



Ad-Hoc Query on sanctions for holders of an asylum residence permit in case of (proven) identity fraud

Requested by NL EMN NCP on 19 February 2015

Compilation for wider dissemination produced on 20 April 2015

Responses from Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Slovenia, Sweden, United Kingdom plus Norway (18 in Total)

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1. Background Information

In the Dutch Aliens Act there is no special article on the penalization of (proven) identity fraud. Fraud involving the name(s), birth date, birth place and nationality of the holder of a residence permit is subject to the general stipulation on fraudulent data and information. This means that in case of (proven) identity fraud by the holder of an asylum residence permit the withdrawal of the permit depends on whether the newly submitted information or data would have led to the refusal of the application. Often, the outcome of this assessment is that, despite the false identity, the new identity would not have led to the refusal of the application. Therefore, the residence permit remains intact. If the assessment leads to the conclusion that the residence permit is to be withdrawn, a check whether the holder of an asylum residence permit can safely return to his or her home country is mandatory. Transcription errors and other mistakes with regard to the writing of names, naturally, do not fall within the category of fraud.

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In order to strengthen the penalty regime for holders of an asylum residence permit in case of (proven) identity fraud, Dutch policy makers are exploring the possibilities of using a more strict interpretation of the current legal stipulations. This interpretation is centred on the assumption that, if the holder of the asylum residence permit has carried a false identity, the residence permit never actually was conferred to the person in question. In a sense, the residence permit is ‘void’, since based on a fictitious identity. The subsequent (retroactive) withdrawal of the residence permit would then be a mere administrative act, rather than a full decision which involves the consideration of all the aspects of the case. The assessment of whether the holder of an asylum residence permit can safely return to his or her home country (the so called *ex nunc* assessment) naturally remains intact. The right of the (ex) holder of a residence permit to submit a new application, also remains intact.

Relevant questions:

1. Does your Aliens Act (or similar legislation) have a special article or chapter on the penalization of (proven) identity fraud?
 - a. If yes, how does this particular stipulation in your legislation read and what is its underlying motivation?
 - b. If no, is the sanctioning of (proven) identity fraud subject to a general stipulation on fraudulently submitted data and information, as is the case in the Netherlands?
2. Is your assessment of the possible withdrawal of the asylum residence permit also centred on whether the newly submitted information or data would have led to the refusal of the application?
3. Under which conditions can an asylum residence permit be withdrawn on this ground in your country?
4. Is (proven) identity fraud by holders of an asylum residence permit a significant problem in your country? What are the numbers?
5. Is your sanctioning regime in case of (proven) identity fraud successful?

We would appreciate your responses by **19 March 2015**.


2. Responses¹

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|  | Austria | Yes | 1. No. b. There is no general stipulation on fraudulently submitted data in Austrian law, but the Aliens Police Act 2005 (“Fremdenpolizeigesetz”) |
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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.






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| | | | <p>stipulates several specific penalty provisions where identity fraud could be involved, such as sect. 116 (Exploitation of aliens), sect. 117 & 118 (Fostering or faking fraud marriages and fraud adoptions), sect. 119 (Social Security Fraud) and sect. 120 (Illegal Immigration and Stay), where fraudulently submitted data is explicitly mentioned in par. 2.</p> <p>Correspondingly the Asylum Act 2005 (“Asylgesetz”) contains specific cooperation duties for asylum seekers concerning the disclosure of personal data in sect. 15 and for applicants of other humanitarian residence permits in sect. 58 par. 11. Adequate obligations for applicants of general residence permits are also stipulated in the Settlement and Residence Act (“Niederlassungs- und Aufenthaltsgesetz”), e.g. sect. 19.</p> <p>2. Yes.</p> <p>3. If a verdict by a penalty court has been reached, e.g. based on violations mentioned above under point 1, a convicted alien may lose the asylum status or the status of subsidiary protection according to sect. 7 or 9 Asylum Act.</p> <p>4. There is no significant problem at present.</p> <p>5. No remarks.</p> <p>Source: Federal Ministry of the Interior</p> |
|  | <p>Belgium</p> | <p>Yes</p> | <p>1. Yes, article 57/6, 7° of the Belgian Immigration Act specifies that the Commissioner general for Refugees and Stateless Persons is competent to withdraw the refugee status or subsidiary protection status if the status was granted on the basis of facts that were misrepresented or withheld, false statements, or false or forged documents, which have been decisive for the recognition of refugee status or subsidiary protection status. Furthermore, a protection status can also be withdrawn with regard to a person whose personal behaviour later indicates that he or she does not fear persecution. If Article 57/6 7° is applied and the protection status is withdrawn, Article 49 § 3 of the Belgian Immigration Act makes it possible to revoke the residence permit linked with the protection status and to issue an order to leave the territory. This is possible during 10 years after the asylum application was submitted. There are plans to fine-tune the legislation on withdrawing and cessation of international protection.</p> <p>2. Yes</p> <p>3. If the false documents and/or declarations have been decisive for the recognition of refugee status. Or when the newly submitted information or data would have led to the refusal of the application.</p> |

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| | | | <p>4. In 2014 the refugee status was withdrawn in 34 cases (47 persons) and in 3 other cases the subsidiary protection status was withdrawn for the reason of fraud. This concerned fraud in general and not necessarily identity fraud. In most of these 34 cases it concerned recognised refugees who returned to their country of origin (which is in contradiction with their alleged fear in their country of origin). In some other cases it concerned fraud on the sexual orientation (information on family reunification with a person from the other sex); or fraud regarding the family composition (family reunification with a partner from whom they had declared that persecuted them). There were also some cases who withheld information regarding a residence permit in a third country. In some of these 34 cases identity fraud or false or forged identity documents were involved. An appeal can be lodged against the decision to withdraw the protection status with the Council for Aliens Law Litigation (CALL).</p> <p>It is difficult to say to what extent there is identity fraud amongst beneficiaries of international protection. Asylum seekers regularly claim that they are unable to produce their official travel and identity documents. However, the fact that asylum seekers regularly withhold their official travel and identity documents does not automatically imply that identity fraud is widespread amongst asylum seekers and beneficiaries of international protection.</p> <p>5. The protection status and residence permit are being withdrawn if the identity fraud has been decisive for the recognition of refugee status or subsidiary protection status. However, for those whose identity fraud is considered not to have been decisive for the attribution of protection status, or for those the identity fraud is not revealed or cannot be proven, there is no sanction.</p> |
|  | Bulgaria | Yes | |
|  | Cyprus | Yes | |
|  | Czech Republic | Yes | <ol style="list-style-type: none"> 1. According to the Czech Asylum Act (325/1999 Coll.), Section 17, par. 1. „Asylum granted for a reason under Section 12 shall be withdrawn if a) the recognised refugee submitted untrue information and/or concealed any facts of substantial relevance to determination of the basis for issuance of the decision“. 2. Yes. 3. The grounds for the withdrawal should be of substantial relevance to the determination of the basis for issuance of the decision. 4. No. 5. It differs case by case. |
|  | Denmark | Yes | |
|  | Estonia | Yes | <ol style="list-style-type: none"> 1. The same principle as in Netherlands. Act on Granting International Protection to Aliens (in english https://www.riigiteataja.ee/en/compare_original/529012015002) § 49 stipulates that the Police and Border Guard Board shall revoke refugee status or subsidiary protection status if an alien has knowingly provided incorrect information or given incorrect explanations, or has knowingly failed to provide information or give explanations which were of essential importance to the processing of his or her application for asylum, taking into account the specific alien and his or her case; 2. Not applicable. |



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| | | | <p>3. Only if the newly submitted identity information would have led to the refusal of the application.</p> <p>4. Not applicable.</p> <p>5. Not applicable.</p> |
| + | Finland | Yes | <p>1. According to Section 108 of the Finnish Aliens Act (Cancellation of refugee status and subsidiary protection status): (1) Refugee status or subsidiary protection status is cancelled, if: 1) the applicant has, when applying for international protection, knowingly given false information which has affected the outcome of the decision; 2) the applicant has, when applying for international protection, concealed a fact that would have affected the outcome of the decision; or 3) the applicant should have been refused asylum under section 87(2-4) or a residence permit under section 88(2). (2) When considering a cancellation of refugee status or subsidiary protection status, an individual investigation shall be conducted.</p> <p>The Criminal Code of Finland could be applied as well in case false identifying information has been given and/or in case the person has committed a registration offence.</p> <p>Chapter 16, Section 5 of the Criminal Code (Giving false identifying information): A person who in order to mislead a public authority provides a false name or otherwise provides false or misleading information on his or her identity, or for this purpose uses another person's identity card, passport, driver's license or other such certificate, shall be sentenced for giving false identifying information to a fine or to imprisonment for at most six months.</p> <p>Chapter 16, Section 7 (Registration offence): (1) A person who 1) in order to cause a legally relevant error in a public register kept by a public authority, provides false information to that authority, of 2) in order to gain a benefit for himself or herself or another person, or in order to cause damage to another person, takes advantage of an error caused in the manner referred to in paragraph (1), shall be sentenced for a registration offence to a fine or to imprisonment for at most three years. (2) An attempt is punishable.</p> <p>2. Yes. Please see Section 108 of the Finnish Aliens Act which has been cited above.</p> <p>3. Please see Section 108 of the Finnish Aliens Act which has been cited above.</p> <p>4. In 2014, the Finnish Immigration Service (FIS) has cancelled refugee status in two and subsidiary protection status in four cases. False identity is often the reason for cancellation but not always. Another reason could be e.g. a valid residence permit/status in another Member State. There have been more cases in years prior to 2014, when the FIS has handled cases in which false information regarding domicile has been given by Somalis. A criminal process based on the reasons mentioned above is often behind or linked to those cases which the FIS is dealing with.</p> |

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| | | | 5. - |
|  | France | Yes | <p>1. No, there is no article in the French legislation on the penalization of identity fraud from an administrative point of view (which leads to the withdrawal of the residence permit). This sanction has been developed by case law, based on the adage <i>fraus omnia corrumpit</i>: the administration can withdraw indefinitely any right or residence permit which was fraudulently obtained. It may be the case, for example, of the refugee status. Regarding the penal sanction of identity fraud in order to obtain a residence permit, different penalties are provided for in the penal Code: forgery and use of forged documents, illegal obtention of administrative document, identity theft, etc. (articles 441-1 to 7; 433-19 and 434-23 of the penal Code).</p> <p>2. The status of refugee is provided for under the Geneva Convention signed by France. According to the Convention, a refugee is someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted. The examination of the persecution is based on the actual situation (and not the legal situation) of the person. Thus, a person who has obtained the status of refugee under a false identity or citizenship but whose persecution is not contested will keep his/her refugee status. Only data regarding the identity will be corrected.</p> <p>3. The status of refugee can only be withdrawn if the identity fraud has a determining effect on the admission, i.e if the fraud concerns the situation of persecution of the person (for example if he/she pretends to be a third person being persecuted). In this case, the status of refugee can be withdrawn after an <i>inter partes</i> procedure.</p> <p>4. -</p> <p>5. When the French authorities are informed of a suspicion of fraud by a beneficiary of refugee status, they re-assess the situation based on the new information provided and, where justified, withdraw the refugee status.</p> |
|  | Germany | Yes | <p>1. Provisions to this effect are to be found in the German Residence Act:</p> <p>a. “Section 49 Verification, establishment and documentation of identity ... (2) On request, every foreigner shall be obliged to furnish the authorities entrusted with enforcing the law concerning foreigners with information on his or her age, identity and nationality and to submit such declarations in connection with the procurement of return travel documents as are required by the diplomatic mission of the state whose nationality he or she possesses or putatively possesses and are in line with German law. ... Section 95 Penal provisions</p> |





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| | | <p>(1) The following persons shall be punishable with up to one year's imprisonment or a fine: anyone who ...</p> <p>5. fails to furnish an item of information or furnishes incorrect or incomplete information in contravention of Section 49 (2), where the offence is not punishable pursuant to sub-section 2, no. 2, ...</p> <p>2) The following persons shall be punishable with up to three years' imprisonment or a fine: anyone who ...</p> <p>2. furnishes or uses false or incomplete information in order to procure a residence title or a suspension of deportation for themselves or for another or who knowingly uses a document procured in this manner for the purpose of deceit in legal matters. ...</p> <p>(4) Objects related to an offence pursuant to sub-section 2, no. 2 may be confiscated.</p> <p>(5) Article 31 (1) of the Convention relating to the Status of Refugees shall remain unaffected.”</p> <p>b. Not applicable.</p> <p>2. Yes. There is always a public interest in the withdrawal of a decision taken regarding a residence title if a cancellation of the decision taken within the legislative framework relating to asylum has been withdrawn due to false information given regarding the person (usually false information given only regarding the person does not lead to the cancellation of the refugee status, yet false information relating for example to religion, ethnicity, nationality being the cause for international protection having been granted, do). Having said that, the personal interest of the person concerned in his/her further stay in Germany, e.g. family reasons, are to be taken into consideration.</p> <p>3. The residence title can be cancelled if his/her recognition as person entitled to asylum or his/her legal position as refugee or as person requiring subsidiary protection has been cancelled/revoked previously due to the false information of the foreigner regarding his/her identity or if it has become known that a (national) ban on deportation does not or does no longer prevail; the residence titles of family members living with the foreigner within a family environment can subsequently also be cancelled if these do not have an independent entitlement to a residence title (§ 52, section 1, subsection 1, number 4 and/or 5a) and subsection 2, German Residence Act, §§ 73, section 2, 73b, § 73c, German Asylum Procedure Act).</p> <p>4. As most of the applicants do not present identity documents during the asylum procedure (or may not be able to do so), the details given regarding his/her identity are normally based on the information given by the asylum seekers. Therefore the proof for false information having been given during the asylum procedure can only be brought about at a later stage with the help of original documents with differing personal data, this occurs for example when a marriage is being contemplated. At this moment in time even foreigners who have entered the country years ago allegedly originating from the Iraq, Turkey and the Lebanon proclaim to be Syrian nationals. However, it is our understanding that this does not present a significant problem here, albeit statistical data hereto is not being collected.</p> <p>5. The reporting of criminal charges, the withdrawal of residence titles and the cancellation of (national) deportation bans are the responsibility of the German foreigner authorities of the German Federal States. Information on the experience gathered by these authorities is not available. The withdrawal of the recognition as person entitled to asylum or to international protection on the basis of</p> |
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| | | | false indications given regarding his/her identity is carried out by the German Federal Office for Migration and Refugees only in rare cases, as one is required to acknowledge the application for protection in its entirety. Within the scope of return procedures one was able to notice some cases where criminal proceedings were stopped due to a limitation period having expired (because of a long stay in the country) or were discontinued due to insignificance. |
|  | Greece | Yes | |
|  | Hungary | Yes | <p>1-3. There is no special article on (proven) identity fraud in the Hungarian Aliens Act. Nevertheless, according to Article 1. b) (18) of the Act II of 2007 on the Admission and Right of Residence of Third-Country Nationals 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. 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] as well as the authority files charges for falsifying public documents at the competent police authority.</p> <p>2. No, the decision maker does not assess whether the new information or data would have led to the refusal of the application.</p> <p>4. 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 (tenancy contract, passport, bank certificate) submit false or falsified documents.</p> <p>5. Yes, it has proven to be efficient, nevertheless, the withdrawal rate is low.</p> |
|  | Ireland | No | This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further. |
|  | Italy | Yes | <p>1) The Italian Consolidated Act on Immigration (1998) does not contain any specific articles concerning (proven) identify fraud. However, Article 5(8) provides for a penalty of imprisonment for a term of 1 to 6 years for anyone who forges or alters documents for the purposes of determining the issuing of, inter alia, a residence permit. In all cases Article 495 of the Criminal Code establishes that «Anyone who falsely identifies him/herself to a public official (...) is punishable by imprisonment for a term of 1 to 6 years».</p> <p>2) Yes. Article 13 of Legislative Decree No 251/2007 (implementing Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted) establishes that refugee status may be withdrawn if it is established that recognition was solely based on a false documentation/representation of facts by the applicant at the examining stage. Therefore, misrepresenting one's identity does not necessarily entail the withdrawal of a refugee's residence permit, but an assessment is made on a case-by-case basis.</p> |











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| | | | <p>3) A permit for asylum is withdrawn on this ground if it is established that the facts brought to support the application concerned a different person, whose identity was stolen by the applicant. In these cases, the authority withdraws the refugee status on the grounds that, the lack of requirements for recognizing the right to international application under Articles 7 and 8 of Legislative Decree No 251/2007 would have been found if the applicant had given his/her real identity.</p> <p>4) Available data on the convictions of foreign nationals on these grounds are grouped under the general heading False documentation or statement to a public official on personal, or other persons', identity or qualities. However, this category includes offences committed in any circumstances and not only when applying for international protection. The number of cases reported in 2011 was 3,341 (source: ISTAT). The number specifically related to international protection applications is low.</p> <p>5) See 4.</p> |
|  | Latvia | Yes | <p>1. According to the Latvian Asylum Law a person shall be withdrawn a refugee status if this person has provided false information or has not provided information which had critical significance in granting of refugee status, including having used falsified documents. A person shall be withdrawn the alternative status if this person has provided false information or has not provided information which had critical significance in granting of alternative status, including having used falsified documents.</p> <p>Also the Latvian Immigration Law sets out a regulation that a temporary residence permit (in case of alternative status) shall be annulled if a foreigner has provided false information or the documents submitted have been obtained unlawfully or have been forged. And a permanent residence permit (in case of refugee) shall be annulled if a foreigner has provided false information.</p> <p>1. No. But the person could submit a new application for asylum.</p> <p>2. See 1st answer.</p> <p>3. There are no such cases.</p> <p>4. It has not been used in practice yet.</p> |
|  | Lithuania | Yes | <p>1. No. In the Lithuanian Aliens' Law, there is a general provision of "fraud". If it is established that the status was granted on the basis of falsely provided information, or the residence permit was issued by way of fraud from the applicant's side, the status and the permit are revoked.</p> <p>2. There is a possibility to withdraw the protection status if it turns out that the status was not supposed to be granted.</p> <p>3. If the submitted identity had an essential significance in the decision making process, then the identity fraud can be a ground to revoke the status. In other cases, if the identity fraud does not influence the decision, this is not a ground to revoke the status.</p> <p>4. There have been a few cases when the identity fraud was established, but it was not a ground to revoke the status.</p> <p>5. n/a</p> |
|  | Luxembourg | Yes | <p>1. a) Yes. According to article 36 (3) b) of the amended law of 5 May 2006 (Asylum Law): The Minister revokes the refugee status of any third-country national or stateless person, if, after he/she has been granted refugee status, it is established that his/her misrepresentation or omission of facts, including the use of false documents, was decisive for the granting of refugee status.</p> <p>b) N/A</p> |



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| | | | <ol style="list-style-type: none"> 2. Yes. See answer to question 1 a). 3. See answer to question 1 a). The misrepresentation or omission of facts must have been decisive for the granting of refugee status. 4. No. 5. N/A. |
|  | Malta | Yes | |
|  | Netherlands | No | NL NCP has provided a response. However, this response is not to be disseminated further. |
|  | Poland | Yes | |
|  | Portugal | Yes | |
|  | Romania | Yes | |
|  | Slovak Republic | Yes | |
|  | Slovenia | Yes | <p>Q1. Our relevant Acts (Alien Act, International Protection Act, etc) contains several articles in which identity fraud is mentioned as subject of penalization and as such it is a subject to a general stipulation on fraudulently submitted data and information in case of issuing any of form of residence permit.</p> <p>Q2. NA</p> <p>Q3. Only in cases when became obvious that asylum residence permit was issued base on fraud identity or/and fraud information and would have lead to refusal of application.</p> <p>Q4 -5. We do not register significant problems with (proven) identity fraud by holders of an asylum residence permit.</p> |
|  | Spain | Yes | |
|  | Sweden | Yes | <ol style="list-style-type: none"> 1. There is no specific article on identity fraud in the Swedish Aliens Act. Identity fraud is subject to a general stipulation on fraudulently submitted information. This means that the decision maker must assess whether the new information or data would have led to the refusal of the application. This assessment is based on the legislator's intention to merely rectify the situation and to inflict no additional harm. 2. Not applicable. 3. It is a general stipulation. It reads as follows: <i>A person who knowingly supplies incorrect information or knowingly fails to mention a circumstance of importance in a report or in a case concerning an application under this Act.</i> 4. We do not have enough information to assess if it is a major problem in Sweden. 5. The withdrawal rate is low in Sweden. . |
|  | United Kingdom | Yes | <ol style="list-style-type: none"> 1. Fraudulent asylum claims made, for example, in a false identity or nationality will render the claimant liable to prosecution under Section 24A of the Immigration Act 1971. |

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| | | | <p>a. Please see below link for the legislation http://www.legislation.gov.uk/ukpga/1971/77/section/24</p> <p>2. Yes.</p> <p>3. An asylum residence permit could be withdrawn on the grounds of material deception, if it is assessed that the application would not have been granted if the truth had been known.</p> <p>4. We do not have numbers ready to hand.</p> <p>5. No evidence available.</p> |
|  | Croatia | Yes | |
|  | Norway | Yes | <p>1. YES</p> <p>a.</p> <p>The Norwegian Immigration Act (implemented in 2010) has section 108 that penalizes identity fraud: <u>§ 108, second part, letter a:</u> <i>A fine or imprisonment for a term not exceeding six months or both shall be imposed on anyone who violates these requirements: (a list of sections are mentioned, of relevance here is)</i></p> <ul style="list-style-type: none"> • <u>Section 83 second part:</u> <i>Upon entry, and until correct identity is registered, foreign nationals are obliged to assist in clarifying their identity to the extent that the immigration authorities so require. The immigration authorities may also subsequently impose such an obligation on a foreign national if there is reason to suppose that the registered identity is not the correct identity. Under certain circumstances, a foreign national may not be required to assist in clarifying his or her identity if getting verification is in conflict with the need for protection.</i> • <u>Section 93 first part second sentence:</u> <i>A passport or other travel document in the possession of the foreign national shall be handed in by him or her together with the (asylum) application.</i> • <u>Section 108, second part, letter c:</u> <i>A fine or imprisonment for a term not exceeding six months or both shall be imposed on anyone who wilfully or through gross negligence gives materially false or manifestly misleading information in a case coming under this act.</i> <p>Relevant parts of the Norwegian penal law: § 166 (<i>false deposition</i>), § 182 (<i>the use of forged or counterfeit documents</i>) § 270 (<i>fraud</i>)</p> <p>Underlying motivation: The motivation is that foreigners who reside in Norway without known identity may pose a considerable security risk and criminal problem. For example, there is the increased risk that persons who are wanted nationally or internationally for criminal offences will not be identified. The Norwegian High Court has also underscored that there are general preventative considerations in cases of use of incorrect identities. Another motivation is that identity misuse in some instances may mean misuse of the asylum institute, and that</p> |

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| | | <p>international protection/ residence permit has been given on a false basis.</p> <p>2. YES. Section 63 (1) from the Norwegian Immigration act stipulates: Temporary and permanent residence permits may be revoked if the alien has deliberately given false information or withheld circumstances of significant importance for the decision, or if revoking the permit is otherwise a logical outcome based on general administrative law. So, yes, new data on identity may and in practice will result in shedding serious doubt over the entire asylum story. The authorities may also conclude that previously submitted information on facts of essential importance for the granted protection is no longer credible. In recent years the asylum authorities have increased focus on establishing the correct ID of asylum seekers and consequently the enforced principle is to always start the withdrawal process of an asylum based permit in cases where there is evidence of false IDs. An inherent step in the withdrawal process is a review of the need for protection of the person under his/her new ID. As mentioned above, in many cases, the fact is that the false ID would have an effect, potentially a negative effect, on the overall credibility. However each case is reviewed individually and in some cases, despite the proven false ID, the need for protection will still exist. A typical example of this would be in cases where Eritreans present applications with false names and/or birth dates, but the evidence relating to their nationality is still intact. In such cases the applicant will get a new decision based on the “new” ID. However, the person will be charged for use of false documents/submitting false information and his permit will suffer some limitations because of this, for example not being eligible to get a travel document, and the permit will be issued for shorter period of time. In the long run this person will be hampered in getting Norwegian citizenship.</p> <p>3. Section 63 (1) from the Immigration act stipulates: Temporary and permanent residence permits may be revoked if the alien has deliberately given false information or withheld circumstances of significant importance for the decision, or if revoking the permit is otherwise a logical outcome based on general administrative law.</p> <p>4. There has been no official evaluation of the phenomena. As mentioned above, in recent years there has been more focus on ID fraud in asylum/immigration cases by different stakeholders who deal with the cases. As a result, a systematic practice of withdrawal of asylum residence permit has been enforced. The Norwegian Directorate of Immigration is in a phase of drafting a research project that will evaluate the work and effectiveness of the practice of withdrawal. In case of interest for the project contact the NO NCP. The comparative part in the project might be useful for both sides.</p> <p><i>See table below for statistics on withdrawal of permits (§63), which is generally due to presentation of false information, but primarily due to use of false IDs. We do not have separate statistics on how many permits are revoked because of false IDs alone.</i></p> <p>Identity fraud for persons with asylum residence permits is to a certain extent a problem for some nationality groups. Although we do not have any exact figures of disclosed cases, we have the experience that some asylum seekers claim to be from countries where the proportion of asylum grants are high, and where the persons who claim for asylum under false nationality may be of the same ethnic/language group, but from a neighbouring country.</p> |
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EMN Ad-Hoc Query on sanctions for holders of an asylum residence permit in case of (proven) identity fraud

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| | | | 5. Nothing to report | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| | | | <p>Persons with revoked permit in asylum cases, authorization to issue a revocation of permit utl § 63. 1 Distributed by year of revocation and according to type of warrant for revoking residence permit</p> <p>Decisions in UDI 2010-2014</p> <table border="1"> <thead> <tr> <th>Number of Revoked permits by year</th> <th>2010</th> <th>2011</th> <th>2012</th> <th>2013</th> <th>2014</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>midlforsbarn 2 1</td> <td>6</td> <td></td> <td></td> <td></td> <td></td> <td>6</td> </tr> <tr> <td>uf 21 1</td> <td>14</td> <td>7</td> <td>15</td> <td>9</td> <td>12</td> <td>57</td> </tr> <tr> <td>uf 21 2</td> <td>31</td> <td>34</td> <td>18</td> <td>14</td> <td>4</td> <td>101</td> </tr> <tr> <td>uf 21a 1</td> <td></td> <td>1</td> <td></td> <td></td> <td></td> <td>1</td> </tr> <tr> <td>ul 17 1</td> <td>1</td> <td></td> <td>5</td> <td>5</td> <td>8</td> <td>19</td> </tr> <tr> <td>ul 21 2</td> <td>1</td> <td></td> <td></td> <td></td> <td></td> <td>1</td> </tr> <tr> <td>ul 22 1</td> <td>5</td> <td></td> <td></td> <td>1</td> <td>1</td> <td>7</td> </tr> <tr> <td>ul 22 4</td> <td></td> <td></td> <td>1</td> <td></td> <td></td> <td>1</td> </tr> <tr> <td>utf 7-2 1</td> <td></td> <td></td> <td></td> <td></td> <td>4</td> <td>4</td> </tr> <tr> <td>utf 7-8 1</td> <td></td> <td></td> <td></td> <td></td> <td>1</td> <td>1</td> </tr> <tr> <td>utl 28 1 a</td> <td></td> <td></td> <td>5</td> <td>15</td> <td>28</td> <td>48</td> </tr> <tr> <td>utl 28 1 b</td> <td></td> <td>3</td> <td>2</td> <td>2</td> <td>15</td> <td>22</td> </tr> <tr> <td>utl 28 6</td> <td>1</td> <td>1</td> <td>2</td> <td>5</td> <td>3</td> <td>12</td> </tr> <tr> <td>utl 28 7</td> <td>1</td> <td>2</td> <td>6</td> <td>7</td> <td>3</td> <td>19</td> </tr> <tr> <td>utl 38 1</td> <td></td> <td></td> <td>1</td> <td></td> <td></td> <td>1</td> </tr> <tr> <td>utl 38 5</td> <td></td> <td>6</td> <td>6</td> <td>7</td> <td>14</td> <td>33</td> </tr> <tr> <td>Reason not registered</td> <td>3</td> <td>19</td> <td>1</td> <td></td> <td>1</td> <td>24</td> </tr> <tr> <td>Totalsum</td> <td>63</td> <td>73</td> <td>62</td> <td>65</td> <td>94</td> <td>357</td> </tr> </tbody> </table> | Number of Revoked permits by year | 2010 | 2011 | 2012 | 2013 | 2014 | Total | midlforsbarn 2 1 | 6 | | | | | 6 | uf 21 1 | 14 | 7 | 15 | 9 | 12 | 57 | uf 21 2 | 31 | 34 | 18 | 14 | 4 | 101 | uf 21a 1 | | 1 | | | | 1 | ul 17 1 | 1 | | 5 | 5 | 8 | 19 | ul 21 2 | 1 | | | | | 1 | ul 22 1 | 5 | | | 1 | 1 | 7 | ul 22 4 | | | 1 | | | 1 | utf 7-2 1 | | | | | 4 | 4 | utf 7-8 1 | | | | | 1 | 1 | utl 28 1 a | | | 5 | 15 | 28 | 48 | utl 28 1 b | | 3 | 2 | 2 | 15 | 22 | utl 28 6 | 1 | 1 | 2 | 5 | 3 | 12 | utl 28 7 | 1 | 2 | 6 | 7 | 3 | 19 | utl 38 1 | | | 1 | | | 1 | utl 38 5 | | 6 | 6 | 7 | 14 | 33 | Reason not registered | 3 | 19 | 1 | | 1 | 24 | Totalsum | 63 | 73 | 62 | 65 | 94 | 357 |
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| Totalsum | 63 | 73 | 62 | 65 | 94 | 357 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
