Challenges and practices in Belgium for establishing identity in the different migration procedures

17th EUROPEAN CIVIL STATUS OFFICERS (EVS)

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www.emnbelgium.be

The European Migration Network (EMN)

- **Council Decision** 2008/381/EC

- providing **up-to-date, objective, reliable and comparable information** on migration and asylum

- **multi-institutional** Belgian Contact Point

- National network

- European NCP's in each MS + Norway

- Coordination: European Commission

- REG

What does the EMN produce?

- **Annual policy report**

- **Thematic Studies** (4 per year)

- **Ad hoc queries**

- **Glossary** on Asylum and Migration

- **Informs, Newsletters** (Bulletin & national newsletter)

- **Website**

- https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network_en

- www.emnbelgium.be

Aim of the study

- Overview of the **important challenges** faced by national authorities to reliably establish identity of TCN within the context of various migration related procedures (+scale)

- **Legislative** framework, **methods** and **processes** applied for establishing the identity

- Impact of **increasing number** of migrant arrivals

- Added value of **new technologies**

- **Good practices** as regards to identification and identity management

Scope

- **Identification:** Procedure/system aiming at identifying an unknown person or biometric (Who is this person?)

- **Identity verification:** Is this person who they say they are?

- various **migration related procedures**:

  - Asylum

  - Legal Migration Channels

        - Short Stay

        - Long Stay visa

  - Return

Asylum (International protection)
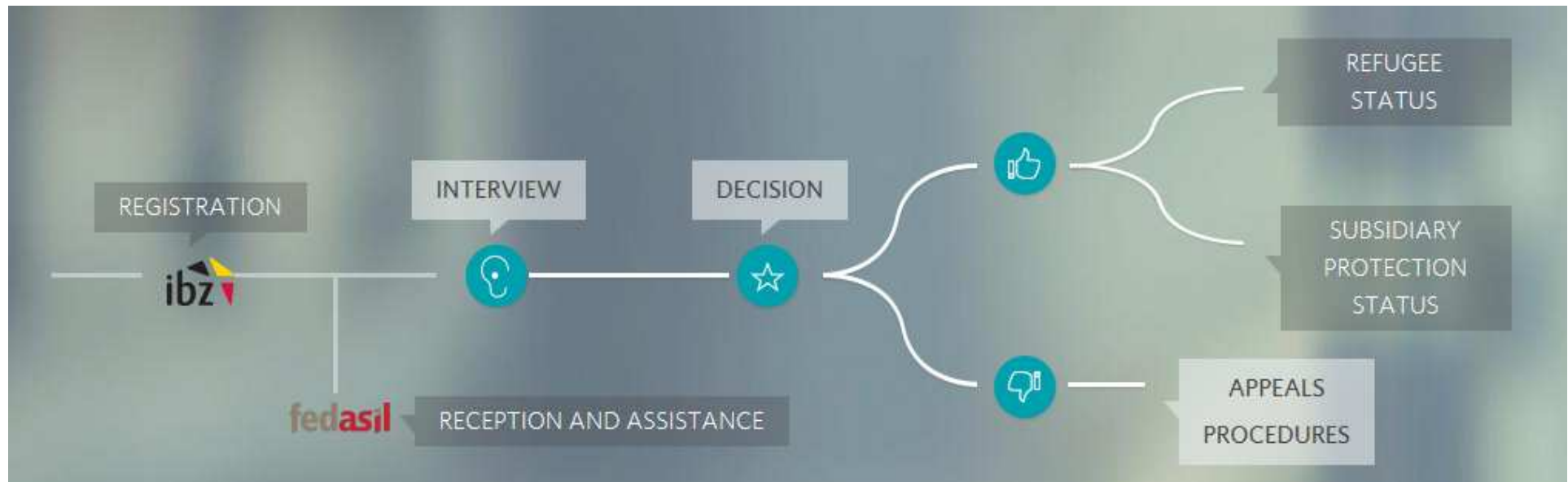
Yearly evolution of the number of persons who introduced a first or a subsequent asylum application in the period 2009-2016

Year	Number of persons who introduced a first application	Number of persons who introduced a subsequent application
2009	17.206	5.748
2010	21.675	4.884
2011	25.583	6.688
2012	18.452	9.899
2013	12.061	9.161
2014	14.131	8.717
2015	39.064	5.696
2016	14.670	4.040

Asylum Applications (Countries of origin)

CITIZEN/TIME	2015	2016
Syria	10.415	2.390
Afghanistan	8.310	2.765
Iraq	9.470	1.180
Somalia	2.090	845
Russia	1.320	725
Other	13.155	10.420
Total	44.760	18.325

Registration of the asylum application

- The **Immigration Office** (IO) records the **identity information** of the applicant, such as name, date of birth, nationality.

- (identity) **documents** are handed over by the asylum applicant

- Upon registration, the IO takes:

  - a **photograph** of the applicant

  - **fingerprints** (from 14 years), an X-ray of the lungs (from 6 years)

  - an X-ray of the hand when there is doubt about the age of an unaccompanied minor → Age Assessment (guardianship service)

- Since 7 March 2016: **pre-registration phase** (security screening)

Fingerprinting at the Immigration Office

Verification in:

- Printrak: national database of the Immigration Office

- **Eurodac:** European database: which MS is responsible for the asylum application under the Dublin III Regulation

  - Category 1: Asylum applicants

  - Category 2: Illegal Border Crossing

  - Category 3: Persons in irregular stay

- Schengen Information System (**SIS II**)

- Visa information System (**VIS**)

- Database of the Belgian Federal Police (ANG)

CGRS: Assessing the asylum applications

- Office of the Commissioner for Refugees and Stateless Persons

- Specialized **protection officers** (geographical sections)

- Verifying the **identity in a broad sense**: name, family composition, nationality, region of origin, ethnic and religious background

- Verifying the asylum story and **assessment** according to the Geneva Convention and CEAS

- Granting of protection status (refugee status or subsidiary protection) or rejection

- Issuing of documents

Using social media to establish identity

- **Facebook** (systematic check)

- Interactions are **public** (liking, joining a group, etc.)

 + mobile device = low privacy setting

- Basic (find friends, email, phone) and advanced searches

- Basic **Facebook training** for all case workers

- Advanced training for specialized units (1F, radicalization, fraud)

- New media unit (specialized COI researchers, Arabic and Russian speakers)

- Making use of anonymous facebook account

Identification in the Asylum Procedure

Challenges:

- Several organisations involved with different missions

- Art 4, 5 (b) AQD: "all relevant elements at the applicant's disposal have been submitted, and a **satisfactory explanation** has been given regarding any lack of other relevant elements"

- Limited range of identification techniques and not possible to contact to country of origin

- Cost/efficiency (not possible to verify all documents submitted)

- Lack of a reliable national register (sub-Sahara and war torn countries)

- Documents = limited value of proof for several countries of origin

Identification in Legal Migration Procedures

- **Visa short stay:** 221,381 issued by BE to TCN in 2016

  - stays up to 90 days

  - So called A and C visas

  - Top Countries of origin: China (20%), India (12%), Congo (11%)

- **National Visa :** 37,586 issued by BE to TCN in 2016

  - Long stay

  - So called D visas

- ➢ in 71% the decision on the visa application is taken by the consular post

Visa short stay

- ID-Documents (Passport) is crucial for identification

- **Visacode** (regulation (EC) No 810/2009): regulation establishing the procedures and **conditions for issuing visas** for transit through or intended stays in the territory of the Member States not exceeding three months in any six-month period. MS have to verify the admissibility of the application by **checking the identity** of the visa holder and the **authenticity and reliability of the** documents submitted.

- MS must create an application file in the **VIS**

Visa Information System (VIS)

- European **information management system** for the exchange of data on short stay visas between Schengen States

- **Central database** linked with **national interface**

- Connecting **consulates** in non-EU countries and external BCP's of Schengen States

- Processes **data and decisions** on short stay visa

- **Biometric matching** (fingerprints) for identification and verification purposes

- Fighting **visa shopping** and other abuses, Enhancing security, useful tool in asylum and return procedures

Visa Information System (VIS)

https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-information-system_en
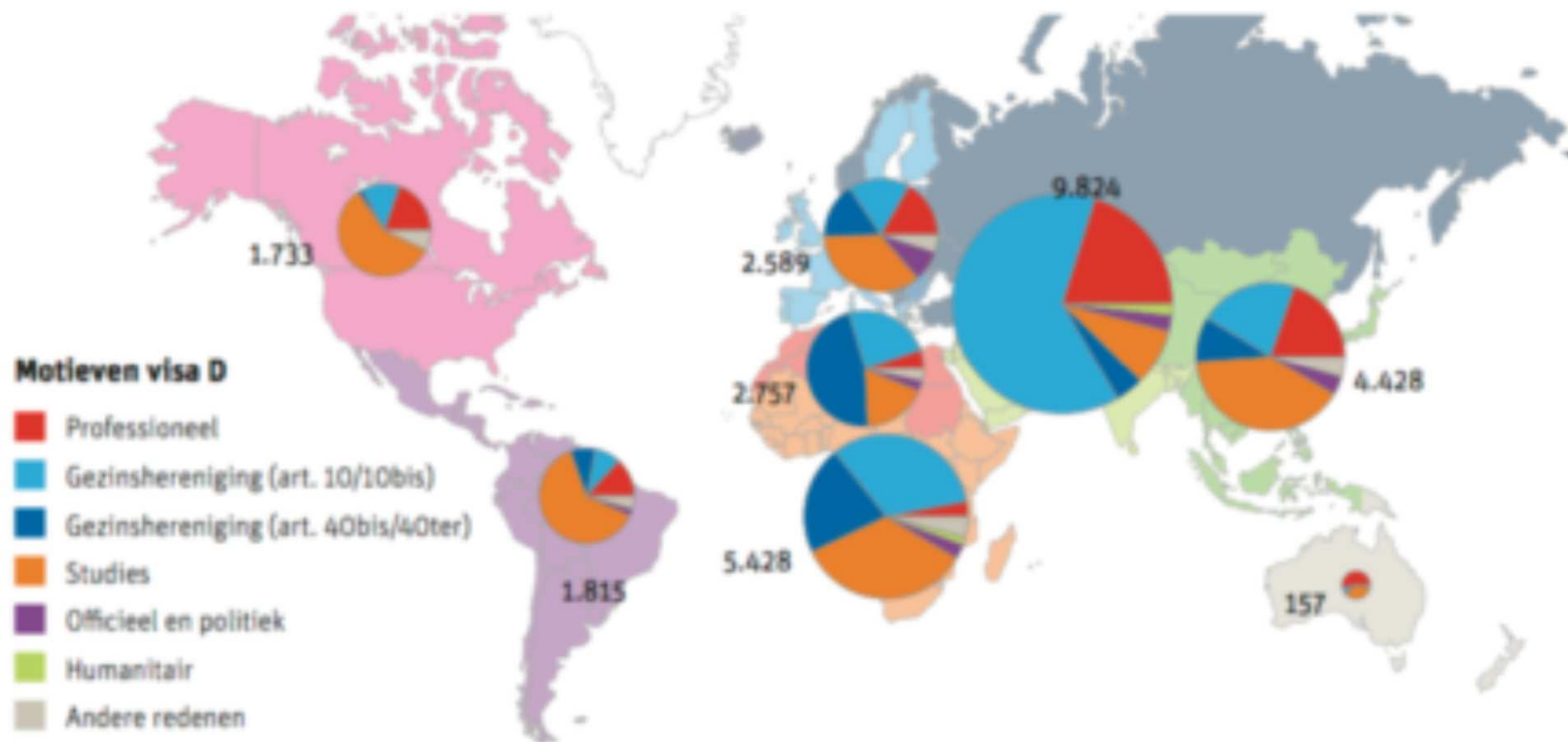
National Visa (D-visa)

- Family reunification
- Remunerated activities
- Students
- Other

Positive decisions : diplomatic posts or the Immigration Office

Negative decisions: Immigration Office

National Visa (D-visa)

Motieven visa D

- Professioneel
- Gezinshereniging (art. 10/10bis)
- Gezinshereniging (art. 40bis/40ter)
- Studies
- Officieel en politiek
- Humanitair
- Andere redenen

1.733
2.589
2.757
9.824
4.428
1.815
5.428
157

Identification in Legal Migration Procedures

Family Reunification:

- **Passport** except in cases where it is impossible to provide a passport (often FR with beneficiaries of international protection)

- **Civil Register Certificates** to prove the family relationship, dependence, marital status,..

- **Lack of (reliable) documents: Interview, inquiry, DNA analysis**

Identification in Legal Migration Procedures

Challenges:

- Decentralization (diplomatic posts)

- Large number of applications

- Privacy and data protection

- Family reunification

  - Civil register certificates unreliable or difficult to verify

  - Family reunification with beneficiaries of international protection

  ➢ Good practice: document verification officers (DVO)

Return Procedures

- **Orders to leave the territory** (33,000 in 2016)
- **Voluntary** returns (4,725 in 2016)
- **Forced** returns (2,628 in 2016)
- **Priority** of the State Secretary for Asylum and Migration (in particular the return of persons involved in criminal activities)
- Increasing the **capacity of closed centers** (with the objective to increase the number of identification procedures and returns)

Identification in Return Procedures

- Closed centers: **Identification cells** of the Immigration Office (CID and DID)

- **Pre-identification** (SEFOR)

- **Identification by the country of origin**: strongly differs from one country of origin to another

- Issuing a **Laissez-passer** to make the return possible

Identification in Return Procedures

Challenges (forced return)

- **Person in irregular stay hampering** the identification and return procedure (withholding or destroying ID-documents, false declarations regarding the identity or nationality, resistance

- Depending on **goodwill of the countries of origin** (consulates) Identification vs laissez-passer

- **Technical obstacles** (no reliable database or register for many nationalities, difficulties on exchanging data/fingerprints,..

Document and ID-Fraud

- Unit of the Federal Police at **Brussels Airport** (Unit Fake and Forged Travel Documents)
- **Central Squad against Forgery** (CDBV/OCFR) of the Federal Police.
- PRADO, iFADO (EU), SLTD (Interpol), CHECKDOC (BE)
- **Task Force** ID-Fraud
- **Single Point of Contact (SPOC)** at the municipalities and at national level
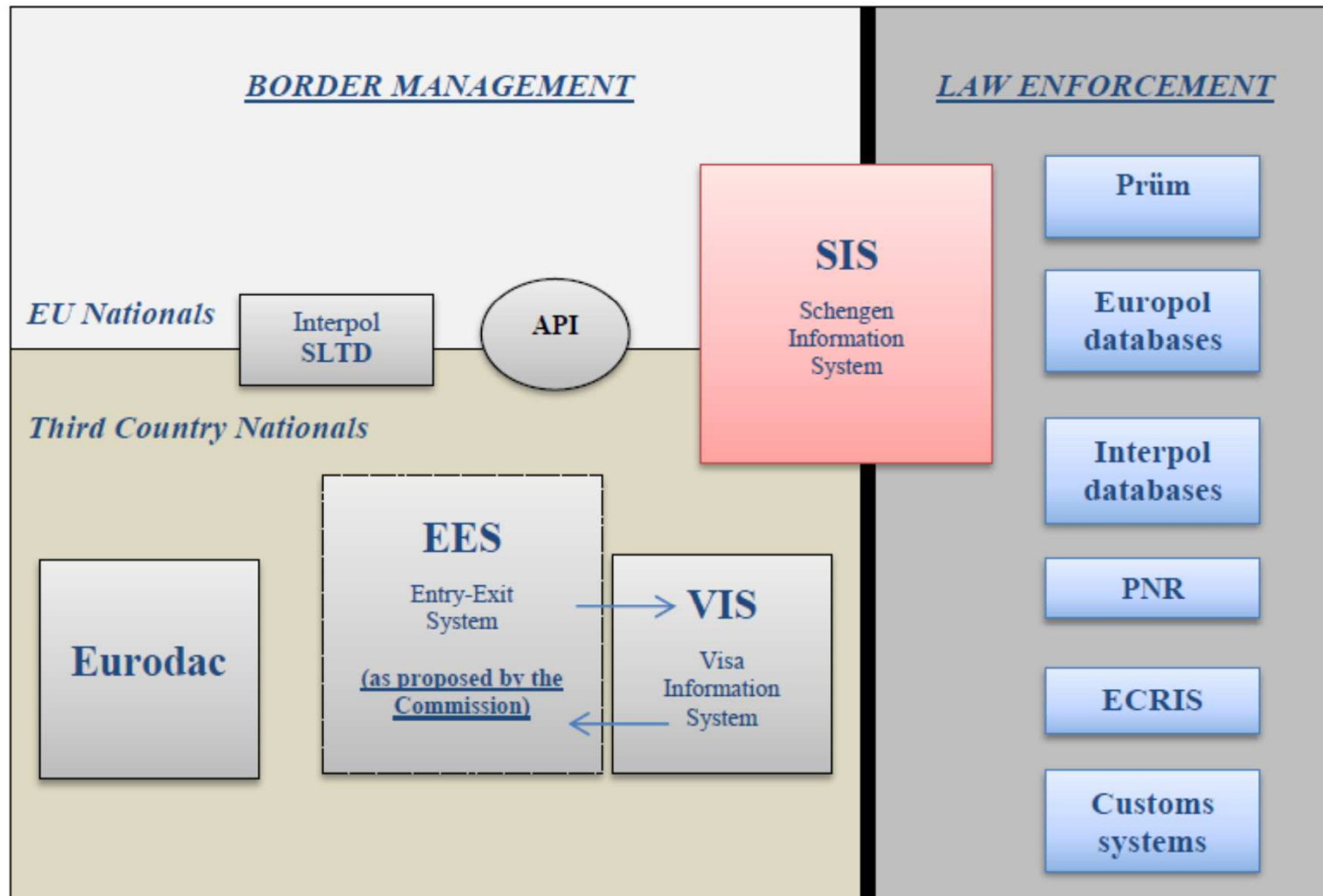
Document and ID-Fraud

- Forged /Falsified

- Fraudulently obtained

- Imposters/look-alikes

- False breeder documents

- Less fake ID-documents intercepted in Belgium in 2016 compared to previous years

    - increased security features and control

    - quality of the falsifications improves

Overview: systems for border management

Thank you for your attention

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