



Ad-Hoc Query on false and forged documents

Requested by HU EMN NCP on 5th November 2012

Compilation produced on 17th December 2012

Responses from Austria, Estonia, Finland, France, Hungary, Italy, Latvia, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom (16 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.

1. Background Information

From a practical point of view, it is the attempt by applicants to verify the general conditions of the Hungarian residence with false and forged documents during the application for residence permit or permanent residence permit represents a problem in Hungary. In order to detect these abuses, if a well-founded suspicion of submitting false documents arises during the application procedure, the competent authority initiates the procedure of the document expert. If the document expert ascertains that the document in question is false or forged, the application of the third-country national is rejected with reference to his/her fraudulent action by which s/he attempted to deceive the authorities by having made false statements [Article 1 (18) of Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals hereinafter referred to as: RRTN] as well as the authority files charges for falsifying public documents at the competent police authority.

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.*

According to the Article 1. b) (18) unless otherwise prescribed in this Act, new residence permits or the extension of existing ones shall be refused, or if already issued shall be withdrawn from third-country nationals who have disclosed false information or untrue facts to the competent authority in the interest of obtaining the right of residence, or misled the competent authority in respect of the purpose of residence.

According to the Article 2. d) (33) no interim permanent residence permit, national permanent residence permit or EC permanent residence permit shall be issued to any third-country national who has disclosed false information or untrue facts in the interest of obtaining the permit, or misled the competent authority.

According to the Article 2. a) (37) the immigration authority shall withdraw the permit if the third-country national in question has disclosed false information or untrue facts to the competent authority in the interest of obtaining the permit.

According to the Article 1. d) (39) the immigration authority shall withdraw the EC permanent residence permit if the third-country national disclosed false information or untrue facts to the immigration authority in the interest of obtaining the permit.

Questions:

I.

1. What kind of experience have the Member States in the field of issuing and extending residence permits in relation of disclosing false and forged documents?
2. What kind of documents enclosed by the applicants is false or falsified?
3. What are the legal consequences of enclosing false documents?
4. What is the followed procedure, if suspicion arises that the documents attached to the application for residence permit is false or falsified?
5. What kind of experience have the Member States in the field of issuing and extending permanent residence permits in relation of disclosing false and forged documents? What kind of documents enclosed by the applicants is false or falsified? What are the legal consequences of enclosing false documents? What is the followed procedure, if suspicion arises that the documents attached to the application for residence permit is false or falsified?

II.

6. What kind of experience have the Member States in the field of issuing and extending residence permits in relation of disclosing false information or untrue facts?
7. What might be constituted as false or untrue fact?
8. What is the followed procedure, if suspicion arises that by the applicant communicated information is false or untrue?

III.

9. What kind of experience have the Member States in the field of issuing and extending residence permits in relation of misleading the competent authority in respect of the purpose of residence?

We will very much appreciate receiving your responses by **26th November 2012**.

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.*

2. Responses¹

		Wider Dissemination?²	<p>I. 1. What kind of experience have the Member States in the field of issuing and extending residence permits in relation of disclosing false and forged documents? 2. What kind of documents enclosed by the applicants is false or falsified? 3. What are the legal consequences of enclosing false documents? 4. What is the followed procedure, if suspicion arises that the documents attached to the application for residence permit is false or falsified? 5. What kind of experience have the Member States in the field of issuing and extending permanent residence permits in relation of disclosing false and forged documents? What kind of documents enclosed by the applicants is false or falsified? What are the legal consequences of enclosing false documents? What is the followed procedure, if suspicion arises that the documents attached to the application for residence permit is false or falsified?</p> <p>II. 6. What kind of experience have the Member States in the field of issuing and extending residence permits in relation of disclosing false information or untrue facts? 7. What might be constituted as false or untrue fact? 8. What is the followed procedure, if suspicion arises that by the applicant communicated information is false or untrue?</p> <p>III. 9. What kind of experience have the Member States in the field of issuing and extending residence permits in relation of misleading the competent authority in respect of the purpose of residence?</p>
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Belgium	Yes	
	Bulgaria	Yes	
	Cyprus	Yes	
	Czech Republic	Yes	

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

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."

EMN Ad-Hoc Query: FALSE AND FORGED DOCUMENTS

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.

	Denmark	Yes	
	Estonia	Yes	<p>I.</p> <p>1. We have had some cases where temporary residence permits have not been issued or extended because an alien submitted falsified documents.</p> <p>2. One of the general condition of the issue of a temporary residence permit to an alien is the actual place of residence is Estonia. In practice we have discovered false or falsified documents to certify that the applicant has actual domicile in Estonia (i.e. forged apartment owner's confirmation letters).</p> <p>3. A temporary residence permit shall not be issued or extended or will be revoked if an alien submits falsified documents regarding the relevant matters in the proceeding, including information concerning his or her earlier activity upon application for a visa or a residence permit or work permit or upon application for extension of the residence permit or work permit or upon application for the citizenship of Estonia or for a personal identification document of the Estonian citizen. Submission of false information to an administrative agency, if committed in order to obtain an official document or any other benefit or gain, is also punishable by a pecuniary punishment or up to one year of imprisonment.</p> <p>4. If there is suspicion that the documents attached to the application are false or falsified we use experts to ask their opinion (i.e. documents about applicants health status), make inquiries to relevant authorities, carry out home visits (i.e. to certify that the applicant has actual domicile in Estonia), interview relevant persons to control facts etc.</p> <p>5. In the field of issuing long-term residence permit we have not founded any cases of false and forged documents, but the legal consequences may be that the issue of a residence permit for a long-term resident is refused. A residence permit for a long-term resident may also be revoked if an alien submits false information concerning facts which are relevant in the proceedings or uses fraud upon application for issue of a residence permit for a long-term resident. Submission of false information to an administrative agency, if committed in order to obtain an official document or any other benefit or gain, is also punishable by a pecuniary punishment or up to one year of imprisonment.</p> <p>II.</p> <p>6. We have had some cases where temporary residence permits have not been issued or extended because an alien submitted false information or untrue facts. A temporary residence permit can also be revoked if an alien submits false information regarding the relevant matters in the proceeding, including information concerning his or her earlier activity upon application for a visa or a residence permit or work permit or upon application for extension of the residence permit or work permit or upon application for the citizenship of Estonia or for a personal identification document of the Estonian citizen. Submission of false information to an administrative agency, if committed in order to obtain an official document or any other benefit or gain, is also punishable by a pecuniary punishment or up to one year of imprisonment.</p> <p>7. False information is any untrue data which is relevant in the proceeding (i.e false information about name, nationality etc).</p> <p>8. If there is suspicion that the information is false we make inquiries to relevant authorities, carry out home visits, interview relevant persons etc.</p> <p>III.</p> <p>9. We have refused to issue and extend the residence permits if there is reason to believe that the actual purpose of the entry of an alien</p>

EMN Ad-Hoc Query: FALSE AND FORGED DOCUMENTS

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.

			into Estonia does not correspond to the alleged purpose. Temporary residence permit can also be revoked on the same ground.
	Finland	Yes	<p>1. Students: Applicants without means/with limited means may present forged bank statements or other documents in order to meet the requirement for secure means of support. False documents are presented: a genuine certificate of studies is presented by a wrong person (different person has completed the studies); a genuine proof of language proficiency is presented by a wrong person (another person has passed the language test). Furthermore, it is suspected that in some cases a genuine certificate of studies, the content of which is not correct, has been obtained by paying for it.</p> <p>Ingrian Finn returnees (persons from areas of the former Soviet Union): Forged documents have been presented since the remigration started in 1990. Most of all forgeries have been encountered in birth certificates containing indication of nationality. Proving one's nationality is significant as the residence permit is issued for those who are ethnically of Finnish origin. Indications of nationality have been altered by using solvents, by erasing text or by adding text to the original one. During this year approximately five requests for comments have been made to the National Bureau of Investigation.</p> <p>2. False/falsified passports, identification documents, certificates of citizenship, marriage certificates, birth certificates, death certificates, decisions/agreements on the care of the child, certificates of studies as well as work certificates have been encountered. Furthermore, Ingrian Finn returnees have presented false/falsified internal passports issued by the Soviet Union and military passports. As far as students are concerned false/falsified certificates of completed degrees, bank statements and other documents related to the means of support as well as language certificates have been encountered.</p> <p>3. According to Section 36(2) of the Aliens Act, a residence permit may be refused if there are reasonable grounds to suspect that the alien intends to evade the provisions on entry into or residence in the country. Furthermore, in case the alien is in Finland, he/she may be removed from the country and prohibited from entering the country.</p> <p>4. The document will be investigated in the Finnish Immigration Service and, if necessary, it will be sent to the National Bureau of Investigation for further investigation by document experts. The Country Information Service of the Finnish Immigration Service and country-specified knowledge of Finnish embassies are also used when establishing the authenticity of documents. Furthermore, reports of an offence may be made.</p> <p>5. As far as Ingrian Finn returnees are concerned the National Bureau of Investigation does not return the falsified document to the applicant. (Previously, the falsified document was delivered to Russian authorities.) As a consequence of the offence it is no longer possible to issue a residence permit based on Finnish origin.</p> <p>6. Please see the other answers.</p> <p>7. Personal data, family relationships, facts related to the care of a child and to the place of residence of the person having the custody of a child, communication between the sponsor and the applicant, facts related to the employment and education. Furthermore, as far as Ingrian Finn returnees are concerned facts related to the Finnish origin and information provided by the applicant on crimes</p>

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.*

			<p>committed in Russia.</p> <p>8. According to Section 36(2) of the Aliens Act, a residence permit may be refused if there are reasonable grounds to suspect that the alien intends to evade the provisions on entry into or residence in the country. Furthermore, according to Section 36(3) of the Aliens Act, a residence permit by reason of family ties may be refused if there are reasonable grounds for suspecting that the sponsor has received a residence permit by circumventing the provisions on entry or residence by providing false information on his or her identity or family relations.</p> <p>According to Section 58(4) of the Aliens Act, a fixed-term or permanent residence permit or a long-term resident's EC residence permit may be cancelled if false information on the alien's identity or other matters relevant to the decision was knowingly given when the permit was applied for, or if information that might have prevented the issue of the residence permit was concealed. Furthermore, in case the alien is in Finland, he/she may be removed from the country and prohibited from entering the country.</p> <p>9. The competent authorities have been misled by marriages of convenience and in order to abuse social security benefits. A residence permit has been applied for studies though the real purpose of residence has been employment. A residence permit has been applied for self-employment though the real purpose has been to have a vacation in an apartment purchased in Finland or to travel in Schengen-area avoiding visa formalities. When trying to mislead authorities the applicants are not really aware of what kind of work is waiting for them and there is, thus, a risk of trafficking in human beings and extortionate work discrimination.</p>
	<p>France</p>	<p>Yes</p>	<p>1. Residence permits with high-level security features make counterfeiting and forgery more difficult. Therefore, fraud is more and more committed in the process of issuing residence permits by submitting false original or other required documents. Exhaustive statistical data are not available but according to the Central Directorate of Border Police (Direction centrale de la police aux frontières = DCPAF), illegal obtention (including all types of identity or travel documents as well as residence permits) constituted 12% of all types of fraud detected in 2011.</p> <p>2. The main false or falsified documents submitted by applicants are: birth certificates, foreign passports, and proofs of address (such as invoices produced by energy suppliers or telecommunication companies).</p> <p>3. At penal level, production, use and possession of false documents constitute an offence and are subject to different sanctions, according to the following articles of the Penal Code:</p> <ul style="list-style-type: none"> - Article 441-1: forgery and use of forged document, - Article 441-2: forgery and use of forged administrative document, - Article 441-3: fraudulent possession of forged administrative document - Article 441-4 : forgery and use of false or forged document - Article 441-5: fraudulent issuance of administrative document - Article 441-6: illegal obtention of administrative document - Article 441-7: forged certificates and attestations

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.*

			<p>- Articles 433-7 and 434-23: use of a false name or use of the name of a third party in circumstances that led or could have led to prosecution against him/her.</p> <p>Penalties vary from 6 months of imprisonment and a fine of 7.500 euros (use of a false name in an administrative document) to 5 years of imprisonment and a fine of 75.000 euros (ie. forgery and use of forged administrative document). Penalties are increased when forgery and use of forged documents is committed by a representative of public authority or a person entrusted with a public service task and acting in the course of his/her duties.</p> <p>At administrative level, a refusal of stay (refusal to issue the residence permit or withdrawal of the residence permit) and, where required, an obligation to leave French territory (<i>Obligation de Quitter le Territoire Français</i>, OQTF) may be decided in case of use of forged documents.</p> <p>4. In order to detect more effectively false and forged documents, applicants are required to submit original documents. Authentication of documents by the issuing French or foreign authorities is also required. In case of suspicion, checks are carried out by a competent officer who may call upon the expertise of operational services (police and gendarmerie). In case of established fraud and depending on the type of document, either a refusal to issue (or extend) the residence permit is pronounced or the forged document is removed from the application file. According to Article 40 of the Penal Code, the Public Prosecutor is informed in order to determine the legal consequences. In case of illegal obtention, residence permit is withdrawn to the holder who may also be refused stay.</p> <p>5. See above.</p> <p>6. This type of fraud exists in France although we do not have precise data on this phenomenon. In order to limit false information or untrue facts, use of “declarations on honour” provided by applicants is limited.</p> <p>7. Following examples may be considered as false or untrue fact: - Wilful omission (ie. existence of children in the country of origin); - To deliberately fail to inform about a divorce when applying for an extending residence permit as “spouse of a French citizen”; - False statement (ie. to submit a “declaration on honour” falsely stating that they are not practicing polygamy ; to state that they have sufficient means of subsistence when applying for a residence permit for students while declaring limited resources to social services in order to benefit from social allowances).</p> <p>8. At penal level, it is sanctioned under Article 441-6 of the penal code (illegal obtention of administrative document) and Article 441-7 (forged certificates and attestations). According to Article 40 of the Penal Code, the Public Prosecutor is also informed in order to determine the legal consequences. At administrative level, depending on the stage when fraud has been detected, a refusal to issue the residence permit or a withdrawal of the residence permit may be considered. However, the administrative authority has to ensure that this refusal would not constitute a</p>
--	--	--	---

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.*

			disproportional interference with the applicant's right to respect for private and family life as guaranteed by Article 8 of the European Convention on Human Rights. 9. See above.
	Germany	Yes	
	Greece	Yes	
	Hungary	Yes	<p>I.</p> <ol style="list-style-type: none"> 1. <i>According to the Article 1. b) (18) of the Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals (hereinafter referred to as: RRTN) unless otherwise prescribed in this Act, new residence permits or the extension of existing ones shall be refused, or if already issued shall be withdrawn from third-country nationals who have disclosed false information or untrue facts to the competent authority in the interest of obtaining the right of residence, or misled the competent authority in respect of the purpose of residence.</i> The alien policing authority in many cases connecting to the residence permits for the purpose of study found that the applicants fake student status certificate or bank documents annexed to the application, while concerning to the residence permit for gainful employment fake qualifications supporting documents or false in Hungary accommodation supporting documents (tenancy agreement) will be submitted. 2. According to the experience of the immigration authority, the applicants on the one hand connecting to the purpose of the residence (employment contracts, birth certificates, student status certificate, qualification certificate) and on the other hand concerning other general conditions justify (tenancy contract, passport, bank certificate) submit false or falsified documents. 3. <i>According to the Article 1. b) (18) of RRTN unless otherwise prescribed in this Act, new residence permits or the extension of existing ones shall be refused, or if already issued shall be withdrawn from third-country nationals who have disclosed false information or untrue facts to the competent authority in the interest of obtaining the right of residence, or misled the competent authority in respect of the purpose of residence.</i> 4. <i>From a practical point of view, it is the attempt by applicants to verify the general conditions of the Hungarian residence with false and forged documents during the application for residence permit or permanent residence permit represents a problem in Hungary. In order to detect these abuses, if a well-founded suspicion of submitting false documents arises during the application procedure, the competent authority initiates the procedure of the document expert. If the document expert ascertains that the document in question is false or forged, the application of the third-country national is rejected with reference to his/her fraudulent action by which s/he attempted to deceive the authorities by having made false statements (Article 1 (18) of RRTN) as well as the authority files charges for falsifying public documents at the competent police authority.</i> 5. According to the experience of the immigration authority, the applicants, who is wishing to hold a permanent residence permit, typically a birth certificate or marriage certificates as well as a clean criminal record supporting documents submitted in respect of false or falsified documents. According to the Article 2. d) (33) no interim permanent residence permit, national permanent residence permit or EC permanent residence permit shall be issued to any third-country national who has disclosed false information or untrue facts in the interest of obtaining the permit, or misled the competent authority.

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.*

			<p>According to the Article 2. a) (37) the immigration authority shall withdraw the permit if the third-country national in question has disclosed false information or untrue facts to the competent authority in the interest of obtaining the permit.</p> <p>According to the Article 1. d) (39) the immigration authority shall withdraw the EC permanent residence permit if the third-country national disclosed false information or untrue facts to the immigration authority in the interest of obtaining the permit.</p> <p><i>From a practical point of view, it is the attempt by applicants to verify the general conditions of the Hungarian residence with false and forged documents during the application for residence permit or permanent residence permit represents a problem in Hungary. In order to detect these abuses, if a well-founded suspicion of submitting false documents arises during the application procedure, the competent authority initiates the procedure of the document expert. If the document expert ascertains that the document in question is false or forged, the application of the third-country national is rejected with reference to his/her fraudulent action by which s/he attempted to deceive the authorities by having made false statements (Article 1 (18) of RRTN) as well as the authority files charges for falsifying public documents at the competent police authority.</i></p> <p>II.</p> <p>6. <i>According to the Article 1. b) (18) of RRTN unless otherwise prescribed in this Act, new residence permits or the extension of existing ones shall be refused, or if already issued shall be withdrawn from third-country nationals who have disclosed false information or untrue facts to the competent authority in the interest of obtaining the right of residence, or misled the competent authority in respect of the purpose of residence.</i></p> <p>7. False statements of fact may be considered in any circumstances, the incorrect allegations, which could significantly affect a certified general conditions of residence of the image.</p> <p>8. <i>If during the process of the foreign policing authority, it is determined that the applicant disclosed in the process untrue facts or false information, the third-country national's application on the ground that (s)he has disclosed false information or untrue facts to the competent authority in the interest of obtaining the right of residence, will be rejected or if already issued shall be withdrawn.</i></p> <p>III.</p> <p>9. According to the Article 1. b) (18) unless otherwise prescribed in this Act, new residence permits or the extension of existing ones shall be refused, or if already issued shall be withdrawn from third-country nationals who have disclosed false information or untrue facts to the competent authority in the interest of obtaining the right of residence, or misled the competent authority in respect of the purpose of residence.</p> <p>Generally speaking, the misleading the competent authority in respect of the purpose of residence occurs typically in case of residence permits applications for the purpose of study or for the purpose of gainful employment. In these cases the main goal of the foreigners is not to stay in Hungary, but the access in the Schengen area. In many cases, although the applicant submitted a residence permit application for the purpose of study, examining all the circumstances into account it is established that the applicant is actually gainful employment would then continue in our country, or the main goal of the foreigners is entering the Schengen area and after that travel and stay in other Schengen Member States.</p>
	Ireland	Yes	

EMN Ad-Hoc Query: FALSE AND FORGED DOCUMENTS

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.*

	Italy	Yes	<p>1. The use of false documents has been spread mainly among foreign nationals who are on the territory in irregular position, without having direct contact with the Immigration Office of the Questura (Police Headquarters). In fact, since it has been made compulsory for foreigners applying for residence permit or its renewal to undergo fingerprinting, this phenomenon has almost disappeared, at least as regards the use of forged passports or visas.</p> <p>2. It deals predominantly with fake employment contracts and payroll checks; cases of forgery of birth or marriage certificates issued abroad are not frequent, however in this case it is usually the original documents to contain false information;</p> <p>3. Article. 5, paragraph 8 bis of the Consolidated Law on Immigration (Legislative Decree No. 286 of 1998) states that whoever counterfeits or alters documents in order to determine the issuance of an entry or re-entry visa, a residence permit, a residence contract or a residence card, or use one of these counterfeit or altered documents, is punished with imprisonment from one to six years. If the forgery concerns a document or a part of a document that is to be deemed probative until a charge of forgery is brought, the period of imprisonment is from three to ten years. The punishment is increased if the act is committed by a public official.</p> <p>4. Once there is suspicion of falsehood the relevant document is retained and the Scientific Police carry out checks on it; if it is actually false or forged the police proceed to the seizure; the document is sent to the Public Prosecutor's Office for prosecution; at the same time the application requesting the issuance of a residence permit or its renewal or the update of the permit shall be rejected.</p> <p>5. There are very limited cases of false documents submitted for the issuance and the update of EC long-term residence permit. Even in these cases there are mainly documents relating to the employment relationship. Recently, the police stations have direct access to the Istituto Nazionale della Previdenza Sociale – (the National Social Security Institute) INPS database that verifies all data related to the employment relationship; this arrangement will discourage any attempt to present false documents. When it is established that a false document has been submitted the application is rejected and criminal proceedings relevant to the conduct initiated.</p> <p>II.</p> <p>6. 7. False information is mainly found in the documents relating to the employment relationship (employment contract and payroll checks) and those related to the availability of housing, more rarely on birth and marriage certificates issued abroad. Since the Italian authorities abroad only authenticate the signature on the document without entering into the merits, in these cases it is very difficult to detect falsehood.</p> <p>8. When false statements or certificates are uncovered, the police officer shall inform the Public Prosecutor's Office that brings criminal proceedings; the Immigration Office of the Questura assesses the facts and generally rejects the application even if the criminal proceedings are underway, with a guilty verdict.</p> <p>III.</p> <p>9. The most frequent attempts to mislead the Immigration Office have been registered through the production of documents drawn up by private persons that contain false statements: employment contracts, payroll, and availability of housing.</p>
	Latvia	Yes	<ul style="list-style-type: none"> - Latvia has rather narrow experience with false and forged documents, submitted for receiving a residence permit. Of course, there have been cases where false and forged documents have been detected. - Mostly - documents on sufficient financial means. Usually these documents have not been forged completely, but they

EMN Ad-Hoc Query: FALSE AND FORGED DOCUMENTS

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.

			<p>contain untrue information (for example, employer states that person A is employed in his/her enterprise with a certain salary, but after this information has been checked in State Revenue Service, it appears that in some cases salary is much lower or this person has not been employed at all). Then there were a number of cases where empowered person of applicants had forged a signature of applicants.</p> <p>- If false or forged document was submitted, a residence permit could be refused or revoked according to the Art. 34, 35 or 36 of Immigration Law. For example, Article 34, part 1, clause 1 stipulates that “the issue or registration of a residence permit shall be refused if a foreigner or his or her inviter has not submitted all the documents specified in the Cabinet regulations necessary in order to request a residence permit, or refuses to provide the explanations required which are related to the receipt of a residence permit;”</p> <p>If suspicion arises that content of a document is false, Office of Citizenship and Migration Affairs tries to check this information with competent authorities or other third parties etc. If there is suspicion on forged signatures, samples of handwriting and documents are sent to Forensic laboratory in order to carry out an examination. In case if Forensic laboratory confirms that document has been forged, materials are sent to State Police for invoking a criminal investigation. Residence permit in such cases will be refused or revoked.</p>
	Lithuania	Yes	
	Luxembourg	Yes	<ol style="list-style-type: none"> 1. The Law of 29 August 2008 on free movement of persons and immigration establishes that in case that the Directorate of Immigration determines that the documents provided by the applicant of any kind of residence permit are false or forged, they will refuse the residence permit and according with the Criminal Procedure Code they will inform the Public Prosecutor Office to take the appropriate measures. 2. Original and authentic documents which have been tampered or documents which have been produced and its contents are partial or totally false and which are relevant to the application. 3. Article 101 of the Law of 29 August 2008 foresees in case of verification of a false or forged document the refusal of the residence permit and in case the residence permit had already been granted, the annulment or refusal to renew of the residence permit and according to articles 111 and 120 the expulsion of the country and the placement in a holding facility for waiting for expulsion. Article 112 foresees the possibility of an interdiction for entering the territory up to 5 years. Also the Directorate of Immigration will proceed to inform the Public prosecutor office that will decide to prosecute the applicant for falsifying or tampering a document and using it. According with article 141 of the Law of 29 August 2008, « it is punished with one month to two years in prison and a fine of 251 to 3.000 euros, or only one of them, the foreigner who has knowingly made to the competent authority false declarations or who has knowingly produced falsified or inaccurate documents to enter the territory or to obtain an authorization of stay or a residence permit or a work permit or a renewal of a residence permit or of a work permit”. 4. If the Directorate of Immigration has a doubt on the authenticity of a document, they will transfer the document to the Judicial Police, who will practice an expertise on the documents and then render the report. In case that there is a doubt of the authenticity of the documents but the Judicial Police cannot verify it the Directorate of Immigration can contact the diplomatic missions in the country of origin to verify the authenticity of the document with the competent authority. 5. See answer to questions 1 to 4. 6. If the Directorate of Immigration discovers that the applicant had advance false or untrue statements in its application in accordance with article 75 of the Law of 29 August 2008 they not only can refuse granting the residence permit but also the annulment and refusal to renew a residence permit. 7. A false or an untrue statement will a statement that is partially or totally false or a statement that hide the truth of the facts that the applicant is advancing.

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.*

			<p>8. If the Directorate of Immigration has a doubt on the veracity of the statements made by the applicant, they can proceed to verify it by all means possible (i.e. interviewing family members in the country or in the country of origin through the diplomatic missions which represent Luxembourg's interests.</p> <p>The same answer as 1 and 5.</p>
	Malta	Yes	
	Netherlands	Yes	<p>1. With an application for a residence permit or extension thereof, a valid travel document must be submitted to prove the identity and nationality (art. 16 and 18 of the Aliens Act). If the passport is false or falsified, it is in principle not valid. The application for a residence permit or renewal of the residence permit can be rejected when there is no valid border-crossing document submitted. The rejection of the application becomes a little more complicated if it concerns a passport that was issued by the competent authorities. Good arguments supported by research, must indicate why the passport is not accepted in the proceedings. Research regarding the authenticity of a document is done by the centre of expertise of the documents of the Immigration and Naturalization Service (IND): Bureau Documenten. Research can also be done by the Royal Netherlands Marechaussee (KMar), for example in the case of an asylum application, or by the police. A false document can not be accepted because of the possibility of incorrect information on it. If other false or falsified foreign evidence documents are presented to prove a certain legal fact, this will not be accepted and the alien will therefore not be eligible for the requested authorization. If a birth certificate is false or falsified, the biological parentage relationship can not be proved; an application for family reunification will be rejected on those grounds. If the alien does not agree with the decision, he can submit an application for review.</p> <p>2. Actually, all possible documents occasionally get falsified or forged. Documents that often get falsified are documents necessary to obtain a national passport, such as birth certificates or identity cards. In asylum procedures also asylum-related documents such as requests of the police, arrest warrants, etc. can be found false or forged. In family reunification cases, marriage certificates or birth certificates of the children get falsified and/or forged. Depending on the situation in the world new trends in counterfeits are detected. The method of falsification is also country specific. A country specific overview would be too specific to be elaborated on in this ad hoc. Fraud with false French birth certificates to obtain French passports should be specifically mentioned. With fake French birth certificates Aliens can obtain a French passport, even though they are not in possession of the French nationality. In other European countries, these aliens get an EU-status. This fraud can only be detected by verification of the birth certificate in France.</p> <p>3. The application for a residence permit is rejected (see answer to question 1) and the alien may be prosecuted for forgery (Article 255 Penal Code or in the case of false or falsified travel documents Art. 231 Penal Code). Not only the forger himself but also those who intentionally used the document as if it were genuine and true can be prosecuted by virtue of this article. This happens when the document is judged by Bureau Documenten as a document with a high degree of probability or with certainty false or forged. Subsequently there will be sufficient reference material and know-how available on which Bureau Documenten can say with a high degree of certainty that the document submitted is false or forged.</p> <p>4. See the answer question 3.</p>

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.*

			<p>5. See the answer question 1 to 4.</p> <p>II.</p> <p>6. Whenever is determined (during the grant, renewal or modification of the permit) that inaccurate data were submitted or relevant information has been withheld, and this is discovered within a period of twelve years, the wrongly granted residence permit will be withdrawn or its period of validity not extended. This is of course under the condition that the incorrect information or the withholding of the information has (partially) resulted in the wrongly granted, renewed or amended residence permit. Not relevant is whether providing false information or withholding information happened intentionally. The point is that the erroneous situation is corrected. The decisive factor is whether the residence permit is granted, renewed or amended with the correct information. It is not important whether the inaccurate data or correct data held back was caused by the alien or other stakeholders. The termination of the residence will be omitted if this is in conflict with any binding treaty provision (for example, Article 8 of the ECHR) or if this would affect one or more stakeholders disproportionately in relation to the policy to be pursued (see Article 4:84 of the General Administrative Law Act). If it is determined that at the issue, renewal or amendment of a permit inaccurate data has been given or relevant information has been withheld, the case will be reviewed for prosecution (see Article 162 of the Penal Code. The duty to report lies with the official who is confronted with the offense). In this case it may be important who provides false information or who withholds correct information, whether this happened intentionally, and whether the alien was involved personally.</p> <p>7. This could for example be a false employer's statement. Besides the fact that the employer has committed forgery and the alien has used this document as if it was genuine, incorrect information has been provided on the situation whether the sponsor has sufficient and sustainable livelihoods.</p> <p>8. See the answer at question 6</p> <p>III.</p> <p>9. See the answer at section II.</p>
	<p>Poland</p>	<p>Yes</p>	<p>I.</p> <p>1. What kind of experience have the Member States in the field of issuing and extending residence permits in relation of disclosing false and forged documents?</p> <p>In Poland, there has not been a large number of cases disclosing false and forged documents by foreigners during the procedure of issuing residence permits for a specified period of time. There have been no cases of submission falsified travel documents or visas. Most often, false and forged documents are related with requirements to possess by foreigners, who apply for residence permits for a specified period of time, stable and regular income sufficient to cover costs of living, health insurance and accommodation.</p> <p>2. What kind of documents enclosed by the applicants is false or falsified?</p>

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.*

Often, foreigners present false work contracts, certificates of income, evidences of insurance and lease agreements. There are also cases of presenting false certificates which prove that foreigners pay taxes in Poland. There have been small number of cases of enclosing by applicants false evidence of fee payment for residence permits for a specified period of time.

3. What are the legal consequences of enclosing false documents?

According to the Polish regulations, if a foreigner submits an application or documents which contain untruthful personal data or false information, competent authority is obliged to refuse him/her a residence permit for a specified period of time (art. 57 par. 1 (7a) of Act of 13 June 2003 on Foreigners (Consolidated text Journal of Laws of 2011, No 264, item 1573, as amended). Moreover, the Act of Foreigners provides that the ground for refusal of the residence permit for a specified period of time is false statement or concealment of the truth, or rework, or forging a document to use it as authentic, or use such a document as authentic (art. 57 par. 1 (7b) of Act of 13 June 2003 on Foreigners. The above-mentioned situations are the reason for the withdrawal of the residence permit for a specified period of time, as well (art. 58 par. 1(2) Act of 13 June 2003 on Foreigners).

For example in 2011 there were 187 negative decisions for legalization of stay, based on art. 57 par. 1 (7a) of Act of 13 June 2003 on Foreigners and 95 negative decisions based on art. 57 par. 1 (7b) of Act on Foreigners.

4. What is the followed procedure, if suspicion arises that the documents attached to the application for residence permit is false or falsified?

First, the authorities are trying to determine whether the document is in fact false or falsified. For this purpose very often, they ask Border Guards for help in verifying the authenticity of documents. The Border Guards have more experience in detecting fraud than state administration authorities. Sometimes the authorities ask the body which issued the document to confirm its authenticity. If it turns out that the document was falsified, they inform law enforcement authorities. According to the Polish law, the use of false documents is criminal offense, but almost never foreigners are convicted of an offense or a crime.

5. What kind of experience have the Member States in the field of issuing and extending permanent residence permits in relation of disclosing false and forged documents? What kind of documents enclosed by the applicants is false or falsified? What are the legal consequences of enclosing false documents? What is the followed procedure, if suspicion arises that the documents attached to the application for residence permit is false or falsified?

Similarly as in the case of the residence permit for a specified period of time, there has been a small amount of cases disclosing false and forged documents by foreigners during the procedure of issuing permanent residence permit.

The Polish law provides for the possibility of obtaining a permanent residence permits by foreigners who have Polish origin. Majority of fraud is connected with the above-mentioned administrative proceedings. Often, foreigners present during the procedure for issuing permanent residence permit falsified birth certificates to prove Polish origin (for example, birth certificate indicates that one of the grandparents has Polish citizenship).

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.*

		<p>During the procedure for issuing the residence permit for a long-term EU resident foreigners present false work contracts, certificates of income, evidences of insurance and lease agreements. There have been exceptional cases of enclosing by foreigners false evidence of fee payment for residence permits for a specified period of time.</p> <p>According to the Polish regulations, if a foreigner submits the application or documents which contain untruthful personal data or false information, competent authority is obliged to refuse him/her permanent residence permit (art. 66 par. 1(6a) of Act of 13 June 2003 on Foreigners). Furthermore, the Polish law provides that the ground for refusal of permanent residence permit is false statement or concealment of the truth, or rework, or forging a document to use it as authentic or use such document as authentic (art. 66 par. 1(6b) of Act of 13 June 2003 on Foreigners). The above-mentioned situations are also the reason for the withdrawal of permanent residence permit. For example in 2011 there were 6 negative decisions for legalization of stay, based on art. 66 par. 1 (6a) of Act of 13 June 2003 on Foreigners and 3 negative decisions based on art. 66 par. 1 (6b) of Act on Foreigners.</p> <p>Furthermore, according to the Polish regulations, a foreigner shall be withdrawn the residence permit for a long-term EU resident, if he/she has obtained such a permit fraudulently (art. 69 par. 1 (1) of Act of 13 June 2003 on Foreigners). There have been no such cases. If suspicion arises that the documents attached to the application for permanent residence permit or long-term EU resident are false or falsified, the procedure is similar to the procedure for issuing the residence permit for a specified period of time.</p> <p>II.</p> <p>6. What kind of experience have the Member States in the field of issuing and extending residence permits in relation of disclosing false information or untrue facts?</p> <p>In Poland there have been occasional cases of disclosing false information or untrue facts by foreigners.</p> <p>According to the Polish Act on Foreigners, foreigners who apply for residence permits for a specified period of time or permanent residence permits are required to declare whether he/she was convicted of criminal offenses, or whether he/she has financial obligations. Very often foreigners conceal the fact that they were convicted of criminal offenses.</p> <p>Moreover, foreigners, who have been expelled from Poland and their personal data was entered in the Schengen Information System (SIS) for the purposes of refusing entry, often change their personal data and travel documents in order to enter again to Poland. After that they apply for the residence permit for a specified period of time and they present false information about previous personal data.</p> <p>During the procedure for issuing a long-term EU resident permit foreigners present false information about their travels outside the Polish territory.</p> <p>There have been also cases of marriages of convenience. During the procedure for legalisation of stay, foreigners declare for example that they knew each other before getting married and that they live together, but after the investigation it turns out that they present untrue information.</p> <p>7. What might be constituted as false or untrue fact?</p> <p>In the Polish law, there is no definition of false or untrue fact. Each case is considered individually. According to the Polish administrative judgment, the competent authorities can refuse to issue a residence permit for a specified period of time or permanent residence permit only if false or untrue facts presenting by foreigners are essential for the procedure.</p>
--	--	--

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.*

			<p>For example: A foreigner who applies for the residence permit for a specified period of time or permanent residence permit fills a special form in which he/she is obliged to indicate, inter alia, their personal data and information about previous criminal convictions. If the information presented by an applicant is untrue, it is constituted as presenting false or untrue fact. Likewise, if the foreigner is married to a Polish citizen and for this reason he/she applies for the residence permit for a specified period of time or permanent residence permit, but during the procedure for issuing these permits it occurs that this is a marriage of convenience, it also may be constituted as presenting false or untrue fact by foreigners.</p> <p>8. What is the followed procedure, if suspicion arises that by the applicant communicated information is false or untrue?</p> <p>Authorities always try to determine the true facts. They use all measures which are allowed by law. When it comes to false facts about the criminal offenses, authorities often ask the Police to determine whether the foreigner was convicted of the criminal offenses. If the authorities suspect that the foreigner presents untrue facts about travels outside the Polish territory, during the procedure for issuing a long-term EU resident permit, they ask the Border Guards to determinate the dates of entry into the territory of Poland and exit from Poland. When the authorities suspect that the foreigner marriage is a sham marriage, they interrogate the spouses and their family, sometimes their neighbors. They determine where the spouses live if they live together. If it turns out that the information is false or untrue, they inform the law enforcement authorities, because making false statements is according to the Polish law a criminal offense. Foreigners are convicted of an offense or a crime very rarely.</p> <p>The marriage of convenience is also the basis for the refusal to grant the residence permit for a specified period of time and permanent residence permit. (art. 57 par. 1 (4) and art. 66 par. 1 (5) of Act of 13 June 2003 on Foreigners). Additionally, the competent authorities are obliged to withdraw the residence permit for a specified period of time and permanent residence permit in case of the marriage of convenience.</p> <p>III.</p> <p>9. What kind of experience have the Member States in the field of issuing and extending residence permits in relation of misleading the competent authority in respect of the purpose of residence?</p> <p>According to the Polish Act on Foreigners, a foreigner shall be refused the residence permit for a specified period of time, if the purpose of his/her entry into the territory of the Republic of Poland or residence on the territory of Poland is or will be other than the one declared (art. 57 par. 1 (3) of Act of 13 June 2003 on Foreigners. Often foreigners apply for residence permits for a specified period of time on the basis of studies, but the real purpose of their stay is illegal work.</p> <p>For example in 2011 there were 322 negative decisions for legalization of stay, based on art. 57 par. 1 (3) of Act of 13 June 2003 on Foreigners.</p>
	Portugal	Yes	<p>1. Under the Portuguese legal framework a residence permit will not be granted or will be cancelled whenever, respectively, the applicant or the resident gave false or fraudulent declarations, enclosed false or forged documents, or used fraudulent means.</p> <p>2 When suspicion arises, the following procedure varies according to the type nature of the suspected forgery, in the framework of the commonly used police investigation measures and proceedings.</p>

EMN Ad-Hoc Query: FALSE AND FORGED DOCUMENTS

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.

			3. If confirmed, the information on the false declarations, false/forged documents or use fraudulent means is also formally communicated to the Public Prosecutor for criminal process purposes. It also should be noted that, in some cases, such as marriage of convenience and false declarations of parenthood, the cancelation of residence permit depends upon the criminal court decision.
	Romania	Yes	
	Slovak Republic	Yes	<p>1. The Slovak Republic also had cases when the application for residence permit or its extension was accompanied by falsified or altered documents. This is considered as one of the modus operandi of the irregular migration. Also from these reasons there were conducted number of trainings within the Aliens police on the documents falsification, focused on security features, printing techniques, types of printing of the documents, so the responsible police officer will be able to recognise a falsified document.</p> <p>2. In 2012 we recognised following cases: - falsified marriage or birth certificate, falsified confirmation on the provision of accommodation in the SR, confirmation on University study, falsified notary certificate with falsified stamps and signatures, falsified bank statements, falsified confirmation on child birth.</p> <p>3. In case it is discovered that the accompanying documentation to the residence permit application is falsified the application is rejected or not extended and the foreigner may be expelled and an entry ban of 3- 5 years may be imposed.</p> <p>4. On the region level, when a responsible police officer who has taken over the application has the suspicion that the documentation is falsified, altered, not valid, stolen, etc. and by using the available technical means is not able to confirm the canonicity of this documentation the relevant contact person is contacted. This person is a specialist in the detection of falsified documentation in the respective region and this person is also elaborating relevant statements. If this concerns e.g. the criminal records extract the Ministry of Foreign Affairs may be contacted which via the embassy in the country concerned, which will determine if this document is acceptable.</p> <p>5. See the answers above.</p> <p>6. See the response to question 1.</p> <p>7. The Slovak legislation does not define what a false or untrue fact is. For the purpose of the residence permits granting procedure the false or untrue fact is considered a fact which where it was proved that they are not based on reality. This has to be proved.</p> <p>8. The application will be rejected.</p> <p>9. In this area we have only a suspicion concerning some third country nationals, as it is difficult to prove the falsification.</p>
	Slovenia	Yes	The Slovenian Alien Act (The Official Gazette of the Republic of Slovenia no. 50/11 and 57/11) prescribe procedures in case of intentionally submitted incorrect data or disclosing of false or forged documents which applicant of the residence permit enclosed it in his/her application for issuing or extending residency permit or in case of subsequently disclosed false or forged documents of holder of the valid residency permit. The articles are the following:

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.*

		<p>According to the Article 33, Para. 4, an alien who wishes to reside in the Republic of Slovenia must fulfil the conditions required under the Alien Act for the issuing of certain types of residence permit and according to the Article 36, Para. 1, a temporary residence permit may be extended under the same conditions it was issued.</p> <p>According to the Article 56, Para. 1 (2), a valid temporary residence permit shall be annulled by the competent authority that issued it or by the competent authority in the area of which the alien resides if the alien concerned intentionally submitted incorrect data on his identity or other inaccurate data, or if he intentionally concealed the circumstances which have a bearing on the issuing of a permit;</p> <p>According to the Article 56, Para. 4, a permanent residence permit shall be annulled by the competent authority which issued this permit or by the competent authority in the area of the alien's residence if the alien intentionally presented incorrect data on his identity or other incorrect data or if he intentionally concealed information relevant to the issuing of the permit;</p> <p>According to the Article 57, Para. 1 (1), a temporary residence permit shall be terminated if the validity of the permit is annulled and Para. (2), a permanent residence permit shall be terminated if the permit is annulled;</p> <p>According to the Article 124, Para. (1), a residence registration certificate shall not be issued to an EU citizen if he/she does not fulfil the qualifying criteria for issuing the certificate (o.p. such as disclosing of false or forge documents, intentionally provided incorrect data on his identity or other incorrect data or has intentionally concealed circumstances which are important for issuance of the permit, etc);</p> <p>According to the Article 132, Para. (1), a temporary residence permit for a family member of the EU citizen may be annulled if it is determined subsequently that the family member does not fulfil the conditions for acquiring a permit or if there are other reasons for refusing a permit (o.p. such as disclosing of false or forge documents, intentionally provided incorrect data on his identity or other incorrect data or has intentionally concealed circumstances which are important for issuance of the permit, etc);</p> <p>According to the Article 135, Para 1 (7), a permanent residence permit of an EU citizen or family member shall be terminated if he/she intentionally provided incorrect data on his identity or other incorrect data or has intentionally concealed circumstances which are important for issuance of the permit or if it is established that his marriage or partnership was concluded exclusively for the purpose of obtaining a residence permit;</p> <p>I. Q 1; In case of false or forged document disclosure the Police is informed. The Police seize the document and conduct initial procedure to criminal prosecution, e.g. interrogation of suspect. Document is subject to expert opinions regarding authenticity. Q 2; Travel documents, identity documents and supporting documents may be used. Q 3; Such cases lead to prosecution. Q 4; Please refer to answer number one.</p>
--	--	---

EMN Ad-Hoc Query: FALSE AND FORGED DOCUMENTS

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.

			<p>Q 5; see answers Q 1- Q 4</p> <p>II. Q 6; According to the Alien Act the competent authority shall refused to issuing and extending residence permit if disclosed that applicant intentionally provided incorrect data on his identity or other incorrect data or has intentionally concealed circumstances which are important for issuance of the permit (for more detail see above Articles); Q 7; False or untrue fact may be information provided to mislead authorities; Q 8; Information is double checked. In cases of abuse suspicion the case is closed and documents are not issued, see also Q 6.</p> <p>III. Q 9; According to the Alien Act the competent authority shall refused to issuing and extending residence permit if disclosed that applicant intentionally provided incorrect data on his identity or other incorrect data or has intentionally concealed circumstances which are important for issuance of the permit (for more details see above Articles).</p>
	Spain	Yes	<p>1. False and forged documents are regularly found when examining applications for residence permits. 2. False identity documents, claiming EU citizenship, and any document giving right to a specific residence permit: job offers, birth or marriage certificates, penal record certificates, inscriptions in educational centres, etc. 3. The application is refused and a criminal investigation is started. According to Article 392 of the Criminal Code (Organic Law 10/1995) forgery of public documents shall be punished with imprisonment of six months to three years and a fine from six to twelve months. This provision is applicable even when the forged identity document appears to belong to another State of the European Union or a third country, or that has been forged or acquired in another State of the European Union or in a third country, if it is used or traded in Spain. The Regulation implementing the Aliens Act (approved by the Royal Decree 557/2011), establishes that visas shall be refused if false documents are detected when applying for a residence permit. 4. Examination by experts of the National Police. 5. False documents are normally presented when applying for the initial temporary residence permit, not for the permanent residence permit (two extensions of the temporary permit are needed before). When police experts confirm the falsification, an investigation is started that may lead to prosecution for document falsification and, very often, facilitation of illegal migration. 6. This is also found quite often. False statements can be made directly or in order to obtain documents that have to be submitted together with the application, such as reports on domestic violence by false victims. 7. Most circumstances alleged to obtain a residence permit must be supported by documentary evidence, so normally false or untrue facts (false family links, false victims of domestic violence, etc) generate documents which are then submitted together with the application for a residence permit. Some secondary circumstances might not need to be proved systematically and are then open to false statements, such as the time spent outside the country when renewing a residence permit. 8. Documentary evidence may be asked from the applicant or the information declared may be matched with other sources from the central, regional or local administrations. 9. This would normally involve the use of false documents and is not found as an isolated fact.</p>
	Sweden	Yes	<p>1. In order to reply to this question it is relevant to initially make a few observations on the type of residence sought and the type of false</p>

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.*

		<p>or forged documents submitted in this connection.</p> <p>The question does not specify whether the false or forged documents mentioned are restricted to documents pertaining to identity, but it is assumed it refers to a broader context, i.e. including but not limited to identity documents.</p> <p>In applications or extension applications for residence in cases of e.g. family re-reunification applicants as a general rule need to prove their identity with documents of identity (as a rule a passport), and thus identity documents are an absolute necessity, and much more widely submitted than in e.g. applications for asylum.</p> <p>For applications of asylum the following observations can be made. The submission of false and forged documents is an existing phenomenon. The Migration Board does not actively monitor the share, circumstances and other factors in this connection in detail. Generally speaking, however, it should be pointed out that it is far more common that no documents are submitted than false or forged documents are submitted. Thus, the absence of documents, especially documents pertaining to identity (approx.. 90 per cent of applicants lack a passport) constitute a more wide ranging problem.</p> <p>Furthermore, we need to note applicants of asylum need not prove their identity or claim, the requirement is to make these probable. While it does occur that asylum seekers attempt to support their claim through false or forged documents, in refugee status determination (or for determination of subsidiary protection) this would not as such exclude them from being granted such protection given that e.g. the oral statement is deemed credible and/or there is other credible evidence to support the claim.</p> <p>There is no regulation which automatically leads to a rejection of an application if a false document is presented. However it's an aggravating factor which can have an influence of the decision, especially if the false document is supposed to be an evidence of importance.</p> <p>The face value of a forged or falsified document also needs to be considered. If its value as evidence would have been minor even if it were a genuine document, the implications for the processing of such a case would be less. On the contrary, if such a document has a pivotal role for the application, it would certainly affect the outcome. To conclude, individual circumstances are very much at play here. It could be added it varies when in the process such documents are detected. In some cases it is discovered well after the decision to grant residence was taken due to factors that have arisen later.</p> <p>Finally, there are legal provisions in the Aliens Act to revoke a residence permit if it comes to the knowledge of the Migration Board that such circumstances are at hand. The decision to revoke a residence permit can be appealed.</p> <p>2, We see forged documents of all kinds; passports, identity cards, birth certificates etc</p> <p>3, When we suspect crimes such as forgery of document or referring to a false record or document punishable under the Criminal Code, a police report should be filed immediately upon discovery. This provided that the offense is not barred by statutory limitation.</p> <p>In connection with the report to the police, we will enclose the document which we suspect to be related to the crime. The document submitted to the police authority may be forfeited under the Criminal Code or confiscated.</p> <p>Sometimes a forgery is detected only, when the person who handed it in asks for the original document to be returned, long after the</p>
--	--	--

EMN Ad-Hoc Query: FALSE AND FORGED DOCUMENTS

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.*

			<p>matter has been settled and the offense has become barred,. We will then return the document, because we have constitutional support to seize it.</p> <p>4, If a case officer has suspicions that a document is false or forged, he or she can send the document for examination and verification to the Unit for document and biometric verification which is part of the Swedish Migration Board. Depending on what that examination shows the case officer together the Unit for document and biometric verification can proceed with a report to the police as described in response no 3.</p> <p>5, see responses 1-4.</p> <p>6. See the answer to question no 1. The false information or untrue facts will lead to a rejection of the application if the information or facts are of vital importance.</p> <p>7. It's not possible to give an exact definition.</p> <p>8, The applicant will be confronted with the suspicions that the information is false or untrue. As mentioned above the application may be rejected if the information is of vital importance. The person who presented the false information may also be reported to the police if there is suspicion that a crime, for example forgery, has been committed.</p> <p>9, The question appears rather similar to questions 1 and 6. At any rate, the phenomenon of applicants trying to mislead the competent authority regarding the purpose of their application or extension does exist. Regarding asylum claims, the real purpose of the applicant could be e.g. family reunification, to work (illegally), to engage in criminal activities. These are merely examples. The Migration Board cannot provide statistics in this respect.</p>
	<p>United Kingdom</p>	<p>Yes</p>	<p>We have only been able to provide answers to those questions below:</p> <p>Question I.</p> <p>3. In terms of an application to remain in the UK, the application would be refused and the individual would be subject to a banning order. Where an individual has outstanding permission to leave remaining we may also seek to curtail this leave.</p> <p>4. Where documents are suspected to be fraudulent or falsified they would be referred to the National Document Fraud Unit (NDFU).</p> <p>5. For those applying for settlement on the basis of service with HM Forces, there is limited evidence of the submission of forged documentation. The types of forged documents uncovered would be either forged passports or forged endorsements saying that the holder is free from immigration control on account of his/her service with HM Forces.</p> <p>The application for settlement would be refused and criminal proceedings may be brought.</p> <p>In terms of process the document would need to be checked by the National Document Fraud Unit who would then provide a report confirming whether the document was a forgery. This could be supplemented by further enquiries (perhaps with the issuing authority for instance) This evidence could then be used to refuse the application and where necessary could be used in a criminal prosecution.</p> <p>II</p> <p>7. A false representation under paragraph 322(1A) and (322(2) will be considered to have been made, where an applicant or third party</p>

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.*

			<p>deliberately and dishonestly makes a false statement in an application. This could be in writing ,on the application form or supporting documents produced at interview.</p> <p>The requirement for a false representation to be deliberately and dishonestly made is derived from the ruling in the case of A (Nigeria) v SSHD, where the judge found that the interpretation of ‘false’ requires dishonesty or deception to be used in an application although not necessarily by the applicant themselves.</p> <p>8. For In country applications, caseworkers should follow the guidance below:</p> <p>When a representation is confirmed as false and is made in connection with a current application, caseworkers must refuse the application under paragraph 322(1A). This applies even if:</p> <ul style="list-style-type: none"> • the false representation is not relevant to the application or your decision. <p>When a representation is confirmed as false and was submitted in connection with a previous application, you should refuse the application under paragraph 322(2).</p> <p>When you refuse under either 322(1A) or 322(2), your evidence must clearly show that the applicant’s representations conflict with other evidence such as any previous applications. You must not refuse an application just because you suspect that false representations have been made or because of minor errors in the application. For example, when an applicant has given an incorrect address or mis-spelt a name on their application form you should not refuse the application.</p> <p>Where an applicant confirms they do not have any criminal convictions but our checks confirm they do, you must refuse the application. This is because they have deliberately made a false representations so that they can obtain leave. The application form specifically asks the applicant to confirm any criminal convictions and provides details of how to check this where they are unsure. For example:</p> <ul style="list-style-type: none"> • The applicant answers ‘no’ to the criminal conviction question on their application form. • Caseworking checks confirm that they have been convicted of a criminal offence. <p>The application must be refused, as there is enough reason to believe that they have answered falsely as the result of a deliberate choice rather than innocently.</p>
	Croatia	Yes	

EMN Ad-Hoc Query: FALSE AND FORGED DOCUMENTS

***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.*

	Norway	Yes	
---	--------	-----	--