

Assisting unlawful entry into a EU member state

A person commits an offence if she

- does something which facilitates – that means makes easier – the commission of a breach of an immigration law controlling entry into a state by someone who is not a citizen of the European Union;
- knows or has reasonable cause for believing that the act facilitates the commission of a breach of immigration law; and
- knows or has reasonable cause for believing that the individual is not a citizen of the European Union.

It does not seem to be disputed that D** knew that C** was not an EU citizen.

The prosecution case is that D** obtained a false passport, probably in the name of ***, to get C** into this country, and bought the aeroplane ticket, with which C** flew to this country. If she did do that, and she had the relevant knowledge, she is guilty of Count *.

D** denies this. She says that she had nothing to do with C**'s ticket or the passport on which she travelled. She denies that she knew that she was travelling using a false passport. If that is right, she is not guilty of Count *.

So, the key question for you to answer in relation to Count *, having regard to all the evidence and the directions which I give you is

Did D** obtain the false passport and/or buy the aeroplane ticket to get C** into this country, when otherwise permission to enter would have been refused?

If you are sure that the answer is “yes”, D** is guilty of Count *. If the answer may be “no”, she is not guilty of Count *.