

309.6 False passport/ID documents, Using or possessing More serious than using it to obtain employment etc.

R v Marques 2014 EWCA Crim 1078 D pleaded (25% credit) to possession of an article designed for the making of false identity documents. Police officers stopped his vehicle during a routine traffic enquiry. On searching the vehicle they found six blank Italian passport covers in mint condition secreted beneath the rubber mat of the driver's footwell. The passport covers were counterfeit and were designed to enable a false Italian passport to be created when the identity and other pages were stitched into the cover. D said he had found them on the street earlier and had retained them. He eventually accepted that he knew the documents were fraudulent but denied any intention to use them personally or on another's behalf. D was aged 46 at appeal and a Portuguese national resident in London. Held. The Judge correctly distinguished this case from that of *R v Ovieriakhi* 2009. He did not need the passports to work in the UK as he was an EU citizen. He did not possess one false document but six covers from which a quantity of passports could be produced. Such activity undermines the ability to regulate immigration control. The appropriate starting point was around 18 months not 2 years (the maximum). With credit for the plea, **12 months** not 18 months.

R v Lasгаа 2014 EWCA Crim 1822 D pleaded (full credit) to having an identification document with improper intention. D was an Algerian who had overstayed on a visitor's visa which expired in 2008. D was stopped at the Channel Tunnel whilst on a coach to Germany. He had on him a Belgian ID document and a bank card, both in the same false name. His explanation for the bank card was that he had used the account of an Algerian to operate as self-employed. He had purchased the ID document off the Internet to visit a German woman he met online and whom he may have been intending to marry to obtain legitimate EU immigration status. D was of good character. The Judge emphasised the importance of preserving the integrity of the UK's borders. Held. The Judge was right to consider the time D had been an overstayer. D had been unlawfully living and working in the UK for over five years and, although caught leaving the UK, his intention was to return. D had a counterfeit document which would have been used to enable him to continue his long-assumed false identity. The Judge must have started at 27 months. He was entitled to do so. **18 months** was not excessive.

309.7 False passports/ID documents, Using or possessing To obtain employment/accommodation etc.

R v Patel 2014 EWCA Crim 647 D pleaded to possession of a false passport (section 4). He bought it for £500 and tried to use it to open a bank account. He needed to use a passport because he did not have 'immigration status'. D was trying to support his late brother's family in India and there was no criminal purpose. He was aged 45 and of good character. D said he was under pressure from his employer who refused to pay him unless he opened an account. **6 months** not 12.