of standard practice or optional* *N/A* *There is no information available that indicates any new methods that authorities would plan to use.*
Age assessment to determine probable age	*Yes*: obligatory, part of standard practice or optional *If Yes: briefly describe what for and under what conditions.* *An x-ray can be made of the forearm to determine the age of the applicant. Optional.*	*Yes: obligatory, part of standard practice or optional* *If Yes: briefly describe what for and under what conditions.* *N/A*
Interviews to determine probable country and or region of origin (or other elements of identity, such as faith and ethnicity)[63]	*If Yes*: obligatory, part of standard practice or optional *Yes. Interviews with the applicant are obligatory and are carried out using EASO methodology.* *No*	*If Yes: obligatory, part of standard practice or optional* *N/A*
Identity related paper and e-transactions with the authorities (e.g. tax, social benefits)	*If Yes*: obligatory, part of standard practice or optional *There have been no such cases so far but if needed, the method can be used as additional evidence in conjunction with other documents and evidence gathered.* *No*	*If Yes: obligatory, part of standard practice or optional* *N/A*
Identity related paper and e-transactions with the private sector (e.g. bank)	*If Yes*: obligatory, part of standard practice or optional *There have been no such cases so far but if needed, the method can be used as additional*	*If Yes: obligatory, part of standard practice or optional* *N/A*

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[62] *Interview with PBGB expert, 10.05.2017.*

[63] This would depend on the elements included in your national definition of "identity" used within the procedures covered by this Study. See Section 2.1.

	evidence in conjunction with other documents and evidence gathered. *No*	
Identity related e-transactions in connection with social media	*If Yes: obligatory, part of standard practice or optional* *The method can be used as additional evidence in conjunction with other documents and evidence gathered.* *No*	*If Yes: obligatory, part of standard practice or optional* *N/A*
Smartphones and other digital devices: May your law enforcement/immigration authorities confiscate (temporarily or permanently) such devises and access their content in their efforts to establish or verify an identity?	*If Yes: obligatory, part of standard practice or optional* *Such methods will continually be used, but the findings are not absolute proof. They are considered as additional evidence in conjunction with other findings.* *No*	*If Yes: obligatory, part of standard practice or optional* *N/A*
Other	*Please describe, e.g. type of co-operation with or contacts in third countries, such as diplomatic missions* *Please specify if the method is obligatory, part of standard practice or optional* *NA*	*Please describe, e.g. type of co-operation with or contacts in third countries, such as diplomatic missions* *Please specify if the method is obligatory, part of standard practice or optional* *NA*

Table 8: Methods national authorities **plan to use** for establishing identity in the asylum/ return procedure (II)[64]

	National database	European database	National database	European database
Fingerprints for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional.* *Continue to use existing system.*	*If Yes: obligatory, part of standard practice or optional* *Continue to use, based on Live Scanner.*	*If Yes: obligatory, part of standard practice or optional* *N/A*	*If Yes: obligatory, part of standard practice or optional* *N/A*
Photograph for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional.* *No separate system is planned on*	*If Yes: obligatory, part of standard practice or optional* *It is possible, that in the future, EURODAC*	*If Yes: obligatory, part of standard practice or optional* *N/A*	*If Yes: obligatory, part of standard practice or optional* *N/A*

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	national level for comparing photographs.	*will provide comparison of photographs.*		
Iris scans for comparison with National databases	*If Yes: obligatory, part of standard practice or optional* *No*	*N/A*	*If Yes: obligatory, part of standard practice or optional* *If there will be additional funding, there is a plan to focus more on biometric data for better identity establishing.*	*N/A*
DNA analysis	*If Yes: obligatory, part of standard practice or optional* *No* *If Yes, briefly describe what for and under what conditions.*	*N/A*	*If Yes: obligatory, part of standard practice or optional* *N/A* *If Yes, briefly describe what for and under what conditions.*	*N/A*
Other (please describe, e.g. type of co-operation with or contacts in third countries, such as diplomatic missions)	*If Yes: obligatory, part of standard practice or optional* *No* *If Yes, briefly describe what for and under what conditions.*	*If there is sufficient cooperation with partners, than consultation procedures if possible and needed.*	*N/A*	*N/A*

Q19b. Is the (biometric) identity information given by an asylum seeker matched against identity information available in VIS?

☐ Yes, for all asylum seekers

      ○ Please specify since when these checks have been carried out: *2011*

      ○ Do you produce statistics on the number of matching attempts and the results? *No.*

      ○ What proportion of matchings produce a positive 'hit' (approximately): *N/A*

☐ Yes, for some asylum seekers (who?) _____

      ○ Please specify since when these checks have been carried out: _____

      ○ Do you produce statistics on the number of matching attempts and the results? Yes/No.

      ○ What proportion of matchings produce a positive 'hit' (approximately): _____

☐ No, for:

      ○ Technical reasons

      ○ Legal reasons.

      ○ Other reasons (please specify)

Q19c. Has your Member State introduced any changes in the method(s) used to establish the identity of applicants in the asylum/ return procedure since 2013? Yes/No

If Yes, please outline briefly the rationale behind any changes, explaining e.g. why new methods have been introduced, whether there is a different hierarchy or order in the methods used. If possible, please mention also any new research conducted providing evidence of the reliability of the method(s) used.

No. There haven´t been any significant changes in the methods used to establish the identity of applicants in the asylum or return procedure since 2013. There have been some minor technical changes in the exchange of data with EURODAC central database, but not related with establishing identity.[65]

Q19d. If there has been an increase in the number of applicants for international protection and irregular immigration in your (Member) State in recent years, has this had any effect on the methods used (e.g. certain methods have been prioritised to deal with specific nationalities, the capacity to use certain methods has been under strain due to lack of sufficient staff resources, etc.)? *No*

If Yes, please specify

The number of applicants for international protection is showing decreasing trend for the second year. More priority has been put on the relocation and resettlement programs, where the focus is on identifying whether the applicants are indeed of Syrian or Iraqi nationals. Primarily it is done by assessing documents and cooperating with Greek partners in relocation cases.[66]

Q20. Has your (Member) State issued any guidelines and/or best practices on the use of different methods?

If Yes, please specify

No.

SECTION 2.3: METHODS USED TO VERIFY THE IDENTITY OF THIRD-COUNTRY NATIONALS IN OTHER MIGRATION PROCEDURES

This Subsection focuses on the methods used to verify third-country national's identity within the framework of procedures concerning applications for short-stay visas and residence permits for family and study-related reasons or for the purposes of remunerated activities. With the partial exception of family reunification, where documentary evidence is sometimes missing, within the framework of these procedures applicants are generally required to provide documentary proof of their identity. The challenge thus lies in verifying that the third-country national concerned is who they claim to be.

*Various methods are listed in the tables below. Where applicable, please indicate if the method is **obligatory** (i.e. enshrined in law), is it part of **standard practice** (i.e. used in most cases but not enshrined in law) or is it **optional** (i.e. not enshrined in law and used in some cases only). The rationale for selecting some methods as obligatory or optional may relate to national legislation, outlined in Section 1.2, which your (Member) State may refer to in their replies.*

Q21. Does an applicant for an authorization to stay or residence permit have to present an official travel document? *Yes*

Are there exceptions to this rule? *Yes*. If Yes, please specify:

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[65] *Interview with PBGB expert, 10.05.2017 and 16.05.2017.*
[66] *Interview with PBGB expert, 10.05.2017.*

> *When applying for residence permit, an official travel document recognised by the Republic of Estonia generally needs to be presented, especially when a person is applying the first time. If a person is living in Estonia and wishes to extend his/her living permit, other documents are also applicable, including those that PBGB itself has issued.[67]*

Q22. Do national authorities make use (or plan to make use) of the methods identified below to establish the identity of third-country nationals within the framework of procedures concerning applications for short-stay visas and residence permits for family and study-related reasons or for the purposes of remunerated activities? *Yes*

Please specify by filling in the table below:

Table 9 Methods **used** for establishing identity

Short stay visas [68]		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *Yes. Obligatory for short stay visas.*
Photograph for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Others (please specify)	*NA*	*NA*
Residence permit for study reasons[69]		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Photograph for comparison with National and European databases	*If Yes: obligatory, part of standard practice or optional* *Yes. Is compared with photos in national database. Part of standard procedure.* *No*	*If Yes: obligatory, part of standard practice or optional* *No*
Others (please specify)	*NA*	*NA*
Residence permits for the purposes of remunerated activities		

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[67] *Interview with PBGB expert, 10.05.2017.*
[68] *MFA response to EMN query, 15.06.2017.*
[69] *Interview with PBGB expert, 10.05.2017.*

Method	National database	European database
Fingerprints for comparison with National and European databases	If Yes: obligatory, part of standard practice or optional *No*	If Yes: obligatory, part of standard practice or optional *No*
Photograph for comparison with National and European databases	If Yes: obligatory, part of standard practice or optional *Yes. Is compared with photos in national database. Part of standard procedure.* *No*	If Yes: obligatory, part of standard practice or optional *No*
Others (please specify)	*NA*	*NA*
Residence permit for family reasons		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	If Yes: obligatory, part of standard practice or optional *No*	If Yes: obligatory, part of standard practice or optional *No*
Photograph for comparison with National and European databases	If *Yes*: obligatory, part of standard practice or optional *Yes. Is compared with photos in national database. Part of standard procedure.* *No*	If Yes: obligatory, part of standard practice or optional *No*
DNA analysis	If *Yes*: obligatory, part of standard practice or optional *The law enables to use DNA analysis for identifying a person, however this measure is optional.* *No*	If Yes: obligatory, part of standard practice or optional *No*
Others (please specify)	*NA*	*NA*

Table 10: Methods national authorities **plan to use** for establishing identity[70]

Short stay visas		
Method	**National database**	**European database**

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[70] *Interview with PBGB expert, 10.05.2017 and MFA response to EMN query, 15.06.2017.*

Fingerprints for comparison with National and European databases	If Yes: obligatory, part of standard practice or optional *Yes, obligatory.*	If Yes: obligatory, part of standard practice or optional *No, already using.*
Photograph for comparison with National and European databases	If Yes: obligatory, part of standard practice or optional *No*	If Yes: obligatory, part of standard practice or optional *No*
Others (please specify)		

Residence permit for study reasons		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	If Yes: obligatory, part of standard practice or optional *Yes*	If Yes: obligatory, part of standard practice or optional *No*
Photograph for comparison with National and European databases	If Yes: obligatory, part of standard practice or optional *Yes*	If Yes: obligatory, part of standard practice or optional *No*
Others (please specify)		

Residence permits for the purposes of remunerated activities		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	If Yes: obligatory, part of standard practice or optional *Yes*	If Yes: obligatory, part of standard practice or optional *No*
Photograph for comparison with National and European databases	If Yes: obligatory, part of standard practice or optional *Yes*	If Yes: obligatory, part of standard practice or optional *No*
Others (please specify)		

Residence permit for family reasons		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	If Yes: obligatory, part of standard practice or optional *Yes*	If Yes: obligatory, part of standard practice or optional *No*

Photograph for comparison with National and European databases	If Yes: obligatory, part of standard practice or optional *Yes*	If Yes: obligatory, part of standard practice or optional *No*
DNA analysis	If Yes: obligatory, part of standard practice or optional *No* *The measure is enabled by law, however there is no need to use it in residence permit procedures.*	If Yes: obligatory, part of standard practice or optional *No*
Others (please specify)	*NA*	*NA*

Section 3: Decision-Making Process

This Section looks into how the different methods outlined above are combined to establish the identity of third-country nationals, and their outcomes used to make a decision within the context of various migration procedures

SECTION 3.1 STATUS AND WEIGHT OF DIFFERENT METHODS AND DOCUMENTS TO DETERMINE IDENTITY

Q23. On the basis of the information gathered by the methods outlined in Section 2, how is a decision on the establishment of identity made?

- Are some methods given more weight than others? *Yes*

If Yes, please indicate which methods and why they are considered more reliable, and whether this is laid down in legislation, policy or practice guidelines.[71]

> *Fingerprints comparison has more weight than others is visa application procedures.[72]*

- Does there need to be consistency between the results obtained from the various methods used? Yes/No

If Yes, please specify:

> *N/A*

Q24. Is a 'grading' structure or spectrum used to denote the degree of identity determination (e.g. from "undocumented," over "sufficiently substantiated" or "has the benefit of doubt" to "fully documented and verified")?

If Yes, please briefly describe it and clarify whether any distinction applies between international protection, return and other migration-related procedures in this respect.

> No.

Q25. Are there any future measures being considered with regard to setting up or further elaborating a 'grading' structure?

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[71] Member States may differ significantly in how they deal with applicants for international protection whose statements regarding their identity are not supported by valid documentary evidence, not only in the methods they can or should use, but also in the weight they give to the outcomes of some methods. The aim, therefore, is to highlight these differences, should they exist.
[72] *MFA response to EMN query, 15.06.2017.*

If Yes, please briefly describe it and clarify whether any distinction applies between international protection, return and other migration-related procedures in this respect.

> No.

Application for international protection

Q26a. Does the outcome of the procedure to establish the identity of the applicant for international protection influence a recommendation to 'grant international protection,' 'refuse international protection' or 'defer decision'?

Please describe any changes introduced with respect to what was described in your national contribution to the 2013 EMN study on 'Establishing identity'.

> *International protection is provided for those who are in need of it and the usage of false identity is not basis for denying protection. In cases where there has occurred usage of false identity a new procedure is initiated and the details of using false identity are specified with an additional interview.[73]*

Q26b. If there has been an increase in the number of asylum applicants/ irregular migrants in your (Member) State in recent years, what has been the impact of such increase in the decision-making process? For example:

- Has the decision-making process become more difficult for national authorities? *No*

- Have the authorities stopped using certain methods for identity determination? *No*

- Has the quality of the methods used decreased? *No*

If the answer to any of the above is Yes, please elaborate (with reference to any reports/studies if available)

> *The decision making process itself has not become more difficult but since there are many of those who try to present themselves as Syrian nationals, the applications and documents are more thoroughly examined. Estonian authorities have not stopped using or reduced using certain methods because of increase in the number of applicants or irregular migrants. The quality of methods has not decreased. The authorities are looking for ways to increase the quality of identity establishing procedures.[74]*

Return

Q27a. Does the outcome of identity establishment influence a recommendation to 'defer return'?

Please describe any changes introduced with respect to what was described in your national contribution to the 2013 EMN Study on 'Establishing identity'.

> *There have been no changes.*

Q27b. Are the results of the work to establish identity during the international protection process available to the authorities preparing forced return? Yes/No

Please describe the supplementary steps (if any) that may be needed with respect to identity establishment for the authorities in the receiving country to be prepared to accept the return.

> *Yes. The results are available for the officials responsible for forced return since in both cases, the identity is established by PBGB.[75]*

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[73] *Interview with PBGB expert, 10.05.2017.*
[74] *Interview with PBGB expert, 10.05.2017.*
[75] *Interview with PBGB expert, 16.05.2017.*

Procedure for third country applicants for visa and residence permits

Q28a. Does the outcome of identity establishment influence a recommendation to "grant residence permit" "refuse residence permit," "defer decision"?

Establishing identity is essential for making the decision whether to grant residence permit or not.[76]

Q28b. How important is the establishment of identity compared to other factors considered in making an overall decision? For example, if identity cannot be established, does this *de facto* lead to a negative decision? Are other factors such as family ties, health problems or/and other humanitarian reasons, given more weight than identity determination in some cases? *Yes*

If Yes, please specify

In case it is not possible to establish the identity in residence permit procedure, the proceeding has to be stopped.[77] Also visa application can't be processed, if identity of applicant can't be established.[78]

Section 4: Databases and data procedures

This Section explores which personal data is collected within the framework of migration procedures and which data sharing arrangements are in place.

SECTION 4.1 LEGAL FRAMEWORK

Q29a. Do(es) the identity determination/verification authority(ies) in your (Member) State have Memoranda of Understanding (MoUs) and/or other agreements for the sharing of personal data in place with?

- Other agencies/departments Yes/No.

- Carriers Yes/No.

- Authorities in one or more other countries Yes/No.

- International organisations Yes/No.

- Private entities Yes/No.

- Others Yes/No.

If Yes, please specify the other agency, carrier, countries or organisation/entity, if possible:

Personal data is collected and shared according to the Personal Data Protection Act which corresponds to the EU data protection rules. Minimality principle is applied and personal data is shared with other organisations only in case there is a clear legal basis (e.g. national legislation or international agreement) that prescribes the sharing and also a clear need for the other organisation to receive the data (the need must be clearly related to the work processes of the other organisation). Sharing personal data with other national authorities is prescribed in the national legislation and is conducted over the national secure data exchange layer X-road. Details of such data exchange are specified in a bilateral agreement between two organisations and the agreements are labelled as "for internal use only" documents as they may contain detailed technical information.

Q29b. Please identify any agreements below and if possible share them through attachments. If it is not possible to share the documents, please provide a brief overview of the information they contain

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> *There is no public information that could be shared on this issue. The bilateral agreements may contain detailed technical information about the information systems of the national institutions and are therefore labelled as "for internal use only" documents.*

SECTION 4.2 DATA PROCEDURES AND DATABASES

Q30. Which personal data of individuals is collected in national databases[79] within the framework of the various migration procedures, i.e. biographic (e.g. name, nationality, birthplace, ID-documents) and biometric (e.g. fingerprints, photographs, DNA). Please describe which data is collected for each of the relevant migration procedures and give the name of the relevant databases.

> *There is a separate database for each proceedings.*
>
> *For international protection: Register of granting international protection*
>
> *For return: Database of foreigner who staying and stayed illegally in Estonia*
>
> *For border procedures: Information System PIKO*
>
> *For residence permits: Register of Residence and Work Permits*
>
> *For visa procedures: National Visa Register*
>
> *Personal data of applicants for long-stay visa is collected in visa register, structure of data is almost the same as for short-stay visas.[80]*

SECTION 4.3 USE OF DATABASES IN THE SCREENING PROCESS

Q31. Which identity-related databases are managed by the different national authorities involved in migration processes? *(e.g. the national population register is managed by the police; the national entry/exit system is managed by the border guard authority; the Eurodac National Access Point is managed by the asylum authority).*

> *The databases and registers are in cross-use and the rights of officials using the databases are provided by special laws or regulations.[81]*

Q32a. Which regional, national and international databases, watch lists or reference tools are used for identification purposes, when a third-country national applies for international protection, a visa or residence permit? Please indicate which databases are used for specific procedures through the table below

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[79] EMN NCPs do not need to provide information on the data collected under the framework of EU large-scale information management systems (EURODAC, VIS AND SIS II) as data collection requirements in this area are standardised at the European level and will be detailed directly by the EMN Service Provider in the Synthesis Report.

[80] *MFA response to EMN query, 15.06.2017.*

[81] *Ministry of the Interior comments, 26.07.2017.*

Table 11 Databases, watch list and reference tools used for identity determination in migration-related procedures

	VIS	SIS	EURODAC	National databases and watch lists
International protection	+	+	+	*Register of Residence and Work Permits; Population Register; National Visa Register; Punishment Register. MIS (PBGB proceedings information system), Identity Documents Database.*
Return	+	+	+	+
Short stay visas	+	+	-	+
Long stay visas and residence permit for study reasons	+	+	-	*Register of Residence and Work Permits; Population Register; National Visa Register; Register.*
Long stay visas and residence permits for family reasons	+	+	-	*Register of Residence and Work Permits; Population Register; National Visa Register; Register.*
Long stay visas and residence permits for the purposes of remunerated activities	+	+	-	*Register of Residence and Work Permits; Population Register; National Visa Register; Register.*

Q32b. Are there any data elements that the authorities would consider useful, but are not yet collected or stored?
Yes

If Yes, please specify

> *Collecting and comparing biometric data with databases used by other (Member) States is considered useful.[82] Also it is considered useful to share data that will help to verify the identity of applicants for international protection, such as ID cards, drivers licence and family books.[83]*

SECTION 4.4. RECENT AND PLANNED DEVELOPMENTS

Q33a. Please outline recent major changes in relation to the processing of personal data within the framework of migration-related procedures and databases (national/regional levels), including the following, if applicable:

- Inclusion of new identity elements on individuals in existing systems (i.e. biographic or biometric data)

- New databases, centralisation of databases or inter-connectivity systems.

Q33b. Please outline recent /planned pilots in the field of identity management architecture and data sharing.

> *Visa information System (VIS) application.[84] In addition to that, Database of foreigner who staying and stayed illegally in Estonia and Register of granting international protection are being further developed.[85]*

SECTION 5: DEBATE AND EVALUATION

Q34. Are the (actual or planned) measured described above currently being debated in your Member State? *Yes*

If Yes, please describe the key issues under discussion and the actors involved in the debate. Sources of national debate to include may be national media reports, parliamentary debates, and statements of Non-Governmental Organisations/Civil Society Organisations or International Organisations.

> *ABIS automatic biometric identification system. In Estonia, several databases containing personal biometric data are used at the same time under the jurisdiction of different ministries. Also, for capturing and comparing biometric data, different software is used. The discussion is about bringing all the biometric data into one information system and ensure that processing related procedures are coordinated centrally under the jurisdiction of the Ministry of the Interior.*

Q35. Have (national) data protection authorities or similar entities and/or legal experts assessed any of the measures described above? Yes/No

If Yes, please specify the relevant authorities/ experts, describe what conclusions have they drawn and indicate whether (and if so, how) such conclusions have been taken into account when devising new measures or reviewing existing ones.

> *The Estonian Data Protection Authority is always consulted when new measures involving personal data are developed. At the moment there are no specific conclusions to be presented in the scope of this study.*

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[82] *Interview with PBGB expert, 16.05.2017.*
[83] *Interview with PBGB expert, 10.05.2017.*
[84] *Interview with PBGB expert, 16.05.2017.*
[85] *Ministry of the Interior comments, 26.07.2017.*

SECTION 6: CONCLUSIONS DRAWN FROM THE NATIONAL CONTRIBUTION

This Section will outline the main findings of the Study and present conclusions relevant for policy-makers at national and EU level.

Q36. With regard to the aims of this Focussed Study, what conclusions would you draw from the findings reached in elaborating your National Contribution? What is the relevance of your findings to (national and/or EU level) policy-makers? *Please make any distinction between international protection, the forced return process and other (legal) migration channels.*

Annex 1

With reference to **Q8**, please fill the following table by indicating with an "X" the national authorities/institutions primarily involved in identity establishment procedures for each of the procedures considered

Table 12 National authorities/ institutions involved in identity establishment in various migration procedures

	International protection	Return	Short stay visas	Long stay visas/ permits for family reasons	Long stay visas/ permits for study reasons	Long stay visas/ permits for the purposes of remunerated activities
Consulates/Embassies	X	X	X	X	X	X
Immigration authorities	X	X	X	X	X	X
Asylum authorities	X	X				
Police	X	X	X	X	X	X
Border guard	X	X	X	X	X	X
Security services	X	X				
Identification centre	X	X				
Other (please add rows to specify)	*IOM, Ministry of Foreign Affairs, Red Cross.*					

Annex 2

With reference to **Q9**, please provide a brief explanation of how the identity establishment procedure is organised. For each of the procedures considered, please fill the table below with general information on the different identification steps, including:

Challenges and practices for establishing applicants' identity in the migration process

- Parts of the process which have been automated,[86]
- Biometric technologies used, if any;
- Identification/ identity verification tasks carried out by decision maker or specialised officer;
- Centralised or decentralised identification function(s).

Table 13 Procedural steps taken to establish identity of third-country nationals in various migration procedures

Migration procedure	Steps in the procedure to establish identity
International protection	*In the case of aliens, automated processes are not used. The identity of a TCN/applicant is firstly established by checking documents at the border. If the applicant has no documents on him, the identity is established based on applicants sayings. Also the help of document expert will be used if a question of the documents authenticity should arise later on during the proceedings. If the applicant has provided false documents, an interview will be conducted in order to establish his/her identity and investigate the purpose of using false documents.[87]*
Forced return	*There are no automated procedures in forced return proceedings. PBGB officials deal with each case individually. The identity of a TCN is usually established already before the procedure of forced return. Nevertheless, a case worker dealing with forced return compares the document and person and makes sure that the identity of the person is established correctly. If needed, an additional interview is carried out in order to help establish the identity of a TCN. A photo and fingerprints are taken during the procedure. If needed, a query is made to SIRENE. Administrative procedure follows the verification of TCNs identity.[88]*
Short stay visas	*Applicants are identified using their travel document when lodging the application (if applicable). VIS-registered applicants are identified also by fingerprints, if new fingerprints are collected during lodging.[89]*
Long stay visas/ permits for family reasons	*In the proceedings of residence permits, only the process of producing a document is fully automated. Receiving and proceeding the application is the duty of official. All documents are controlled and scanned individually by an official who also checks if the applicant has submitted the document him or herself. A person shall be identified and his/her identity verified on the basis of a document provided to the PBGB. A photo is taken and scanned and*

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[86] Automation is defined as 'The use or introduction of automatic equipment in a manufacturing or other process or facility' (see Oxford Dictionary https://en.oxforddictionaries.com/definition/automation, last accessed on 24th March 2017). For example, the use of a document reader would be understood as partially automating the task of performing document checks).

[87] *Interview with PBGB expert, 10.05.2017.*

[88] *Interview with PBGB expert, 16.05.2017.*

[89] *MFA response to EMN query, 15.06.2017.*

Challenges and practices for establishing applicants' identity in the migration process

	compared to all photos in the Register of Residence. Fingerprints are also taken with a scanner and compared. If necessary, there will be an additional interview with the applicant.[90]
Long stay visas/ permits for study reasons	In the proceedings of residence permits, only the process of producing a document is fully automated. Receiving and proceeding the application is the duty of official. All documents are controlled and scanned individually by an official who also checks if the applicant has submitted the document him or herself. A person shall be identified and his/her identity verified on the basis of a document provided to the PBGB. A photo is taken and scanned and compared to all photos in the Register of Residence. Fingerprints are also taken with a scanner and compared. If necessary, there will be an additional interview with the applicant.[91]
Long stay visas/ permits for the purposes of remunerated activities	In the proceedings of residence permits, only the process of producing a document is fully automated. Receiving and proceeding the application is the duty of official. All documents are controlled and scanned individually by an official who also checks if the applicant has submitted the document him or herself. A person shall be identified and his/her identity verified on the basis of a document provided to the PBGB. A photo is taken and scanned and compared to all photos in the Register of Residence. Fingerprints are also taken with a scanner and compared. If necessary, there will be an additional interview with the applicant.[92]

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[90] *Interview with PBGB expert, 10.05.2017.*
[91] *Interview with PBGB expert, 10.05.2017.*
[92] *Interview with PBGB expert, 10.05.2017.*