

## Passports

For offences involving the use of false passports with intent, see *Identity Documents*

### Making a false statement to procure a passport

You can see the elements, the ingredients, of this offence from the particulars on the indictment.

For the purpose of procuring – that means obtaining – a passport for another person. That is not in dispute.

Made a statement - As a matter of law \*\*counter signing the passport application which we have seen amounts to making a statement.

The caution on the passport application form states “You should make sure that you check the form properly before you fill in this section. ... If you know that the person applying has made any false statements on this form, you could be prosecuted ...” In view of that, by counter signing the application, the defendant was making a statement that he did not know that the person making the application had made a false statement in the rest of the application. He was also making a statement that he knew the applicant was X\*\* and that he had known him for the period specified – that is four years. By signing the rear of the passport photograph he was making a statement that the photographs were a true likeness to the person in whose name the application was made.

Which was to his knowledge untrue. There is evidence that the contents of the application form and the endorsement on the rear of the photographs were untrue.

You may think that the main issue is the defendant’s knowledge at the time when he counter signed the application. The prosecution have to make you sure that D\*\* knew that the person in whose name the application was made was not X\*\* and that the photograph was not true a likenesses of X\*\*.

You can infer the state of D\*\*’s knowledge from all of the evidence you have heard, including the surrounding circumstances, such as \*\*.

So, there are two key questions for you to answer, having regard to all the evidence and the directions which I give you

Were the contents of the passport application form and the endorsement on the rear of the photographs untrue? and  
Did D\*\* know that they were untrue?

If you are sure that the answer to both questions is “yes”, then D\*\* is guilty.  
If you are not sure, he is not guilty.