

## **EMN FOCUSSED STUDY 2017**

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

### **Top-line "Factsheet" – Contribution of the Slovak Republic**

#### *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.*

Over the course of the last 5 years, the number of applicants for international protection in the Slovak Republic fell. The year 2016 saw a historical minimum of 146 applications and according to the available data, the tendency in 2017 is similar. Despite the low number of applicants, establishing the identity of applicants for international protection remains a challenge. The majority of them arrive without any identification documents and some cases of altered documents are encountered. In the case of applicants without any documents it is practically impossible to ascertain their personal data (name, surname, date of birth). The main challenge is therefore to determine the country of origin (ideally the exact region of origin) and in case of doubts also the age of the applicant (especially if it is not clear whether the applicant is an adult or a minor). The Slovak Republic (SR) has tools to determine this type of controversial data. Mostly follow-up questions aiming to ascertain the identity of applicants for international protection (name, surname, birth date, country of origin, place of last residence, religion etc.) are used. Additional interviews and methods used are often narrowly specialized to find the concrete data needed for establishing identity. The information acquired are then confronted with the information about the country of origin, obtained by means of specially prepared questions tailored on a per-case basis. All documents presented by the applicant in the international protection procedure are also examined. As for the determination of age, medical methods are used: a specialized medical practitioner prepares an expert opinion on the age of the applicant. In the past, some other methods (such as language analyses) were used however this is not the case anymore. It could be suitable to start using them again, however, the legislative framework remains a problem.

A possibility to check the technical and recording devices for the purposes of asylum procedure would be a suitable tool to help establish identity. These would be useful not only in establishing identity but also in determining security risks (connection of persons to terrorist organizations, criminal groups etc.).

Intensified cooperation with EU MS under the auspices of one of the institutions (e.g. EASO) would also be welcome. Establishing identity becomes a critical issue in asylum law and tools to establish it need to be continuously improved in order for all states to be able to use them within the European cooperation framework.

Collecting more accurate statistical data at the national level with respect to the persons with unequivocally established identity, persons with stabilized identity or those whose identity has been questioned, would be useful. However, this requires a certain scaling of individuals, which has not been used to date. A

methodology for such scaling could be developed on a pan-European level, so that all the MS could use it in a unified manner.

The trend in irregular migration is different. A considerable increase in irregular migration has been recorded since 2015. The trend persists. Irregular migrants show lesser interest in applying for international protection in the territory of the SR which is probably caused by the fact that many of those who are apprehended in the SR due to unauthorized residence or unauthorized crossing of the external border come from Ukraine. The second category of irregular migrants arriving to or transferring through the territory of the SR has already been registered in e.g. Hungary. The third category comprises the migrants apprehended in the territory of the SR and not seeking asylum, as their target country is another EU MS. Thus, in order to prevent the return to their country of origin they avoid the disclosure of their true identity.

Irregular migration in the territory of the SR in 2016 decreased by 14.4 % compared to the previous year: from 2,535 to 2,170. However, this was the third highest level was recorded since the SR became a part of the Schengen Area.

The development of irregular migration in the territory of the SR continued to be influenced by the migration crisis, even though the SR intervened only marginally. It concerned the cases of intra-Schengen (transit) migration from Hungary (and in sporadic cases from Austria) following the Western Balkan route. The year 2016 was more tranquil compared to the previous year, in which migrants transiting as a consequence of the migration crisis comprised nearly half of the overall irregular migration. The number of such migrants decreased almost by 75% and they represented just 1/7 of the overall numbers of irregular migration in 2016.<sup>1</sup>

When establishing the identity of irregular migrants, legal migrants (residence permit or visa applicants) and applicants for international protection it is clear (and this also results from the text of this study) that the most important role is that of the executive units of the Bureau of Border and Alien Police. Police officers in these units are dealing with every single individual in person (or with their data in case of visa applicants) of the above mentioned categories of migrants: irregular migrants, applicant for international protection, and residence or visa applicants. As stated above it is obvious that with regards to the activities related to establishing identity, checking the authenticity of documents as well as working with relevant information systems, these police officers, need to be experts in identification, as their agencies are responsible for determining that the persons granted residence, seeking international protection or who has been expelled is who they say they are and that the documents presented by these persons are authentic and acceptable. No unified department or support office dealing with establishing identity of TCNs entering the territory of the SR without documents or with documents that need to be verified has not been set up yet, which poses a problem in relation to the identification of TCNs migration in the SR. The presented study shows that the issues of identification and verification of documents, ascertaining the country of origin as well as processing biometric data are fragmented across several expert bodies in the SR. In relation to methods that might be used in the identification process, we must conclude that the SR still has certain shortcomings, which might be improved by implementing new methods into practice. Even though some of these practices (such as DNA method, language analysis etc.) are already used in the SR (however, not in the identification of migrants, only during the identification of criminal suspects, the SR should build upon the best practice of other EU MS, more experienced in identification of TCNs: e.g. Poland, cooperating with cultural experts in order to identify the countries of origin of irregular migrants.

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<sup>1</sup> Ročenka legálnej a ilegálnej migrácie [Yearbook of Legal and Illegal Migration] Bureau of the Border and Aliens Police of the Police Force Presidium 2016.

Regarding the legal migration, special attention needs to be given to checking not only identification documents but also other presented supporting documents (such as criminal records, proof of financial means during the residence, etc.). Cooperation with third countries remains inherent in this respect. With respect to establishing the identity of residence applicants and visa applicants, SR should aim to support its diplomatic missions abroad by placing experts on forging and alteration of documents.

## 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?; Yes/No **Yes**
- b) Return of rejected applicants for international protection Yes/No **Yes**  
and
- c) Verifying applications for the following categories:

- Visitors visa Yes/No **Partially yes**

Residence permits issued for: Generally, for temporary residence, partially yes

- Legal reasons. Yes/No **partially yes**
- Legal reasons. Yes/No **partially yes**
- Remunerated activities; Yes/No **partially yes**
- Non-EU harmonised protection status (i.e. resident permit on humanitarian or medical grounds. Yes/No **Yes**)

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)

#### *Problems and challenges of the SR in establishing identity during international protection procedure*

Establishing identity is important for both the SR and EU due to two reasons:

1. Establishing accurate identity is needed for a comprehensive, accurate and objective assessment of individual cases in asylum procedure. If the reasons of an applicant for international protection are to be assessed in a proper and objective manner, an accurate identification of the person and their country of origin is a necessary precondition.
2. Security related reasons: entry to the SR is entry to the Schengen Area, as a person is authorized to freely move within the Area after having entered the territory of the SR. There are many security related risks at present, especially given the increasing number of terrorist attacks. An accurate

identification of a person thus becomes even more important part of all procedures related to the arrival of migrants to the territory of the SR.

There are several circumstances which influence establishing identity during the process of deciding on the international protection of applicant. The most important aspect relates to the missing identification documents of applicants: in the vast majority of cases there is no material evidence of the identity of the arriving applicant. Their statement thus becomes core evidence. These statements are often influenced by many aspects and applicants therefore happen to change not only their name, surname and birth date but also their nationality, sometimes more than once. Encountering forged documents and unverifiable photocopies or scans of documents is also possible. All of this presents a challenge during a person's identification and the establishment of their identity. All these aspects are evaluated.

As for granting asylum on humanitarian or health grounds, the Ministry of Interior of the SR (MoI SR) can grant asylum on humanitarian grounds. This provision is anchored exclusively in the national legislation: in the Act no. 480/2002 Coll. on Asylum and on amendment and supplementation of certain acts as amended (hereinafter referred to as "Act on Asylum"). The Act on Asylum, however, states only that "The MoI SR may grant". From that it clearly follows that there is no legal claim to asylum granted on humanitarian grounds and the decision on not/granting lies exclusively in the hands of the State. The decision to not/grant asylum on humanitarian grounds is made on the basis of consideration of all facts including whether the person is identified and his/her identity is stable. Similarly to the international protection, establishing identity and determining the stable identity of the applicant is a challenge in the cases of humanitarian status.

#### *Problems and challenges of the SR in establishing the identity of TCNs in forced return procedures*

Accurate and timely identification of rejected applicants for international protection/irregular migrants who are to be forcibly returned to their country of origin or another third country is of crucial importance as to the return effectiveness. It is a problematic issue for both the SR and other MS. Lack of accurate identification prevents the issue of the emergency travel documents or other documents needed to return to the country of origin. Especially in the last several years, the SR has been encountering irregular migrants in the return process whose identity is problematic to establish. Identity establishment is prevented not only by the fact that these persons (especially when considering rejected applicants for international protection) are mostly without valid travel documents, but also by the fact that they do not have any other documents attesting to their true identity. Lack of cooperation of such persons in the process of establishing their identity as well as a lack of cooperation and reluctance of some diplomatic missions to issue an emergency travel document and perform the steps necessary for identification of their citizens (such as interviews, visits or phone calls) remains an obstacle in establishing identity. Attempted disguise of the true identity by the migrant also occurs quite often. Persons use several unconfirmed identities within the procedures in the MS. Especially during the migration crisis and shortly afterwards, the SR police departments encountered cases of Iraqi nationals pretending to be Syrian nationals, as they thought that this would provide them an easier way to obtain asylum in the territory of the SR. Subsequently, they applied for assisted voluntary return and, as they wanted to obtain emergency travel documents, they revealed their true identity. A new decision on administrative expulsion had to be issued afterwards. The Slovak Republic is often only a transit country for migrants trying to get to Germany, Sweden or other Western-European MS. Therefore, migrants often do not cooperate at all in any procedure aiming for return. Identity is not established in many cases and the person must be released from detention. In these cases, their route to the target EU country is then unrestricted.

An explanation is needed at this place: the SR does not distinguish between the TCNs who are rejected applicants for international protection and TCNs who never sought international protection with respect to

the preparation for forced return. The national legislation of the SR does not define a specific category of return for rejected asylum seekers. The TCN becomes a person with unauthorized residence in the SR by a notification of the decision about not granting asylum issued by the MO MoI SR, if the administrative appeal against this decision does not have a suspensive effect and the court has not granted this suspensive effect. Such a TCN is afterwards handled as an illegally residing person under the provisions of the Act n. 404/2011 Coll. on Residence of Aliens and amendment and supplementation of certain acts as amended (hereinafter referred to as Act on Residence of Aliens).

*Problems and challenges of the Slovak Republic in establishing the identity of TCNs in the process of granting temporary residence*

The SR does not record and assess specific problems and ways of misusing identity, attempts of false residence applications or submitting false identification documents in the process of granting residence to TCNs in relation to specific purposes of temporary residence. In general, we can state that Ukrainian nationals remain the biggest challenge for the Slovak Republic, as they still represent the largest group of irregular migrants. Suspicions exist that even those Ukrainian nationals who had been expelled from the territory of the SR and granted entry ban change their name and surname and obtain new Ukrainian identification documents in order to re-enter the Schengen Area. Their identification at border control or during submission of residence applications at a diplomatic mission is thus rendered impossible. Apart from false and altered documents of Ukrainian nationals, the SR also encounters false and altered identification documents of Vietnamese and Chinese nationals during temporary residence proceedings. Those three countries are hence considered as the highest risk regarding false documents.

Residence permit applications and applications for the renewal of residence submitted at the department of Aliens Police often included altered criminal records, mainly by Syrian nationals; issue date was changed without due record of official change. As these criminal records showed signs of alteration, the applications were refused. Legal representatives of the Syrian nationals in question appealed the decision.

*Problems and challenges of the SR in establishing identity of TCNs in visa granting procedure and during accepting temporary residence applications at diplomatic mission of the SR:*

Several diplomatic missions of the SR, especially those processing a higher number of visa or residence applications, point to the need for a national expert specializing in identification of visa or residence applicants. Such experts should support consuls at relevant diplomatic missions, mainly regarding submissions of forged/altered travel documents by applicants. The SR plans to place immigration liaison officers at strategic points with a higher number of applicants and more significant risk of false or altered documents. The places include mainly Russia, China and Vietnam.<sup>2</sup>

The Ministry of Foreign and European Affairs of the SR (MFEA SR) does not record specific methods and manners of falsifying and forging of documents presented at consulates. However, they conclude that the majority of cases concerns submitting false/altered supporting documents alongside visa applications (such as letters of invitation, employer confirmations, bank statements and bank confirmations).

However, the MFEA SR does not perceive establishing identity of applicants in the visa granting procedure as an issue or challenge.<sup>3</sup>

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<sup>2</sup> Source BBAP PFP.

<sup>3</sup> Information provided by MFEA SR, questionnaire.

**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).

### Granting international protection

The MO MoI SR does not record statistics on the number of cases with available credible documentation of applicants for international protection. However, the number of cases in which applicants for international protection do not present identification documents is annually high; in cases of some years even 90% of applicants. For the purposes of this study it is therefore only possible to state the estimate, which is, however, valid from the long term perspective and has not changed compared to the 2013 study. International protection seekers come without any documents and submit only copies of documents. It is thus impossible to verify their authenticity.

Measures taken in order to establish one's identity if they are missing documents are time-consuming, costly and require staff. This often hinders the process, while accurately established identity is a basic precondition for a just international protection procedure.

The MO MoI SR uses the services of the Department of Analysis of Travel Documents to verify identification documents during asylum procedures. The Department works under the Border Control Department of the Bureau of Border and Alien Police of PFP (BCD of the BBAP PFP). Verification of identification documents (especially passports and ID cards) is successful. However, other types of documents presented by applicants remain a problem, especially as there is no material to which they could be compared.

Another method, albeit expensive, is language analysis. Due to the related costs, the SR had the opportunity to try it only in 2012 within the General Directors' of Immigration Services Conference project. It comprised of 5 analyses conducted by the Swedish agency SPRAKAB, followed by 3 analyses by another Swedish agency VERIFIED. The projects did not continue, due to the cost, and language analyses are not used in the SR at the moment. Slovak legislation does not cover the possibility to use them. It remains a challenge for the future to provide the legal framework needed for their usage and to create the capacity that is needed to process them.

Another possibility is to use medical methods to determine age (especially wrist X-ray scan). The method is rather accurate and used during procedures. However, legal representatives question it and generally oppose its invasiveness. They prefer much less accurate psychological methods which do not determine physical age but only mental age. Such results cannot be used in procedures.

A decision on an international protection application is very difficult. The accurate identity of the applicant is often impossible to establish. Interviews often show that the person cannot come from the region they claim, as they have no knowledge about it. However, determining the true region of origin remains impossible. This constitutes a great obstacle in assessing the application, as the threats in the country of origin (particularly in domicile) cannot be evaluated in an objective manner.

### Legal and irregular migration

In relation to issues and challenges in identification within the return process of rejected applicants for international protection: the low number of forced returns of rejected applicants for international protection is caused primarily by the overall low number of asylum applications in the SR and consequently by misuse of the asylum procedure by foreigners in order to avoid return for secondary migration to other MS. Such foreigners have often left the territory of the SR by the time of the decision on rejecting asylum which prevents their return and other methods of identification.

The impossibility of forced return of rejected applicants for international protection (physically present in the SR) include: a successful or ongoing appeal against the decision on administrative expulsion, problems with establishing identity such as a lack of cooperation of the foreigner or unwillingness of the country of origin's diplomatic mission to cooperate, and related issues with obtaining of emergency documents, returnee's resistance (refusal etc.) and impossibility of expulsion.

The structure of irregular migration in terms of the country of origin of migrants has changed in the last years. Authorities responsible for return are more frequently encountering countries with which the SR has only limited experience. Another problem is that more and more migrants come without any identification documents, as these are either lost, purposefully damaged, hidden or, according to their statements, taken by smugglers at the entry to the Schengen Area.

In relation to the verification of authenticity of foreign documents, the SR considers as a very significant factor the following: cooperation and information exchange with certain third countries which, among other things, do not report introduction of a new document type, inform about changes tardily, insufficiently specify the expiration date of old documents or provide little or no cooperation in case of requests coming from the SR (e.g. Ethiopia). The lack of information or its outdatedness slows the identification process and all the migration-related processes (granting residence, visa or allowing entry at the external border).

**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? Yes/No No**

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

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

#### Granting international protection

There has been no change in the number of applications in the last years. The number has been stable since 2015 and compared to the last three years it has decreased.

Asylum applications in the last five years:

2012 – 732

2013 – 441

2014 – 331

2015 – 330 (149 persons resettled from Iraq)

2016 – 146

2017 – 65 (data for January – April)

#### Irregular migration

In 2016, irregular migration in the SR decreased by 14.4 % compared to the previous year: from 2,535 to 2,170. However, this was the third highest level recorded since the SR became a part of the Schengen Area.

During the migration crisis in the EU, the SR faced excessive pressure and an increase in irregular migration when compared to the previous situation. This concerned mainly applicants for international protection from Hungary who were to be returned to the country in which they first sought asylum under the Regulation (EU) n. 604/2013 of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (hereinafter referred to as “Dublin Regulation”). Their identification was based on a fingerprint search in the EURODAC database. Based on the statistical data of irregular migration in 2016 and the months of 2017 it may be concluded that the number of irregular migrants, as compared to 2015, has slightly dropped. Even during the migration crisis, the SR was only a transit country for irregular migrants. This trend remains unchanged. The number of applicants for international protection, rejected applicants for international protection and migrants with unauthorised residence who never sought asylum in Slovakia is, compared to the average numbers of other EU MS, very low. It is therefore not possible to conclude that an increase in migration causes pressure and prominent problems in identification.

**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/No**

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.

*Granting international protection*

Given the problems with authentication of documents or information on identity, it is very difficult to establish identity during decisions on international protection, especially in the case of Arab countries. This is caused by the fact that persons from various Arab countries try to use the poor security situation in Syria to their advantage. In the past, this was the case with poor security situation in Iraq or Palestine. It is very difficult to identify whether such persons really come from these countries. Applicants from Algeria, Egypt or Tunisia sometimes state as their country of origin countries with a higher probability of obtaining international protection (especially those countries where there is a war or unstable situation), while relying on the use of the same language. It is also very difficult to identify applicants from Afghanistan or Pakistan, especially from the Pashun parts of the region which overlap in these two countries. In the case of Ukrainian nationals it is difficult to determine whether the applicants without identification documents really come from the regions of Donetsk, Luhansk, or Crimea, which are problematic within Ukraine and the Russian Federation. In the past, Somali applicants were also difficult to identify. Another factor that contributes to problems with establishing identity within the international protection procedures is the fact that copies of documents with applicant's photograph are presented but not verified, sometimes even without the photograph. Like the rest of Europe, Slovakia also encounters Taliban written threats submitted by Afghani and Pakistani applicants within the international protection procedure as evidence. There is no way to verify their authenticity. Moreover, there is information attesting to the fact that Taliban uses such letters only in extent.

**Countries where establishing identity of the applicant is especially demanding:**

- Arab countries: Syria, Iraq, Palestine, Egypt, Tunisia, Algeria, etc.
- Afghanistan, Pakistan
- Somalia

- Ukraine

Return

Based on the experience of the responsible police departments of the SR who perform the specific tasks to identify and establish identity of TCNs who are to be forcibly returned on the basis of either the decision on administrative expulsion or a court's decision containing the punishment of expulsion: establishing identity is very demanding, especially if a third country's diplomatic mission does not cooperate, if the identity cannot be even credibly presupposed as the persons have no documents attesting to their identity, are not in any national or international databases and do not cooperate in the return process. The SR has recently seen low, unsuccessful or no cooperation especially with these third countries: India, Tunisia, Afghanistan, Morocco, Nigeria, Syria. India has no central criminal record system and the identity of the returned person without travel documents can only be recognized by the local verification of personal data (name, surname, domicile) stated by that person during the interview in the territory of the SR conducted in order to establish identity. If the person refuses to provide such information, establishing identity is close to impossible, if the identity has not already been established in the EU databases via biometry. As for Afghanistan, the experience of the SR is as follows: if the person does not cooperate as they do not want to be returned, the diplomatic mission does not recognize their identity even if the person (among other cases) has an invalid document attesting that they come from Afghanistan.

## 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**

International protection procedure: The MO MoI SR does not collect relevant statistics. However, the number of cases in which the applicants for international protection do not present identification documents is annually high; in cases of some years even 90% of applicants. The exception is 2015 when approx. 45% of all applicants for international protection were internally displaced persons from Iraq. They arrived with all identification documents and their identity was accurately established. As was already mentioned, the SR at the moment does not analyse and evaluate statistics of the exact data on the numbers of such cases. The BBAP PFP and MO MoI SR joint information system (IS MIGRA) records in cases of all foreigners whether they have presented an identification document (especially the type of document) and this is recorded also in administrative records of applicants for international protection. If overall statistics were to be obtained, it would require the manual counting of data in every asylum file which is very demanding in terms of time and staff needed. Moreover, the asylum files are often a part of ongoing proceedings or are located at regional courts and the Supreme Court of the Slovak Republic (in case of appeal procedures), so it is not possible to obtain all necessary data. For the purposes of this study it is therefore possible to only state the estimates.

	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 <sup>4</sup> <b>at the time when the application for international protection was lodged</b>	Total of 732 applications for international protection.  <b>TOP 5: SOM, AFG, GEO, ERI, MDA</b>	Total of 441 applications for international protection.  <b>TOP 5: SOM, AFG, GEO, ERI, ARM</b>	Total of 331 applications for international protection.  <b>TOP 5: AFG, SYR, UKR, VNM, SOM</b>	Total of 330 applications for international protection.  <b>TOP 5: IRQ, AFG, UKR, SYR, IND</b>	Total of 146 applications for international protection.  <b>TOP 5: UKR, AFG, UKR, AFG, IRQ, SYR, PAK</b>	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)  <i>statistics cannot be provided, please indicate the reasons why,</i>  <ul style="list-style-type: none"> <li>&gt; <i>The necessary registrations are not made; Yes/No</i></li> <li>&gt; <i>The registered information cannot easily be extracted for reporting and statistics; Yes/No</i></li> <li>&gt; <i>The statistics are only produced for internal use, and are not available to the public. Yes/No</i></li> </ul> <i>Other reasons, please describe:</i>  This concerns overall statistics of asylum seekers. It is not possible to provide detailed statistical data on the number of persons with established identity at the beginning of asylum procedure and at the point of issuing the decision. The only exception is, however, 2015 when applicants from Iraq were resettled into Slovakia.  Source: MO MoI SR statistics available at the MoI website.
Number of applicants for international protection for whom identity was wholly or partially <sup>5</sup> <b>established during the asylum procedure thereby</b>	NA	NA	NA	NA	NA	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)  <i>If statistics cannot be provided, please indicate the reasons why,</i>  <ul style="list-style-type: none"> <li>&gt; <i>The necessary registrations are not made; Yes/No YES</i></li> </ul>

<sup>4</sup>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).

<sup>5</sup>For example, if some elements of identity (e.g. nationality) could be established but not others (e.g. full name, date of birth).

<p><b>allowing the relevant authorities to reach a particular decision on the application for international protection (e.g. grant, refuse, defer)</b></p>						<ul style="list-style-type: none"> <li>&gt; The registered information cannot easily be extracted for reporting and statistics; Yes/No</li> <li>&gt; The statistics are only produced for internal use, and are not available to the public. Yes/No</li> </ul> <p>Other reasons, please describe:</p> <p>Identity was stable in majority of cases and a decision in the international protection procedure was made.</p>
<p>Total Number of Positive Decisions for applicants for international protection whose identity was not documented<sup>6</sup> <b>at the time of application</b></p>	NA	NA	NA	NA	NA	<p>Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)</p> <p>If statistics cannot be provided, please indicate the reasons why,</p> <ul style="list-style-type: none"> <li>&gt; The necessary registrations are not made; Yes/No</li> <li>&gt; The registered information cannot easily be extracted for reporting and statistics; Yes/No</li> <li>&gt; The statistics are only produced for internal use, and are not available to the public. Yes/No</li> </ul> <p>Other reasons, please describe:</p> <p>Statistics cannot be provided. MO MoI SR does not collect this data.</p>
<p>Total Number of Positive Decisions for applicants for international protection whose identity was considered sufficiently established by the decision-making authorities</p>	Asylum - 32, subsidiary protection - 104.	Asylum - 15, subsidiary protection - 34.	Asylum - 14, subsidiary protection - 99.	Asylum - 8, subsidiary protection - 41.	Asylum - 167, subsidiary protection - 12. *	<p>Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)</p> <p>If statistics cannot be provided, please indicate the reasons why,</p> <ul style="list-style-type: none"> <li>&gt; The necessary registrations are not made; Yes/No</li> <li>&gt; The registered information cannot easily be extracted for reporting and statistics; Yes/No</li> <li>&gt; The statistics are only produced for internal use, and are not available to the public. Yes/No</li> </ul> <p>Other reasons, please describe:</p> <p>Identity of these persons was stable but not established at the time of issuing the decision.</p> <p>* In the case of 149 internally displaced applicants from Iraq who were granted asylum, the identity was established at the very beginning of the proceedings as they had arrived with their travel documents.</p> <p>Source: MO MoI SR statistics available at the MoI website.</p>

<sup>6</sup>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).

Total Number of Negative Decisions for applicants for international protection whose identity was not documented <sup>7</sup> <b>at the time of application</b>	NA	NA	NA	NA	NA	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) <i>If statistics cannot be provided, please indicate the reasons why,</i> <ul style="list-style-type: none"> <li>&gt; <i>The necessary registrations are not made; Yes/No YES</i></li> <li>&gt; <i>The registered information cannot easily be extracted for reporting and statistics; Yes/No</i></li> <li>&gt; <i>The statistics are only produced for internal use, and are not available to the public. Yes/No</i></li> </ul> <i>Other reasons, please describe:</i>
Total Number of Negative Decisions for applicants for international protection whose identity was not considered to be sufficiently established by the decision-making authorities	153	49	41	24	13	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) <i>If statistics cannot be provided, please indicate the reasons why,</i> <ul style="list-style-type: none"> <li>&gt; <i>The necessary registrations are not made; Yes/No</i></li> <li>&gt; <i>The registered information cannot easily be extracted for reporting and statistics; Yes/No</i></li> <li>&gt; <i>The statistics are only produced for internal use, and are not available to the public. Yes/No</i></li> </ul> <i>Other reasons, please describe:</i>  Statistics on identity which was not established during proceedings of refused applicants is not collected.  Source: MO MoI SR statistics available at the MoI website.
<b>Total Number of (Forced)<sup>8</sup> Returns undertaken of all rejected applicants for international protection</b>	11 TOP 5: 3 SOM, 2 VNM, 1 CHN, 1 GEO, 1 TUR	4 TOP 5: 2 GEO, 1 MDA 1 UKR	11 TOP 5: 5 GEO, 2 VNM, 1 TUR 1 NGA, 1 UKR	15 TOP 5: 4 GEO, 2 IND, 2 UKR 2 MDA, 2 VNM,	9 TOP 5: 3 IND, 2 MKD, 1 CHN, 1 COD, 1 TUN	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)  Source: IS MIGRA; Expulsion of rejected applicants for international protection is decided on monthly basis in cooperation with MO MoI SR which assesses all the cases of expelled foreigners in order to determine who of them is an rejected applicant for international protection. Low number of forced returns of rejected applicants for international protection is caused primarily by the overall low number of asylum applications in the SR and consequently in the misuse of asylum procedure by foreigners in order to avoid return for secondary migration to other MS (at the time of decision on rejecting asylum such foreigners are often no longer in the territory of the SR which prevents their return).

<sup>7</sup>Idem.

<sup>8</sup>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.

						Impossibility of forced return of rejected applicants for international protection (physically present in the SR) include: successful or ongoing appeal against the decision on administrative expulsion, problems with establishing identity such as a lack of cooperation of the TCN or unwillingness of country of origin diplomatic mission to cooperate and related issues with obtaining of emergency documents, returnee's resistance (refusal etc.) and impossibility of expulsion. <sup>9</sup>
<b>Total Number of (Forced)<sup>10</sup> Returns of rejected applicants for international protection whose identity was established at the time of return</b>	-	-	-	-	-	<p>Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)</p> <p><i>If statistics cannot be provided, please indicate the reasons why,</i></p> <ul style="list-style-type: none"> <li>&gt; <i>The necessary registrations are not made; Yes</i></li> <li>&gt; <i>The registered information cannot easily be extracted for reporting and statistics; No</i></li> <li>&gt; <i>The statistics are only produced for internal use, and are not available to the public.No</i></li> </ul> <p><i>Other reasons, please describe: -</i></p>
<b>Total Number of (Forced)<sup>11</sup> 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<sup>12</sup> established</b>	-	-	-	-	-	<p>Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)</p> <p><i>If statistics cannot be provided, please indicate the reasons why,</i></p> <ul style="list-style-type: none"> <li>&gt; <i>The necessary registrations are not made; Yes</i></li> <li>&gt; <i>The registered information cannot easily be extracted for reporting and statistics; No</i></li> <li>&gt; <i>The statistics are only produced for internal use, and are not available to the public.No</i></li> </ul> <p><i>Other reasons, please describe: -</i></p>

<sup>9</sup> Questionnaire for the EMN study 2016: Returns of Rejected Asylum Seekers in the SR: Obstacles and Best Practices

<sup>10</sup>Idem.

<sup>11</sup>Idem.

<sup>12</sup>For example if the authorities were unable to formally identify the third-country national by nationality, surname, first name and date of birth and support such identification with the documents required by the third country.

**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) <i>If statistics cannot be provided, please indicate the reasons why,</i> <ul style="list-style-type: none"> <li>&gt; <i>The necessary registrations are not made; Yes/No</i></li> <li>&gt; <i>The registered information cannot easily be extracted for reporting and statistics; Yes/No</i></li> <li>&gt; <i>The statistics are only produced for internal use, and are not available to the public. Yes/No</i></li> <li>&gt; <i>Other reasons, please describe:</i></li> </ul>
Total Number of visas applied for in consulates in third countries <sup>13</sup>						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) <i>If statistics cannot be provided, please indicate the reasons why,</i> <ul style="list-style-type: none"> <li>&gt; <i>The necessary registrations are not made; Yes/No</i></li> <li>&gt; <i>The registered information cannot easily be extracted for reporting and statistics; Yes/No</i></li> <li>&gt; <i>The statistics are only produced for internal use, and are not available to the public. Yes/No</i></li> </ul> <i>Other reasons, please describe:</i>
Total Number of visas refused in consulates in third countries <sup>14</sup>						Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) <i>If statistics cannot be provided, please indicate the reasons why,</i> <ul style="list-style-type: none"> <li>&gt; <i>The necessary registrations are not made; Yes/No</i></li> <li>&gt; <i>The registered information cannot easily be extracted for reporting and statistics; Yes/No</i></li> <li>&gt; <i>The statistics are only produced for internal use, and are not available to the public. Yes/No</i></li> </ul> <i>Other reasons, please describe:</i>
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 <sup>15</sup>	43 Top 5: UKR 40, NGR 1, KAZ 1, IRQ 1	136 Top 5: UKR 134, KEN 2	39 Top 5: UKR 32, KEN 4, IRQ 3	65 Top 5: UKR 63, THA 1	23 Top 5: UKR 23	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) <i>If statistics cannot be provided, please indicate the reasons why,</i> <ul style="list-style-type: none"> <li>&gt; <i>The necessary registrations are not made; Yes/No</i></li> <li>&gt; <i>The registered information cannot easily be extracted for reporting and statistics; Yes/No</i></li> </ul>

<sup>13</sup> If your Member State is part of the Schengen area this statistics are collected at EU level and need not be repeated

<sup>14</sup> Idem.

<sup>15</sup> Statistical data provided by MFEA SR

						<p>&gt; <i>The statistics are only produced for internal use, and are not available to the public. Yes/No</i></p> <p><i>Other reasons, please describe:</i></p>
Total Number of residence permits for remunerated activities refused due to the identity of the applicant not being considered sufficiently established						<p>Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)</p> <p><i>If statistics cannot be provided, please indicate the reasons why,</i></p> <p>&gt; <i>The necessary registrations are not made; YES</i></p> <p>&gt; <i>The registered information cannot easily be extracted for reporting and statistics; NO</i></p> <p>&gt; <i>The statistics are only produced for internal use, and are not available to the public. NO</i></p> <p><i>Other reasons, please describe:</i></p>
Total Number of residence permits for study purposes refused due to the identity of the applicant not being considered sufficiently established	-	-	-	-	-	<p>Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)</p> <p><i>If statistics cannot be provided, please indicate the reasons why,</i></p> <p><i>The necessary registrations are not made; Yes</i></p> <p><i>The registered information cannot easily be extracted for reporting and statistics; No</i></p> <p><i>The statistics are only produced for internal use, and are not available to the public. No</i></p> <p><i>Other reasons, please describe:</i></p>
Total Number of residence permits for family reasons refused due to the identity of the applicant/ the family relationship not being considered sufficiently established	-	-	-	-	-	<p>Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)</p> <p><i>If statistics cannot be provided, please indicate the reasons why,</i></p> <p><i>The necessary registrations are not made; Yes</i></p> <p><i>The registered information cannot easily be extracted for reporting and statistics; No</i></p> <p><i>The statistics are only produced for internal use, and are not available to the public. No</i></p> <p><i>Other reasons, please describe:</i></p>

**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) <i>If statistics cannot be provided, please indicate the reasons why,</i> <ul style="list-style-type: none"> <li>&gt; <i>The necessary registrations are not made; Yes/No</i></li> <li>&gt; <i>The registered information cannot easily be extracted for reporting and statistics; Yes/No</i></li> <li>&gt; <i>The statistics are only produced for internal use, and are not available to the public. Yes/No</i></li> <li>&gt; <i>Other reasons, please describe:</i></li> </ul>
Total Number of Cases in which language analysis was performed to establish the identity of the third-country national	8	0	0	0	0	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) <i>If statistics cannot be provided, please indicate the reasons why,</i> <ul style="list-style-type: none"> <li>&gt; <i>The necessary registrations are not made; Yes/No</i></li> <li>&gt; <i>The registered information cannot easily be extracted for reporting and statistics; Yes/No</i></li> <li>&gt; <i>The statistics are only produced for internal use, and are not available to the public. Yes/No</i></li> </ul> <i>Other reasons, please describe:</i> This method of establishing identity is not used in the SR.
Total Number of Cases in which an age assessment was performed to determine whether the third-country national was a minor	70 +10 (Migration Office)					Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) <i>If statistics cannot be provided, please indicate the reasons why,</i> <ul style="list-style-type: none"> <li>&gt; <i>The necessary registrations are not made; Yes/No YES</i></li> <li>&gt; <i>The registered information cannot easily be extracted for reporting and statistics; Yes/No NO</i></li> <li>&gt; <i>The statistics are only produced for internal use, and are not available to the public. Yes/No NO</i></li> </ul> <i>Other reasons, please describe:</i> Source: data for 2012-2015 <sup>16</sup> , data for 2016 obtained from Directorate of the Border and Alien Police (DBAP)
Total Number of Cases in which a DNA Analysis was used to establish the family relationship in family reunification cases	-	-	-	-	-	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) <i>If statistics cannot be provided, please indicate the reasons why,</i> <ul style="list-style-type: none"> <li>&gt; <i>The necessary registrations are not made; Yes/No</i></li> </ul>

<sup>16</sup> Nelegálna migrácia na slovensko-ukrajinskej schengenskej hranici, ADIN s.r.o., Published under the "Zlepšenie technických a vzdelávacích kapacít na urýchlenie vybavovacieho procesu na spoločnej slovensko-ukrajinskej hranici" project, p. 124-125, Bratislava, 2016

						<ul style="list-style-type: none"> <li>&gt; <i>The registered information cannot easily be extracted for reporting and statistics; Yes/No</i></li> <li>&gt; <i>The statistics are only produced for internal use, and are not available to the public. Yes/No</i></li> </ul> <p><i>Other reasons, please describe: This method is not used in the SR for granting the residence for the purpose of family reunification.</i></p>
Total Number of Cases in which Interviews were used to determine probable country and/or region of origin	NA	NA	NA	NA	NA	<p>Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants)</p> <p><i>If statistics cannot be provided, please indicate the reasons why,</i></p> <ul style="list-style-type: none"> <li>&gt; <i>The necessary registrations are not made; YES</i></li> <li>&gt; <i>The registered information cannot easily be extracted for reporting and statistics; NO</i></li> <li>&gt; <i>The statistics are only produced for internal use, and are not available to the public. Yes/No NO</i></li> </ul> <p><i>Other reasons, please describe: In the case of TCNs who are to be returned, minutes are drafted (interview is conducted) in every single case if a decision on administrative expulsion or decision on detention of a person is issued. This duty of police department stems from the administrative order. However, the minutes preparation is in order to obtain information on the country of origin of the person. In case this person has a travel document, the interview is not oriented on identity verification or country of origin verification.</i></p>

## 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'?** Yes/No **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).

The legislative basis for processes related to establishing identity in the international protection and return procedures (administrative expulsion of TCNs) has not changed since 2013.

There was no need to make any changes to the international protection procedure (from the domestic point of view) as the number of asylum applications since 2013 has been declining, and the legislation in force was considered sufficient. However, an adjustment of the legislative basis pertaining to the practices for establishing identity of persons undergoing the asylum procedure is now necessary due to the following reasons:

- certain tools used in the past are not a part of any specific legislative framework (e. g. the possibility to perform language analyses) and the general legal regulations are insufficient to guide them,
- due to the current security situation in Europe and the rising number of terrorist attacks, new methods for establishing identity should be introduced.

Therefore, practices for establishing identity need to be covered in a new legal framework, which has not existed or been used previously, namely:

- legal framework for language analyses,
- legal framework for DNA analyses,
- legal framework for the possibility to check technical and recording devices (e. g Smartphones) used by the applicants for international protection, before the procedure starts and during its course.

**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/No **No**

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

*The process of establishing identity in the procedure for granting temporary residence in the territory of the SR*

The Slovak national legislation does not directly cover the practices for establishing the identity of TCNs who apply for visa and temporary residence for the purpose of study, work or family reunion. However, it (Act on Residence of Aliens) does cover the obligations of the (TCN) applicant for temporary residence as well as the rights of the police or consular officers in the process of their identification in the procedure for

granting residence. The most important legislation regarding establishing the identity of the applicant for residence is the following definition: the applicant for temporary residence submits their application for residence in person and they are obliged to identify himself/herself with a valid travel document (Section 32 of the Act on Residence of Aliens), in order to allow the police or consular officer who receives the application to identify the applicant. This rule is enforced in all EU MS.

The police are authorized to require a person to identify themselves with an identification document if it is necessary for the fulfilment of their task as provided in Section 18 of the Act No. 171/1993 Coll. on the Police Force as amended, and on amendment to certain acts (hereinafter referred to as “Act on Police Force”). Pursuant to para 3, if the person refuses to identify themselves, the police are authorized to bring them forward to the Police Force department to establish their identity. The credibility of the presented name and surname, birth date and address are evaluated by the police based on the reason for identification.

Pursuant to Section 20a of the Act on Police Force, the police are authorized to collect fingerprints from such person, identify their physical features, perform physical measurements, create audio-visual and other records and collect biological samples. The police are also authorized to collect identification details from the TCN who illegally enters or resides in the territory of the SR, or from the TCN undergoing the procedure of administrative expulsion from the territory of the SR, or the procedure on issuing an entry ban, or in order to identify their age if they are not clearly a minor but claim so.

The Act on Residence of Aliens, Section 76, para 8, the police unit and MFEA SR are both authorized to process copies of travel documents, IDs and other documents that have been submitted by the person for the purpose of the procedure.

Pursuant to Section 111, para 1 letter c) of the Act on Residence of Aliens, the TCN is also obliged to prove their identity and eligibility for residence upon the request of the police by submitting a valid travel document, residence document or an identification card issued by MFEA to persons with diplomatic privileges and immunity according to international law.

Pursuant to Section 111, para 1 letter o) of Act on Residence of Aliens, the TCN is obliged to provide their biometric data upon the request of the police department or diplomatic mission for the purpose of the procedure set out in this Act or a specific regulation.

#### *Establishing identity in the (Schengen or national) visa granting procedure by the SR*

According to the Act on Residence of Aliens (Sections 16 and 17), the applicant for Schengen or national visa is obliged to submit their application along with a valid travel document. The applicant’s failure to provide a valid travel document constitutes a legal reason not to accept the application.

Pursuant to Directive of MFEA SR No. 23/2012 of 8 March 2012 on the visa granting procedure performed by diplomatic missions the consul checks the identity of the applicant based on their travel document and verifies the credibility, authenticity and validity of the travel document. It is further verified, whether the travel document is recognized in the SR and allows its holder to enter its territory. The validity of the travel document must extend to at least three months after its holder plans to leave the territory of the MS, there must be at least two blank pages in it, and it must not be issued earlier than ten years ago.

The national legislation of the SR sets out that the diplomatic mission shall reject an application for Schengen Visa for the purpose of seasonal employment if it is found that the document submitted alongside the application was false, forged/altered or obtained by fraud. Further reasons to reject the application are

set out in the Regulation (EC) n. 810/2009 of the European Parliament and of the Council establishing a Community Code on Visas (hereinafter referred to as “Visa Code”).

According to Section 17 para 5 of the Act on Residence of Aliens, the diplomatic mission or MoI shall not grant national visa, if the TCN provides false or misleading information, or submits false, forged/altered documents, or documents of a different person.

Pursuant to Section 17, para 10 of the Act on Residence of Aliens, for the purpose of the procedure of granting national visa for a TCN (in case of a relative of an asylum seeker or a person who was granted subsidiary protection), a valid travel document means a passport or other authentic document and allows for unequivocal identification of its holder; its integrity is not compromised and all text is readable.

## 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’? Yes/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.

Since 2013, there was no change regarding the national institutions responsible for the process of establishing identity of applicants for international protection and irregular migrants in the return process (administrative expulsion) in the SR (according to the *Establishing Identity for International. Protection: Challenges and Practices* study).

Since the 2013 study does not list the responsibility of national authorities for establishing identity in the return process, the following information fills the gap:

The BBAP PFP departments (Aliens Police Departments, Asylum Departments of the Police Force, Border Control Departments, and Police Detention Centres for Aliens) are usually responsible for establishing identity of TCNs in administrative expulsion and detention procedures. In the case of forced return, the Police Detention Centre for Aliens which facilitates the forced return to the third country is responsible for issuing an emergency travel document or other document allowing the TCN to return to their home country. These departments cooperate with specialized support departments (Institute of Forensic Science – IFS, Department of Analysis of Travel Documents – DATD, described in detail in the 2013 study) providing verification of the authenticity and originality of the documents provided by migrants.

In the context of the return process and granting of international protection (see the 2013 study), the courts also participate in establishing the identity of the TCN. If the court imposes a penalty of expulsion and the executive unit pertaining to BBAP PFP merely facilitates the act of expulsion, the identity of the foreigner is not further examined, assuming that the court has done so. In the return process of rejected applicants for international protection, the BBAP PFP police department either confirms the TCN’s identity established during the asylum procedure, or uses available tools to establish their identity in the context of newly revealed facts, if it was impossible to do so before, or if the TCN refused to cooperate in the identification process.

**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]

The first identification of TCNs applying for Slovak visa<sup>17</sup> or temporary residence at the competent diplomatic mission of the SR abroad (managed by MFEA SR) is performed by, and responsibility taken for, by the competent consular officer of the given diplomatic mission. They have to physically identify the TCN based on their travel document. The competent national institutions of the SR (mainly DATD and IFS) assist the consuls in verification of the travel or other documents submitted alongside the application for residence or visa. The security and background checks of applicants in available information systems are performed by the central visa authority of BBAP PFP which also provide assistance for the consular officers. In the case when a TCN authorized to stay in the territory of the SR submits their application to the competent department of the Aliens Police in person (which is possible if all legal conditions have been met), their identity is established by the competent police officer accepting the residence application. In this case, the competent department of aliens police is also responsible for the identification of the applicant. In case the applicant applies for residence while abroad, they are identified at the competent embassy and then, again, when they personally visit the competent department of the Aliens Police to receive their residence document.

**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;<sup>18</sup>
- 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)?** Yes/No **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.

The SR has not yet faced any particular migration pressure such as that seen by Greece or Hungary and it remains a transit country. Hot spots for the quick identification of TCNs therefore have not been introduced. It is assumed that the situation could change in the near future. However, the SR is not a target country for migrants coming into the EU. We participated in the relocation of people from Greece where their identity needed to be established before they entered the SR. In the case of relocation of TCNs, the SR aims to accept exclusively persons whose identity has already been verified and who own identity documents. Verification takes place before the person enters the SR and it is performed using police databases and assisted by the Slovak Information Service; the migrants are also interviewed by the MO MoI SR employees.

<sup>17</sup> Slovak Schengen or national visa

<sup>18</sup>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 24<sup>th</sup> March 2017). For example, the use of a document reader would be understood as partially automating the task of performing document checks).

**Q11. Does your (Member) State have a central competence centre or similar entity for issues related to identification/ identity verification?** Yes/No Partially 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 above mentioned immigration categories. YES

The SR has no central authority that would be materially responsible for establishing identity in legal and irregular migration procedures. From the perspective of the SR, identification is primarily performed based on the submitted valid documents (in return or asylum procedures, in case of invalid documents or if the TCN only owns additional documents) which confirm the identity of the person who is physically present in front of the competent employee; this person is identified mainly visually by comparing them to the photograph in their document. If the employee suspects forgery or inauthenticity, they can request a verification. The procedure can be performed in several ways. If there is a trained expert authorized to examine documents at the department, they are requested to do so. If the document needs to be examined using a special technology, the request is submitted to DATD which serves as the national authority in the area of document verification; as the only department in the country, it has access to all available databases (see below) and templates of travel documents of other countries. It assists mainly the departments managed by BBAP PFP in procedures regarding administrative expulsion, residence granting and asylum, but also with the MO MoI SR and diplomatic mission of the SR abroad. This authority only deals with foreign documents. The third level verification is performed by IFS whose main task is providing expert activities for the law enforcement authorities; besides this, it verifies fingerprints of applicants for international protection which constitutes an important part of establishing identity of applicants for international protection (both successful and rejected) who are to be returned. If the police department collects the fingerprints of the applicant for international protection and sends them to IFS, and the EURODAC database returns a hit, the positive results are immediately e-mailed to the competent employee of the Dublin Centre of the MO MoI SR and the police department which collected the fingerprints. In the past, this department was the only one which created expert opinions on the documents in the area of legal and irregular migration, however, it took too long and the TCNs were detained for unreasonably long periods. Therefore, in 2008 DATD introduced the so called accelerated procedure of issuing expert opinions on documents. IFS is asked for assistance only in rare cases. If the fingerprints of an examined person return a hit in the VIS or EURODAC databases, IFS is the only authority which can verify their identity.

The statistics on the number of verified documents in the international protection procedure performed by BBAP PFP Department of Analysis of Travel Documents:

Year	Number of verified documents + most frequent countries
2012	29, Democratic Republic of Kongo, Republic of Kongo, Afghanistan
2013	12, Iraq
2014	8, 8 different countries
2015	11, Afghanistan
2016	1

Below, the tasks performed by aforementioned departments are described.

If Yes:

- Has such Centre developed its own database / reference base for:
  - Genuine documents? Yes/No **YES**
  - False documents? Yes/No **YES**
- Does such Centre make use of the database iFADO (iPRADO) for checking false ID documents? Yes/No **YES**
- Does such Centre make use of the EDISON system? Yes/No **YES**
- Does such Centre provide:
  - Advisory services? Yes/No **YES**
  - Assistance through the development of identity management methods? Yes/No **YES**
  - Training of frontline officers? Yes/No **YES**
  - Support with difficult cases? Yes/No **YES**
- Does such Centre have a forensic document unit? Yes/No **NO<sup>19</sup>**

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/No **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)

Employees and police officers establishing identity of TCNs in the aforementioned migration procedures have access to the EU databases, however, the access levels differ.

Consular officers of MFEA SR only have access to the VIS EU database as far as applicants for residence or visa are concerned. However, they can ask the Central Visa Authority of the Alien Police Department BBAP PFP for assistance and request a search in other European databases for the purpose of the security check of a TCN applying for residence in the territory of the SR, Schengen or national visa.

The employees of the Dublin Centre of the MO MoI SR only have access to the EURODAC and VIS databases, but they can request assistance from other departments managed by BBAP PFP. Police officers working for the BBAP PFP have access to all EU databases (EURODAC, SIS, VIS).

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.

<sup>19</sup>Note: IFS is the forensic department which establishes identity.

## 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.*

**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?**

a) The Slovak legislation does not define the term “identity” in the context of international protection. In the legal practice, the term “identity” is probably closest to the term “set of personal data” which identify a particular person. There are certain standards which specify the set of personal data as name, surname, address and birth number (or birth date). However, these standards were created for the purpose of interpretation of the Act No. 122/2013 Coll. on Personal Data Protection and on changes and amendments of other acts. This set cannot be accepted as a binding standard for the international protection procedure, since the birth number cannot be taken into consideration in case of foreigners; their nationality and the last country of stay are of greater importance. A person can be identified if their identity can be verified based on certain marks (data) which unequivocally distinguishes them from other persons. Of course, in the context of the asylum procedure, the person is identified when their personal data used in their country of origin are recovered.

The identity documents include official travel documents (passports), official identity documents (ID cards). Other documents (birth certificates, marriage licences, divorce certificates, qualification certificates) and the certificate of nationality are considered merely supporting. The most important and trustworthy documents are passport and ID card whose authenticity is also the easiest to verify. The supporting evidence for establishing identity as accepted by the Immigration Office also include driving licences, member cards (political party), military documents, confirmations of school attendance, school reports and employee cards all of which are compared to templates (if available).

In establishing identity, the Migration Office also examines photocopied documents, however, they are considered to be of merely supportive nature.

It is easiest to verify the authenticity of official documents such as passports, ID cards and birth certificates. In case of other documents, it is often impossible to obtain reliable comparable materials, which allows only for visual comparison with similar documents obtained from public sources in the form of electronic photographs, scans, copies or even mere descriptions of such documents.

b) and c) The return procedure (referred to as “administrative expulsion procedure”) in the national legislation of the SR is set out in Act on Residence of Aliens. However, “identity” is not defined in this Act or in any other legislation specifically referring to asylum seekers, returnees or visa applicants.

According to Section 2 Letter n) of the Act on Residence of Aliens, a **valid travel document** is a passport or other public document if it is recognized as a travel document by the Slovak Republic, it is temporally valid and **allows for unequivocal identification of its holder**, its integrity is not compromised and the level of its damage has not rendered the text unreadable. Based on the definition in the Act on Residence of Aliens, the travel document represents the basic identification element in the procedures set out in the Act.

Pursuant to Section 17, Paragraph 10 of the Act on Residence of Aliens, for the purpose of the procedure of granting national visa for a TCN according to the Section 15, Paragraph 2 (in case of a relative of a beneficiary of international protection or a person who was granted subsidiary protection, the national visa shall be issued if they pose no risk for the national security or public order) a valid travel document means a passport or other authentic document which is temporarily valid and **allows for unequivocal identification of its holder**; its integrity is not compromised and all text is readable.

Pursuant to Section 73 of the Act on Residence of Aliens, the TCN granted temporary residence in the territory of the SR receives a residence document after entering the territory of the SR along with a personal security number, which **identifies their holder** in electronic communication with information systems of the public administration authorities and other natural persons or business authorities. Pursuant to Section 72, Paragraph 2 Letter b) of the Act on Residence of Aliens the police officer is authorized to require identification of a person during residence checks.

**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. Yes/No.

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

Type of document	(a) applicants for international protection	(b) for the return process	(c) third country applicants for visitors visa and permits for the purposes of study, family reunification and remunerated activities
<b>Official travel documents: Passports, ID cards</b>	<p>Yes/No</p> <p>If 'yes' please specify which document(s)</p> <p>Yes, they are verified and if evaluated as genuine, they are accepted.</p>	<p>Yes/No <i>YES</i></p> <p>If 'yes' please specify which document(s)</p> <p>a valid travel or other document confirming the identity (ID) which can be used to travel outside the SR</p>	<p>Yes/No <i>YES</i></p> <p>If 'yes' please specify which document(s)</p> <p>- valid travel document</p>
<b>Other documents: birth certificates, driving licence, divorce certificates, marriage licences, qualification certificates, house books etc.</b>	<p>Yes/No</p> <p>If 'yes' please specify which document(s)</p> <p>Yes, in most cases, exact statistics are not recorded</p>	<p>Yes/No <i>NO</i></p> <p>If 'yes' please specify which document(s)</p>	<p>Yes/No <i>NO</i></p> <p>If 'yes' please specify which document(s)</p>

<b>Informal (residence) documents, such as UNHCR registration documents</b>	<p><i>If 'yes' Yes/No YES</i></p> <p><i>If 'yes' please specify which document(s)</i></p> <p>Yes, but they are considered only supporting documents. The case law of the Supreme Court of the SR ruled that informal residence documents issued by UNHCR (specifically UNRWA) should be accepted as valid documents confirming their holders' identity. However, the practice showed that these are often incorrect and issued for whole families; relatives are often added informally which compromises the credibility of these documents. In this case, the MO examines cases individually taking into account specific circumstances.</p>	<p><i>Yes/No NO</i></p> <p><i>If 'yes' please specify which document(s)</i></p>	<p><i>Yes/No NO</i></p> <p><i>If Yes, please specify which document(s)</i></p>
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**Q15a. To the extent possible, please indicate whether copies are accepted by the relevant authority(ies) and which type of documents are considered by the national authorities as core or supporting documents.**

**International protection procedure**

MO MoI SR accepts and evaluates photocopied documents, however, they are considered to be only supporting evidence. These have to match the general credibility of the given person and their testimonies. If so, their evaluation is in favour of the person.

Basic documents: original passports, ID cards and birth certificates.

Supporting documents: photocopied basic documents, all other documents and their copies.

**Return procedure**

If the TCN who received the decision on administrative expulsion does not hold a valid travel document, but they hold supporting documents and public documents confirming their identity which they can physically present, these can be used during their identification. These are mainly: ID card, driving licence, invalid travel document and other temporarily invalid documents, asylum seeker certificate from a different MS, residence card, etc. However, all these and other documents and their copies are considered merely supporting in establishing of the identity of the returnee; in any case, they are sufficient to request their country of origin to issue an emergency travel document for the purpose of their return. Supporting documents also allow identification of the person in other national and European databases.

**Residence procedure**

The TCN who applies for temporary residence for the purpose of study, family reunification, special activity (internship) or visa at a diplomatic mission, or residence at the competent department of Aliens Police, is obliged to present a valid travel document. This document represents the identification base for the authority which receives their application. Without a valid travel document, the application cannot be accepted, not even if the applicant presents a copy of such document. The competent authority can copy the presented

travel document. Supporting identification documents in residence procedure in case of an applicant for family reunification include e. g. birth certificate, marriage certificate and other civil status documents. These documents have to be presented in their original form and also as certified translation into Slovak, but pursuant to the Act on Residence of Aliens, they can only be accepted if the copy is certified (Section 126, Paragraph 4 of the Act on Residence of Aliens).

### **Visa issuing process**

Documents accompanying the visa applications are usually presented in their original form (unless an agreement on simplification of the visa issuing process between the EU and the third country provides otherwise). The consul can accept the copy of a document if they have no doubts about its authenticity or the purpose of the applicant's travel.<sup>20</sup>

### **Q15b. Which are the major issues faced by your (Member) State concerning determining the authenticity (or genuineness) of documents?**

In the context of evaluation of authenticity and originality of travel documents, identification documents, residence cards and other documents, the SR faces the following major issues:

1. comparable material such as a template of the issued document is not available, lack of or inexactness of information on the issuing process of the document as well as on the printing technique and protective elements, non-withdrawal of the old documents from circulation (the country starts issuing new documents but the citizens are not required to stop using their older versions),
2. the country which issued the document does not cooperate, therefore there is no way to confirm whether the document was issued to the given person, it is a newer type of the document, etc.,
3. stolen clean copies of documents – the document meets the technical parameters, however, it was illegally personalized, which can only be confirmed by contacting the authority which issued it and check its serial number against the personal data of the person who claims to be its holder,
4. in case of countries with unstable political situations, there is a suspicion that documents are issued illegally (e. g. Syria).

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

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.*

In comparison to previous years, in 2015 there was an increase in the frequency of occurrence of irregular documents in the territory of the SR, although in 2016, there was a mild decline recorded. However, the numbers remain significant, therefore the need to address false, altered and inauthentic documents is rising. The largest number of irregular migrants intercepted in the territory of the SR at the external borders or inside the country came from Ukraine. In the study from 2013, certain problems were not identified, since they did not occur to such an extent as in recent years.

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

<sup>20</sup> Information provided by MFEA SR

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

The SR has no specific methodology for establishing the identity of persons in terms of identity check and evaluation of identity documents in individual migration procedures. All police officers in the SR are authorized to check the identity of persons and their identification documents. This authorization is set out mainly in Section 18 of the Act No. 171/1993 on the Police Force. The police units managed by BBAP PFP perform tasks related to control of foreigners in the territory of the SR with the purpose to determine whether these persons are authorized to stay here, perform their work legally, or fulfil the purpose for which they were granted residence; they also check compliance with the conditions based on the particular visa, i. e. whether their holder is not staying here after their expiration, etc. The police are authorized to perform the aforementioned tasks pursuant to Section 75 of the Act on Residence of Aliens.

The police are authorized to require a person to present an identification document if it is necessary for the fulfilment of their task as provided in Section 18 of the Act on Police Force. Paragraph 3 further states that if the person refuses to identify themselves upon request, the police officer is authorized to bring this person to the Police Force department for the purpose of identification. The credibility of the presented name and surname, birth date and address are evaluated by the police based on the reason for identification.

Pursuant to Section 20a of the Act on Police Force, the police are authorized to collect the fingerprints from such person, identify their physical features, perform physical measurements, create audio-visual and other records and collect biological samples. The police are also authorized to collect identification marks from a TCN who irregularly enters or resides in the territory of the SR, or from a TCN undergoing the procedure of administrative expulsion from the territory of the SR, or the procedure on entry ban, or in order to determine their age if they are not clearly a minor, but they claim so.

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

In the territory of the SR, the department of Aliens Police (administrative body) decides whether residence will or will not be granted to the applicant. False or forged documents provided as supporting documents alongside the residence application are most often detected only after the application has been accepted and the procedure is already running. Detecting a false or forged supporting document or its invalidity requires more time for examination and expert skills from the given authority since the skills in document forging are constantly developing. In case of suspicion, the authority forwards the document for further examination to the experts. The practice at the Aliens Police departments in 2016 revealed that most false and forged documents included criminal records “proving” applicants’ clean criminal record and thus the fact that they do not pose a threat for the security and public order, which is one of the basic conditions for granting temporary residence. The SR has paid increased attention to this type of document since they were false and forged by TCNs from various countries. Last year they included Syrian, Macedonian, Venezuelan and Gambian nationals.<sup>21</sup>

Syrian nationals rewrote the dates of issue in their criminal records/documents, altering the documents illegally and rendering them invalid. Therefore, their residence applications were rejected.

Diplomatic missions state that most frequently, applicants present false/forged supportive documents accompanying their visa applications such as: letters of invitation, employer confirmations, account and bank statements.

<sup>21</sup> BAP PF Annual Report, Statistical overview of legal and illegal migration in the SR, 2016

**Q18.** Are there any exemptions to the obligation to present an official travel document for third country applicants for visa and residence permit? Yes/No **NO**

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

The national legislation of the SR does not allow exemptions from the obligation to provide valid travel documents alongside the application for national or Schengen visa, or temporary residence.

## **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)**

<b>Method</b>	<b>Applicants for international protection</b>	<b>Return of rejected applicants for international protection</b>
<b>Language analysis to determine probable country and/or region of origin</b>	<p>Yes: obligatory, part of standard practice or optional</p> <p>No</p> <p><i>It was used in the past, but not currently. However, it is planned to be used in the asylum procedure. Insufficient domestic capacity represents a problem in performing such analyses. In the past, the SR cooperated with two Swedish agencies providing language analyses.</i></p>	<p>Yes: obligatory, part of standard practice or optional</p> <p>NO</p>
<b>Age assessment to determine probable age</b>	<p>Yes: obligatory, part of standard practice or optional</p>	<p>Yes: obligatory, part of standard practice or optional</p> <p>YES, obligatory</p>

	<p><i>If Yes: briefly describe what for and under what conditions.</i></p> <p><i>No</i></p> <p><i>Yes, it is used in controversial cases, exclusively when the age stated by the applicant for international protection raises suspicion during the asylum procedure. The use of this method is optional.</i></p>	<p><i>Pursuant to Section 111, Paragraph 6 of the Act on Residence of Aliens, a TCN who claims to be an unaccompanied minor has to undergo a medical examination to determine their age if there is a suspicion they are, in fact, adult.</i></p> <p><i>If Yes: briefly describe what for and under what conditions.</i></p> <p><i>No</i></p>
<p><b>Interviews to determine probable country and or region of origin (or other elements of identity, such as faith and ethnicity)<sup>22</sup></b></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p><i>No</i></p> <p><i>Yes, they are used on regular basis, it is standard practice. In practically all cases when the person is missing all identification documents. Two types of interview are distinguished. First type is the entrance interview, when the person is asked additional questions in order to determine their probable country of origin; the other is the specialized additional interview which is very detailed and directly aims to reveal their country of origin. However, the second type of interview is only used when the identity of the applicant remains doubtful even after they pass the entrance interview and all other evidence is evaluated.</i></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p><i>No</i></p> <p><i>YES, it is part of standard practice</i></p>
<p><b>Identity related paper and e-transactions with the authorities (e.g. tax, social benefits)</b></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p><i>No</i></p> <p><i>Yes, optional. It is used as a supporting evidence.</i></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p><i>No</i></p>
<p><b>Identity related paper and e-transactions with the private sector (e.g. bank)</b></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p><i>No</i></p> <p><i>Yes, optional. It is used as supporting evidence. However, the probative value of such documents is lower than in case of state authorities.</i></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p><i>No</i></p>
<p><b>Identity related e-transactions in</b></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p>

<sup>22</sup>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.

<p><b>connection with social media</b></p>	<p>No</p> <p><i>Yes, optional. However, their use is quite limited, since persons evaluating the identity of the applicants cannot access social media. It is a future task for us to design a system of using social media in establishing identity.</i></p>	<p>No</p>
<p><b>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?</b></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p>No</p> <p><i>This option adopted for the international protection procedure is not currently used. However, it is planned to incorporate checking of technical and recording devices in the legislation and start using it in practice.</i></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p>No</p>
<p><b>Other</b></p>	<p><i>Please describe, e.g. type of co-operation with or contacts in third countries, such as diplomatic missions</i></p> <p><i>Please specify if the method is obligatory, part of standard practice or optional</i></p> <p><i>Besides the stated methods for establishing identity, the SR also cooperates with institutions based in the third countries. Depending upon the particular case, it is possible to request information or verification from the contacts in the country of origin in the international protection procedure (these include employees of the Ministry of Defence of the SR, MFEA SR, posted police officers, military and police missions of the SR abroad, employees of NGOs and international organisations such as UNHCR or UNRWA), however, it is strictly forbidden that the authorities in the country of origin are contacted. The MO MoI SR informs the applicant on information exchange with another country; in the course of asylum procedure, asylum period, and subsidiary protection period, information must not be provided without the consent of the person in question (personal data, address, pictures, fingerprints). Information</i></p>	<p><i>Please describe, e.g. type of co-operation with or contacts in third countries, such as diplomatic missions</i></p> <p><i>Please specify if the method is obligatory, part of standard practice or optional</i></p>

	<p><i>about foreigners must not be collected from the supposed source of their persecution or serious harm which allows the (supposed) source to learn that these foreigners are asylum seekers, have been granted asylum or subsidiary protection.</i></p>	
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**Table 6 Methods used for establishing identity in the asylum/return procedure (II)**

Method	Applicants for international protection		Return of rejected applicants for international protection	
	National database	European database	National database	European database
<b>Fingerprints for comparison with National and European databases</b>	<p><i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i>  <i>Yes, obligatory.</i></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i>  <i>Yes, obligatory.</i></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i>  <i>Yes, obligatory.</i></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i>  <i>Yes, obligatory.</i></p>
<b>Photograph for comparison with National and European databases</b>	<p><i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i>  <i>Yes, it is optional.</i></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i>  <i>No.</i></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i>  <i>Yes, standard practice.</i></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i>  <i>Yes, standard practice.</i></p>
<b>Iris scans for comparison with National databases</b>	<p><i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i></p>	<p>NA</p>	<p><i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i>  <i>No.</i></p>	<p>NA</p>
<b>DNA analysis</b>	<p><i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i>  <i>If Yes, briefly describe what for and under what conditions.</i></p>	<p>NA</p>	<p><i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i>  <i>No.</i>  <i>If Yes, briefly describe what for and under what conditions.</i></p>	<p>NA</p>

<b>Other (please describe e.g. type of co-operation with or contacts in third countries, such as diplomatic missions)</b>	<i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i>  <i>If Yes, briefly describe what for and under what conditions.</i>			
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**Table 7 Methods national authorities *plan* to use for establishing identity in the asylum/ return procedure (I)**

In the SR, methods of identification such as electronic bank outputs, smartphones, DNA analysis, etc. are used mainly in criminal proceedings; in the context of migration, it would have to be e. g. smuggling. In the past, the authorities considered introducing iris scans. However, due to the absence of comparable material on national and international levels, the idea was later abandoned. On the other hand, if a national database accessible online was built, the method would be certainly considered again.

In practice, there were numerous cases in which irregular migrants tried to prevent their identification by damaging their distal phalanges along with papillary lines, rendering their fingerprints useless for the purpose of identification. In case of iris, such practice is very improbable. Therefore, it can be stated that the iris scanning method could be more efficient than the fingerprint identification.

Method	Applicants for international protection	Return of rejected applicants for international protection
<b>Language analysis to determine probable country and/or region of origin?</b>	<i>Yes: obligatory, part of standard practice or optional</i>  <i>No</i>  <i>A return to language analyses is planned.</i>	<i>Yes: obligatory, part of standard practice or optional</i>  <i>No</i>
<b>Age assessment to determine probable age</b>	<i>Yes: obligatory, part of standard practice or optional</i>  <i>If Yes: briefly describe what for and under what conditions.</i>  <i>No</i>  <i>Yes, standard practice.</i>	<i>Yes: obligatory, part of standard practice or optional</i>  <i>If Yes: briefly describe what for and under what conditions.</i>  <i>No</i>
<b>Interviews to determine probable country and or region of origin (or other</b>	<i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i>  <i>Yes, standard practice.</i>	<i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i>

<b>elements of identity, such as faith and ethnicity)<sup>23</sup></b>		
<b>Identity related paper and e-transactions with the authorities (e.g. tax, social benefits)</b>	<i>If Yes: obligatory, part of standard practice or optional</i> <i>No</i> <i>Yes, it is optional.</i>	<i>If Yes: obligatory, part of standard practice or optional</i> <i>No</i>
<b>Identity related paper and e-transactions with the private sector (e.g. bank)</b>	<i>If Yes: obligatory, part of standard practice or optional</i> <i>No</i> <i>Yes, it is optional.</i>	<i>If Yes: obligatory, part of standard practice or optional</i> <i>No</i>
<b>Identity related e-transactions in connection with social media</b>	<i>If Yes: obligatory, part of standard practice or optional</i> <i>No</i> <i>Yes, it is optional. An extended use is planned (currently limited).</i>	<i>If Yes: obligatory, part of standard practice or optional</i> <i>No</i>
<b>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?</b>	<i>If Yes: obligatory, part of standard practice or optional</i> <i>No</i> <i>It is planned to start checking technical and recording devices, however, it needs to be incorporated in the legislation before it can be done in practice.</i>	<i>If Yes: obligatory, part of standard practice or optional</i> <i>No</i>
<b>Other</b>	<i>Please describe, e.g. type of co-operation with or contacts in third countries, such as diplomatic missions</i> <i>Please specify if the method is obligatory, part of standard practice or optional</i> <i>No.</i>	<i>Please describe, e.g. type of co-operation with or contacts in third countries, such as diplomatic missions</i> <i>Please specify if the method is obligatory, part of standard practice or optional</i>

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

	National database	European database	National database	European database
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<sup>23</sup> 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.

<b>Fingerprints for comparison with National and European databases</b>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p>No</p> <p><i>Yes, obligatory.</i></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p>No</p> <p><i>Yes, obligatory.</i></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p>No</p> <p><i>Yes, it is used as standard practice.</i></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p>No</p> <p><i>Yes, it is used as standard practice.</i></p>
<b>Photograph for comparison with National and European databases</b>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p>No</p> <p><i>Yes, it is optional.</i></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p>No</p> <p><i>Yes, it is optional.</i></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p>No</p> <p><i>Yes, it is used as standard practice.</i></p>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p>No</p> <p><i>Yes, it is used as standard practice.</i></p>
<b>Iris scans for comparison with National databases</b>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p>No</p>	<p>NA</p>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p>No</p>	<p>NA</p>
<b>DNA analysis</b>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p>No</p> <p><i>If Yes, briefly describe what for and under what conditions.</i></p> <p><i>Yes, its use is planned in controversial cases.</i></p>	<p>NA</p>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p>No</p> <p><i>If Yes, briefly describe what for and under what conditions.</i></p>	<p>NA</p>
<b>Other (please describe, e.g. type of co-operation with or contacts in third countries, such as diplomatic missions)</b>	<p><i>If Yes: obligatory, part of standard practice or optional</i></p> <p><i>If Yes, briefly describe what for and under what conditions.</i></p> <p>No.</p>			

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

Yes, for all asylum seekers

o Please specify since when these checks have been carried out: \_\_\_\_\_

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

o What proportion of matchings produce a positive 'hit' (approximately): \_\_\_\_\_

Yes, for some asylum seekers (who?)

Generally, it can be done, however, it is not automated due to technical reasons. In practice, the fingerprints of the applicant can be compared against the VIS database only if they were not found in EURODAC.

o Please specify since when these checks have been carried out: Since the feature has been introduced.

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

x What proportion of matchings produce a positive 'hit' (approximately): NA

No, for:

o Technical reasons

o Legal reasons.

o 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 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.

Since 2013 the SR has not introduced any new methods of establishing identity of TCNs undergoing asylum or return procedures. The Mo MoI SR has focused on increasing the quality of the methods already in use. Currently, introduction of certain new methods as well as a return to methods used in the past are planned.

**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.)? Yes/No Partially yes

If Yes, please specify

So far, the SR has not faced such migration pressure that it would require a change in the identification methods. However, due to the migration crisis, the number of irregular migrants rose in comparison to the past, therefore in 2015, 5 more Livescans (fingerprint capture devices) were obtained for the executive departments of the Police Force. Currently, the executive departments of BBAP PFP have 56 Livescans for electronic collection of fingerprints. They are connected to the MIGRA national system which allows a search for fingerprints in the AFIS, EURODAC and AFIS Interpol databases.

The number of asylum applications has not increased, on the contrary, their number is lower. Therefore the aforementioned methods have been used less frequently than in the past.

**Q20.** Has your (Member) State issued any guidelines and/or best practices on the use of different methods? Yes/No No.

If Yes, please specify

No complex guideline has been issued regarding the identification methods for Border and Alien Police. However, partial methodology guidelines and guidance exist, e. g.:

- BCD BBAP PFP guidance regarding the procedure of establishing identity of a TCN, who cannot provide any documents and claims a birth date based on which they are not considered adult (claims to be a minor),
- methodology for the use of the IS MIGRA information system.

IS MIGRA allows scanning fingerprints of persons listed in the system and sending them to AFIS, EURODAC, and since 20 April 2016 also INTERPOL databases. Depending upon the particular case, the databases are searched, or the fingerprints are stored in them in accordance with the relevant regulations

### 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/No **yes**

Are there exceptions to this rule? Yes/No. **no** If Yes, please specify:

**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/No

Please specify by filling in the table below:

**Table 9 Methods used for establishing identity**

Short stay visas		
Method	National database	European database
<b>Fingerprints for comparison with National and European databases</b>	<i>If Yes: obligatory, part of standard practice or optional</i> YES/NO <i>Yes, it is standard practice.</i>	<i>If Yes: obligatory, part of standard practice or optional</i> Yes/No <i>Yes, it is standard practice.</i>
<b>Photograph for comparison with</b>	<i>If Yes: obligatory, part of standard practice or optional</i>	<i>If Yes: obligatory, part of standard practice or optional</i>

<b>National and European databases</b>	<i>No</i> <i>No.</i>	<i>No</i> <i>No.</i>
<b>Others (please specify)</b>		
<b>Residence permit for study reasons</b>		
<b>Method</b>	<b>National database</b>	<b>European database</b>
<b>Fingerprints for comparison with National and European databases</b>	<i>Yes, it is standard practice.</i>	<i>No.</i>
<b>Photograph for comparison with National and European databases</b>	<i>Yes, it is standard practice.</i>	<i>Yes, it is standard practice.</i>
<b>Others (please specify)</b>		
<b>Residence permits for the purposes of remunerated activities</b>		
<b>Method</b>	<b>National database</b>	<b>European database</b>
<b>Fingerprints for comparison with National and European databases</b>	<i>Yes, it is standard practice.</i>	<i>No.</i>
<b>Photograph for comparison with National and European databases</b>	<i>Yes, it is standard practice.</i>	<i>Yes, it is standard practice.</i>
<b>Others (please specify)</b>		
<b>Residence permit for family reasons</b>		
<b>Method</b>	<b>National database</b>	<b>European database</b>
<b>Fingerprints for comparison with National and European databases</b>	<i>Yes, it is standard practice.</i>	<i>No.</i>
<b>Photograph for comparison with National and European databases</b>	<i>Yes, it is standard practice.</i>	<i>Yes, it is standard practice.</i>
<b>DNA analysis</b>	<i>No.</i>	<i>No.</i>

<b>Others (please specify)</b>		
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**Table 10: Methods national authorities *plan to use* for establishing identity**

Short stay visas		
Method	National database	European database
<b>Fingerprints for comparison with National and European databases</b>	<i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i>  <i>Yes.</i>	<i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i>  <i>Yes.</i>
<b>Photograph for comparison with National and European databases</b>	<i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i>  <i>No, not planned.</i>	<i>If Yes: obligatory, part of standard practice or optional</i>  <i>No</i>  <i>No, not planned.</i>
<b>Others (please specify)</b>		
Residence permit for study reasons		
Method	National database	European database
<b>Fingerprints for comparison with National and European databases</b>	<i>No.</i>	<i>No.</i>
<b>Photograph for comparison with National and European databases</b>	<i>No.</i>	<i>No.</i>
<b>Others (please specify)</b>		
Residence permits for the purposes of remunerated activities		
Method	National database	European database
<b>Fingerprints for comparison with National and European databases</b>	<i>No.</i>	<i>No.</i>
<b>Photograph for comparison with National and European databases</b>	<i>No.</i>	<i>No.</i>
<b>Others (please specify)</b>		
Residence permit for family reasons		
Method	National database	European database

<b>Fingerprints for comparison with National and European databases</b>	No.	No.
<b>Photograph for comparison with National and European databases</b>	No.	No.
<b>DNA analysis</b>	No.	No.
<b>Others (please specify)</b>	No.	No.

## 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/No
  - Yes – in case of administrative expulsion procedure
  - No – in case of international protection procedure

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.<sup>24</sup>

In the SR, no specific decision is issued regarding the result of establishing identity of the TCNs undergoing international protection, visa issue, temporary residence or return procedures.

According to the internal methodology of BBAP PFP on administrative expulsion, the police department verifies the person in the relevant information systems (CLK, POLDAT, ZOP, ECU, INO, MIGRA, EURODAC, AFIS) at the beginning of the procedure. The police officer who searches the information systems processes the result and fills in the relevant form which becomes the part of the folder pertaining to the given foreigner’s administrative expulsion documents. The police officer also creates a report on the foreigner’s opinion in accordance with Section 22 of the Administrative Procedure Code, focusing mainly on the circumstances of their entrance into the territory of the SR, stay, and also circumstances related to their documents. If the TCN claims to be an unaccompanied minor, the police department follows Section 111 Paragraph 6 and Section 127 of the Act on Residence of Aliens. If it is impossible to reliably identify and verify the TCN, the police department lists their name, surname, birth date, nationality, sex, address and other information provided by the foreigner during the creation of the report in the relevant decision. If the police department fails to identify any of the aforementioned information, they list it as “unidentified” in the decision. Besides this information, the decision also includes a description of the TCN listing their

<sup>24</sup>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.

identification marks (height, weight, eye colour, hair colour, characteristic facial features, special marks, tattoos) as well as a photograph of their face, special marks and tattoos. If the police department discovers that the TCN presented a false or forged document, a document owned by a different person, a document deemed invalid or stolen by the state authority which issued it, the document shall be immediately confiscated and the TCN will be issued a confirmation of this fact.<sup>25</sup>

Regarding visa and residence, if a person cannot be unequivocally identified because they failed to provide a valid travel document, their applications in the aforementioned matters cannot be accepted.

If the police department rejects the application for temporary residence since the TCN presented false or misleading information, false or forged documents, or documents owned by a different person; or if the data in the travel document do not match the reality, the written decision on the rejection of the temporary residence application is issued.<sup>26</sup>

In the Schengen Visa granting procedure, the decision is only issued if the request is not granted. If the visa is granted, the decision is not issued. The application for Schengen Visa for the purpose of seasonal employment can be rejected if it is found that a document submitted alongside the application is false, forged or fraudulently obtained. Granting of a Schengen Visa can also be rejected in case of the relative of an EU citizen if they fail to present proper documents or otherwise prove their identity and their relation to the given EU citizen. In the national visa granting procedure, the rejection is not issued as a specific document.

In general, it can be stated that in the SR, methods based on biometry and fingerprints are given more weight in establishing identity of TCNs. The legislation of the SR provides the conditions upon which biometric data can be processed.

Pursuant to Section 129, Paragraph 1 Letter a) of the Act on Residence of Aliens, for the purpose of the visa procedure, police department, diplomatic mission and MFEA SR are authorized to process the following personal data of the visa applicant: name, birth surname, previous surnames, birth date, sex, place and country of birth, nationality, marital status, travel document information, biometric data.

The TCN is obliged to provide their biometric data upon the request of the police department or diplomatic mission for the purpose of the procedure set out in this Act or a specific regulation.<sup>27</sup>

### **International protection procedure**

Methods for establishing identity in the SR are not evaluated; their reliability in comparison to each other, result usage analysis or further application are not incorporated in the Slovak legislation or any guidelines or directives. Therefore, they follow good practice and the relevance of methods is determined ad hoc for every case.

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<sup>25</sup> Internal regulation of BBAP PFP, Instruction of the Director of BBAP PFP No. 54/2013 as worded in Instruction of the Director of BBAP PFP No. 24/2014.

<sup>26</sup> Section 33 of the Act No. 404/2011 Coll. on Residence of Aliens

<sup>27</sup>For instance, Article 4b of Regulation (EC) No. 1030/2002 as amended, Article 13 of Regulation (EC) No. 810/2009, Agreement between the SR and Ukraine on the local border traffic (announcement No. 441/2008 Coll.)

However, all information provided by any identification methods is evaluated and compared to the data provided by the applicant during the asylum procedure. The general credibility of the applicant is another important aspect. It plays an important role and affects the results, if other identity examination methods fails to provide clear conclusions.

Apart from some other MS, the SR the identification process is not hierarchical, and the applicant's identity is evaluated only as "stable"; it is assumed that if the provided conditions are met, the identity has been verified for the purpose of the international protection procedure. If the identity has not been reliably verified, the applicant is evaluated as not credible. Of course, during international protection procedure, the credibility and actuality of their reasons are more important than their personal credibility, and the decision process further takes it into consideration when evaluating the eligibility of their request for international protection. However, if it is not possible to even confirm their country of origin, the credibility of the person indeed does affect the decision on granting international protection, since in such case, the very reasons for their request, which are usually country or even region-bound, are challenged.

In some cases, the expert evaluation results can differ, e. g. authenticity of submitted documents cannot be either confirmed, or refuted since the document template is not available and there is nothing to compare it with. In this situation, only standard elements are examined and the credibility of the applicant's testimony is taken into consideration. If the testimony is credible and consistent, the decision may be in favour of the applicant despite the impossibility of verifying their documents.

As for the reliability of methods, verification of identification documents of the applicants is considered the most reliable procedure; in that case, the credibility is not doubted. Other methods are used and evaluated ad hoc, but they cannot be arranged into a specific hierarchy.

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

YES

If Yes, please specify:

If the fingerprints of the TCN return positive hits in two different databases, the inconsistency has to be resolved by the specialized workers at IFS.

**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")? Yes/No No.

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

As previously mentioned, the identification methods in the SR are not hierarchically arranged. i. e. there is no categorisation of TCNs into "without documents", "sufficiently proved", "credible" or "completely verified and with documents", and its introduction is not planned.

In terms of the asylum law in the SR, there are only two kinds of identity: stable and not credible. Stable identity includes the situation in which the person has no documents, but both internal and external coherence and cohesion of their testimony make their testimony credible.

The MIGRA national information system recognizes only two types of foreigners: applicants for international protection and irregular migrants, and it uses the following identity categories: **confirmed**

**identity** (the person has a document confirming their identity), **unconfirmed identity** (the person has no identification document, decisions regarding the administrative expulsion are issued for the identification data of the person stated in the procedure), **alias** (other identity the person could or did use in the past), and **stolen identity** (the person stole someone else's identity).

**Q25. Are there any future measures being considered with regard to setting up or further elaborating a 'grading' structure?** Yes/No **No**

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

In this area, no change in the categorisation of migrant identity is planned.

Introduction of a categorisation of asylum seekers' credibility is not planned either. Its practical meaning would be very limited, because the SR is obliged to evaluate each application for international protection individually, and if the identity of the applicant has not been compromised, such categorisation would in no way affect the decision process in the asylum procedure. On the other hand, it could be used as supporting evidence in the procedure.

## **SECTION 3.2 DECISIONS TAKEN BY THE COMPETENT AUTHORITIES ON THE BASIS OF THE OUTCOMES OF THE IDENTITY MANAGEMENT PROCEDURES**

### **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'.

According to the Act on Asylum, the asylum application shall be rejected if it is manifestly unfounded in the context of the applicant's identity, if the applicant does not fulfil the requirements for granting asylum or subsidiary protection and at the same time refused to provide their fingerprints, presented false information, false or forged documents, if they withheld important information or documents needed for the asylum procedure with the aim to obstruct it, and if their reasons for applying for asylum are incoherent, contradictory, improbable, or challenge their credibility; if there is a possibility that the applicant destroyed or otherwise got rid of their travel or identification documents with the aim to appropriate a false identity for the asylum procedure or otherwise obstruct the evaluation of the application, or if it a repetitive asylum application and the applicant failed to provide requested personal information.

By application of the aforementioned provisions of the Act on Asylum, these are the cases in which the negative decision is affected by the lack of credibility of the applicant or their identity.

The concept of the lack of credibility of the reasons is often constituted by the lack of reasons to grant asylum or subsidiary protection.

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

- Has the quality of the methods used decreased? Yes/No

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

The number of applicants for international protection has fallen since 2013, therefore their numbers could not have negatively affected the identification methods. On the contrary, the quality has been increasing.

## 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'.

The TCNs to whom the decision on administrative expulsion or other court decision was issued along with the penalty of expulsion, but their identity has not been confirmed (their identity could not be verified using available tools), remain placed in the Police Detention Centres for Aliens with the aim to return them to their country of origin upon identifying their true identity, since they do not possess valid travel documents. They are repeatedly interviewed using an interpreter in order to obtain this information. Social workers are also involved. The International Organization for Migration informs the migrants on their right to request assisted voluntary return to their country of origin as well as assistance with reintegration in their home country. The existing practice indicates that in some cases when the identity of the TCN cannot be verified, their decision to request assisted voluntary return (AVR) often helps identify them. Persons requesting AVR often tend to be more cooperative in the identification process and the process of obtaining documents, and the competent authorities in their home country are also more willing to cooperate and issue an emergency travel document to their citizen. There have been cases when relatives or friends of migrants brought travel documents for the migrants to the facility where they were placed, which greatly simplified their return process.

However, there are also cases when the identity verification process, e. g. through INTERPOL, takes longer and the results ultimately prevent the TCN to return through AVR. In such case, forced return has to be performed, which can be difficult particularly in the case of third countries such as Somalia, Afghanistan, etc.

In comparison to information provided in the 2013 study, the use of fingerprints has changed. Fingerprints are collected from the migrant awaiting their return and compared against EURODAC, INTERPOL and VIS. VIS has been added only recently. The SR took steps to introduce the subordinate departments included in the TCN returns to the system and start using it for their identification.

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

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.

The identity of TCNs who apply for international protection is verified within the first step when the competent police department of the Border and Alien Police follows the aforementioned procedures. All information about the person is inserted into MIGRA which is a shared database of all applicants for international protection as well as irregular migrants intercepted during their unauthorized stay in the territory of the SR, or at the moment of irregular state border crossing. After the asylum seeker is examined by the police department, they are handed over to the MO MoI SR. Further steps leading to identity

verification of identity during international protection procedure are also taken by the MO MoI SR; the person is heard and allowed to present other documents for the MO MoI SR to evaluate.

The day after the TCN takes over the decision in which his/her asylum has been rejected, and if the administrative appeal does not have a suspensive effect and this effect has not been granted by the court, the authorization to stay in the territory of the SR expires, and the competent police department begins the administrative expulsion procedure (in case it has already began, it simply continues). The close cooperation between MO MoI SR and BBAP PFP departments allows for storing of all information obtained during international protection procedure which is further available to the police departments facilitating the return of the rejected asylum seekers.

Before a TCN who is missing their travel documents is returned to their country of origin, the competent diplomatic mission of the relevant third country in the SR is contacted (if applicable). However, diplomatic mission of third countries of most of the returned TCNs are located in Vienna or Prague. Therefore, processing and the physical takeover of the emergency travel document is performed by the competent department of Aliens Police which prolongs and complicates the whole process. If the diplomatic mission of the third country is contacted, the preliminary date of the forced return is planned to allow the foreign authorities to take time for preparation. If there is a readmission agreement in force between the SR and this country, the competent authority of the other country is contacted directly and the relevant form is send to them. For example, the SR has been successfully cooperating with Georgia. The cooperation with Ukraine is also very good, and this is the country where most TCNs are returned. This cooperation is based on the original readmission agreement between the SR and Ukraine and follows the readmission agreement currently in force between the EU and Ukraine. Most returns to Ukraine even take the form of informal readmission. It means that no official forms need to be sent to Ukraine for their authorities to take over the returnees. If the returnee travels by plane, the SR mostly opts for commercial flights. It depends upon the particular airline whether they allow the returnee to board their plane. The SR has not organized any national air operation regarding TCNs' returns.

#### **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"?**

The legislative reasons for rejection of the application for temporary residence or visa are described in Q6 and Q23.

**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/No YES**

If Yes, please specify

If the identity of the person is not confirmed, it cannot be established or the person cannot prove it, or if they provide false documents, it constitutes a reason to refuse or even reject their application for residence or visa. In case of national visa, the identification document has the same weight as a document confirming family relationship.

## 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. *NO*
- Carriers Yes/No. *NO*
- Authorities in one or more other countries Yes/No. *NO*
- International organisations Yes/No. *NO*
- Private entities Yes/No. *NO*
- Others Yes/No. *NO*

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

The SR signed the Prüm Convention (Decision of EC 2008/616/JHA of 23 June 2008 on the execution of Decision 2008/615/JHA on the intensification of cross-border cooperation, particularly in combating terrorism, cross-border crime and irregular migration.<sup>28</sup> which can be used in certain cases of establishing identity of TCNs who are to be deported from the territory of the SR. The cooperation between BBAP PFP departments facilitating the act of expulsion involves the employment of the aforementioned convention by means of IFS.

In establishing the identity of applicants for international protection, the MO MoI SR cooperates exclusively with UNHCR; this only happens in specific cases when the TCN could have been recognized as a refugee already, or passed any of the UNHCR camps. However, the SR has no agreement with the UNHCR regarding identification of TCNs and only contacts UNHCR in individual cases.

**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**

N.A.

### SECTION 4.2 DATA PROCEDURES AND DATABASES

**Q30. Which personal data of individuals is collected in national databases<sup>29</sup> 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.

The SR uses several databases to collect and store data on foreigners/TCNs who legally or illegally reside in the territory:

<sup>28</sup> <http://eur-lex.europa.eu/legal-content/SK/TXT/?uri=celex%3A32008D0616>

<sup>29</sup> 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.

ECU information system – national database of foreigners granted residence in the territory of the SR, collects, stores and provides data on legally residing TCNs.

VIS national database – a vast information system for exchanging data on short-stay visa among Schengen countries. Its goal is to support execution of the common visa policy of the EU as well as its migration and border management policy by preventing the submission of multiple visa applications in different MS (“visa shopping”). This system helps combat irregular migration, prevents internal security risks in individual MS, and allows the introduction of transparent and quick procedures for bona fide travellers. It is accompanied by the BMS biometric identification system which allows to search for fingerprint hits.<sup>30</sup>

These systems can process all personal and other visa-related data pursuant to Section 129, Paragraphs 1 and 2 of the Act on Residence of Aliens.

(1) for the purpose of the **visa procedure**, police department, diplomatic mission and the MFEA SR are authorized to process the following personal data of the visa applicant:

- a) name, birth surname, previous surnames, birth date, sex, place and country of birth, nationality, marital status, travel document information, biometric data.
- b) visa applicant’s occupation, name and surname of their father; name, surname and birth surname of their mother; name, surname and birth date and birth place of their spouse; name, surname and birth date of their child; their previous stay in the SR;
- c) their previous country of citizenship; permanent residence; employer information; destination country; type of visa; requested number of entrances; length of stay; information on visas issued by the SR; purpose of travel; date of arrival and departure; means of transportation; place of first entrance; personal information of the contact person in the SR; proof of financial resources in the SR; name, surname, date and place of birth, nationality; address of their residence in the SR; identification document; occupation of the inviting person and their relationship to the invited TCN if they are a natural person;
- d) name, residence and company ID, subject of business of the legal entity which invites the TCN and their relationship, and other information set out in Letter d) on the statutory body or its member.

(2) for the purpose of the **residence procedure and control**, police department, representative office and the MFEA SR are authorized to process the following personal data of the TCN as set out in Paragraph 1 Letters a) and b):

- a) academic title, nationality, purpose of residence, highest level of education, occupation before and after entering the SR, place and country of permanent residence, last residence, residence in the SR, name of accommodation provider,
- b) previous surnames, birth country, nationality, permanent residence, their spouse’s residence in the SR,

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<sup>30</sup> <http://eur-lex.europa.eu/legal-content/SK/TXT/?uri=CELEX%3A52013DC0232>

- c) date of birth and nationality of their parents, place of birth, nationality, permanent residence and the residence of their child in the SR, names, surnames, dates and places of birth, nationality and permanent residences of their siblings.<sup>31</sup>

### **Return process**

Within the MIGRA information system (migration and international protection), the following biometric data are collected: photograph, fingerprints (the system allows fingerprint scanning for persons listed in the system and sends them to AFIS and EURODAC), and these personal data: surname, sex, birth date, country of citizenship, nationality.

The INBO national database – database of unwanted persons, blocked persons, vehicles and items at border crossing points. The database lists the following personal data: surname, sex, birth date, country of citizenship, nationality; and photograph as biometric information.

The MIGRA national database stores the following personal data for the purpose of international protection procedure:

- name
- surname
- birth date
- country of citizenship (state affiliation)
- nationality
- qualifications
- mother tongue
- other languages spoken
- birth surname
- religion
- marital status
- photograph
- photocopied identification documents

## **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 control authority; the Eurodac National Access Point is managed by the asylum authority).

MIGRA, ECU and INBO national information systems are managed by the Border and Alien Police (in case of MIGRA, jointly with the MO MoI SR). The REGOB national information system (population register) is managed by the MoI SR and it is interconnected with ECU. VIS is managed by the MFEA SR and MoI SR. EURODAC and AFIS are managed by IFS.

<sup>31</sup> Section 129 of Act No. 404/2011 Coll. on Residence of Aliens as amended

**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

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

	VIS	SIS	EURODAC	National databases and watch lists
<b>International protection</b>	x		x	IS MIGRA
<b>Return</b>	x	x	x	IS MIGRA, ECU, INBO, AFIS, POLDAT, ZOP, search through national console – CSC
<b>Short stay visas</b>	X	X		IS MIGRA, ECU, INBO, AFIS, POLDAT, ZOP, search through national console – CSC
<b>Long stay visas and residence permit for study reasons</b>	X	X		IS MIGRA, ECU, INBO, AFIS, POLDAT, ZOP, search through national console – CSC
<b>Long stay visas and residence permits for family reasons</b>	X	X		IS MIGRA, ECU, INBO, AFIS, POLDAT, ZOP, search through national console – CSC
<b>Long stay visas and residence permits for the purposes of remunerated activities</b>	X	X		IS MIGRA, ECU, INBO, AFIS, POLDAT, ZOP, search through national console – CSC

**Q32b. Are there any data elements that the authorities would consider useful, but are not yet collected or stored? Yes/No**

If Yes, please specify

Yes, it would be useful to collect the data on place and address of residence of the person in their country of origin.

#### **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.

The most significant change that took place after entering the Schengen Zone was that we started using the Schengen Information System in 2007, and in 2008 we gained online access to Interpol.

As for returns, the creation of MIGRA in 2010 was important allowing us to use integrated fingerprint search in AFIS and EURODAC databases using a single scan. In 2016, the SR gained access to the AFIS Interpol fingerprint database.

As for the residence regime, our goal was to increase the effectiveness of the TCN identification procedures by incorporating the KBS biometry control system into the ECU national information system in 2013 with the aim to facilitate automatic comparison of the scanned face of the TCN with the photographs, and collected fingerprints with the database recorded in the system.

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

The SR is planning several changes in the way migration-related information systems work and communicate with one another. These changes will mainly affect the MIGRA system, but simplification of VIS is also planned along with new uses for the CSC, etc. All these innovations depend upon the availability of financial resources. The demand for these innovations emerges from either national needs, or changes in the European legislation.

The VIS fingerprint search engine for MIGRA was discussed as early as in 2015, because police officers had to collect the fingerprints repeatedly using different devices to get all results. To increase the effectiveness and speed up the procedure, a request to incorporate the fingerprint search engine into MIGRA along with Interpol search to allow the police officers to get hits from AFIS, INTERPOL, VIS and EURODAC using a single scan was formulated. Due to the lack of financial resources, only the INTERPOL search engine was ultimately added.

In case of ECU which lists all foreigners in the territory of the SR, for a long time, the authorities have been pointing out the need to innovate the information system or even build a brand new one. The application practice of departments using the system on the daily basis shows that the system is outdated, mainly in the context of the rising numbers of TCNs coming to SR and ever-increasing legislative requirements regarding statistical data, but also new ways of misusing the system invented by foreigners. The KBS biometry control

system was integrated into the ECU national information system in 2013 with the aim to facilitate automatic comparison of scanned face of the TCN with the photographs, and collected fingerprints with the database recorded in the system. The system has been introduced, however, it was found out that it requires further technical innovations to become really effective which, again, requires financial resources.

## SECTION 5: DEBATE AND EVALUATION

**Q34. Are the (actual or planned) measures described above currently being debated in your Member State?** Yes/No

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.

The NGOs initiated a long-term discussion on the use of specific medical methods to determine the age of a person.<sup>32</sup> They consider X-ray examination too invasive and propose to use less invasive methods such as psychological examination instead. However, this discussion is rather counter-productive, since psychological examination can only be used to determine the mental age of the person and it is of no use in determining their physical age; in terms of international protection procedure, this proposal is irrelevant.

This topic does not attract much attention from the public or government; it is a very specific subject and should be resolved by actual experts.

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

## 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.*

Over the last 5 years, the number of applicants for international protection has dropped. However, most applicants arrive without any documents which obstructs their identification. The applicants often do not submit their documents even if they have them to prevent being returned to their country of origin, or in order to withhold certain personal information (age, country competent to evaluate their application), or just because they consider the SR merely a transit country. Applicants claim they had no time to collect their documents, lost them on their way to Europe, gave them to their smuggler, or that it is impossible to get

<sup>32</sup> FAJNOROVÁ, K. - ŠTEVULOVÁ, Z.: DIEŤA ALEBO DOSPELÝ?: Human Rights League, 2013, 122 p. and UNHCR seminar on the legal position of refugees and specific aspects in the decision-making process held in Olomouc 2 – 3 February 2017, etc.

such documents in their country of origin. The smugglers possibly recommend not to show their identification documents (in some cases applicants even give them to the smugglers, or the smugglers forcedly get hold of them). Therefore, it is necessary to develop new methods of establishing and verifying identity of such applicants. Cases in which applicants pretend to be TCNs of countries in which military conflicts are taking place to make it easier for them to get international protection in Europe are also problematic.

Of course, the falling number of applicants resulted in the decreased number of identity establishment procedures. Interviewing remains the most frequently used method; each applicant is asked a set of questions aiming to establish their identity, which can be extended, or additional interviews with specialized and detailed questions in order to determine their country of origin can be used. However, the possibilities of this method are limited; the interview can refute false claims about the country of origin, but cannot reveal their actual country of origin. This reflects in the decision process and appeal procedures at courts.

Measures taken in order to establish identity if they are missing documents are time-consuming, costly and require staff, and despite all the efforts, they are not always successful. The SR applies mainly the following methods: fingerprint collection, taking photographs in order to allow comparison with national and European databases, and interviews. The method of interview provides information on the applicant's country of origin as well as other information that speaks in favour or against the applicant in terms of their identity and credibility. The compliance between presented documents and the testimony of the applicant and the information about their country of origin is tested. This way, the external and internal credibility of the applicant's claims are evaluated.

If the TCN claims to be a minor, but there are doubts about their age, a medical examination is performed in order to determine their age (hand X-ray).

These methods are covered in the legislation, specifically the Act on Asylum and the Act on Residence of Aliens. Other methods are not covered in specific legislation, therefore their application can only be governed by the general legislation, which often do not reflect the specificity of the asylum procedure. Introducing the legislation that will set out the rules of using language analyses and checking technical and recording devices (e. g. Smartphones) for the purpose of asylum procedure to establish the identity of applicants is a challenge that awaits us in the near future. Cooperation with third countries within identification procedures is an optional method; DNA analysis and iris scan have not yet been introduced in relation to establishing identity.

A special role is played by the Slovak Information Service which helps establish identity of TCNs with regard to state and public security in the country.

The SR would welcome, if more common EU projects focusing on establishing identity existed, e. g. centrally coordinated language analyses with experts available all over the EU. It would also be suitable if a unified legislation specifying individual identification methods existed within the EU legal framework, instead of partial directives and regulations.

Pressuring third countries to encourage cooperation in return policy or legal migration but also other areas remain challenging for the SR, mainly in the context of establishing TCN's identity and verifying the authenticity of documents presented by applicants for residence, and persons with missing documents who are to be expelled from the territory of the SR. Cooperation with third countries, negotiations and other activities leading to conclusion of cooperation agreements can be initiated through MFEA SR. For the purpose of correct identification of a TCN claiming to be a national of a third country, a certain willingness of the third country is necessary for the SR to successfully complete the operation. In the residence or visa granting procedures, it is necessary for the third country to provide up-to-date information and specimens

of issued travel and supporting documents which their nationals may present along with their applications for residence or visa.

The best cooperation partner for the SR proved to be Ukraine. The extraordinary level of cooperation with Ukraine as a third country is related to the number of irregularly present Ukrainian TCNs in the SR and the number of persons illegally crossing the external Schengen border between the SR and Ukraine. Cooperation is encouraged by regular meetings of the border plenipotentiaries and the readmission agreement between the EU and Ukraine. So far, the SR as represented by the Bureau of Border and Alien Police has not initiated any stronger partnership with a specific third country in the area of returns, mainly because the SR has not encountered many TCNs who would refuse cooperation in the matter. Meetings are organized with representatives of third countries such as Iraq, Pakistan or Afghanistan in order to encourage their cooperation with the EU concerning returns; they take place on the EC level within the REM group, and in cooperation with the Frontex agency which greatly increases the efficiency and simplifies the TCN return process. The SR has not concluded any memorandum of understanding with a third country in order to encourage cooperation concerning returns. Practical cooperation with representative offices of third countries in the SR and neighbouring countries concerning returns is managed by the Medved'ov Police Detention Centre for Aliens (PDCA); it directly facilitates forced returns to third countries for TCNs missing their valid travel documents. Authorized police officers in Medved'ov PDCA directly communicate with individual embassies, Frontex and other MS to establish the identity of TCNs, mainly in order to have emergency travel documents issued for them. It is difficult to evaluate cooperation with third countries concerning returns, because their willingness and level of cooperation to help returnees get home is very individual. In case of assisted voluntary returns, cooperation with third countries can be evaluated as very good.

The quickest and best way to verify the identity of TCNs is biometry (mainly fingerprints) which is automatically compared with available databases; the need to allocate adequate financial means for technological equipment and modernisation of the relevant information systems used in procedures for legal and irregular migration in the SR should not be underestimated.

## 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
<b>Consulates/Embassies</b>		X	X	X	X	X
<b>Immigration authorities</b>	N.A.					
<b>Asylum authorities<sup>33</sup></b>	X	X				
<b>Police</b>	X	X	X	X	X	X
<b>Border guard <sup>34</sup></b>						
<b>Security services</b>	X	X	X	X	X	X
<b>Identification centre</b>	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
<b>Other (please add rows to specify)</b>						

## 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:

- Parts of the process which have been automated;<sup>35</sup>
- Biometric technologies used, if any;
- Identification/ identity verification tasks carried out by decision maker or specialised officer;
- Centralised or decentralised identification function(s).

<sup>33</sup> Note: The asylum procedure in the SR is performed by MO MoI SR which is basically an asylum authority; it decides on the international protection procedures.

<sup>34</sup> Note: The SR has no border guard; border control and guard is performed by the Border Control under the Police Force and their activities include issuing of visa at the border crossing points. The Police Force also incorporates the IFS and DATD which assist with identification procedures.

<sup>35</sup> 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 24 March 2017). For example, the use of a document reader would be understood as partially automating the task of performing document checks).

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
<b>International protection</b>	<ol style="list-style-type: none"> <li>1. Before entering the asylum procedure (providing statement), the competent BBAP PFP department identifies the person and if needed, it also facilitates the medical examination to determine their age.</li> <li>2. The asylum procedure begins when the person is identified and submits their statement created with the assistance of the BBAP PFP department.</li> <li>3. Subsequently, their fingerprints are collected and inserted into EURODAC, their photograph is taken and inserted into MIGRA. The person is then searched for in the police databases.</li> <li>4. Their identification documents are examined and in case of need, sent for verification to determine whether they are not falsified, forged or altered.</li> <li>5. The authorized employee of the MO MoI SR interviews the applicant for international protection in order to establish their identity.</li> <li>6. If the applicant presents questionable identification documents, these are sent to the BBAP Department of Analysis of Travel Documents or the Institute of Forensic Science of the Police Force for examination.</li> <li>7. The Slovak Information Service may perform a background check on the person upon request.</li> <li>8. The MO MoI SR employee checks the identified facts with the available information about the given country of origin.</li> <li>9. If the applicant's identity is deemed stable based on the collected information, the decision on the asylum procedure is issued.</li> </ol>
<b>Forced return</b>	<ol style="list-style-type: none"> <li>1. Identity verification based on a travel or other document,</li> <li>2. authenticity and validity check of the travel document based on available information and technical possibilities,</li> <li>3. alphanumeric search in the relevant national and European databases based on the available data,</li> <li>4. fingerprint collection and search (to check whether the person is listed in MIGRA, AFIS, EURODAC or INTERPOL databases),</li> <li>5. if there is suspicion that a person claiming to be a minor is in fact an adult, medical examination to determine their true age,</li> <li>6. if a person presents a document which shows signs of forgery of alteration, expert examination, evaluation and statement follow,</li> <li>7. personal interview, protocol on the explication,</li> <li>8. if a person is missing all identification documents, the police department examines whether their claimed identity is real; all information obtained during the creation of the protocol, cooperation with an interpreter who can sometimes clearly define whether the person comes from the country they claim to come from,</li> <li>9. verification of available information in cooperation of authorities of the SR and other MS abroad,</li> <li>10. if circumstances allow, the Prüm Convention principles regarding the decentralised identification can be followed; fingerprint search in national databases pertaining to countries which signed the convention can be performed,</li> <li>11. identification of a person through the diplomatic mission of their country of origin.</li> </ol>
<b>Short stay visas</b>	<ol style="list-style-type: none"> <li>1. Identity verification based on a travel document,</li> <li>2. alphanumeric search in the VIS database performed abroad at the diplomatic mission of the SR,</li> <li>3. alphanumeric search/safety background check in the relevant national and European databases based on the available data obtained from the diplomatic mission of the SR performed by the competent Slovak unit,</li> </ol>

	<ol style="list-style-type: none"> <li>4. personal interview, protocol on the explication,</li> <li>5. verification of authenticity and validity of the presented document in cooperation with competent authorities in the SR if the document shows signs of forgery or alteration,</li> <li>6. if the person presents a document which shows signs of forgery of alteration, expert examination, evaluation and statement follow.</li> </ol> <p>Before the consul of the SR is posted abroad, they are trained at the Institute of Forensic Science of the Ministry of Interior of the SR regarding forgery and alteration of travel documents, postal stationery and other documents. The Consular Offices of the SR abroad are equipped with technology allowing them to issue visas in N VIS: travel document readers, UV lamps, magnifying glasses with backlight, fingerprint scanning devices, photobooshs and specialized digital cameras for photographing faces. Employees of the MoI SR authorized to verify travel documents and other documents accompanying the visa applications (including the authenticity of entry/exit stamps in passports) are posted at the Slovak Consulate General in Uzhorod, Ukraine.</p> <p>The consul has access to specimens of valid travel documents of accredited countries along with descriptions of their safety and protective elements. In terms of the local Schengen cooperation, the consul regularly attends MS Consul meetings and closely cooperates with posted expert workers of other MS authorized to verify documents.</p>
<p><b>Long stay visas/ permits for family reasons</b></p> <p><b>Long stay visas/ permits for study reasons</b></p> <p><b>2Long stay visas/ permits for the purposes of remunerated activities</b></p>	<ol style="list-style-type: none"> <li>1. Identity verification based on the presented travel document,</li> <li>2. alphanumeric search in the VIS database performed abroad at the diplomatic mission of the SR,</li> <li>3. alphanumeric search/safety background check in the relevant national and European databases based on the available data obtained from the diplomatic mission of the SR performed by the competent Slovak department,</li> <li>4. personal interview, protocol on the explication,</li> <li>5. verification of authenticity and validity of the presented document in cooperation with competent authorities in the SR if the document shows signs of forgery or alteration.</li> <li>6. if a person presents a document which shows signs of forgery of alteration, expert examination, evaluation and statement follow.</li> </ol>

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<http://www.minv.sk/?statistiky-20>

## **ABBREVIATIONS:**

AVR – assisted voluntary return

AE – administrative expulsion

AFIS – Automated Fingerprint Identification System

TD – travel document

CSC – Central Search Console

EASO – European Asylum Support Office

EC – European Commission

ECU – database of foreigners

EURODAC – European Dactyloscopy fingerprint database

EU – European Union

FADO – National information system listing forged and authentic documents

GDISC – General Directors' of

Immigration Services Conference

CG SR – Consulate General of the Slovak Republic

ID – identification document

INBO – information system listing unwanted and blocked persons

IS – information system

IFS – Institute of Forensic Science of the Presidium of the Police Force

MIGRA – information system: migration and international protection

MO MoI SR – Migration Office of the Ministry of Interior of the Slovak Republic

MI SR – Ministry of Interior of the SR

MFEA SR – Ministry of Foreign and European Affairs of the Slovak Republic

KEDATD – Department of Analysis of Travel Documents of the BAP Border Control Department

APD BBAP PFP – BBAP PFP Alien Police Department

BCD BBAP PFP – BBAP PFP Border Control Department

POLDAT – automated information system of the Police Force

PF – Police Force

REGOB – population register

SR – Slovak Republic

TCN – third country national

BBAP PFP – Bureau of the Border and Aliens Police of the Police Force Presidium

PDCA(s) – Police Detention Centre for Aliens

VIS – visa information system

ZOP – database of persons of interest for the police

RO – representative office