

**273.11 *Driving illegal immigrants etc. No reward***

*R v Abazi* 2018 EWCA Crim 3067 D was convicted of conspiracy to facilitate a breach of immigration law by a non-EU person. D and the co-accused K left Leicester and arrived in Brussels early the following morning. Later that day, D bought three Eurostar tickets for a journey to London leaving within the hour. The tickets were used by D, K and a woman L. All three passed successfully through the Belgian exit control. L had used a Hungarian identity card in another's name. At UK control, D separated from the other two and K and L presented two Hungarian identity cards that they had used to exit Belgium. At this point the deception was discovered. In interview, D said that he had been in Brussels on a day trip and that he had met a man with no money and had bought a ticket for him and a female friend. In her interview, L admitted that she had bought the identity card from K. Her account was that K had stopped a "passer-by" (D) and asked him to buy the tickets and had given him the money. The original contact with K was over the internet. They had met in Brussels, where K had given her the identification card. Had she obtained entry into the UK, she would have paid K 300 euros. D maintained that he did not know K and L through the trial and even after conviction, despite photographs shown to the jury which showed L with D at his wedding. The Judge said that the court could not be sure of the identity of L, but it was clear that she was in a close personal relationship with D. He also noted the absence of features capable of aggravating the offence. This was not sophisticated offending. D's mitigation was his previous good character, his excellent record as a security guard and the shame and pain this offending caused his family. Held. This sentencing exercise was not a particularly easy one, given D's refusal to acknowledge the truth. The offence was not committed for money. Nevertheless, we consider the sentence passed excessive. **2 years** not 3.