



## **EMN Ad-Hoc Query on Skype in legal migration cases**

Requested by Marie BENGTTSSON on 23rd March 2018

### **Miscellaneous**

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Spain, Sweden, United Kingdom, Norway (26 in total)

#### Disclaimer:

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*



## Background information:






The Swedish Migration Agency is currently analysing the possibility to use Skype as a tool in examinations (interviews with applicants and their sponsors) of residence permit cases (legal migration cases). It would be very helpful for us to get some information about the practices in other MS.







## Questions








1. Do you use Skype for examinations (interviews with applicants and their sponsors) of residence permit cases (legal migration cases)?
2. Do you see any legal or security problems with Skype as a tool for examinations and if so, how have you addressed these problems?






## Responses

	Country	Wider Dissemination	Response
	Austria	Yes	<p><b>1.</b> In the proceedings of issuing residence documents, no communication by using Skype between persons involved and the authorities is envisaged. Up to now, no need for the usage of Skype has been identified by the authorities, since the Austrian Settlement and Residence Act requires the personal appearance of applicants before the authority for certain procedural steps, the General Administrative Procedures Act allows other forms of establishing contacts (written and oral input) with the authority and the authority is allowed to use any feasible evidence during the preliminary proceedings. --- Source: Ministry of the Interior</p> <p><b>2.</b> There are no legal obstacles regarding the usage of Skype as pure “auxiliary means” in the proceedings. For lack of using Skype in the residency proceedings, no statement can be given in this regard. --- Source: Ministry of the Interior</p>
	Belgium	Yes	<p><b>1.</b> No, Belgian authorities do not use Skype to interview applicants in legal migration procedures. Please note however that video conferencing is used (since 2015) to interview illegally staying third country nationals retained with a view to return (videoconferencing for identification) and (since 2016) to interview asylum seekers in retention centers (see: <a href="http://www.cgrs.be/en/news/more-interviews-">http://www.cgrs.be/en/news/more-interviews-</a></p>

			<p>through-video-conferencing). For further information please read the 2016 Annual Report on Asylum and Migration in Belgium, pp. 80-81 (<a href="https://ec.europa.eu/home-affairs/sites/homeaffairs/files/02a_belgium_apr_part2_2016_final_en.pdf">https://ec.europa.eu/home-affairs/sites/homeaffairs/files/02a_belgium_apr_part2_2016_final_en.pdf</a>).</p> <p>2. N/A</p>
	Bulgaria	Yes	<p>1. No</p> <p>2. N/A</p>
	Croatia	Yes	<p>1. No.</p> <p>2. N/A</p>
	Cyprus	No	
	Czech Republic	Yes	<p>1. The Czech Republic does not use Skype for any examinations because of security reasons. Nevertheless, the relevant authorities can use a videoconference for examinations. For that purpose both sides (the examiner as well as the applicant) of examination have to use equipment installed in specific rooms only and an employee of the relevant public authority has to be presented within the room together with the applicant. So far it is not broadly used way of examination in the Czech Republic.</p> <p>2. See above.</p>
	Estonia	Yes	<p>1. No, at this moment Estonia does not use Skype for the examination of residence permit cases.</p> <p>2. N/A</p>

	Finland	Yes	<p>1. No, Finland does not use Skype for this.</p> <p>2. Skype is not considered secure for this purpose. The Finnish Immigration Service has occasionally used its own secure remote connection (between two service points of the Finnish Immigration Service) to conduct interviews with applicants.</p>
	France	Yes	<p>1. NO</p> <p>2. since the French consulates have secure networks, they cannot use Skype. if they want to interview a visa applicant, they ask him to come to the French consulate.</p>
	Germany	Yes	<p>1. We do not use Skype for asylum examinations.</p> <p>2. n/a</p>
	Greece	Yes	<p>1. No, Skype or other remote communication means are not used in the residence permit procedure (legal migration cases).</p> <p>2. The use of Skype in legal migration cases has not been examined so far, although Skype is used in the asylum procedure.</p>
	Hungary	Yes	<p>1. The Immigration and Asylum Office of Hungary does not use Skype as a tool in examinations. The interviews with applicants and their sponsors are always conducted in their presence.</p> <p>2. According to Hungarian law, interviews are always held in the presence of the person who is interviewed. In case of a Skype interview we would not be able to duly check the identity of the applicant.</p>
	Ireland	No	

	Italy	Yes	<p>1. No. The examination of residence permit cases take place exclusively on a documental basis, through the assessment of the required documentation at single immigration desks.</p> <p>2. n/a</p>
	Latvia	Yes	<p>1. No. Latvia does not use Skype for examination and is not planning to use it in the nearest future.</p> <p>2. N/A</p>
	Lithuania	Yes	<p>1. LT does not use Skype for examination of residence permit cases. It is not stipulated by law and so far there has been no need.</p> <p>2. N/A.</p>
	Luxembourg	Yes	<p>1. No.</p> <p>2. N/A</p>
	Malta	Yes	<p>1. No</p> <p>2. No</p>
	Netherlands	Yes	<p>1. No, we do not use Skype.</p> <p>2. The Netherlands occasionally uses video conferencing. Due to the confidentiality of the information provided in interviews, we use a secure line for video conferencing.</p>
	Poland	Yes	<p>1. Poland does not use Skype for examination of residence permit cases.</p> <p>2. N/a</p>

	Portugal	Yes	<p>1. No, in Portugal, no technological tool is used for interview purposes.</p> <p>2. NA</p>
	Slovak Republic	Yes	<p>1. No.</p> <p>2. N/A</p>
	Spain	Yes	<p>1. No, Spain does not use Skype and is not planning to use that tool.</p> <p>2. -</p>
	Sweden	Yes	<p>1. Sweden does not use Skype as a tool for the examination of legal migration cases at the moment.</p> <p>2. Sweden is planning to address the legal and security aspects of Skype.</p>
	United Kingdom	Yes	<p>1. No, the UK does not use Skype. Interviews are carried out in person.</p> <p>2. N/A</p>
	Norway	Yes	<p>1. Norway is currently in the process of testing the use of Skype for conducting interviews in family immigration cases submitted at some of the Norwegian foreign service missions. At present Skype is used for interviews conducted by our Embassy in Accra. The Ministry of Foreign Affairs and UDI are in the process of deciding whether or not the use of Skype for this purpose should be implemented at all our embassies.</p> <p>2. Norway is in the process of assessing legal and security problems related to the use of Skype for interviews of applicants. So far the Ministry of Foreign Affairs has only done a brief “Risk and vulnerability analysis” (ROS-analyse) connected with the pilot project in Accra.</p>

