Residence permits: uniform format, biometric identifiers

2003/0218(CNS) - 24/09/2003 - Initial legislative proposal

PURPOSE: to amend Council Regulation 1030/2002/EC and integrate biometric identifiers into the uniform format for residence permits for third country nationals.

PROPOSED ACT : Council Regulation.

CONTENT : Due to concerns about security in the aftermath of 11 September 2001, Member States stated that they would like to see further enhancement of the security standards of the uniform format for visas and travel documents in general. Member States are already required to incorporate a photograph into these travel documents by 2007. They have indicated that they are in favour of including biometric identifiers in the visa and the residence permit for third country nationals in order to establish a more reliable link between holder, passport and visa. This proposal is linked to the proposal to amend Regulation 1683/95/EC on the uniform format for visas. (See CNS/2003/0217.) The aim of these two proposals is:

- to bring forward the final date for the implementation of the photograph from 2007 to 2005 and at the same time;

- require Member States to integrate biometric identifiers into the visa and the residence permit for third country nationals in a harmonised way, thus ensuring interoperability.

It must be added that these proposals will have a decisive impact on the choice of biometric identifiers to be used in the VIS (Visa Information System), as they should be the same in order to ensure coherence. Furthermore, the enrolment of the biometric identifiers must be in line with the requirements of the VIS in order to enable identification (one-to-many searches).

The digital photograph will be integrated into the visa and used for the integration of the facial image as the primary interoperable biometric identifier, to be stored among other information on a storage medium with sufficient capacity. The bringing forward of the final date of implementation is a logical consequence. Some Member States have already anticipated the final date by implementing the Regulations early i.e. before 2007.

The proposals provide for the mandatory storage of the facial image as a primary biometric identifier in order to ensure interoperability. A secondary biometric identifier is added. The fingerprint provides the best solution for "background checks", the identification (one-to-many searches) in databases. The number of fingerprint images stored is limited to two. The fingerprint images will be taken from flat fingers and not be 'rolled'.

The main purpose of the chosen identifiers is to achieve a solution, which guarantees a very high level of security and the best technical results. The choice of technology is left to Member States.

The two Regulations provide only for the legal basis for Member States to store biometric data on the uniform format for visas and the residence permit for third country nationals. The implementation of such action is left to the Member States in accordance with the technical specifications set out by the

Committee created by Article 6 of Regulation 1683/95/EC. Member States will carry out the processing of the biometric data. Directive 95/46/EC on data protection applies to the processing of personal data, including biometric data.

It must be added that the proposals have impact on the Schengen acquis, and Denmark will not take part in the proposal on the uniform format for residence permits.

Financial implications: this is uncertain as the exact requirements are not yet known and will be established by the Committee created by Article 6 of Regulation 1683/95/EC. In any event, it should be recalled that the necessary technical equipment has to be installed for the integration of the photograph according to high security standards into the visa and the residence permit for third country nationals and for the VIS system. The following technical requirements seem to be necessary:

- storage medium;

- enrolment equipment;

- verification systems;

- data management.