

# **PASSPORT – IMMIGRATION FRAUDS AND FOREIGNERS' ISSUES**

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We have been reading the news items of "H1 – H4 (dependent visa) racket busted", "Immigration Officials busted ECNR racket", "person travelling on forged passport arrested", "fake passport racket busted" etc.

Abu Salem a terrorist obtained his passport from Kurnool in September 2002 along with his wife. One of the suspects Mohd. Osman of Hyderabad reportedly involved in the recent Mumbai blast case (August 25<sup>th</sup> 2003), who was arrested in Bangalore obtained a passport with a fake name from Hyderabad. We have a number of such cases. In the light of this, we must have a clear understanding of basic concepts and frauds involved in the passports/immigration and the need for proactive policing.

We come across basically three Acts.

- The Immigration Act 1983,
- The Passports Act, 1967
- The Foreigners Act, 1946

There are other orders, which deserve our attention.

- The Foreigners order 1948
- The Foreigners (Protected Areas) Order 1958
- The Foreigners (Restriction on Chinese Nationals) order 1960
- The Foreigners (Restriction on movements) Order 1960
- The Foreigners (Restriction in activities) Order 1962
- The Foreigners (Restriction on Pakistani Nationals) Order 1965

We may have certain basic questions in our minds. Let us go through the questions and answers.

- 1Q. Who is authorised to issue a passport?  
Ans. Regional Passport Officer or the consular/Indian Embassy abroad issues passport to the Indian citizens as per section 3 of the passports Act 1967.
- 2Q. How is a passport issued?  
Ans. A Passport applicant should fill in the prescribed form accompanied by the fees and submit to the RPO with the proof of residence, date of birth and education qualifications.
- 3Q. What mischief is done by people while applying for passport?  
Ans. Some of the mischievous, anti-national or anti-social elements enclose affidavits for proof of residence, date of birth and educational qualifications. Some times fake ration cards are used. We have noticed that some persons enclosing ration cards showing the name of a deceased person to be theirs because of similarity.
- 4Q. Why are we concerned?  
Ans. Most of the affidavits are false and fabricated. Several notary advocates affix their seal blindly without applying their mind. Even a Judicial Magistrate from Bhongir went on issuing affidavits to various people in old city of Hyderabad in the year 2000. The LeT regional commander Isthiaq Ahmed @ Junaid of Pak who was arrested in July, 1998 by Hyderabad City Police produced false affidavits of his residence and date of birth and in the ration card mela of 1995, he managed to secure a ration card. Based on his ration card, he could obtain an Indian passport as the Spl. Branch HC recommended the same without expressing doubt about their affidavits. Similarly Azmath and Zaved who were initially suspected of having some links with Al Queda Sept 11<sup>th</sup>2001 (9/11) attack on USA, appended false date of birth and school certificate and false degree certificate to obtain a passport with excessive age i.e. though they are aged about 25 and 27 years, they have shown as 40 & 42 years. They resorted to this falsification to obtain ECNR from RPO (as RPO issues ECNR for degree certificate holders) and Visa from US consulate (as US consulate in Chennai felt that an aged married man would return to India rather than a youngster). They have even shown falsely that they

are married. These passports are issued in 1992 prior to the system of personal verification by Spl. Branch staff. One Abdul Razak Menon, one of the kingpins in Bombay (march, 1993) blasts obtained a verification letter from an Officer of the Secretariat in 1992 showing falsely that he was a resident of Mallepally of Hyderabad and appended factious documents. Several cases including Abu Salem (now in Portugal) and Monica Bedi fall under this category. That is why we are concerned.

5 Q. When we find an impersonator at any airport or at any immigration check post what do we do?

Ans. We should trace who the agent was and his links with other agents the network and the Ahmedabad link. Ahmedabad is one of the main centres for false passport or impersonation rackets as many Gujarati patels who stay in USA as illegal immigrants would like their wives to come to USA with H4 Visa. Recent example of the arrest by Begumpet Police of the M.Ramachandra Reddy, a key agent in arranging false passports with an Ahmedabad net work used to charge about Rs. 12 lakhs to send a Gujarati Patel's wife to USA, on H4 visa. It is for this reason we should probe deep and unearth the entire module. Mere arrest of an impersonator is not adequate.

6Q. What are the types of forgeries we come across in Passports.

Ans. 1. Photo substitution.  
2. Page substitution.  
3. Impersonation.  
4. Central stitching (fluorescent) forged.  
5. No arrival / departure stamp.  
6. Forged Visa and POE (Protector of Emigrants) entries.  
7. Fake passport.

7Q. What are the offences under passport Act 1967?

Ans. Section 12 deals with offences and penalties (2 years fine up to Rs. 5,000/- for  
a) Contravention of provisions of Sec.3  
b) Knowingly furnishes false information and suppresses material information.

- c) failure to produce passport.
- d) Impersonation.
- e) Allowing another person to use his / her passport.

8Q. Are there any restrictions on laying charge sheet under Passport Act 1967?

Ans. unless we obtain prosecution orders from the Home Secretary, Govt.of A.P, the Court will not accept charge sheet. It is always advisable to add Sec. 420 IPC alongwithSec.3,12 of Passport Act, 1967 and obtain prosecution orders from the Govt. (Home) by deputing a special messenger.

9Q. Is seizure of a passport necessary in respect of the offenders concerned in serious offences like murder, dowry death, rape, large scale cheating. Terrorist and fundamentalist activities?

Ans. It is advisable to seize the passports while arresting the accused concerned in serious offences and deposit the same in the court. The court, before releasing the accused on bail would ensure that such person would not leave the country to evade prosecution. In terrorist and case under A.P COCA, 2001, it is advisable to write to RPO to impound the passport.

10Q. Why do we find a large scale fake degree certificates in the market and fake certificate dealers?

Ans. For obtaining ECNR (Emigration Check Not Required) entry in the passport, which is required to get a visa to Gulf States or Singapore, RPO (Regional Passport Officer) makes an entry on the passport on furnishing a degree certificate. For non-degree holders, ECNR endorsement is given by Protector of Emigrants (POE), Hyderabad on furnishing a return air ticket to & fro Gulf / Singapore. To avoid submission of a return air ticket to obtain ECNR from POE, unscrupulous agents advocate enclosure of false degree certificate so that with Rs.100/- fees ECNR can be obtained from Regional Passport Officer.

11Q. What is meant by Visa?

Ans. Visa is an endorsement issued by a consulate or an Embassy for a specific purpose/period. It is a pre-requisite to visit a foreign land. Visa is not required for Ceylon, Bangkok and Maldives. These countries give TLP (Temporary Landing Permit) on landing at their Airports on payment of required fees. No passport is required for Nepal and Bhutan. Schengen Visa is given for the visit of 17 European countries. If we take a visa from anyone of the European countries, like Germany, France, Italy, the same visa is valid for the other Euro (Currency) based countries.

12Q. What do we mean by PRC / Black list?

Ans. (A) Prior Ref. Category (PRC) pertains to foreigners found eligible for Visa but need clearance from MHA (Ministry of Home Affairs).

(B) Black list: pertains to grant of visa to person once deported from India but need clearance from MHA.

13Q. What should we do when some one approaches with a complaint of missing of passport?

Ans. (A) The missing could be genuine.

(B) People who got "rejected" endorsement on their passports by American consulates do file in such complaints.

(C) Those who get a never to enter endorsement from KSA (Kingdom of Saudi Arabia) also file such false complaints.

The SHO should carefully interview the complainant, ascertain the truth and then only furnish a missing report, which is required for getting a fresh passport.

14Q. What do we mean by a look out circular (LOC)?

Ans. LOC is a tool to prohibit restrict / regulate the entry, stay and exit of (i) all under able persons, (ii) Whose presence is required to answer criminal charges, (iii) persons notified by Interpol.

15Q. How to include a wanted offenders name in the LOC of MHA which in turn will be included in all 23 the International Airport immigration countries.

Ans. SsP/CsP have to write to Addl.DGP (INT) with all details to address the JD/DD (Immgn) MHA New Delhi and all CHIOs (Chief Immigration Officers) of International Airports for left India already but are likely to come back again, or those who are not supposed to leave the country as they are charged as accused in heinous crimes. In Delhi, Mumbai, Chennai & Kolkata, the Intelligence Bureau takes care of the Immigration and in other international airports concerned commissioners of Police or Ss.P. are designated as CHIOs. For instance for Hyderabad International Airport, DCPb, SB is the CHIO.

16Q. What are the 4 broad categories of persons in LOC?

- Ans.
- (i) persons to be arrested.
  - (ii) persons not to be allowed to land in our country (Ban entry).
  - (iii) persons not to be allowed to leave our country (Ban exit).
  - (iv) persons whose movements are to be watched and reported.

17Q. What are the parameters to be included in LOC?

- Ans.
- i) Name in full and alias if any,
  - ii) Passport Number / issuing office.
  - iii) Nationality,
  - iv) Date of Birth,
  - v) Place of Birth,
  - vi) Parentage,
  - vii) Address with photograph.

18Q. What are the various types of persons who can be included in the LOC?

- Ans.
- (i) persons with Terrorist or Militant links,
  - (ii) Belligerent foreigners,
  - (iii) Foreigners previously noticed for violations of visa conditions,
  - (iv) Persons required by courts in criminal / civil cases who are absconding,
  - (v) Absconding Offenders wanted by Police /CBI/Customs/Central excise / Directorate of Rev. Intelligence / other agencies.

19Q. What is the upper limit for maintaining a wanted persons name in LOC?

Ans. (i) Visadex cards after expiry of one year will be weeded out unless and otherwise the originator asks for continuance.

(ii) MHA warning circulars / look out instructions will be retained permanently until specific instructions are given for deletion.

Q. 20. Who is authorized to recruit employees to Gulf / Singapore? What is the rule position under Immigration Act, 1983 ?

Ans. No person can function as recruiting agent without a valid certificate from the PGOE (Protector General of Emigrants) Sec. 10 of the Emigration Act, 1983. Similarly, an employer shall recruit any citizen of India for employment in any country out side India only through a recruiting agent (Sec. 16 of the Emigration Act, 1983).

A. 21. What should we do when we find an advertisement in paper or TV regarding recruitment of unskilled workers, Industrial or Agricultural labourer, Domestic Workers, Drivers, Mechanics, Technicians, Unskilled Labourers by an foreign Agency ?

Ans. The SHO should personally check up with the said person who is recruiting and ascertain whether he is an authorized recruiting agent having a certificate or a permit from the PGOE. If he / she does not have a valid certificate or permit such person will be punishable u/s. 10, 16, r/w. Sec. 24 of The Emigration Act, 1983, r/w. Sec. 420 IPC. The offence under Emigration Act is punishable with imprisonment for a term up to 2 years and with fine of Rs.2000/- but not less than 6 months and not less than Rs.1000/- fine. The offence is cognizable and before laying charge sheet under the Emigration Act we should obtain prosecution orders from the PGOE. No such orders will be required when a complaint is filed by the father, mother, husband, wife, son, daughter, brother, sister & guardian of the emigrant or an intending emigrant who has been cheated by a recruiting agent or a pseudo-agent.

We have umpteen number of complaints being registered u/s. 420 UPC only when the gullible uneducated, unskilled, semi-skilled labourers, workers are cheated by foreign agents without adding Emigration Act, 1983 sections.

The Emigration Act envisages a minimum imprisonment up to 6 months and the receipt issued by an agent to an emigrant for having received his passport is adequate to prove the offence.

### **Proactive approach**

Unless we play a proactive role it is difficult to prevent offences, under the Passport / Immigration Act currently the procedure is that as soon as the Passport application is received from the RPO Office, the Spl. Branch Inspector in a district and the DCP, Spl. Branch Office in Hyderabad City take up field verification. The Spl. Branch HC who verifies the genuineness of the entries cross checks crime record of the PS where the applicant resides. There is no mechanism to check up the antecedents of an individual from the PSs of the entire district or Commissionerate. Moreover, the property offenders are listed based on SCH Part-III in the CCRB or DCRB that is also verified before we send reports to the RPO. But there is no such comprehensive record in PS / district in regard to bodily offenders, land-grabbers, bootleggers, narcotic offenders, traffickers in women & children. Therefore, our report to RPO is partial and fraught with danger as our verifications are just centred around the PS where the applicant resides. The urgent need for computer networking is the call of the hour and only then can we be doubly sure of our reports.

## INTERNATIONAL AIRPORTS

Sl. No.	INCHARGE	Sl. No.	INCHARGE
<b>1</b>	INSPECTOR OF POLICE (IMMIGRATION) IMMIGRATION CHECKPOST, HYDERABAD AIRPORT, HYDERABAD ANDHRA PRADESH. TEL.NO.040-230199 EXTN.529, ACP/IMM 27900100 FAX HYD.AIRPORT 27854847	<b>2</b>	OFFICER INCHARGE (IMMIGRATION) JAI PRAKASH NARAIN INTERNATIONAL AIRPORT PATNA, BIHAR TEL.NO.0612-2224864
<b>3</b>	ACP IMMIGRATION SARDAR VALLABHBHAI PATEL INTERNATIONAL AIRPORT, AHMEDABAD, GUJARAT TEL.NO.079-27868729 &25620999 FAX NO.079-25622929	<b>4</b>	DEPUTY COMMISSIONER OF POLICE (SPECIAL BRANCH) BANGALORE AIRPORT C/o.COMMISSIONER OF POLICE, BANGALORE KARNATAKA. TEL.NO.080-22263875, 22282067 & 22256242/224 FAX. 22282064.
<b>5</b>	PORT REGISTRATION OFFICER TRIVANDRUM AIRPORT TRIVANDRUM KERALA FAX NO.0471-2501176	<b>6</b>	PORT REGISTRATION OFFICER, IMMIGRATION WING COCHIN AIRPORT COCHIN, KERALA
<b>7</b>	ASSISTANT COMMISSIONER OF POLICE , PUNE AIRPORT, AIRPORT SECURITY UNIT, SPECIAL BRANCH, PUNE- 411032, MAHARASHTRA TEL.NO.0212-26680884, 03552-55241	<b>8</b>	SENIOR INSPECTOR OF POLICE, SPECIAL BRANCH-II, CID, AIRPORT BRANCH, CHATTARPATI SHIVAJI INTERNATIONAL AIRPORT MUMBAI, MAHARASHTRA FAX 022-28350098
<b>9</b>	INSPECTOR OF POLICE AND PRO TRICHY AIRPORT DISTRICT TIRUCHIRAPALLI, TAMILNADU TEL.NO.0431-2420760	<b>10</b>	INSPR. OF POLICE, IMMIGRATION UNIT OF POLICE, CIOMBATORE AIRPORT TAMILNADU TEL.NO.0422-2300898
<b>11</b>	OFFICER INCHARGE, IMMIGRATION, AGARTALA AIRPORT, AGARTALA IMMIGRATION CHECKPOST, TRIPURA (WEST) TRIPURA TEL.NO.0381-2242289, 2223294,2223295	<b>12</b>	ADDL.CHIEF IMMIGRATION OFFICER CHENNAI INTERNATIONAL AIRPORT MEENAMBAKKAM AERODROME, CHENNAI-27, TAMILNADU TEL.NO.044-22340551 EXTN.4331,4332,4334 FAX TELE FAX 2340311

<b>Sl. No.</b>	<b>INCHARGE</b>	<b>Sl. No.</b>	<b>INCHARGE</b>
<b>13</b>	ASSISTANT FRRO IGI AIRPORT, NEW DELHI, NEW DELHI TEL.NO.011-25696075(Arr) 011-25652495(DeP) FAX. 25652011	<b>14</b>	DY.SP/INCHARGE, IMMIGRATION RAJASANSI AIRPORT, RAJASANSI, AMRITSAR, PUNJAB. TEL.NO.0183-2382666
<b>15</b>	DEPUTY COMMISSIONER OF POLICE (SECURITY CONTROL)/FOREIGNERS REGIONAL REGISTRATION OFFICER, CALCUTTA AIRPORT 237,ACHARYA JAGDISH CHAND BOSE ROAD, CALCUTTA-20. WEST BENGAL TEL.NO.033-25119554,25119474 FAX.NO.033-5118830	<b>16</b>	DEPUTY FOREIGNERS REGISTRATION OFFICER(DEPUTY SUPERINTENDENT OF POLICE), LOCAL INTELLIGENCE UNIT, AGRA AIRPORT, AGRA, U.P. TEL.NO.0562-2269563
<b>17</b>	INCHARGE IMMIGRATION CHECKPOST, AMOUSI AIRPORT LUCKNOW UTTAR PRADESH TEL.NO.0522-2431746-47	<b>18</b>	IMMIGRATION OFFICER BABATPUR IMMIGRATION CHECKPOST, VARANASI AIRPORT, DISTRICT VARANASI UTTAR PRADESH
<b>19</b>	PORT REGISTRATON OFFICER VISHAKHAPATNAM SEAPORT VISHAKHAPATNAM ANDHRA PRADESH TEL.NO.PBX 0891-256841 EXTN.2496	<b>20</b>	DSP, CID, IMMIGRATION DABOLIM AIRPORT VASCO-DE-GAMA, GOA TEL.NO.0832-2510060.
<b>21</b>	OFFICE INCHARGE IMMIGRATION CHECK POST JAIPUR AIRPORT RAJASTHAN.		

### Seaports

<b>Sl. No.</b>	<b>INCHARGE</b>	<b>Sl. No.</b>	<b>INCHARGE</b>
<b>1</b>	PORT REGISTRATION OFFICER KAKINADA SEAPORT KAKINADA ANDHRA PRADESH	<b>2</b>	PORT REGISTRATION OFFICER VISAKHAPATNAM ANDHRA PRADESH TEL. NO. PBX. 0891-256841. EXTN: 2496.
<b>3</b>	DY.SP/INCHARGE, IMMIGRATION ATTARI RAIL, ATTARI RAILHEAD, AMRITSAR, PUNJAB. TEL.NO.0183-2500275		