



## EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures

Requested by LU EMN NCP on 16th June 2017

### Miscellaneous

Responses from [Austria](#), [Belgium](#), [Croatia](#), [Czech Republic](#), [Estonia](#), [Finland](#), [France](#), [Germany](#), [Hungary](#), [Italy](#), [Latvia](#), [Lithuania](#), [Luxembourg](#), [Netherlands](#), [Slovak Republic](#), [Slovenia](#), [Spain](#), [Sweden](#), [United Kingdom](#), [Norway](#) (20 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 identification of third-country nationals has become a concern of increasing importance for Member States, especially with the high influx of third-country nationals due to the migration crisis.

One of the main issues is the use of false, fraudulently obtained and forged documents by third-country nationals to enter and stay in the European Union including Norway and/or to use them in procedures relating to legalisation of stay, in particular asylum procedures.

Even though documents (i.e. passports and travel documents) are only a part of the identification process, the fact that modern passports hold biometric information – fingerprints, pictures and iris data), make them important for effective identification of individuals entering and staying in the EU by police and border protection officials. Since the use of legitimate documents facilitates the entry and stay in Member States, a parallel market is created for third-country nationals who know that they cannot fulfil the criteria for entering the EU using legitimate documents and regular channels or who otherwise wish to disguise their true identity.

The European Migration Network, through the LU and NL EMN NCPs, would like to establish a state of play of the current situation on identity fraud for entering and staying in the EU. In order to do this they are launching two ad-hoc queries. The results of these two ad-hoc queries and the result of the Ad-Hoc Query on the Existing legal framework on false documents launched by COM on 14 March 2016 will be compiled in a Policy Brief on Identity Fraud.

Due to the complexity and length of the questions the deadline for the answers has been extended to six weeks in order to obtain a larger number of answers and to present the first findings during the next Steering Board on October 2017.

### **Questions**

1. What is the procedure triggered in your Member State if it is determined a document is false or forged in the: - International protection procedure? Please describe. - legal migration process? Please describe.
2. a. If a TCN is issued a refusal of entry decision because of the detection of a false or forged document, which authority makes this decision? Please explain. b. Does this authority have to inform the police/ public prosecutor? Yes/No. Please explain the procedure. c. Is there any difference if the detection happens during an international protection procedure or a legal migration procedure? Yes/No. Please explain.
3. What happens if the public prosecutor decides to prosecute? A. Is the international protection or legal migration procedure suspended until there is a final decision (Yes/No) b. If the public prosecutor decides to prosecute, is the TCN transferred to a prison? (Yes/No) c. Other: please explain.
4. Have there been cases in your MS, in which ID-fraud is discovered after a residence permit has been issued? Yes/No. If yes, please explain who makes the detection and if the holder is being prosecuted and/or the residence permit is revoked. Do they have to inform the public prosecutor in this case? Yes/No. If yes, please explain the procedure.
5. Are there good practices or challenges in your Member State regarding detecting ID-fraud? Please elaborate.

**EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures**

**Responses**

	Country	Wider Dissemination	Response
	Austria	Yes	<p><b>1.</b> In the asylum procedure, the facts of the case are evaluated as part of the free evaluation of evidence and can be taken into account in the decision. In procedures for granting a residence permit, a travel document as well as the corresponding evidence demonstrating the purpose of stay have to be presented. If the authorities determine that a document has been forged or falsified, the application is rejected as a rule because, firstly, the requirements for obtaining the permit have not been fulfilled or no fulfilment can be demonstrated and, secondly, presentation of such a document represents an act punishable by a court and thus an endangerment of public order and security. In such a case the authority responsible for residence matters files a report with the public prosecutor's office. The authority is not, however, required to await the court's decision. The application can consequently be rejected, for example in clear cases of forgery. Where doubts prevail as to the authenticity of the document and additional investigations are required by the residence authority or later by the public prosecutor's office, the residence authority can suspend the procedure until the court passes its decision. Source: Federal Ministry of the Interior.</p> <p><b>2.</b> See Question 1. Source: Federal Ministry of the Interior.</p> <p><b>3.</b> 3a. This is specifically reviewed in each individual case (this is an option). See also Question 1. 3b. Prison sentences are rarely imposed, in our experience. Pre-trial detention is not known to have been imposed in any case, according to the department of the Federal Ministry of the Interior responsible for residence affairs (III/4). Source: Federal Ministry of the Interior.</p> <p><b>4.</b> Yes, cases of identity fraud are frequently uncovered. This occurs on a very large scale when doing systematic comparisons of fingerprints taken from asylum applicants or illegal foreigners, whose fingerprints are also compared in AT with those of criminals and vice versa. Foreigners who have been convicted of a criminal offence are also identified in AT very thoroughly based on</p>

EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures

			<p>international personal identification methods and on the Prüm AFIC as part of international police cooperation. Through such procedures, criminals who at the same time are asylum applicants or have been identified as illegal foreigners almost always match AFIS data, leading to recognition of additional false identities. In Austria this occurs in more than 3000 cases of new identification each year, in which the use of alias data is proven based on captured fingerprints. Where identified, the Criminal Intelligence Service Austria informs the authorities competent for foreigner and asylum affairs of such cases of identity fraud that are recognised using fingerprint identification based on criminal police identification techniques. Where a person using identity fraud also succeeds in obtaining Austrian citizenship under false pretences, the Criminal Intelligence Service Austria always additionally informs the public prosecutor's office and the citizenship authorities to allow them to introduce further action (procedure for withdrawal of citizenship and criminal proceedings). If a foreigner pretends to have EU citizenship and is discovered to be a third-country national, that person always loses his or her right of residence under EU law. In other cases, identity fraud can but need not necessarily result in withdrawal of resident status pursuant to the Settlement and Residence Act. The authorities are required to weigh the misconduct in the individual case against the endangerment of public security to reach a proportionate decision. Source: Federal Ministry of the Interior.</p> <p><b>5.</b> The only way to effectively uncover cases of identity fraud is to intensively use national and international AFIS systems for fingerprint comparisons. In the case of foreigners with criminal records, this also works exceptionally well within the EU Member States based on the Prüm AFIS data network. However, due to the legal obstacles to accessing EU AFIS systems such as the EURODAC AFIS (including a minimum sentence of three years' imprisonment) and because of the additionally required fingerprint queries, the security authorities are de facto unable to make use of this option. This means that criminals from other countries are rarely able to be identified by performing comparisons using these systems. In addition, it is possible to reliably confirm a person's identity with final effect only by means of fingerprint and photo comparisons carried out during international personal identification procedures conducted in cooperation with the claimed country of origin or citizenship, whereas here too extensive legal limitations exist on transferring data to these countries of origin, so that such identification is de facto possible only where very serious crimes have been committed. Yet Austria makes highly intensive use of such options for international cooperation following serious crimes of this kind, each year carrying out more than</p>
--	--	--	--

**EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures**

			<p>6000 personal identification procedures using fingerprints and photos of criminals from other countries. Such procedures consequently also trigger further action, making it possible to prove such cases of identity fraud and establish the person's proper identity as well as often also bringing to light existing notices of persons sought in their countries of origin based on other personal information. Source: Federal Ministry of the Interior.</p>
	<p><b>Belgium</b></p>	<p>Yes</p>	<p><b>1.</b> International protection: In principle the asylum application will be rejected if it is proven the applicant has submitted a false or forged that document that is crucial for establishing the identity of the person or for the assessment of the asylum application. However, exceptionally the benefit of the doubt can be applied, but only when there is no doubt regarding the nationality/region of origin of the applicant and when it is clear there is a risk on persecution or serious harm in case of return to the country of origin. The applicant can also be prosecuted for the use of a false or falsified document. Legal migration procedures: In case a false or forged document is submitted in the framework of a visa application the visa will be refused. There is some flexibility regarding the documentary evidence for what concerns issuing a visa and/or travel document for example when it concerns family reunification of family members with beneficiaries of international protection, but this flexibility rather concerns the possibility to establish the identity through other means in case official documents cannot be presented. There is in principle little flexibility when it is clear a false or forged identity or travel document has been submitted in order to obtain a visa. If the false document stays undetected at the level of the consular posts and a visa was granted (or when it concerns foreigners who are visa exempted), the document fraud still can be detected in the framework of border controls. In this case the access to the territory will usually be refused. The applicant can also be prosecuted for the use of a false or falsified document.</p> <p><b>2.</b> 2a. The person making use of false or forged documents can be intercepted by the border police. It is the Immigration office who will issue to decision of refusal of entry. Article 74/20 §1 of the Immigration Act provides that the Minister or its representative (the Immigration Office) can refuse access to the territory in case false or forged documents have been used or fraud has been committed. 2b In most cases it will be the border police who will detect to use of false documents at the external border (for Belgium this is the airports, seaports and the external border for the Eurostar train in Brussels). The public prosecutor is not informed when a person with false</p>

EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures

			<p>or forged documents is intercepted at the border (in case the person is not searched for criminal offenses, and not involved with human trafficking or other serious crimes). 2c Yes, in case the person intercepted at the border with false or forged documents and applies for asylum to prevent the refoulement, his asylum application will be assessed in the framework of a border procedure. When the asylum application is rejected, the asylum seeker has not yet entered the territory according to the law and may thus be returned by the carrier. The rights of the asylum applicant or TCN for whom identity or documentary fraud was detected will always be preserved.</p> <p><b>3.</b> The applicant can be prosecuted for the use of a false or falsified document. Whether or not a person is prosecuted for ID-fraud can differ from one public prosecutor to another. However, an asylum applicant or another TCN making use of false documents will in principle only be prosecuted in case other criminal offenses are involved. The “sanction” for the use of false or forged documents will in most cases be the refusal of entry, the rejection of the visa when the fraud is detected in the framework of the visa application, the rejection of the asylum application when it concerns an asylum applicant, and/or possibly the detention in a closed centre with a view on (forced) return. The documents submitted to the Central Squad against Forgery of the federal police for authentication and assessed as false or forged are since 2016 systematically transferred to the office of the public prosecutor in Brussels. In case the prosecutor would decide to prosecute, the international protection procedure or legal migration procedure will in principle not be suspended, but this can be a ground to reject the asylum application or to reject or revoke the residence permit. (see also reply to question 4).</p> <p><b>4.</b> Article 74/20 §2 of the Immigration Act specifies the residence permit can be withdrawn in case the fraud is revealed after arrival on the territory. The municipal officials, the local or federal police, the CGRS or the immigration office in itself can detect the identity fraud. It is the Immigration Office who makes the decision to withdraw the residence permit. However for what concerns beneficiaries of international protection it is the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) who will withdraw the refugee status (in accordance with Article 55/3/1 Immigration Act) or subsidiary protection status (Article 55/5/1 of the Immigration Act) if the protection status was granted on the basis of false statements or false or falsified documents that were decisive for granting the status. Subsequently, the Immigration Office can withdraw the residence permit of the person whose refugee status or subsidiary protection status</p>
--	--	--	---

EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures

			<p>has been withdrawn. Furthermore, in Belgium, the use of a false document is subject to criminal sanctions on the basis of articles 196 et seq. of the Penal Code. Besides, Article 29 of the Penal Code specifies that every civil servant should report all criminal offenses he is aware off; then it is up to the public prosecutor to prosecute or not.</p> <p><b>5.</b> There are several challenges as regards the detection of ID-fraud within the framework of different migration procedures and the procedure for international protection, as well to detect ID-fraud on the territory. The most important challenges are related to the number of persons involved and the number of documents submitted in the framework of asylum procedures and legal migration procedures, making it impossible to have all the documents verified by specialised police units. Also a challenge is the fact that fraudsters use more often the following modus operandi: look-alikes/imposters and the submission of forged or falsified breeder documents (e.g. birth certificate) that can serve as a basis to obtain other (genuine) identification documents. Obviously these type of falsifications are more challenging to detect for frontline officers, as well as for the specialised authentication units (for more information on the challenges regarding document fraud see reply to question 6 of part 1 of the ad hoc query). Good practices: The circular of 27 May 2016 on the coordinated approach and fight against identity fraud at federal and local level provides guidelines to the municipal officials responsible for issuing and renewing residence cards, as well as for the staff of consular posts to whom visa applications have to be submitted. The municipal official or consular agent who doubts the authenticity of an identity or travel document or civil status record must examine the document accurately and check certain security features. A number of security features of foreign documents can be verified by the European Council's PRADO website <a href="http://www.consilium.europa.eu/prado">www.consilium.europa.eu/prado</a>. Security features for Belgian documents can be checked on <a href="http://www.checkdoc.be">www.checkdoc.be</a>. In case of serious doubt as to the authenticity of the document, the document must be scanned and submitted to the municipal or consular Single Point of Contact (SPOC) for identity fraud, which may conduct further frontline checks in administrative databases. In case of clear indications of document fraud, the document will be submitted to the Central Squad against Forgery in consultation with the local police. However, it is important to emphasize that ID-fraud is much broader than merely document fraud. The municipal officials and other representatives of the Belgian authorities will verify the identity and verification of the documents is just one element in this process. Besides, to address the challenges of the detection of false documents a federal Task Force "Prevention and Combating</p>
--	--	--	---

**EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures**

			<p>Identity Fraud" was installed in 2015, which is coordinated by the General Directorate of Institutions and Population (National Register) of the FPS Home Affairs. This Task Force focuses on the issue of identity fraud in general, and not merely in the context of migration procedures. The purpose is to exchange information between the competent federal authorities, municipalities and consular posts, as well as with the police. This taskforce is made up of identity experts from the various departments of the FPS Home Affairs (General Directorate of Institutions and Population, FPS Foreign Affairs and General Directorate of Security and Prevention), the FPS Foreign Affairs and the Central Squad against Forgery of the Federal police. The most important objectives of the Task Force are: - A better coordination and an integrated and integral approach to the prevention of and fight against ID-fraud - A uniform information flow between the actors involved - A consulted response to certain new forms of identity fraud discovered at federal and local level - Sensitize for the risks of administrative identity fraud - Develop tools and initiatives to address identity fraud - Analysis of national and European reports on identity fraud - Development of exchange and training courses with the municipalities - Increase exchanges with the actors working on the field and increase expertise. Furthermore, also awareness raising and information was provided to the actors involved through the organisation of a conference "Identity Fraud" on 19 and 20 September 2016 and training sessions on the local level were organised. The fight against Identity fraud is also one of the 10 priorities of the national security plan 2016-2019. Besides the Minister of Interior also the State Secretary for Asylum and Migration took several initiatives to increase the awareness of identity fraud at the local level.</p>
	<p><b>Croatia</b></p>	<p>Yes</p>	<p><b>1. 1. International protection procedure:</b> in cases where ID documents exists, and there are bases for approving international protections, its common practise to look for expert opinion. If, on the basis on that opinion is found that ID document is forged, applicant is summoned for interview where he/she is told about expert's findings, and is given a chance to give plausible explanation of that finding. Legal migration process – In case it is established that a false ID document is presented by the foreigner, the Police is informed, and respective measures are taken. The fabrication of a false document or falsification a genuine one for the purpose of using such a document as genuine, or usage of a false or falsified document as genuine, and procurement one for use, is a criminal offence. If it is determined that a document has been forged or falsified, the</p>

EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures

			<p>application would be finalized by making a negative decision (the person does not have a valid travel document and also, if convicted, such act would pose an endangerment of public order).</p> <p><b>2.</b> 2. a) The Border Police shall render a decision on refusal of entry in such cases. (b) The Border Police shall inform the local Criminal Police and the State Attorney to proceed with the criminal procedure. (c) International protection shall be revoked if it is established that status was recognized on the basis of incorrectly presented or omitted facts, false presentation of important facts and circumstances, or the use of unreliable documents or other documents which were decisive for the approval of international protection. The difference between detection during an international protection or legal migration is that there is no further criminal procedure in international protection procedure, but the application for international protection can be rejected on the basis of not being able to establish identity. Regarding legal migration procedure, please see answer to q. 1.</p> <p><b>3.</b> 3. (a) No, both international protection and legal migration procedure continues to complete their process regardless of duration of the prosecution. (b) It depends; each case is estimated on an individual basis. (a) Regarding legal migration procedure, in case false or forged ID is detected, the procedure could be suspended until there is a final court decision.</p> <p><b>4.</b> 4. Regarding legal migration procedure: N/A. If it is determined that a ID document has been forged or falsified, a decision on the residence permit could be revoked.</p> <p><b>5.</b> 5. The Border Police in case of suspicious of ID-fraud document checks the documents with the devices specialized for the authentication of the documents, and through iFADO database (base files, protected elements, and forged documents). A final decision whether the document is forged, is issued by the Forensic Center Ivan Vucetic of the Ministry of Interior. Experts from the Forensic Center Ivan Vucetic of the Ministry of Interior are regularly providing the specialized training models for the Border Police Officers. Training lasts 8 weeks, and 12 school hours refers to the area of counterfeit currency and security documents. At a national level, one-year advanced experts hold courses for knowledge renewal about counterfeit documents. Advanced anti-counterfeiting experts are subject to the FRONTEX training.</p>
--	--	--	--

**EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures**

	<b>Czech Republic</b>	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>Estonia</b>	Yes	<p><b>1.</b> If the false or forged ID document is used for entering the country in order to apply for asylum and/or is without delay handed over as such after entering the territory and applying for asylum the applicant will not undergo criminal or misdemeanour procedures for using false/forged document. The overall credibility of the applicant is scrutinised more thoroughly. If the alien will not apply for asylum, the misdemeanour proceedings will be started by the authorities.</p> <p><b>2.</b> In case of using false or forged document outside of the asylum proceeding and without reasonable justification stemming from the reasons of flight, the misdemeanour proceedings will be started by the Police and Border Guard Board. In case of composition of criminal case, the materials of the case will be forwarded to the prosecutor who will decide the submission of the accusation before the court.</p> <p><b>3.</b> Procedures can take place in parallel and can be dependent of one another or not, depending of the circumstances and of the time and the order of the initiation of the different procedures. The detention of the asylum seeker is decided by the court. The grounds for the detention are provided for by the law. In case the outcome of the one procedure influences the other, the results are always being taken into account. It is also possible to suspend the proceedings until all the important circumstances have been addressed.</p> <p><b>4.</b> N/A</p> <p><b>5.</b> There are no specific good practices to outline.</p>
	<b>Finland</b>	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	<b>France</b>	Yes	<b>1.</b> The law of 7 March 2016 on the rights of foreign nationals in France introduced a criminal sanction for fraudulent use of authentic travel documents belonging to third parties ("look alike").

EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures

			<p>Such fraud is subject to a five year imprisonment and a 75,000 euros fine. The penalty increases to seven years and to 100,000 euros if the offence is committed in a habitual manner. In cases where fraud is detected, the prefectural services apply Article 40 of the Code of Criminal Procedure, whereby any public officers who, in the performance of their duties, gain knowledge of a felony or misdemeanour are obliged to notify forthwith the district prosecutor and to submit any relevant information, official reports or documents. It pertains to the public Prosecutor to assess the judicial follow-up.</p> <p><b>2.</b> a.) A refusal of entry decision is issued if the foreign national is not in possession of the required documents, in case of a SIS-alert or if his/her presence constitutes a threat to public order. In this case a refusal of entry decision can be issued against a third-country national (including minors) by the border police. Ad b.) Oui. Voir Q1. Ad c.) No</p> <p><b>3.</b> The criminal procedure is a separated one and can be cumulated with the administrative one. The criminal procedure can result in a conviction foreseen in the articles 441-1 to 441-8, 433-19 and 434-23 of the Criminal Code for following offenses: - Article 441-1: forgery and the use of forged documents - Article 441-2: forgery and the use of forged administrative documents - Article 441-3: fraudulent possession of false administrative documents - Article 441-4: forgery and the use of forged documents for public purposes (e.g. salary statements, diplomas, certificates etc.) - Article 441-5: fraudulent issuing of false administrative documents - Article 441-6: unwarranted acquisition of administrative documents - Article 441-7: forgery of certificates and attestations - Article 433-19 and 434-23: identity theft Ad a.) No Ad b.) No</p> <p><b>4.</b> Yes, the detection of a fraud that has permitted the issuance of a residence permit can lead to the withdrawal of this residence permit. The withdrawal of the residence permit does not constitute an obstacle to criminal prosecution based on the abovementioned articles of the Criminal Code. The law of 7 March 2016 has created a right of communication for the benefit of the prefectural services. They can be informed at any moment – before or after the issuance of a residence title – by all kind of social, public or private institutions about any issue in connection with the stay of the foreign national. An operational guide is available since 22 November 2016.</p>
--	--	--	--

**EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures**

			<p><b>5.</b> See last paragraph of Q4 (example of good practice).</p>
	<p><b>Germany</b></p>	<p>Yes</p>	<p><b>1.</b> On identifying cases of forgery : Notification of local police station (at location of branch office where the document was presented), institution of criminal proceedings, possible conviction.</p> <p><b>2.</b> a)The Federal Police makes the decision. b)The Federal Police informs the public prosecutor. c)If there are no grounds for protection in an international protection procedure, the application will be rejected as manifestly unfounded. In case there are grounds for protection, the use of false/forged documents alone does not exclude the grant of protection. The legal migration procedure does not fall within the competence of the Federal Office.</p> <p><b>3.</b> a) The international protection procedure is not suspended. The two procedures are carried out independently. The findings of the prosecution are only considered regarding exclusion. The bare use of false/forged documents would generally not suffice for exclusion. b) The applicant would be taken into custody according to the requirements of the criminal procedure. The international protection procedure would not be affected by the detention</p> <p><b>4.</b> Yes. Cases of forgery may be established at the Federal Office for Migration and Refugees or by police authorities; public prosecutor is informed, revocation proceedings considered; cases assessed according to individual merits (conviction and/or deportation or no conviction and/or deportation or no revocation of residence status due to plausibility, e.g. in case of documents relating to flight entailing people traffickers)</p> <p><b>5.</b> See question 2</p>
	<p><b>Hungary</b></p>	<p>Yes</p>	<p><b>1.</b> In the international protection procedure the applicant have to submit his/her documents to the Immigration and Asylum Office (IAO). The IAO contacts the National Security Special Service to have the documents examined. If the documents are proven to be false or forged the IAO can report this to the Police. According to Section 59 Subsection (1) of Act LXXX of 2007 on Asylum "It indicates the absence of the criteria of recognition as a refugee or as a beneficiary of</p>

**EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures**

			<p>subsidiary protection in particular if e) the applicant wilfully uses a false or forged document for the verification of his/her identity and/or for admission to the country and insists on the untrue contents of the document". In the legal migration process a valid travel document is necessary for the application. If the document is false or forged the application is rejected.</p> <p><b>2.</b> a) the Police b) N/A c) no</p> <p><b>3.</b> a) The international protection procedure is not suspended, for legal migration please see the answer to question 1. b) It depends as each case is examined individually. c) N/A</p> <p><b>4.</b> Yes. The IAO is responsible for making random checks. The residence permit which was obtained with false or forged documents is revoked. If the holder is prosecuted the court can issue an expulsion order.</p> <p><b>5.</b> As good practice Hungary highlights the need for training, and it considers revealing identity frauds as the biggest challenge.</p>
	<p><b>Italy</b></p>	<p>Yes</p>	<p><b>1.</b> Generally speaking, Police officers (State Police, Carabinieri and other bodies belonging to the army) may force anyone to follow them in their offices when there are enough clues to believe that the provided personal information or documents are fake). Police officers must immediately report the matter to the Prosecutor of the Republic and may hold the person as long as the identification procedures require. Actually, the release takes place within 24 hours. The same magistrate must also be informed on the person's release. In this case, the right to appoint a defender is not foreseen, but associations or acquaintances may be informed instead. If, on the other hand, false or general information is provided to a public official or to a public prosecutor, the offense is punished and the penalty foresees the imprisonment to a maximum of six years (Articles 495 and 496 Criminal Code) Regarding the international protection procedure, the refugee status can be revoke if, after the recognition of the refugee status, it is possible to establish that the recognition has been exclusively determined through misrepresentation/omission of facts or by using fake documentation. The person must be</p>

**EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures**

			<p>informed on the current procedure and he/she has the opportunity to be heard in a personal interview.</p> <p><b>2.</b> In Italy, Border Police is in charge for Border refoulement's procedures (Article 10 of Legislative Decree 286/1998). b) Yes, this authority have to inform the public persecutor because if the person is found in possession of a fake document valid for expatriation he is punished with imprisonment for two to five years (article 497bis codice penale/Penal Code); c) Yes. if the detection happens during an international protection procedure, the Italian immigration law stated that "Under no circumstances can the expulsion or the rejection be done toward a State where the alien is subject to persecution for reasons of race, sex, language, nationality, religion, political opinion, personal or social conditions, or it may be risked to be deported to another state in which he is not protected from persecution (article 19 Testo Unico Immigrazione).</p> <p><b>3.</b> In case of offense of false statement to a public officer about the identity, the person is judge in a trial with the possibility to be punished with imprisonment from one to six years or one to five years.</p> <p><b>4.</b> As reported in question n. 1, regarding the international protection procedure, the refugee status can be revoke if, after the recognition of the refugee status, it is possible to establish that the recognition has been exclusively determined through misrepresentation/omission of facts or by using fake documentation. The person must be informed on the current procedure and he/she has the opportunity to be heard in a personal interview.</p> <p><b>5.</b> n/a</p>
	<p><b>Latvia</b></p>	<p>Yes</p>	<p><b>1.</b> a. The application on international protection (hereinafter – application) shall be submitted in person to the State Border Guard. The State Border Guard is responsible for registration of application, identification of asylum seeker and taking fingerprints. If it is determined a document used by asylum seeker could be false or forged the State Border Guard sends official request to the Expertise Centre where authenticity of the document is checked by using the different kind of information data bases and expertise. The State Border Guard submits the information obtained during the registration process and initial interview of asylum seeker as well as the report with</p>

EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures

			<p>conclusions on expertise of document to the Office of Citizenship and Migration Affairs who takes decision to grant or refuse to grant an international protection (hereinafter – decision). In order to take a decision the information obtained by the State Border Guards as well the information provided by the asylum seeker during the personal interview are analysed comprehensively taking into account all circumstances of the case. b. There have not been any cases within the procedure of legal migration where false ID document would be presented and it would be established by state institutions. If yes, the file would be sent to the State Police for opening a criminal investigation.</p> <p><b>2.</b> Usage of false/forged personal identity document is a criminal offence in Latvia. a. The State Border Guard takes the decision on refusal of entry with regard to TCN with false or forged document, as well as the decision on initiating a criminal investigation with regard to TCN who used false or forged document also is in the competence of the State Border Guard. b. There is Criminal Investigation Board in the State Border Guard that carries out criminal investigation and is handling criminal procedure in the cases of use of false or forged documents. There is no obligation for the State Border Guard to inform the State Police. In case if the criminal investigation takes place the public prosecutor carries out supervision of the criminal procedure (this is the ordinary procedure for all criminal cases). c. The procedure of detection of false or forged documents does not differ depending on the procedures, but the decision of criminal investigation is taken depending on the circumstances of the case (each case is assessed individually).</p> <p><b>3.</b> a. Legal migration procedure would be finalized by making a negative decision as the person does not have valid travel document. Latvia applies criminal and asylum procedures with regard to a foreigner simultaneously (in parallel). b. Regarding imprisonment – each case is decided individually, analysing all circumstances that could differ from case to case. c. -</p> <p><b>4.</b> No, there have not been any cases.</p> <p><b>5.</b> N/A</p>
--	--	--	---

**EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures**

	<p><b>Lithuania</b></p>	<p>Yes</p>	<p><b>1.</b> If there is suspicion about authenticity of submitted document during the asylum procedure, the responsible institution (Migration department), that examines the application for asylum, sends it to the Lithuanian Police Forensic Science Centre and its experts provides the answer on the document's authenticity. The documents are investigated by Lithuanian Police Forensic Science Centre's procedures and regulations. If it is determined that document is counterfeited/forged, this is taken into account when examining alien's application for asylum. During legal migration procedures, if there is suspicion about that the document's authenticity, the competent authority of alien's country of origin is addressed and is requested to determine if it is counterfeited/forged.</p> <p><b>2.</b> a. According to Schengen Borders Code provisions, individuals that are trying to enter Lithuania at the border checkpoints by submitting forged travel documents, visa or residence permit (according to SBC B and D) or documents belonging to another person, are refused the entry to Schengen zone. The investigation for the use of forged documents are not started for these individuals. The decision to refuse the entry for alien is adopted and documented by the officer of the State Border Guard Service. b. Other institutions (the police, public prosecutors) are not informed about this decision. c. See reply to question 1.</p> <p><b>3.</b> a. When the prosecution is started, the procedures of Migration are temporarily suspended until the final decision is adopted in the pre-trial procedure. b. If the allegation of committed criminal act was presented to the individual, the precautionary measure is appointed in all cases. The type of precautionary measure depends on the degree of severity of the act that was made. The arrest is exclusive and the most severe precautionary measure, that is ordered only by the court if the individual meets the requirements of the Code of Criminal Procedure Article 199 and Article 122, part 1. The procedure of asylum is not suspended, the application is examined and after the decision is accepted, but the execution of decision is delayed (for example, return) until the final decision in the persons prosecution is adopted.</p> <p><b>4.</b> No, but there are cases when after failing to determine the identity of the person, alien is released (after being in the detention for the maximum period of 18 months). In this case the return decision for that person is suspended. Such alien can be issued the residence permit after one year if the identity is still not determined.</p>
---	-------------------------	------------	---

**EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures**

			<p><b>5.</b> There are no good practices or challenges to report.</p>
	<p><b>Luxembourg</b></p>	<p>Yes</p>	<p><b>1.</b> 1. A. In the international protection procedure :The applicant must submit his/her identity documents to the Directorate of Immigration, Refugees' Department (Article 12 (1) of the law of 18 December 2015 on international protection and temporary protection). The Refugee Department systematically sends the documents to the Judicial Police in order to establish the identity of the applicant. Furthermore, all the identity documents submitted by international protection applicants (except those coming from the West Balkan countries, only sent when there is a reasonable doubt) are sent to a specialized unit of the police (Airport Police Control Unit – UCPA) in order to verify their authenticity (article 6 (3) paragraph 2). This unit will render a report to the Directorate of Immigration. The Police and/or the Directorate of Immigration must inform the public prosecutor office in accordance with article 1(1) in accordance with article 7-2, 9, 16 of the Criminal Procedure Code in order to decide if it is worth prosecuting the offense or not. B. In the legal migration procedure: Normally, the verification of false documents in order to have jurisdiction has to occur on the territory. It can occur during the authorisation of stay procedure when the third-country national submits the documents for obtaining it or after having obtained the authorisation of stay, during the application for the residence permit. In both cases the procedure described under point 1.A applies.</p> <p><b>2.</b> 2. A. The decision of refusal of entry at the border (the only international border that Luxembourg has is the International Airport) can be executed ex-officio by the agents of the Airport Police Control Unit (UCPA) (Article 105 of the amended law of 29 August 2008 on free movement of persons and immigration – Immigration law) The agents will draw a written report on the notification of the decision and the execution of it. This report is sent to the Minister in charge of Immigration (article 105 (1)). Against the refusal decision an application for annulment can be filed before the Administrative Tribunal in a deadline of 3 months after the notification of the decision (article 105 (2)).The first instance judgment could be appealed before the Administrative Court within 40 days. However, the filing of the application and the appeal do not have suspensive effect (article 105 (2)). B. No. In this case, if the police officer refuses the entry</p>

EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures

			<p>in the territory and executes the order. S/he is obliged only to file a report to the Ministry in charge of Immigration and not to the prosecutor. C. See answer to question 3.</p> <p><b>3.</b> 3. If the criminal proceedings have already started and the individual is in detention, the international protection application does not stop the proceedings. However, in the case that there are merits for granting international protection the public prosecutor will take these elements for dismiss the claim. If it considers that the international protection application is unfounded and that it was introduced in order to stop the criminal proceedings the public prosecutor and the instruction judge will continue with the proceedings. In the case of legal migration, if the authorisation of stay has been granted and the authorities found that it has been granted on false documents the authorisation of stay can be revoked in accordance with article 101 (1) 3 of the Immigration law. If the authorisation of stay procedure is still going on the procedure will be suspended until the final decision.</p> <p><b>4.</b> 4. Yes. This situation normally happens when through a random control order by the Minister in charge of Immigration, based on the report of the Grand-ducal police or the Inspectorate of labour and mines (article 133 in accordance with articles 136 (1) and (2) of the amended law of 29 August 2008) or at the moment of the renewal of the residence permit. The criminal action can be started at the request of the of the Directorate of Immigration, which has to inform the Public Prosecutor. However, in accordance with article 101 (1) 3 the residence permit can be revoked.</p> <p><b>5.</b> 5. One good practice is that the documents submitted by international protection applicants (except those coming from the West Balkan countries, that are only sent when there is a reasonable doubt) are systematically sent to the Judicial Police. The main challenge is the amount of doubtful documents which make a huge backlog seen that there is not sufficient personnel in the special unit of the police to control all of them (especially that they have to take into consideration the request of other Departments of the Police, the Public Prosecutor and Investigating Judges) which delays the decisions in the international protection cases and in the legal migration cases. Anther challenge is the use of new technologies in falsifying documents and the use of original documents with false information. These situations make that the identity of the person cannot be established for sure.</p>
--	--	--	--

**EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures**

	<p><b>Netherlands</b></p>	<p>Yes</p>	<p><b>1. International protection procedure:</b> The false document can be detected by both the Police and the Royal Netherlands Marechaussee (RNM), the two organizations that work closely together in the international protection procedure. If the false or forged document is discovered by the Police during the identity establishment procedure, the document is seized and the suspect is being heard by the police. He/she is identified and registered through the ‘BVID-zuil’, additional fingerprints are taken and the suspect is registered in all systems of the police and all organizations cooperating in the immigration process. If the false document is detected by the RNM, the RNM will send the false document to the back-office of the RNM to further investigate the document. The Royal Netherlands Marechaussee will further investigate the document and create a judicial report regarding the falsification. If this report is being sent to the Public Prosecutor (OM), the OM will not take any action until the Immigration Service (IND) has taken a decision on granting right on asylum. These cases are not being carried out after the international protection procedure, however this could happen in theory, after all then it is (irrevocably) determined that the person concerned is not a refugee. During the international protection procedure the asylum applicants are not being prosecuted for possessing false or forged documents since asylum applicants can have a legitimate reason for lying about his/her identity. The false or forged document can also be discovered during the asylum application process at the IND. The IND has established guidelines on when to report a crime. These guidelines contain a matrix with categories on when it is worth it to report the crime. When an IND employee comes across a false/forged document, he/she notifies the appointed ‘report coordinator’. With the ‘report coordinator’, it is being discussed whether it is worthy and useful to report the crime. If it is worthy and useful to report the crime, this report is sent to the Police. The IND will be informed by the Police and the OM whether or not the person involved will be prosecuted. In 2013, the Supreme Court of the Netherlands has ruled that a third country national cannot be prosecuted for having a false or forged travel document as long as he/she has not received an irrevocably negative decision on his/her first asylum application. <b>Legal migration procedure:</b> If the false/forged document is discovered at an IND desk, the IND employee calls the Police. The Police will come to the IND Desk to apprehend the person with the false/forged document and will take in the document. The IND will report the crime.</p>
---	---------------------------	------------	---

EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures

			<p>2. (a). RNM, in accordance with the Schengen Borders Code. (b) Yes, a police report is sent to the public prosecutor. (c) See Q1.</p> <p>3. a. In the case of international protection: European rules state that it is not allowed to prosecute someone that is in an international protection procedure. In the case of legal migration: suspension is not obligatory b. This depends on the crime. Proportionality is important.</p> <p>4. Yes. a. The IND monitors changes in the personal data of third country nationals after they have received a residence permit automatically. If a change in the BRP (basisregistratie persoonsgegevens) is made, for example in the nationality or date of birth, the IND receives a signal and automatically a withdrawal procedure is started. This is the case for both asylum (since October 2016) as for regular migration (January 2017). Signals on ID fraud can also come from partner organisations or others. If this is the case, the matrix in the guidelines described under Q1 is used to determine whether the crime will be reported. The OM decides whether to prosecute or not. b. Same procedure applies as mentioned under 4a.</p> <p>5. Best practices, according to the Police: In recent years, many systems have become available that automatically and efficiently check the authenticity of a document. The system Edison TD plays a crucial role. In the meantime, a check regarding the authenticity of the document is made to Edison automatically through the "Basis Voorziening Identificatie"-column (BVID-zuil). The BVID-column is currently used structurally in the identification process of suspects and/or foreign nationals. Through the BVID, fingerprints are recorded and checked within appr. 20 registers. Both the document and the person are therefore structured and thoroughly checked. Best practices, according to the RNM: • The Biometric Law (Wet Biometrie) makes it possible to register the biometrics of aliens in all processes. Every alien who enters the alien process gets an unique number. The use of biometrics (fingerprints) ensures that every alien is registered by only one unique number. This prevents multiple registrations of the same alien and contributes to the prevention of identity fraud. • The Royal Netherlands Marechaussee (RNM) uses the Identity Application (also known as the BVID-zuil) for the identification of aliens. By using biometrics (fingerprints) it is possible to verify the identity. During the verification SIS, EURODAC and EUVIS are being consulted. When there appears not to be a match in de system, the RNM registers the alien. This registration includes the enrollment of fingerprints and a facial photo. • If</p>
--	--	--	---

**EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures**

			<p>border guards (Doc1, Basic level / Doc2, advanced level) are having doubts about the authenticity of a document they can consult the document specialists (DOC3, Expert level) from the Identity Desks of the RNM. Challenges, according to the RNM • Because imposters use authentic documents and the photograph in the document resembles their face, we notice that imposter fraud is sometimes difficult to recognize. A few officers from the identity desks of the Royal Netherlands Marechaussee (RNM) attended a Police Identity Training (PIT) focused on facial recognition from our German colleagues. RNM officers brought their gained knowledge back home and based on this knowledge they developed a course for the RNM. The intention is to implement this course in the basic education of the RNM so that the first line officers are able to recognize imposter fraud more easily.</p>
	<p><b>Slovak Republic</b></p>	<p>Yes</p>	<p><b>1.</b> In cases of legal migration, if a police officer has doubts about the authenticity of submitted documents or there are features of a false document, the officer may ask for a validation of the authenticity. This can be done through various means. If there is an expert present at a work place who was trained in this area and is authorised to carry out a professional document validation, the officer shall ask this expert for validation. If the document needs to be checked by means of special technology and the request can be processed at a higher professional level and the document is sent for validation to a supportive authority with a nation-wide responsibility for validation of identity documents and other documents. If it is confirmed that the document is false, it is a reason for rejection of the residence application or reason for its withdrawal. According to the national legislation, “if a third-country national states a false or misleading information or this person submits false or forged documents or documents of other person”, this is a legitimate reason for an administrative expulsion of the third-country national from the territory of the Slovak Republic.</p> <p><b>2. a.</b> The decision about the refusal of entry is issued by the respective Police department carrying out the border control at the external border. <b>b.</b> Yes. In the Slovak Republic, the Police department determines whether the submitted document is false or forged, so the Police is automatically notified. In case, there is a suspicion that it is a criminal offense of falsification or counterfeiting, it is necessary to submit this issue to the Office of the General Prosecutor of the Slovak Republic. If there is a false or forged document detected by a Police Officer in other place</p>

EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures

			<p>within the territory of the Slovak Republic, not at an external border, the officer is obliged to detain the person on the grounds of suspicion of a criminal offense according to the national legislation - the Criminal Code, the officer has to inform the Prosecutor and refer the matter to the competent law enforcement authority. c. No. If a person submits a false/forged travel document as a genuine document, this person commits a criminal offense, committed in the territory of the Slovak Republic, and provisions of the Criminal Code applies to this person. The law enforcement authority which is informed about this is obliged to immediately take an action in accordance with the Criminal Code and to start with actions in order to initiate the prosecution. This has also an impact on other pending procedures, according to the national legislation. As regards the granting of the residence in the territory of the Slovak Republic, the application is rejected. In case of application for international protection it is also taken into account whether the person states that this document was used by the person only to travel out of the country of origin and he/she knew that this document was false or forged and he/she states a different identity than for which the false/forged document was issued. In such case, the credibility of his/her statement is assessed based on the grounds of the application for international protection. In case the asylum seeker present false or forged identity documents while during the entire asylum procedure he/she pursues that the documents are authentic, the Migration Office does not consider this person as credible. However, the fact that the Migration Office does not consider a person as credible does not necessarily mean that the statement of this person is not credible as regards the reasons for his application for international protection. If the statement of this person is not credible, the application for international protection is rejected.</p> <p><b>3.</b> a. Yes. The investigation and clarification of the criminal offense has a priority, subsequently the international protection procedure or other one follows after the ruling of the competent judicial authority. b. If the law enforcement authority initiates the prosecution, the Prosecutor oversees the lawfulness of the procedure. After the initiation of the prosecution, all provisions of the Criminal Code apply, i.e. also the provision related to the detention of the person, as well the imprisonment of the person until the ruling of the court. c. In case of investigation of a criminal act, all the provisions of the Criminal Code apply to all persons who are related to it, disregard their nationality or legal status, unless otherwise provided by the Criminal Code.</p>
--	--	--	---

**EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures**

			<p><b>4.</b> Yes. The document validation of a foreigner shall be carried out by each Police Officer. Each Police Officer is obliged to carry out actions related to the apprehension of a person if it is found out, or there is a suspicion that the person committed a criminal offense. The Police Officer is obliged to immediately inform the respective prosecutor and, after carrying out the initial steps, to hand in the person in question to the law enforcement authorities. Special controls in order to prove legal residence of foreigners, validity of travel and residence documents as well as authenticity of documents submitted by foreigners are carried out, in accordance with the national legislation, by the staff of the Alien Police and other units under the Bureau of the Border and Alien Police. If a person has been granted residence, the residence is cancelled and the permit withdrawn.</p> <p><b>5.</b> In case of inspection of a person and his/her documents entitling this person for entry and residence in the territory of the Slovak Republic, the Police checks the data in the available information systems of the Police Force. If there is a reasonable suspicion (by a Police Officer based on his professional experience, practice and knowledge, validation in the information system of the Police Force and through technical means) that a foreigner has submitted false or forged travel documents or ID card entitling this person for entry and residence in the territory of the Slovak Republic, the officer apprehends him/her according to the Criminal Code due to the fact that this person is suspicious of committing a criminal offense. The officer is obliged to immediately inform the respective prosecutor and to hand in the person to the law enforcement authorities. In order to bring charges of a person who committed an offense of falsification or counterfeiting of a public document, official seal, etc., it is necessary to carry out an expert analysis which confirms that the documents are forged or false. Such an analysis is carried out by a Police officer with special training. The result of the analysis serves as one of the proofs for the law enforcement authorities in order to bring charges.</p>
	<p><b>Slovenia</b></p>	<p>Yes</p>	<p><b>1.</b> The police are informed and respective measures are taken. The rest remains on several circumstances.</p> <p><b>2.</b> a) The court. The police normally initiate criminal procedure accordingly. b) n.a. please refer to the point a c) None whatsoever</p>

**EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures**

			<p><b>3.</b> a) yes b) it depends on the decision of judicial authority</p> <p><b>4.</b> Such cases happen. In such cases the annulment procedure of the residence permit is initiated and the holder of the document prosecuted. Informing of the public prosecutor is compulsory. The rest is in the hands of judicial authority.</p> <p><b>5.</b> n.a.</p>
	<p><b>Spain</b></p>	<p>Yes</p>	<p><b>1.</b> When the false document is detected by the National Police or other authorities involved in the international protection of legal migration procedure, the person is arrested and handed over to the judge, together with the police proceedings and the false document. If the person is illegally staying, a return procedure is started and detention may be imposed, depending on the circumstances.</p> <p><b>2.</b> The entry ban is issued together with the return decision, if the third country national was illegally staying, by the Government Delegate in the province (administrative authority). The return decision and entry ban can also be imposed by the judge as a penal sanction when sentencing the case. b. Does this authority have to inform the police/ public prosecutor? The National Police is aware of the case anyhow, since it is responsible for the administrative return procedure and for the investigation of the penal case. The public prosecutor will be informed in the framework of the penal case. c. Is there any difference if the detection happens during an international protection procedure or a legal migration procedure? No, but the remaining circumstances need to be considered in order to know if the person maintains a legal status (until the eventual judicial expulsion) or not anymore.</p> <p><b>3.</b> The application for international protection or legal residence is inadmissible if the presented identity document is false. b. If the public prosecutor decides to prosecute, is the TCN transferred to a prison? In Spain, prosecution corresponds to the investigating judge, who will decide about provisional imprisonment.</p>

**EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures**

			<p><b>4.</b> Yes. The detection is made or confirmed by the National Police. The holder will be prosecuted and the residence permit revoked. Do they have to inform the public prosecutor in this case? Yes. The police proceedings are sent to the investigating judge and a copy to the prosecutor.</p> <p><b>5.</b> Click here to view and respond to the Query: <a href="https://webgate.ec.europa.eu/emn-ies/node/43567">https://webgate.ec.europa.eu/emn-ies/node/43567</a></p>
	<p><b>Sweden</b></p>	<p>Yes</p>	<p><b>1.</b> The Id-unit of the Migration Agency is scrutinizing the document and the result is registered in the national case handling system. If appropriate the document is reported to the police.</p> <p><b>2.</b> a. The decision is made by the Swedish Migration Agency through Missions abroad and legal migration units. b. If the document is detected as false after examination by the Migration Agency this shall be reported to the police by the ID-unit within the Migration Agency. c. No. The procedure is the same regardless of the type of application.</p> <p><b>3.</b> For asylum seekers the discovery of fake document does not necessarily mean that the case is put on hold, depending on other documents in the case and other circumstances. For applications for legal migration the demand for established identity is stronger and if the passport presented as basis for the identity is found to be false this will have a direct negative effect on the handling of the case. In neither case will the person be put in prison. If needed the person can be put in detention in order to try to establish his/her identity which is primarily used within the protection process (when the person has applied after arriving in the country).</p> <p><b>4.</b> Yes, this is discovered regularly. The reason for discovery can be for example anonymous tips and information from other authorities. When discovered the approved residence permit is revoked and decision is made if the person must leave the country. If it is the Swedish Migration Agency that gets the information about false identity and permit is revoked a report shall be made to the Police.</p> <p><b>5.</b> "Nothing is stronger than the weakest point" is a good expression. As long as all officials dealing with identity checks, registration of identity, passport applications etc. do not have</p>

**EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures**

			<p>sufficient document training it will be possible to deceive the authorities. Proper training for all officials checking documents combined with technical equipment is essential.</p>
	<p><b>United Kingdom</b></p>	<p>Yes</p>	<p><b>1.</b> - International protection procedure? Please describe. If a non-genuine document is presented by or found in the possession of an individual who is seeking to travel to/ enter the United Kingdom for international protection, the holder is not referred for prosecution and their application will be processed by a trained caseworker. The United Kingdom strictly adheres to the protection afforded by article 31 of the Refugee Convention which is enshrined in our laws by the Immigration Act. - Legal migration process? Please describe. If a non-genuine document is presented by or found in the possession of an individual who is seeking to travel to/ enter the United Kingdom for temporary or permanent migration, that individual is likely to be denied a visa or refused entry. Very occasionally (but not usually), the individual may also be subject to prosecution. If a non-genuine document is presented by or found in the possession of an individual who is already in the United Kingdom, that individual is likely be subject to enforcement action which includes, but is not limited to, deprivation of status, prosecution and removal. In all cases, the non-genuine document will be removed from the public domain in order to prevent further misuse.</p> <p><b>2.</b> If a TCN is issued a refusal of entry decision because of the detection of a false or forged document, which authority makes this decision? Please explain. If a non-genuine document is detected at the visa application stage, the decision to refuse is made by United Kingdom Visas &amp; Immigration. If it is detected at a border control, the decision is made by United Kingdom Border Force. If it is detected in-country, the decision is made by United Kingdom Immigration Enforcement. All three branches have equal powers under the Immigration Act. Does this authority have to inform the police/ public prosecutor? Yes/ No. Please explain the procedure. It is not a formal requirement to inform the police/ public prosecutor if a non-genuine document is encountered by United Kingdom Visas &amp; Immigration, Border Force or Immigration Enforcement. However, if the holder is deemed to be liable to prosecution or is of interest to the police/ public prosecutor, such a referral can be made through established processes. Is there any</p>

EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures

			<p>difference if the detection happens during an international protection procedure or a legal migration procedure? Yes/ No. Please explain. There are no policy differences in this area.</p> <p><b>3.</b> Individual cases with no wider criminality element involving the misuse of a document in an attempt to travel to the United Kingdom are not referred to the public prosecutor. Any decision regarding enforcement action or case resolution can be taken by the executive authorities.</p> <p><b>4.</b> United Kingdom immigration caseworkers are aware of a small number of instances involving the issuance of residence permits to individuals in possession of non-genuine (forged or counterfeit) documents. Separately, a small number of EU nationals residing in the United Kingdom are believed to have sold their identities to non-EU nationals in order for them to take employment or access public services, to which they may not be ordinarily entitled. Revocation of status in these cases is possible, but can be complicated and time-consuming. If yes, please explain who makes the detection and if the holder is being prosecuted and/or the residence permit is revoked. The detection of a residence permit issued to a non-genuine document is made either when the holder is encountered by a law enforcement partner in-country or by an overseas border guard if the document is used for international travel. The holder would usually have their United Kingdom immigration status revoked if the Home Office have sufficient evidence of the abuse having taken place but any decision to prosecute would be on a case-by-case basis. Do they have to inform the public prosecutor in this case? Yes/ No. If yes, please explain the procedure. It is not a formal requirement to inform the police/ public prosecutor if a non-genuine document is encountered after a residence permit has been issued to an individual. However, if the holder is deemed to be liable to prosecution or is of interest to the police/ public prosecutor, such a referral can be made through established processes.</p> <p><b>5.</b> United Kingdom law enforcement bodies are committed to tackling document and identity abuse, and work very closely in an attempt to disrupt and deter individuals or groups associated with this behaviour. The Home Office National Document Fraud Unit has overall responsibility for matters relating to passport and travel document abuse. Its functions include, but are not limited to: • Serving as a point of contact for information and advice on genuine, forged or counterfeit travel and (some) other identity documents • Conducting in-depth forensic document examinations of suspect travel documents for the Home Office and other government departments</p>
--	--	--	---

**EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures**

			<ul style="list-style-type: none"> <li>• Writing document examination reports and providing witness statements/ expert testimony for prosecution cases</li> <li>• Conducting a national programme of forgery training for the Home Office, other government departments and overseas authorities</li> <li>• Producing and issuing publications for the Home Office, other government departments and overseas authorities on the detection of non-genuine documents</li> <li>• Collating detailed statistics on forgery detections both on entry and after entry</li> <li>• Providing analysis of current trends in document abuse for senior managers and front-line officers</li> <li>• Offering advice and technical support on travel document security, design and development to the Home Office and other government departments</li> <li>• Conducting research into new forgery detection equipment</li> <li>• Representing the United Kingdom at international conferences, exhibitions and working groups to improve document security and expertise</li> </ul> <p>Additionally, United Kingdom Immigration Enforcement International manages a network of highly trained liaison officers at various Diplomatic missions across five continents. These officers work very closely with overseas authorities and other partners to reduce irregular migration (including the use of non-genuine documents) to the United Kingdom. This is achieved through the provision of joint training sessions, workshop events, risk profiling, flight monitoring and regular liaison.</p>
	<p><b>Norway</b></p>	<p>Yes</p>	<ol style="list-style-type: none"> <li>1. The detection of false documents submitted with a an application for a residence permit of limited duration, a permanent residence permit or Norwegian citizenship may have several, different consequences. In some cases the immigration authorities may ask the police to initiate criminal procedures. In other cases the police may on its own initiative consider this if the detect the use of false documents. However, the capacity situation of the police may in many cases result in the criminal case being dismissed.</li> <li>2. Both the the Norwegian Directorate of Immigration (UDI) and the Police may detect that a false document is used in the application for a residence permit of limited duration, a permanent residence permit or Norwegian citizenship. The application will normally be rejected by UDI in such cases. UDI discovers false documents in connection with the consideration of an application, and when a suspect document is forwarded to the Norwegian ID-Centre (NID) for examination, e.g. when the recall of a granted permit is being considered. See above reply on criminal</li> </ol>

EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures

			<p>procedures if NID concludes that a document is false. Presenting false documents may result in the application being rejected or the withdrawal of an already granted permit or citizenship.</p> <p><b>3.</b> That criminal procedures are initiated does not influence the consideration of the application and its rejection or whether an already granted permit is being withdrawn. These two procedures are independent. Submitting false document may result in a fine or imprisonment for up to 2 years, according to the Penal Code § 361. As indicated above it is quite seldom that the submission of documents in and of itself will result in a fine or imprisonment.</p> <p><b>4.</b> The discovery that false documents have been frequently happens after a residence permit in Norway has been granted, e.g. in connection with an application for Norwegian citizenship and when UDI forward a suspect document to NID for verification. If the suspicion is confirmed, then UDI will reject the application, and in some cases recall the permit already granted, if the identity of the person is wrong. The presence of false document is not in and of itself a sufficient reason for a recall of a permit. Other indications that the person has presented him-/herself with a wrong identity must be present as well. Criminal procedures may always be initiated in such cases of false documents, however. The Police is always informed about cases where a withdrawal of a granted permit or citizenship is being considered.</p> <p><b>5.</b> In Norway there has been a growing focus on identity and identity challenges. Among the several measures to deal with this are: We have established an Identity network consisting of 18 national private and government agencies that have to conduct identity control at different levels in order to give permits, enforce obligations or provide services. (e.g. driving license, tax, health, immigration, police and finance institutions etc.) The main purpose of the network is to ensure a holistic approach to the identity related challenges, and information sharing. The network is working on finalizing guidelines for identity proofing, to ensure that all the bodies use the same terms and have the same approach and methods to establish identity. The ambition is that the guidelines will be used as basis for establishing internal procedures in the different agencies'. The level of control in each will be based on a risk assessment regarding identity related risks that the agency is facing. In 2018 Norway plan to introduce a new passport and ID-card scheme. This includes a new approach to the competencies and tools for identity control. The police are working to develop a new training program for the front desk staff that also includes identity</p>
--	--	--	--

EMN Ad-Hoc Query on Impact of false/forged documents in the immigration and asylum procedures

			<p>proofing. The Norwegian tax authorities are responsible for the Norwegian civil and population registration system. In 2016 they implemented a new control regime with better control at fewer locations. In addition, work is ongoing to improve this continuously, also for the new registration system that will be implemented in 2021. In 2010 The Norwegian ID-Centre was established as a new governmental agency to assist the police and immigration with identity related issues. It has developed a wide range of tutoring tools like e-learning, pamphlets, classroom courses etc., and has conducted courses in identity control for more then 5 000 employees in the public sector. There is still a large need for more awareness and competence in the public sector on the need and means for and identity control. There is also a need for better tools and methods in order to work in a coherent and holistic way with identity related issues. We see that to develop this is an ongoing process and therefore it must be regularly evaluated and improved.</p>
--	--	--	--