

Summary

Identity management by immigration agencies

The central question that underlies the present report is whether better coordination between the civic and immigration agencies in terms of assigning and registering the identity of aliens in the information process regarding aliens in the Netherlands is desirable and possible. It was found and confirmed during interviews with representatives of the various agencies involved that a uniform registration of personal information and any correction thereto is hindered by the fact that different principles govern the processes of identity assignment and registration among the civic and immigration agencies respectively.

Additionally, it appeared that the principles and methods of identity assignment and registration not only differ between the civic and immigration agencies, but also among the various immigration agencies themselves.

The core definition of identity that the immigration agencies operate is name, date of birth, nationality, and, in certain instances, place of birth of the alien concerned. Among the civic agencies, in particular with regard to the Municipal Basic Administration (Gemeentelijke Basis Administratie or GBA) and the future Basic Registration (Basisregistratie Persoonsgegevens or BRP), the core definition of identity is formed by personal details regarding civic status (Burgerlijke Staat), which are a person's name, date of birth and place, sex, any spouses or civil partners (geregistreerd partner), and children. In the execution of their responsibilities other identifying information, such as the alien registration number (v-nummer), biometric information and information about family relatives, may be relevant for various immigration agencies. Similarly, civic agencies may register additional information regarding civil status, such as nationality, administration number (administratienummer), any legal restraints or legal custody over minors, and, in the case of aliens, their legal residency.

Due to this extensive and diverse registration of personal information by both civic and immigration agencies a uniform, and in certain instances too narrow, definition of identity is unhelpful in efforts to enhance cooperation. Rather, acknowledgment and acceptance of the existing differences in the identification process is more expedient for both the joint discharge of duties among the various immigration agencies and the cooperation between them and the Civil Registry.

Change in practice or regulations is in our view only relevant insofar these differences are problematic for the efficient execution of responsibilities of agencies or the protection of individual rights. Already several measures have been taken to enhance the synergy between civic and immigration agencies. Firstly, under Article 2.17 of the Personal Information Basic Registration Act of 2013 (Wet Basisregistratie persoonsgegevens) the Minister of Security and Justice, in practice the Immigration Authority (IND) and the Return and Departure Authority (DT&V), shall communicate details regarding the nationality and date of birth to municipalities, which shall be entered into the basic registration subsequently. Secondly, projects such as the acceleration of registration pilot (Proeftuin Versnelling Inschrijving) contribute to a more uniform registration of information, a better relationship between civic and immigration agencies, and more knowledge with regard to the application of Dutch international private law among the immigration authorities. In this respect, the responsibility of the Civil Registry as a gatekeeper for the government of the quality of identity and personal information can be maintained. However, differences in identity assignment and registration should always be considered in the light of fundamental rights, such as the right to privacy, data protection, and non

discrimination, in particular where such differences find no justification in legitimate goals or purposes. In this regard, the central storage of biometrics of migrants and the possible use of these data for law enforcement purposes lack sufficient justification and are problematic in the light of these fundamental rights.

The present research is a mere first enquiry into the questions surrounding identity assignment and registration by civic and immigration agencies. Further inquiry is necessary with regard to the added value of available and future tools for the improvement of identity management by the immigration agencies and the cooperation with civic agencies.