



AD HOC QUERY ON 2019.73 PROCESS OF CHECKING BREEDER DOCUMENTS

Requested by Maren Stegink on 23 July 2019

Compilation produced on 27 March 2020

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovakia, Sweden, United Kingdom plus Norway (22 in Total)

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1. Background information

Breeder documents are crucial elements when applications for residence permits are assessed. Based on the contents of such documents third country nationals are admitted (or not). For example, when lodging an application for family reunification they have to submit so-called breeder documents (i.e. marriage certificates and birth certificates).

In total, eighty countries worldwide are not part of the Apostille convention. This means that citizens coming from those countries have to have their breeder documents legalized by the authorities in their country of origin before they can be used by the Dutch immigration service.

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The legalization process of third-country breeder documents to be used in the Netherlands is as follows: 1. third-country nationals should let their breeder documents be checked by the so called 'legalization chain' – legalization chains comprise of the issuing (local) authority, provincial authority and national authorities - before they can use these documents in their application procedure. 2. all the members of this chain have to put a stamp on this document to certify that this is a genuine document. 3. The final step in the legalization process is taken by the Dutch Ministry of Foreign Affairs. Third country nationals need to go to the Dutch embassy, where the document is checked and legalized.

However, the ministry of Foreign Affairs is reducing their involvement in the legalization process in certain countries. The result is that the employees of the Dutch immigration service will have to check if the document submitted by third country national is true and genuine instead. In order to do so they can make use of a digital program, where specimen documents of countries of origin are displayed.

The Netherlands would like to know how other Member States check if breeder documents of (potential) third country nationals in legal migration cases are genuine. This relates to third country nationals of countries that are not a party of the Apostille convention. The results of this ad-hoc question will be included in a study conducted by the Dutch immigration service.

2. Questions

1. Are breeder documents required in legal migration processes in your MS (for example during family reunification) to check/approve the identity of the third-country applicant? Yes/no, please give an example of a legal migration process in which breeder documents are required and explain how these documents are used.

2. What process is carried out by the competent authority/authorities to check the authenticity of the breeder documents provided by the third country applicant? Please also explain which elements of the documents are checked during this process and by which authority.

3. What tools are used in order to check the authenticity of the breeder document?

4. Does the competent authority has the possibility verify the content stated on the breeder documents in the country of origin of the third-country nationals (for example by looking at the official registration in churches and schools)?



We would very much appreciate your responses by **27 August 2019**.

3. Responses

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		Wider Dissemination ²	
	EMN NCP Austria	No	
	EMN NCP Belgium	Yes	<p>1. Yes. For instance, in the procedure for family reunification as spouse of a third country national residing in Belgium, the applicant needs to submit a marriage certificate to prove his or her relationship. This document needs to be legalised by both the foreign authorities and the Belgian authorities (if the “apostille” procedure or exemptions do not apply). Furthermore, the document needs to be translated by a sworn translator if drawn up in a language other than Dutch, French, German or English.</p> <p>2. The applicant needs to submit the documents that have been legalised by the foreign authorities to the Belgian embassy or consulate. In the first phase, the Belgian embassy or consulate (Federal Public Service Foreign Affairs) authenticates the signature and status of the signatory and the identity of the seal or stamp on the foreign document. If the form of the document is considered to be authentic, the embassy or consulate legalises the document by placing an official sticker on it. The competent officer does not</p>

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² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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			<p>assess the authenticity of the content, but can add remarks related to material errors (e.g. orthography). Legalisation can be refused if the signature on the foreign document is not the signature of the competent official; the signatory is not competent; the stamp or seal is false, falsified or uncommon; the document has been drawn up in a foreign language not understood by the diplomatic staff; or the document is considered to be contrary to Belgian public order (Art. 30 International Private Law Code [http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&t... Circular of 14 January 2015 regarding the legalisation and examination of foreign documents [http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&c...]). In the second phase, the Immigration Office (Federal Public Service Interior) assesses if the submitted document is valid, authentic, and not contrary to public order. If this is the case, the Immigration Office needs to recognise the foreign document (Art. 27 International Private Law Code).</p> <p>3. To verify the authenticity of the form of the document, the Belgian embassy or consulate compares the signature, stamp or seal on the document to a specimen that is already available or is requested ad hoc (Circular of 14 January 2015). To verify the authenticity of the content of the document, the Immigration Office can ask the applicant to provide additional documents and/or ask the consular post to verify the content of the document in the country of origin (see Q4).</p> <p>4. Yes. In case of serious doubts regarding the authenticity of the content of the document, the Immigration Office can ask the Belgian consular post in the country of origin of the third country national to verify this content. The examination is conducted by the consular post itself, the services of the consular post of an EU Member State or an appointed expert. Local authorities, competent central authorities and persons that attended the event described in the act (e.g. a civil marriage) can be interrogated in this process. The result of the examination is mentioned on the document (Art. 34 Consular Code [http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&t... Circular of 14 January 2015).</p>
	EMN NCP	Yes	1. Yes


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	<p>Bulgaria</p>		<p>2. In order to be valid in the Republic of Bulgaria and to serve before the Bulgarian institutions, documents issued by another country and having the purpose to be used in Bulgaria by the competent authorities must be validated with an Apostille or be legalised. Additionally, they shall be established in a specific way depending on whether the relevant country is party to the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, whether there is an Agreement on mutual legal assistance in force between the relevant country and the Republic of Bulgaria, or whether this country does not fall within either of these groups of countries. Documents issued by the authorities of the foreign country concerned that is party to the Hague convention, shall be validated with an Apostille provided by its relevant authorities, in accordance with their duties to perform the validation process. Thus verified, foreign documents shall not be subject to additional legalisations and certifications.</p> <p>Concerning the countries with which the Republic of Bulgaria has signed bilateral Agreements on mutual legal assistance providing for texts that documents are to be exempted from legalisation and other certifications, documents issued by the country concerned shall bear the relevant particulars in accordance with the bilateral arrangements. Thus, the issued documents shall be recognised by the Bulgarian institutions and only need to have a certified translation into Bulgarian.</p> <p>Documents and other papers issued by a foreign country not being party to the Hague convention and having no current agreement on mutual legal assistance with the Republic of Bulgaria, shall be legalised in accordance with the Rules on legalisations, certifications and translations of documents and other papers. Abroad, these documents and other papers shall be legalised by the Bulgarian diplomatic and consular representations only if certified by the Ministry of Foreign Affairs of the country in which these representations are located. Foreign documents that have been legalised by the diplomatic and consular representations of the Republic of Bulgaria do not need to be additionally certified and are considered as valid within the Bulgarian territory.</p> <p>In the Republic of Bulgaria, the Ministry of Foreign Affairs performs the legalisation of documents and other papers originating from another country only if they have been certified by this country's diplomatic or consular representation located in the Republic of Bulgaria or by the diplomatic or consular representation having committed itself to protect the interests of the former in Bulgaria. Legalisation of documents and other papers originating from a country with which Bulgaria has no established diplomatic relations, shall be performed by the diplomatic and consular representations of the Republic of Bulgaria in any third country where there exists also a representation of the</p>
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			<p>document's country of origin. In such cases, the document shall be legalised only if it bears a certification by the foreign representation of the document's country of origin, and by the Ministry of Foreign Affairs of the third country in which the foreign and the Bulgarian representations are established.</p> <p>In some cases, the Ministry of Foreign affairs directly performs the legalisation of such documents and papers but only if they have been certified by the Ministry of Foreign Affairs of the country of their origin.</p> <p>If the country has conferred the protection of its interests to another country, documents shall be legalised by the diplomatic or consular representation of the latter.</p> <p>Foreign documents having the purpose to be used in the Republic of Bulgaria shall be translated into Bulgarian language in one of the following ways:</p> <ol style="list-style-type: none"> 1. By a person determined by Order of the Head of the diplomatic or consular representation of the Republic of Bulgaria abroad. 2. By any natural person working individually as a translator (or with the assistance of translation companies). For any foreign document translated into Bulgarian and having the purpose to be used within the territory of the Republic of Bulgaria, the translation thereof shall bear the translator's signature certified by a Notary Public. 3. N/A 4. N/A
	<p>EMN NCP Croatia</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Yes. The use of foreign public documents (e.g. birth certificate, marriage certificate, high school diploma, university diploma et al) in international legal transactions requires that they are legalized, unless bilateral or multilateral treaties stipulate otherwise. <p>To summarize, for the legalization of documents in Croatia there are three possible cases:</p> <ol style="list-style-type: none"> 1. Full legalization - Public documents issued abroad can be used in Croatia (unless stipulated


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			<p>otherwise by bilateral or multilateral treaties) if they have been authenticated in accordance with the regulations of the country of origin and legalized by the diplomatic mission of Croatia in that country or by the diplomatic mission of that country to Croatia and certified by the Ministry of Foreign and European Affairs. If there is no Croatian diplomatic mission to that country, and it has no diplomatic mission to Croatia, legalization can be performed in a third country in which both countries have diplomatic missions, in the following manner: after authentication by the competent bodies of the country of origin, the document is legalized by its diplomatic mission in the third country, then the ministry of foreign affairs of the third country, and finally the diplomatic mission of Croatia to the third country.</p> <p>Third-country nationals with the application for a temporary stay permit in the Republic of Croatia must provide the documentation in the original or a certified copy and the foreign documents in the certified translation into Croatian language and legalized on the front specified manner.</p> <p>2. No legalization for countries with which Croatia signed bilateral agreement (for example with Bosnia and Herzegovina, Republic of Serbia, Monte Negro)</p> <p>3. Shorten legalization for signatory countries of the Apostille Convention - Also subject to legalization are private documents that, once certified by the competent body of the country they were issued in, acquire the status of public documents. It is important to point out that legalization confirms the authenticity of the stamp and signature of the official person, not the content of the document.</p> <p>The Apostille Convention of 5 October 1961 Abolishing the Requirement of Legalization for Foreign Public Documents simplified the legalization procedure so public documents are subject to single authentication by the competent body of the country they were issued in.</p> <p>Every municipal court in Croatia will issue an Apostille only for documents issued by the bodies seated within that court's jurisdiction, while the Ministry of Justice will issue an Apostille for documents issued by bodies within any municipal court's jurisdiction. In practice, documents are usually authenticated by municipal courts.</p> <p>However, if there is no bilateral or multilateral treaty between Croatia and the other country abolishing or simplifying the legalization, documents are subject to full legalization.</p> <p>The Ministry of Foreign and European Affairs as well as Croatian diplomatic missions/consular posts abroad are authorized to legalize documents in international legal transactions (i.e. documents issued abroad to be used in Croatia and documents issued in Croatia to be used abroad) pursuant to the Act on Legalization of Documents in International Legal Transactions (Official Gazette 53/91).</p>
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			<p>2. In the Republic of Croatia, in the procedures for regulating the stay of third-country nationals, the procedure for determining the authenticity of documents is generally not carried out, but only whether the documents are legalised in accordance with special regulations. In the case of doubts about the authenticity of the document, the Ministry of Foreign and European affairs shall be requested to verify the authenticity of the competent authority which issued the document.</p> <p>3. See answer number 2.</p> <p>4. N/A</p>
	<p>EMN NCP Cyprus</p>	<p>Yes</p>	<p>1. Yes, breeder documents are required for establishing family relationships. For example, they are used in the case of family reunification applications.</p> <p>2. When the accompanying documents are issued by authorities of States which have not ratified the Hague Convention (Apostille), they should bear diplomatic ratification. The diplomatic ratification is done through one of the following ways: stamping the document by the Ministry of Foreign Affairs of the issuing country followed by a certification by the consular authority of the Republic of Cyprus in that country.</p> <p>If there is an accredited diplomatic/ consular authority of the Republic of Cyprus in the issuing country, the chain of certification is as follows: Certification of the document by the Ministry of Foreign Affairs of the issuing country. Certification of the signature of the officer of the Ministry of Foreign Affairs of the issuing country by an officer of the diplomatic/ consular authority of the Republic of Cyprus in the issuing country. Certification of the signature of the officer of the diplomatic/ consular authority of the Republic of Cyprus in the issuing country by the Department of Certifications of the Ministry of Foreign Affairs of the Republic.</p> <p>If there is not an accredited diplomatic/ consular authority of the Republic in the issuing country, the</p>


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	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<p>1. Yes, breeder documents are required during the migration process usually when the family reunification is concerned.</p> <p>2. The Superlegalisation or an Apostille of the document is strictly required. The bilateral agreement waives the requirement to verify documents. Only in some cases the documents are verified by the authorities that issued them. Such check is not always possible or successful.</p> <p>3. Apart the legalisation or an Apostille, only contact with authorities that issued the document or public internet databases are used.</p> <p>4. Not in all countries.</p>


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	<p>EMN NCP Estonia</p>	<p>Yes</p>	<p>1. Yes. Breeder documents are required for example in the following cases: When applying for a temporary residence permit to settle with a spouse a document has to be submitted, which certifies that an applicant and the person inviting him or her are married, if they were married in a foreign state, not in Estonia When applying for a temporary residence permit for settling of a minor child with the parent following breeder documents have to be submitted: a child's birth certificate, if the birth was registered abroad, not in Estonia, except if extension of temporary residence permit is applied for if the parent's name in the child's birth certificate differs from the name in the parent's identity document, a document certifying the change of the name of the parent (e.g. certificate of marriage), if the name was changed in a foreign country, not in Estonia.</p> <p>2. Document annexed to an application that is issued in a foreign country has to be translated into Estonian, English or Russian and notarised certification of the translation is required.</p> <p>The document needs to be certified with an apostille certificate (marginal note) or legalised, excl. in cases, if it has been issued by a country: with which Estonia has signed a contract of legal assistance: Lithuania, Latvia, Poland, Ukraine, Russia. who are subjects to the Convention on the issue of multilingual extracts from civil status records, signed at Vienna in 1976.</p> <p>3. A public document of a foreign country destined for use in Estonia should be first legalised in the Foreign Ministry and/or Foreign Mission of the foreign country where the document has been issued, and thereafter in a Foreign Mission of the Republic of Estonia or in the consular department of the Ministry of Foreign Affairs of the Republic of Estonia. As the documents need to be legalized, there are no additional tools.</p> <p>4. In case of doubt it is possible to contact the authorities in the country of origin of the third-country national, but there is no access to the official registers of the third countries to check the documents. Additional information can also be required from the applicant.</p>
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	<p>EMN NCP France</p>	<p>Yes</p>	<p>1. Yes, breeder documents are required in various legal migration processes. Example: family reunification: With regard to family reunification, the list of documents requested is indicated in the annex to the Cerfa family reunification form.[1] In accordance with article R.421-4 of the CESEDA, the sponsor must attach the following to his/her family reunification application, in order to prove his/her relationship with family member(s): the marriage certificate; the birth certificates of the sponsor, his/her spouse and the couple's children, including the establishment of parentage. Article R.421-5 of the Code on Entry and Residence of Foreign Nationals and Right of Asylum (CESEDA) also requires, if applicable: the adoption decision if the child is adopted, subject to verification by the Public Prosecutor on the legality of this decision if it was pronounced abroad; the death certificate or decision to withdraw parental authority if the family reunification is requested for minors for whom one of the parents is deceased or from whom parental authority has been withdrawn; the foreign court decision, established in the manner provided for by the legislation in the country of residence, when the family reunification is requested for a minor child of the sponsor or of his/her spouse entrusted to the sponsor under his/her parental authority; this decision must be supported by the consent of the other parent that the child is allowed to come to France; a sworn statement by the sponsor certifying that the family reunification will not create a polygamous situation on the French territory if the sponsor is a national of a country that authorises polygamy. The family reunification or family reunification of refugees application is refused if the family relationship cannot be established. Article R.421-10 of the CESEDA stipulates that the diplomatic or consular authorities in the district in which the sponsor's family member lives are immediately informed by the French Office for Immigration and Integration (OFII) of the family reunification application filing and that they "carry out, without delay, the checks on civil status documents at the time the long-stay visa application is filed". In application of article R.211-4 of the CESEDA, the diplomatic or consular authorities have a maximum four-month period to check all foreign civil status documents. This time period may be renewed for one four-month period if this is strictly necessary.</p>
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			<p>[1] Application for family reunification (foreign nationals – CERFA n° 11436*05, ANNEX 1, List of documents to be attached to the family reunification application form, https://www.formulaires.modernisation.gouv.fr/gf/getAnnexe.do?cerfaAnnex...</p> <p>2. In general, in the procedure for legal migration in France, the mechanism for establishing the applicants' identity does not vary depending on the type of residence permit or visa requested. The verification work undertaken by the administrative authorities amounts more to checking the identity claimed by the person as shown on their papers than to actually establishing the person's identity. To this end, the most useful papers furnished by applicants are passports and official civil registry documents.</p> <p>One of the main challenges for the authorities tasked with verifying applicant identity is to check other countries' civil registry records. When there are shortcomings – such as the absence of functioning formal systems or civil registry record security – it often proves difficult to detect fraudulent material. Efforts to counter these fraudulent practices are often stymied by difficulties cross-checking the applicant's records with the foreign authorities, security issues with these documents, as well as complications in proving identity usurpation.</p> <p>For residence permit applications made at the Prefecture, problems concerning the type of document presented in support of the application also arise. French authorities generally regard the passport, when deemed authentic, to be the safest kind of document for verifying an applicant's identity. Yet the CESEDA merely stipulates that foreign nationals are to provide documents attesting to civil status and nationality in support of their applications. This means that applicants are within their rights presenting any document enabling justification of their civil status (such as a birth certificate, for example), even though the Prefectures deem these documents more susceptible to falsification, notably because they do not feature identifying photographs.</p> <p>The CESEDA lays down the provisions that govern the identity verification method used as well as the documents required by the administration for residence permit applications.</p> <p>Which national authorities have the responsibility for verifying the identity of third-country applicants for visitors' visas and permits for the purposes of study, family reunification and remunerated activities?</p> <p>There are four different levels of identity verification, involving different national authorities:</p> <ul style="list-style-type: none"> - An identity check at the consulate as part of a visa application; - An identity document check at the border performed by police, with the possibility of being sent to a
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			<p>waiting area;</p> <ul style="list-style-type: none"> - An identity check at the Prefecture as part of a residence permit application; - An identity document check at the OFII, notably for the validation of a long-stay visa equivalent to a residence permit, as part of the medical examination or the Republican Integration Contract[1] as the case may be. With regard to ill third-country nationals (applying for residence permit on the grounds of health), applicants are required to provide the Office's medical service with documents proving identity. <p>Prefectures are responsible for processing residence permit applications. It is thus at the Prefecture that the "biometric" identity of a residence permit applicant is established, through fingerprints and photographs, as well as the alphanumeric identity, using the person's civil status data.</p> <p>In order to register third-country nationals applying for a residence permit in the national record of foreign nationals through the AGDREF computer application and to permit case processing, the Prefectures need to "set" the "civil" identity of asylum seekers based on the documents produced and information provided, in accordance with the CESEDA. Very often, this "fixed" identity is based solely on the indications given by the applicants.</p> <p>In parallel, there are several services belonging to different ministries working every day on identification issues regarding residence permit applicants: the Ministry of the Interior's Directorate for Modernisation and Territorial Action, the Central Directorate of Border Police, the General Directorate of the National Gendarmerie, the Directorate for Road Safety and Traffic, the Directorate for Civil Liberties and Legal Affairs, the Ministry of Justice, the Ministry for Europe and Foreign Affairs and the National Anti-Fraud Delegation.</p> <p>[1] In force since 1 July 2016.</p> <p>3. A third-country national wishing to apply for a residence permit must first obtain a visa through the competent consulate before entering France. The person's identity will thus firstly be verified by the consulate. The consulate does this by gathering the visa applicant's alphanumeric civil status data after examination of the person's civil registry documents, identity papers and travel documents. Consular officers and, in particular, anti-fraud officers, examine passports under ultra-violet lights so as to detect any that are false. Next, the consulate collects data relating to the applicant's visa sticker and biometrics (photograph and full set of fingerprints). Finally, the consulate issues the applicant's visa but does not transmit the identity information to the Prefectures.</p>
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			<p>Once third-country nationals arrive on the French territory, they are to present themselves to the Prefecture with territorial jurisdiction in order to apply for a residence permit. At this stage, the Prefecture may consult the national “VISABIO” database, which contains records of all long-stay visas issued, and the European VIS database, concerning Schengen visas, so as to check that the applicant has indeed been issued a visa. In some Prefectures, this visa issue confirmation is performed by cross-checking the biometrics – fingerprints – of the person appearing at the counter with the ones stored in the national VISABIO database.</p> <p>At the time of the application, the Prefecture registers the applicant’s civil status (alphanumeric information) in the national application, “AGDREF”. With each application, a search on the Wanted Persons File and the SIS is carried out automatically. At the end of this step, the person is given a unique identifying number for foreigners (an AGDREF number), which remains unchanged throughout the entire procedure.</p> <p>If the applicant’s request for a residence permit is successful, the Prefecture then takes a full set of fingerprints and a digital photograph. Currently, the chip on the residence permits issued contains two fingerprints and the bearer’s photograph. This arrangement was established in order to comply with Council Regulation (EC) No 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals. The current system thus does not provide for fingerprinting of applicants who have not obtained a residence permit. In such cases, only the alphanumeric information is stored in the AGDREF application.</p> <p>The new SBNA computer stores full sets of fingerprints of all foreign nationals presenting themselves to the administration (including rejected asylum seekers and persons apprehended with irregular migratory status). The SBNA system enables biometric checks when issuing residence permits (verification of fingerprints when issuing the permit at the Prefecture to confirm that the individual collecting it in person is indeed the applicant). The SBNA database performs also “one-to-many” searches by biometric data.</p> <p>4. No information</p>
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	<p>EMN NCP Germany</p>	<p>Yes</p>	<p>1. Civil status certificates must be presented in the visa procedure for the purpose of family reunification as proof of the family affiliation of the persons concerned by marriage or descent through birth.</p> <p>2. Whether and to what extent the civil status certificates that are presented are verified is to be decided in the visa procedure by and at the reasonable discretion of the diplomatic representation. There is no need for a request for administrative assistance from the immigration authority of the future place of residence of the family which is responsible for giving consent to the issuance of the visa. Should the immigration authority nevertheless consider further investigations to be necessary in addition to those initially carried out by the diplomatic representation, these will also be carried out by the diplomatic representation in response to a corresponding request for administrative assistance. The verification procedure is described in the Federal Foreign Office's publicly-accessible visa manual in the section entitled "Urkundenüberprüfung", which can be retrieved at https://www.auswaertiges-amt.de/blob/207816/e70e66c715d4dafd0f1bd7f8585b...</p> <p>3. No use is made of special "tools".</p> <p>4. Civil status certificates are usually verified for authenticity and accuracy by means of an on-the-spot search carried out by a person or company who is known to be trustworthy (an attorney in most cases), and who is commissioned by the diplomatic representation.</p>
	<p>EMN NCP Greece</p>	<p>Yes</p>	<p>1. According to Greek migration legislation, the identity of a third-country national who applies for a residence permit is proved by the applicant's passport or other travel document recognized by the country. In cases where a third-country national fails to present a valid passport or other travel document, the right of residence may be recognized to him/her as a person deprived of passport, where this third-country national claims and reasons his objective inability due to particular conditions or circumstances, on opinion of a special Committee. For instance, in the case of applying for family reunification, the applicant has to submit a recently</p>



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			<p>issued certificate of family status of the competent services of his/her country of origin, legally certified and translated in Greek (among other documents). More specifically, all public documents issued by foreign authorities shall be authenticated by affixing the apostille of the Hague Convention, if so required. In the cases where no apostille is required, these documents shall be certified by the Greek consular authority or the Greek Ministry for Foreign Affairs in terms of authenticity of signature of the foreign authority officer (Article 22 par.3 of Law No 4251/2014).</p> <p>2. As mentioned above, the foreign documents submitted in the competent for the issuance of residence permit services, are officially certified and translated. In case there is an indication of forgery, the authenticity of the breeder documents provided by the third country applicant, are checked, if necessary, through the Ministry of Foreign Affairs or by the Greek consular authority of the country where these documents were issued (see answer to Question 1). In case the third-country national submits breeder documents issued by a Greek public service and there are indications of forgery, the authenticity check takes place by communication with the service that seems to have issued the document.</p> <p>3. According to Law No. 4520/2014, in reference to Greek public documents, the competent authorities are obliged to carry out a sample check of 5% of the documents submitted, in order to verify the authenticity of these documents.</p> <p>4. See answer to Question 2.</p>
	<p>EMN NCP Hungary</p>	<p>Yes</p>	<p>1. Yes. When the applicant receives financial support from a family member, or when the purpose of entry and residence is family reunification, the third-country national may verify the family relationship with the followings: birth certificate, marriage certificate, adoption documentation, or other reliable means.</p>

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			<p>2. When the authenticity of the breeder document is questionable, our authority requests information from the Special Service for National Security in Hungary. When the application is submitted at the Hungarian embassy in the country of origin, the embassy shall contact the issuing authority or seek assistance from document advisers. Document advisers can be found in some embassies of Hungary, otherwise the embassy may be assisted by embassies of other Schengen States via Schengen cooperation.</p> <p>3. Examination of source materials, method of production, protection, certain elements (e.g. dry or wet stamp), its completion and its authentication solutions, was there any unauthorized interference, subsequent changes, etc.</p> <p>4. Yes, the Hungarian embassy in the country of origin shall verify it with the issuing authority.</p>
	EMN NCP Ireland	No	
	EMN NCP Italy	Yes	<p>1. According to the legislative decree n. 286/1998 (Consolidated Act on Immigration), breeder documents are needed in the legal migration process. They are used with the twofold aim to (i) check the identity of the third country applicant, (ii) provide evidence on the qualifications obtained by the applicant. For example, in the case of a third country citizen who intends to carry out in Italy one of the following activities:</p> <ul style="list-style-type: none"> - industrial, professional, artisan or commercial activity; - set up companies or partnerships; - take on corporate positions; <p>breeder documents must be used during its application process to demonstrate that he has adequate resources and requisites to carry out the activity he intends to undertake in Italy. Therefore, he will need to attach to its application all the necessary documents to certify:</p>



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			<p>The possession of the requisites provided for by Italian law for the exercise of the single activity, including, where required, the requisites for registration in the registers; The possession of a certificate from the competent authority dated no earlier than three months stating that there are no reasons preventing the issue of the authorization or license required for the exercise of the activity that the foreigner intends to carry out. These documents are verified and certified by the diplomatic or consular representation in the countries of origin. Once the validation process is over, the diplomatic representation issues the necessary visa to entry in Italy stating the activity that the third country citizen will undertake in Italy. In addition, the diplomatic representation issues the foreigner the certification of the existence of the requirements provided for the granting of a residence permit for self-employment.</p> <p>2. The check of the authenticity of breeder documents is regulated by Legislative Decree no. 71/2011. Specifically, Art. 52, comma 1 letter f) provides that the consular legalises acts issued by local authorities, according to the provisions of Article 33(2) of the President's Decree of the Republic of 28 December 2000, N. 445, by any means whatsoever. Moreover, art. 63 provides that, for legalisation purposes, a collection of copies of the signatures of local magistrates and officials responsible for the issuing of documents is established and kept up to date, as far as possible, at each consular office. If the signature is included in the abovementioned collection, the consular office shall directly provide for its legalisation; if not, it does so by use of other appropriate means of assessment. This being said, for documentation issued in third countries - where no international laws or agreements providing for its exemption are applied - legalisation is carried out by the Consular Office on the basis of the specimen signatures of the local authorities acquired in its own acts (art. 63, comma 1) or on the basis of an "interim assessment" which consists in the prior verification and/or legalisation of the foreign document under examination, by the local Ministry of Foreign Affairs (art.63, comma 2).</p> <p>3. N.A.</p> <p>4. N.A.</p>
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	<p>EMN NCP Latvia</p>	<p>Yes</p>	<p>1. Yes. Breeder documents are required only for the applicants who request residence permit for family reunification and for persons who make invitations for visa for their family members/relatives in order to prove their family relationship.</p> <p>2. A document always shall be legalized or approved with an APOSTILLE (exception – documents issued by any EU country). First thing we check is by observation if the document look authentic and is issued by competent authorities. We also verify if the applicant’s personal data on the documents are the same as stated in their passports.</p> <p>3. As all documents are legalized by competent authorities, immigration office does not make any additional checking in order to make sure if the document is genuine.</p> <p>4. No. But in case of doubt it is possible to require an additional information from the applicant.</p>
	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. Yes. An alien in order to obtain a temporary residence permit must submit a valid travel document (to confirm the identity of a person) and documents confirming the grounds for issuance of a temporary residence permit together with the application for that permit. For example, in the case of family reunification, documents confirming the family link (e.g. birth certificate, marriage certificate, etc.)</p> <p>2. When it is required to submit following documents to apply for a residence permit (documents confirming family ties, marriage, divorce, proof of death of a family member, a criminal record etc., also documents attesting registered partnership, diplomas or other document certifying an alien’s existing qualifications, a diploma of higher education issued by the authorities of foreign countries etc.) those documents must be legalised in accordance with the procedure laid down by the Government, except in cases where the document should not be legalized and certificated (Apostille) according to the international treaties of the Republic of Lithuania or European Union legislation (Apostille).</p>

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			<p>Documents issued in a foreign state may be legalized in Consular Department of the Ministry of Foreign Affairs (in Lithuania) or Lithuanian diplomatic missions or consular posts provided that they are legalised by the diplomatic or consular officials of the issuing foreign State.</p> <p>3. A document issued in a foreign state shall be legalised if the signature, position and stamp of a foreign state diplomat or consular officer in the record of the legalisation of this document match to the specimen provided to the Ministry of Foreign Affairs of the Republic of Lithuania or the Lithuanian diplomatic mission or consular post and the authenticity of documents is not called into question. If the Consular Department of the Republic of Lithuania or the diplomatic mission or consular post of the Republic of Lithuania does not have the specimen of a signature, position and stamp of a foreign State diplomat or consular official or a document does not match the signature, post and stamp of a foreign State diplomat or consular official, or if doubts arise as to the authenticity of the document submitted for legalisation, the Ministry of Foreign Affairs of the Republic of Lithuania or the diplomatic mission or consular post, contacts the foreign ministry or diplomatic mission or consular post of the State whose diplomatic or consular official has legalised the document to confirm the authenticity of the document.</p> <p>4. N/A (no such practice)</p>
	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. Yes. The best example in which breeder documents are necessary are in the case of family reunification foreseen in article 70 (1) in accordance with article 73 (1) of the amended law of 29 August 2008 on free movement of persons and immigration (Immigration Law). These are some of the breeder documents to be attached depending on the case:</p> <p>Sponsor's spouse or registered partner:</p> <ul style="list-style-type: none"> • a certificate attesting to the marriage or registered partnership (marriage certificate, registered partnership certificate, family record book, etc.).


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			<p>Descendants (children) of the sponsor or sponsor's spouse/partner:</p> <ul style="list-style-type: none">• proof of the family relationship with the sponsor (child's birth certificate, family record book, etc.); <p>2. Article 73 (1) of the Immigration Law states that “ (1) An application for authorisation to stay as a family member shall be accompanied by evidence that the sponsor fulfils the conditions laid down and by documentary evidence of the family relationship, as well as certified copies of the family member(s)' travel documents.”</p> <p>The documents enclosed must be originals or certified true copies (except for the passport where a plain copy will suffice). Should the authenticity of a document be in doubt, the Minister of Immigration may request that the document be authenticated by the appropriate local authority and legalised by the Embassy (or alternatively notarised with an apostille in accordance with the Hague Convention).</p> <p>If the documents are not drawn up in German, French or English, an official translation by a 'sworn translator' must be attached.</p> <p>However, as Luxembourg does not have a large diplomatic network it depends on other Member States, which have a larger diplomatic network so the procedure for legalisation will depend on their own internal procedures.</p> <p>In any case, a document can be sent to the competent service of the Police in charge of these kind of document verification.</p> <p>3. A special unit of the police (Unité de Police de l'aéroport) is responsible for the document checks. This Police unit can use different databases to check the breeder-documents or other documents. An example of a database is the DISCS-Database (a database with examples of how official documents should appear).</p>
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			<p>4. It will depend on which MS represents the interest of Luxembourg in the country of origin. In case of doubt of the family relationship of the beneficiary of family reunification article 73 (2) states that “(2) In order to obtain evidence that a family relationship exists, the Minister or the diplomatic or consular agent representing the interests of the Grand Duchy of Luxembourg in the country of origin or provenance of a family member may interview the sponsor or the family members and may carry out any examination or investigation deemed to be necessary.”</p>
	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<p>1. Yes. In the Netherlands third country nationals have to present for example a (certified) birth certificate or marriage certificate when they lodge an application for family reunification in order to prove their family relationship.</p> <p>2. Potential migrants have to present their legalized breeder documents at the Dutch embassy. There the appearance of documents is checked by officials in name of the Dutch Ministry of Foreign Affairs. They have to look at the last stamp of the legalization channel. They check whether the correct person put this stamp on the document and if the correct signature has been placed. If the document seems to be true and genuine, the document will be legalized (meaning that a sticker is placed on the document). This sticker does not confirm that the content of the breeder document is genuine. It only confirms that the document is original.</p> <p>After legalization, the document can be used when filing an application. In the Netherlands, employees of the Dutch Immigration- and Naturalisation Service check the scan of the document. They check the stamp of the Dutch Ministry of Foreign Affairs, the appearance of the document, the content of the document, the picture and signature. If doubts exist about whether or not the document is genuine, further research can be conducted by a specialized department of the Immigration- and Naturalisation Service.</p> <p>3. The personnel at the embassies have a detailed list of characteristics of official documents that they have to check. The employees of the migration service can use DISCS (a database with examples of how official documents should appear).</p>


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			<p>4. In case the Dutch government does not trust the contents of the document – for example the age of an applicant - we have the opportunity to verify this in the country of origin of the third country nationals. A specific unit of the Ministry of Justice and Security is responsible for that.</p>
	EMN NCP Poland	Yes	<p>1. Yes – but only in cases of doubts raised by evidence confirming the civil status or family ties. The general rules and procedures on entry and stay/residence of third country nationals in the territory of Republic of Poland are laid down in the Act of 12 December 2013 on Foreigners (J.o.L. from 2018, item 2094, as amended). The Act provides for the possibility of granting three main types of residence permits:</p> <p>§ Temporary residence permit(s), including Temporary residence permit for the purpose of family reunification</p> <p>§ Permanent residence permit (under national law, based mainly on family reunification grounds and links with Poland)</p> <p>§ EU long-term residence permit (under Directive 2003/109/EC).</p> <p>None of the residence permits mentioned above requires presentation the breeder documents in the reference to the acts of civil status, unless there is a reason to assume that the documents confirming identity or family ties might have been falsified or they attest untruth.</p> <p>It is to notice that the Act on Foreigners in the reference to the admission conditions limits only to the general requirement to enclose to an application the supporting documents necessary to confirm data specified in the application and the circumstances justifying granting the permit (art. 106 para 2 as regards to the TRP, art. 203 para 2 as regards to residence permit and art. 219 para 2 as regards to EU long-term residence permit).</p> <p>That mode of procedure is in accordance inter alia with art. 5 para 2 of the Council Directive 2003/86/EC on the right to family reunification providing for the possibility of the additional checks/investigations only if appropriate (“The application shall be accompanied by documentary evidence of the family relationship (...) If appropriate, in order to obtain evidence that a family relationship exists, Member States may (...) conduct other investigations that are found to be necessary.”).</p>


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			<p>In case of any doubts of authenticity of civil-status documents, it is required that the applicant obtains a certificate of documents in the form of an apostille or their legalization made by the Polish consul after prior authentication by the competent authority of the country of origin. If the presented certificate raises further doubts of the authority, it shall request the issuer to provide information whether the certificate has been issued, by way of an administrative procedure.</p> <p>2. To check the authenticity of the document a Polish consul asks for superlegalization (is a higher verification of a document legalized and authenticated in the country of origin) of these documents by local authorities or asks for apostille.</p> <p>3. The main tools are: legalisation/apostille or/and direct contact with the authority that issued the document.</p> <p>4. As a rule, Polish consuls have no direct access to local official registers. Therefore, the contact (by phone, e-mail, or in person) with local authority remains the main option.</p>
	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<p>1. Yes, such documents are required to be attached to the application for residence. The nature of documents depend on a particular purpose of the stay.</p> <p>2. Documents necessary for the proceedings issued by foreign bodies must be authenticated if the international treaty or special regulation does not state otherwise. The main method for authentication of the document is higher verification or apostille conducted by the offices of the particular country. In some states it is possible to verify these documents by scanning the verification code to the respective app.</p> <p>3. See Q2. Documents are compared with the exemplars representative offices have at their disposal. When controlling the authenticity of the apostille issued by respective office of the country, the representative offices have to communicate directly with those bodies that issued the apostille.</p>



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			<p>4. The possibilities of the Representative offices are limited, depending on the country of origin of the applicant. The data protection principles do not allow the offices (including Representative offices) to share information containing the private information of the applicant with a third party.</p>
	<p>EMN NCP Sweden</p>	<p>Yes</p>	<p>1. No. The applicant must be able to prove his/her identity with a valid passport. If the person cannot prove his/her identity with a valid passport, he/she may, in certain cases, obtain a residence permit by proving a biological relationship with the person in Sweden. This applies to families with children who have lived together outside of Sweden. For example for family reunification to a spouse/partner the following documents should be provided: Documents to be enclosed copies of the pages in your passport that show your personal details, period of validity, country of issue, signature, and whether you have permission to live in countries other than your country of origin. If you are married to or the registered partner of the person in Sweden, you will also need to attach population registration certificate, tenancy agreement or proof of purchase for your accommodation, or other document that shows you have shared accommodation a document showing that you have been living together, for example, a tenancy agreement on which both of your names appear, or previous bills showing your name and address.</p> <p>2. Not applicable</p> <p>3. Not applicable</p> <p>4. Not applicable</p>

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	<p>EMN NCP United Kingdom</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Whilst there must be some application types that require the UK to check birth certificates before making a decision, I afraid we don't hold information on the specific case types. 2. These documents are checked a variety of ways, including through online checks of issuing country websites and intelligence alerts. 3. The UK uses specialist software and documentation experts. 4. This varies by country.
	<p>EMN NCP Norway</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Whether the Norwegian authorities require these documents or not varies from country to country, but for most countries we require a birth certificate. For some countries, we also require national id-card or/and household book/family registration. For example, see checklist for family immigration for spouse from Pakistan: https://www.udi.no/en/checklists-container/family/vanlig-familie/checkli... 2. The documents are checked by the Norwegian Department of Foreign Affairs; the Embassy/VFS were the application is handed in. In some cases and countries, the passport/documents are sent to the satellite station for a check. If the application is sent from Norway, the police receive the documents and make the check. For more details, see https://www.udiregelverk.no/en/documents/udi-circulars/rs-2011-040e/ 3. There is no common standard for checking the authenticity of the breeder documents, this varies depending on the applicant's nationality. 4. In many countries we have the possibility of verifying the documents. We do not do it in all cases, only if we have a reason to doubt the contents of the document. There are also countries where it is not possible to verify the stated content due to security reasons or lack of resources. There are also countries where verification is deemed unnecessary because the

AD HOC QUERY ON 2019.73 PROCESS OF CHECKING BREEDER DOCUMENTS

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			country lacks a functional registration system.
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