



Ad Hoc Query on the level of cooperation between police and immigration officials

Requested by UK EMN NCP on 26.06.2014

Reply requested by 24.07.2014 (extended to 30th July 2014)

Responses from [Austria](#), [Belgium](#), [Cyprus](#), [Estonia](#), [Finland](#), [France](#), [Germany](#), [Hungary](#), [Italy](#), [Latvia](#), [Lithuania](#), [Luxembourg](#), [Malta](#), [Netherlands](#), [Poland](#), [Romania](#), [Slovak Republic](#), [Slovenia](#), [Spain](#), [Sweden](#), [United Kingdom](#) and [Norway](#) (22 in Total)

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

1. Background Information

In the UK, police officers who encounter foreign national offenders have not in the past routinely checked their immigration status against Home Office records. A more collaborative way of working, involving police and immigration officials, is being tried in London and other police force areas. This initiative is called Operation Nexus. The aim is to share information more quickly between the police and immigration officials about an arrested foreign national. This will encourage the early identification of immigration offenders (for example, foreign nationals who have entered illegally) as well as the sharing of information to better manage foreign nationals who enter the criminal justice system (for example, who go to prison). The ambition of these measures is to achieve more efficient and effective outcomes with regard to foreign national offenders (for example, deportation).

Questions:

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

1. When a foreign national is arrested for a criminal offence, is their *immigration status* checked?

If yes:

- a. How are these checks made?
- b. Who carries out these checks?




2. If the police and immigration officials provide different functions in such cases, do they work together to manage arrested foreign nationals?

If yes:


- a. In what ways do they cooperate with each other?
- b. Please explain:
 - i. How they work together, i.e. are they located in the same office/building, or do they have a dedicated telephone number on which to call each other?
 - ii. Is this a new way of working (has it been implemented in the last two years)?
 - iii. Are there agreements in place to share information between police and immigration officials?
- c. What benefits, if any, have you found to working more closely together?

We would very much appreciate your responses by the **24th of July 2014**.

2. Responses

	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Belgium	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Cyprus	Yes	<p>1. When a foreign national is arrested for a criminal offence, is their <i>immigration status</i> checked?</p> <p>Firstly we would like to clarify that Aliens and Immigration Unit is under the jurisdiction of Cyprus Police and all Immigration Officers serving in this Unit are members of the Police.</p> <p>If yes:</p> <ul style="list-style-type: none"> a. How are these checks made?



Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>Yes, in case when a foreign national is arrested for a criminal offence their immigration status is checked through telephone contact between the concerned police department and the Operation Department of the Headquarters of the Aliens and Immigration Unit where Immigration Officers are on duty 24/7.</p> <p>b. Who carries out these checks? The checks are carried out by Immigration Officers.</p> <p>2. If the police and immigration officials provide different functions in such cases, do they work together to manage arrested foreign nationals? If yes:</p> <p>a. In what ways do they cooperate with each other? Yes, they do provide different functions and in such cases, they cooperate closely through exchange of information though informative notes or telephone contact.</p> <p>b. Please explain:</p> <p>i. How they work together, i.e. are they located in the same office/building, or do they have a dedicated telephone number on which to call each other? The cooperation is done through contact persons who are working 24/7 so they can be reached at any time. Dedicated departments and telephone numbers have been nominated for this purpose.</p> <p>ii. Is this a new way of working (has it been implemented in the last two years)? This way of cooperation has been implemented for at least the last decade.</p> <p>iii. Are there agreements in place to share information between police and immigration officials? There is an internal code of conduct between immigration officers and police members serving in other departments since the Aliens and Immigration Unit is under the jurisdiction of Cyprus Police.</p> <p>iv. What benefits, if any, have you found to working more closely together? Cooperation and exchange of information can always lead to positive results and make procedures easier and less time consuming.</p>
	<p>Estonia</p>	<p>Yes</p>	<p>i. When a foreign national is arrested for a criminal offence, is their <i>immigration status</i> checked? If yes: YES</p> <p>c. How are these checks made? Estonian Police and Border Guard Board is responsible for criminal investigations, public order and migrations and citizenship matters. For that reason databases are shared so that criminal investigators have access also to the person's immigration status data if the person is not an Estonian citizen. In every Prefecture there is a special unit for determining the person's immigration status – Migration Surveillance Unit under the Prefecture's Border Guard Bureau. This unit is the one that provides answers about the person's immigration status to the criminal case investigators if there are questions. If the person is arrested until court, the prison makes a mandatory immigration status check to the Police and Border Guard Board's headquarters Migration Surveillance Bureau under the Border Guard Department.</p> <p>d. Who carries out these checks?</p>



Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>Migration Surveillance Unit's police officers in Prefecture or Migration Surveillance Bureau police officers in Police and Border Guard Board</p> <p>2. If the police and immigration officials provide different functions in such cases, do they work together to manage arrested foreign nationals? YES If yes:</p> <p>c. In what ways do they cooperate with each other? Communication about the persons' release.</p> <p>d. Please explain: If the person is staying illegally in Estonia and is arrested for a criminal offence and the investigation has ended and the person is about to be released from arrest, Migration Surveillance Unit issues the person a precept to leave the country of arrests the person for immediate expulsion.</p> <p>ii. How they work together, i.e. are they located in the same office/building, or do they have a dedicated telephone number on which to call each other? Certain telephone number/e-mail address.</p> <p>iii. Is this a new way of working (has it been implemented in the last two years)? No, from 2010 under the same Board, before 2010 different Boards but same procedure</p> <p>iv. Are there agreements in place to share information between police and immigration officials? As the police is all in the Police and Border Guard Board police officers use the same databases and information exchange agreements are not needed.</p> <p>d. What benefits, if any, have you found to working more closely together? Determination of the person's immigration status is known instantly to the investigator and prosecutor.</p>
+	Finland	Yes	<p>1. Yes. a+b) If the foreigner is arrested for a criminal offence, the police officer contacts the Aliens police where the officers check his or her status and report back if there is anything that would require further steps. All police officers may check the foreigner's criminal record but not every officer has access to the electronic case management system UMA. The normal proceeding is that the criminal proceedings are dealt first. After that the police officers will contact the Aliens police who will be in contact with the Immigration Service if necessary.</p> <p>2. There is cooperation between the police and the Immigration service e.g. when the foreigner should be expelled from the country. Also if the register check shows that the Border Guard has opened a case earlier, the police will contact the Border Guard officials. Also public prosecutor will be contacted if the foreigner is being prosecuted for some other offence. This is done to inquire, whether the case will be before the court soon or could it be dealt in a fast track proceeding if the foreigner is subject to a removal decision. There are no official agreements on the cooperation between the police and immigration officials. As each police officer may check the police register for open asylum applications, residence permit applications etc and the responsible officer, he or she may contact the officers</p>


Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			in the Immigration service directly. As the contact will be made personally and outside the official proceedings it is easier to share information. This unofficial cooperation and information sharing has been in place for several years.
	France	Yes	<p>1. Yes, systematically.</p> <p>a) First checks are made by police officers who arrested the individual. It consists in checking identity or travel documents of the person (e.g. verifying the authenticity of the document and if the visa has expired). The identity claimed by the foreign national is also checked in the different databases.</p> <p>If there is still a doubt as to his/her identity or situation, he/she is brought to the police or gendarmerie premises and detained by the police officer for the purpose of thorough checks (verification of fingerprints, house search, contacting the prefecture or the consulate, etc.). The public prosecutor is informed from the beginning of the detention.</p> <p>If a crime or offence under the Penal Code has been committed, these checks are made during police custody.</p> <p>b) The police officer (<i>officier de police judiciaire</i> or <i>agent de police judiciaire</i> under his/her responsibility) carries out these checks.</p> <p>2. Yes.</p> <p>a) Police and gendarmerie services work together with the services of the prefecture on the issue of the action to be taken at the administrative level (prefectural order for escort to the border or obligation to leave French territory). The criminal aspect is of the public prosecutor competence.</p> <p>b) i) The police officer in charge of the investigation calls the foreigners service of the relevant prefecture to verify the information provided by the third-country national.</p> <p>If necessary, the police officer can consult the file at the prefecture or request some documents in order to add them to the procedure. Competent services of the foreign ministry may also be contacted if necessary.</p> <p>ii) No.</p> <p>iii) If necessary, the police or gendarmerie services can submit a judicial request to the prefecture.</p> <p>c) Information is shared easily and quickly.</p>
	Germany	Yes	<p>1. a and b. The federal and state police authorities and the public prosecutor's offices can access the Central Aliens Register for investigation purposes and for the purpose of executing a sentence. The Central Aliens Register provides them with information on the residence status of those investigated or sentenced (section 15 sub-section 1 no. 4 Central Aliens Register Act).</p> <p>2. a. The authorities which are responsible for instituting and implementing criminal or fine proceedings shall inform the competent foreigners authority immediately of the institution of such proceedings and of due settlement of the criminal or fine proceedings at the public prosecutor's office, in court or at the responsible administrative authority. This applies to extradition proceedings as well (section 87 sub-section 4 of the Residence Act).</p> <p>b. i. The federal states are responsible for organising the cooperation and communication.</p> <p>ii. No, the legal provisions have been in place since the Residence Act entered into force in 2005. Before that, a similar provision was included in the Aliens Act.</p> <p>iii. The exchange of information is regulated by law.</p>


Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			c. Information about criminal and fine proceedings is of crucial importance for proper residence decisions. Information sharing is therefore obligatory for the responsible authorities and regulated by law.
	Hungary	Yes	<p>1. Not immediately. In general, the Police may only apprehend a client who may be subject to alien policing, transferring him/her to the Office of Immigration and Nationality (hereinafter: OIN). A client under penal procedure cannot be apprehended to the alien policing authority. In the case where the alien policing authority declares that the stay or entry of the client involved is illegal according to Art 43 (2) a)-e) of the Act on entry and Stay of Third Country Nationals (hereinafter (Act on TCNs), but the identity of the person involved cannot be uncovered within the time available (12hours+12hours), then the authority shall order a detention prior to expulsion according to Art 55 (1) of the act on TCNs or shall order an expulsion or depending to the facts revealed and under the conditions provided for by law an expulsion with alien policing detention according to Art 54 (1) and (2) of the Act on TCNs. However it is important to emphasize that Art 45 (7) provides a rule of guarantee for the TCN client when declares that „the expulsion may not be ordered under immigration laws, and exclusion may not be ordered independently against a third-country national who was convicted for a crime in the court of the law, yet the sentence did not include expulsion in any form”.</p> <p>2. The basic rules for cooperation between the police authority and the OIN are laid down in the act on TCNs and in the act on Police. The detailed regulations are learnt from the executive decrees of these acts. According to Art 67 (1) of the act on TCNs „The immigration authority shall have powers to control compliance with and enforce the provisions of this Act”. According to Art 67 (4) of the act on TCNs and Art 33 (2) f) of the act on Police „Any third-country national who is unable to verify his/her lawful residence in Hungary or is unable to produce credible evidence of his/her identity, or who violates the provisions of this Act shall be apprehended and taken into custody by the immigration authority”. According to Art 67 (5) of the act on TCNs „If the grounds for residence of the third-country national or the identity of the third-country national mentioned above cannot be established while in custody (8h long and can be extended by 4h. See Art 33 (3) of the act on Police), the third-country national may be kept in custody for an additional period of maximum twelve hours (see Art 34 (3) of the Act on Police); this action may be contested”.</p> <p>According to the acts and implementing decrees in force, the OIN has the main competence to carry out a process of identification of TCNs in alien policing procedures. During this process a specific case-related request is sent to the embassy accredited in Hungary and involved as representative of the country of origin. In cases where illegal migration is detected along the Schengen border and the rules of any readmission agreements (RA) may be applied the police is in charge of making the decision upon expulsion and carrying out the process of identification. Concerning all other cases the OIN has the competence to order expulsion, but where any RA shall be applied for the return procedure it is the police who have to finalize the process of identification and get the travel documents. In applying the rules of RAs in cases mentioned before the workflow of the police is assisted by the immigration liaison officers (so called ILO), and by the consular officer specialized in migration.</p>
	Italy	Yes	<p>1. When a foreign national is arrested for a criminal offence, is their <i>immigration status</i> checked? Yes. When a foreign national is arrested for a criminal offence, their identity document is checked as well as their residence permit (whether it was regularly issued, its expiry date, etc.). Illegal stay often goes hand in hand with difficulties in ascertaining the arrestee’s identity.</p> <p>e. How are these checks made?</p>


Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>The law-enforcement officers who arrested the foreign national bring them to the Immigration Office and/or the Forensic police laboratory (that may be located in the same buildings in which the officers who made the arrest are based) for the customary checks. Their immigration status is checked at the Immigration Office: if their status is irregular and their identity is uncertain, their initial statements on their personal particulars, origin, date of entry in Italy, and languages spoken and/or known, etc., are taken and recorded on an “identification” file. Later, the officers that made the arrest will transfer the arrestee to take mug-shots in one of the following places (which, again, may be located in the same buildings in which the officers who made the arrest are based): 4 Inter-regional or Regional Forensic Police Laboratories, 89 Provincial Forensic Police Laboratories, 196 Identification and Documentation Offices at Police Stations, if authorised and suitably trained, Border Police Immigration Offices, Initial Reception Centres (CPT), Centres for Identification and Deportation (CIE) and Reception Centres for Asylum Seekers (CARA). The card that is produced is scanned and forwarded to the Central Identity Records Office for matching. There, in a few minutes, the <i>Automatic Palmprint and Fingerprint Identification System</i> will propose a set of candidates who are compatible with the identified foreign national. The arrestee will then go back to the Immigration Office where relevant measures will be taken.</p> <p>f. Who carries out these checks? See a. – The law-enforcement officers who made the arrest are not the same who carry out the checks. The checks, especially in the case of irregular stay, may be carried out only through the offices specified above (see a.)</p> <p>2. If the police and immigration officials provide different functions in such cases, do they work together to manage arrested foreign nationals? See 1.a. – The police officials who provide the two functions (arrests and checks) work according to ordinary procedures and cooperation practices that have been established in individual cases. They often work in the same location/building, as mentioned above.</p>
	<p>Latvia</p>	<p>Yes</p>	<p>1. When a foreign national is arrested for a criminal offence, is their <i>immigration status</i> checked? If a foreigner is arrested for a criminal offence, checks through data basis are carried out with the aim to identify the person, to gather all possible information about him/her, inter alia on the conditions under which the foreigner entered the territory of the Republic of Latvia and on the status of a foreigner in the Latvia. The status of the foreigner who committed a crime does not influence the criminal case investigation procedure, but the Court making a decision on criminal case can impose an additional penalty –forced return and entry ban - for illegally staying foreigner. If yes: c. How are these checks made? The State Police case inspector who investigates criminal offence committed by a foreigner make checks through data basis existing in Latvia. If it is necessary to obtain detailed information on the foreigner arrested the State Police case inspector can request it from the State Border Guard. d. Who carries out these checks? The checks are initially carried out by the State Police case inspector, who investigates criminal offence committed by a foreigner. In case if detailed checks on identity or status of the foreigner arrested need to be provided during the criminal investigation process and the State Police requests that, the State Border Guard carries out them.</p>




Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>2. If the police and immigration officials provide different functions in such cases, do they work together to manage arrested foreign nationals? The State Police and the State Border Guard provide different functions. The State Police dealing with foreigners arrested for committed criminal offences. The State Border Guard control of the observance of the entry, residence, exit and transit rules by foreigners and stateless persons, as well as carries out the detention of foreigners, illegally staying on the territory of Latvia, as well as makes removals of foreigners. The both above-mentioned state authorities are under the supervision of the Ministry of Interior. The State Police and the State Border Guard have close cooperation and provide each other with all necessary information and assistance. If yes: e. In what ways do they cooperate with each other? The State Police and the State Border cooperate directly with each other. f. Please explain: 1. How they work together, i.e. are they located in the same office/building, or do they have a dedicated telephone number on which to call each other? The State Police and the State Border Guard officials have very close cooperation and contacts. The State Border Guard Immigration services are located cross the country. There are several places where the State Police and State Border Guard officials are placed in the same premises and have direct contacts with each other. 2. Is this a new way of working (has it been implemented in the last two years)? No, this is not a new way of working. 3. Are there agreements in place to share information between police and immigration officials? There are no special agreements signed. The State Police and the State Border Guard as the state authorities, which are under the supervision of the Ministry of Interior ensure mutual successful cooperation. The Border Guard law defines the obligation for the State Border Guard to cooperate with other state and local government authorities, merchants and international organisations, unions or communities. The Law on Police defines the obligation for the police to co-operate with institutions, private persons and unions of persons. e. What benefits, if any, have you found to working more closely together? Close cooperation facilitates the process of data collection, allows to identify the person and to make the procedures applied with regard to foreigner more effective and prompt.</p>
	<p>Lithuania</p>	<p>Yes</p>	<p>1. Yes. a) If police officers arrest a foreigner for a criminal offence and they have doubts about his/her legal status in Lithuania, they contact the same territorial police unit's migration division's specialists, who check the immigration status of a foreigner. b) Territorial police unit's migration division's specialists. 2. Yes. Police and migration division's specialist are cooperating in this field. a) Cooperation usually takes place over the phone or e-mail, sometimes the official inquires are sent. b)</p>



Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>i. Because of the fact that every territorial police unit hosts a migration division, the police and migration officials usually work in the same building. Outside working hours, there is a special phone number of a responsible migration official, and the police officers can call them in order to if verify the immigration status of a foreigner.</p> <p>ii. No, this cooperation is not new, it is being implemented more than 10 years.</p> <p>iii. Every territorial police unit has their own agreement how the information is shared between criminal police officers and migration division's specialists.</p> <p>This way of cooperation is useful because the distribution of work provides the ability for criminal police and migration officials to concentrate in their fields. Also, due to the fact that these officials usually work in the same building, it guarantees the most effective way of sharing the information.</p>
	<p>Luxembourg</p>	<p>Yes</p>	<p>1. Yes. Article 45 (1) of the Criminal Procedure Code establishes that police officers and the judicial police officers can ask any person to justify his/her identity, by any means possible, if there is any indication leading to believe that:</p> <ul style="list-style-type: none"> • The person had committed or tried to commit a crime; • The person prepares to perpetrate a crime. <p>Also article 136 (1) of the amended Law of 29 August 2008 on free movement of persons and immigration obliges any foreigner to produce his/her documents proving his/her authorization of entry or stay at the request of the Grand-Ducal Police. The Police can verify the immigration status of the third-country national if there is any doubt or if the person refuses to produce his/her documents. The Police can verify the immigration status accessing the Directorate of Immigration Database and the National Registrar. It can also check on the national SIS.</p> <p>The Judicial Police, Foreigners Department, is the responsible for conducting this verification.</p> <p>2. The Grand Ducal Police depends from the Ministry for Homeland Security while the Directorate of Immigration depends from the Ministry of Foreign and European Affairs. The Police must guarantee the freedoms and fundamental rights and the protection of the Grand-Duchy's institutions, the peace and public order and the protection of persons and their property. However, they do not work together to prevent or detect crimes committed by third-country nationals.</p> <p>a. In the case of European citizens the rules of free movement of persons are applicable and the cooperation is limited to provide information by the Police to the Directorate of Immigration in case of a criminal offense had been committed by an EU citizens. In regards to third-country nationals they cooperate in the identification of third-country nationals who are in irregular situation of stay (article 136 (2) of the amended Law of 29 August 2008) as well in the identification of international protection applicants and the determination of their travel itinerary (article 8 of the amended Law of 5 May 2006 – Asylum Law). Also, the police assists the Directorate of Immigration to execute the orders or removal of the territory.</p> <p>b.</p> <p>i. If the police detains a third country national who does not have documents which are required for regular stay on the territory, the police contact the Judicial police who in turn contacts the Directorate of Immigration. A duty-officer scheme functions during the night and the weekend in the both institutions (Directorate of Immigration and Judicial Police).</p>




Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>The Judicial Police has two officers posted in an office of the Directorate of Immigration to verify the identity and travel itinerary of the international protection applicants.</p> <p>When the individual have committed a criminal offense is condemned with a prison sentence, the Directorate of Immigration receives a list of third-country nationals in the Central Penitentiary of Luxembourg.</p> <p>ii. No.</p> <p>iii. In principle the legislation allows the flow of information between the two administrations.</p> <p>c. The fact of having two officers of the Judicial Police in an office of the Directorate of Immigration facilitates the verification of identity and the travel itinerary in the case of international protection applicants. The report drafted by the Police is provided to the interviewers which help focus the interview. Also there is an efficient cooperation introducing the SIS alerts.</p>
	Malta	Yes	<p>1. Yes.</p> <p>a. Police making the arrest refer to Immigration Police to check.</p> <p>b. Immigration Police</p> <p>2. In Malta the answer is no. The Principal Immigration Officer is the Commissioner of Police</p>
	Netherlands	Yes	<p>1. Yes.</p> <p>a. The police checks the immigration status of an arrested foreign national in a national database for foreigners. If further information is required, the police will contact the Immigration and Naturalization Service (IND).</p> <p>b. The police. Further information is provided by the IND.</p> <p>2. Yes.</p> <p>a. Regarding taking action against criminal aliens, the police and the IND closely work together. For the implementation of the process a protocol is agreed upon.</p> <p>b.</p> <p>i. If an alien has been convicted for a crime the police makes – if possible in the legal framework - a proposal for termination of the right of residence and / or imposing a re-entry ban. The IND takes a decision which is handed over to the alien by the police.</p> <p>ii. No.</p> <p>iii. Yes. Information exchange takes place to the extent which it is necessary to implement the immigration law and the Law on Dutch nationality.</p> <p>c. The result of the collaboration is that, wherever possible, there are taken administrative consequences after criminal acts.</p>
	Poland	Yes	<p>1. Yes.</p> <p>a) The above mentioned control may in particular include:</p> <p>- the control of documents authorizing a foreigner to stay on the territory of the Republic of Poland, including travel documents, visas, residence cards, the financial means (or a documents certifying that a foreigner is able to lawfully obtain the financial means),</p>



Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>documents entitling the foreigner to work, conduct business activity or be entrusted with the performance of work, documents certifying the purpose and conditions of the foreigner's stay on the territory of the Republic of Poland;</p> <ul style="list-style-type: none"> - checking in appropriate data bases (alerts in SIS for the purpose of refusal of entry and in the national data base) of the foreigner's status; - verifying the fingerprints taken from the foreigner in the Visa Information System, and in other ways to establish the identity of the foreigner or verify the authenticity of the Schengen visa held by the foreigner. <p>b) The Polish Border Guard and the Police are entitled to carry out the control of the legality of foreigners' stay on the territory of the Republic of Poland in order to establish the actual state of affairs as regards the compliance with regulations on the entry and stay of foreigners on this territory.</p> <p>2. Although it is not necessary for the Police to seek an assistance of Border Guard in order to realise activities related to the control of the legality of stay of the foreigner, as matter of practice, in cases of minor importance (when the foreigner was fined and criminal proceedings are no longer carried out), the Police usually hands the foreigner over to the Border Guard in order to carry out the control of the legality of foreigner's stay on the territory of the Republic of Poland and asses the eventual grounds for the issuance of the decision on return.</p> <p>The other immigration authorities that are entitled to carry out the control of the legality of foreigners' stay on the territory of the Republic of Poland (The Head of the Office for Foreigners, a voivode) do not conduct criminal proceedings or proceedings in cases of petty offences. The Police and the Border Guard are not located in the same office or building, but they have cooperated in above mentioned field together at the local level since of May 2014 (handing over foreigners by the Police to the Border Guard in order to carry out control of legality of stay).</p> <p>There are no official agreements in that particular field as possibility to hand a foreigner over by the Police to Border Guard deriving directly from the provisions of law.</p> <p>This solution allows the Police to focus more on the criminal aspect of the case allowing the Border Guard to conduct all the activities related to returns, including control of legality of stay on its own.</p>
	Romania	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Slovak Republic	Yes	<p>1. Yes.</p> <p>a) The immigration status is checked by the Alien Police departments. The Police Officer records the declaration of the foreigner in writing, from which the information about the foreigner's origin is obtained as well as the information regarding his/ her entry and stay on the territory of the Slovak Republic, identification documents etc. Consequently, respective national and international information systems are screened by the Police Officer who also takes finger prints of the foreigner and makes a comparison through the EURODAC system and the national system AFIS.</p> <p>b) These checks are carried out by the respective departments of the Bureau of Border and Alien Police of the Presidium of the Police Force of the Slovak Republic.</p> <p>2. Yes, partially.</p>

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>a) In case the foreigner is detained in the detention centre and applies for asylum, an employee of the Migration Office, who is responsible for the assessment of the application, carries out the personal interview with the detained foreigner during the visit of the detention centre. If an asylum seeker is detained, the Migration Office is immediately informed about it by the respective Border and Alien Police department.</p> <p>b)</p> <p>i. Migration office department responsible for the assessment of the application for asylum communicates with the respective Alien Police department. They are not located in the same building and there is no dedicated telephone number on which they would call each other. However they communicate via phone, email, fax, personally etc. as it always concerns specific cases.</p> <p>ii. No.</p> <p>iii. The relations are subject to laws and internal regulations based on the experience from practice there are no problems with sharing information. Both Migration Office and the Alien Police have access to information systems in which they can share information. It facilitates immediate problem solving regarding detained or apprehended asylum seekers. Furthermore, it helps with procedures which are necessary during the assessment of the asylum application.</p>
	Slovenia	Yes	<p>1. In case of criminal proceeding Police conduct verification of foreigners' residence status as well. This is mandatory in all the cases of procedures against foreigners. Residence status verification is conducted based on documents, interview and other available evidence. In case of illegal residence provisions of Aliens Act are applied accordingly. This means that such a foreigner is subject to sanction and return measures.</p> <p>2. Police and Immigration office act as partners in such cases. Headquarters of both services are the part of same institution, the Ministry of the Interior. Cooperation takes place in various ways and on all levels for example: cooperation in operative and tactical measures takes place based on case by case approach in accordance with powers dedicated by legislation. Regular information exchange takes place. Police provide for abuse of document detection related training to administrative officials in the field of immigration. Working group related to migration policy development is in place and all the IBM stakeholders are involved in it. Foundation of such approach is legislation related to migration policy, it is regularly updating and developing upon needs and takes place since our declaration of independence in 1991.</p> <p>3. Benefits of such approach are development of migration policy in general and mutual support in specific cases.</p>
	Spain	Yes	<p>1. Yes.</p> <p>a) If arrested by the National Police, own data bases are checked (the National Police is immigration authority). If arrested by other police forces, the National Police is consulted and issues a certificate about the person's immigration status.</p> <p>b) National Police.</p> <p>2. Not applicable.</p>
	Sweden	Yes	<p>1. Yes, by the Police.</p> <p>a) They have direct access, to limited information but enough to control the alien's immigration status, to the Swedish Migration database.</p>

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>b) The Police carry out the checks. If necessary, they are able to contact Migration Board officials to get more information for example if the immigration status is unclear.</p> <p>2. The Police have telephone numbers and mail addresses as well as contact lists of persons to contact. No new way to work for the last two years. There are handbooks within both the Migration Board and the Police stating that contacts should be done under certain circumstances. One example is suspicion of trafficking. We have not done any following up if there have been any cooperation in criminal cases others than what is stated above.</p>
	United Kingdom	Yes	<p>1. Yes. Under a new approach being implemented across the UK, the aim is to confirm the immigration status of all arrested foreign nationals.</p> <p>a) The police contact immigration officials who check the arrested person's immigration status on Home Office records. For the majority of police stations, the police officer will call the 'Command and Control unit' which is a unit in the Home Office which acts as the first point of contact for immigration enquiries from law enforcement officers. Some police may also contact their local immigration team. However, a new initiative is being used (see below) in three police regions. Here, immigration officers have been located in police stations. These officers work alongside the police, checking immigration status as required.</p> <p>b) Immigration officials</p> <p>2. Yes. Under a new scheme police and immigration are working more closely together.</p> <p>a) A more collaborative way of working, involving the police and immigration officials, is being used in London and two other areas. The aim is to share information more quickly between the police and immigration officials about an arrested foreign national.</p> <p>b)</p> <p>i. There are two ways in which this more collaborative way of working can be seen.</p> <ul style="list-style-type: none"> • Immigration officers have been placed in selected police stations, so that they work directly with the police and carry out 'real time' checks on foreign national arrestees when they are brought into the police station. • Development of a 'high harm team', which brings together police and immigration intelligence on foreign nationals who are a danger to the community, in order to consider whether they should be deported from the UK – even if they are in the UK legally. At present this team is working on cases identified by the Metropolitan Police in London. <p>ii. Yes. The initiative was first piloted in London during 2013.</p> <p>iii. Yes. Domestic law in the UK provides for the sharing of information for the prevention and detection of crime. The police and immigration services are working to increase data sharing.</p> <p>c) We are currently developing plans to evaluate Operation Nexus, so do not have any firm conclusions to report at present. However, anecdotal feedback indicates that it has the potential to: confirm and correctly record a foreign national arrestee's identity at the first encounter - providing better opportunities to take immigration and/or criminal action; as well as facilitating a better mutual understanding of police and immigration roles.</p>
	Norway	Yes	<p>1. Yes, the police do check the immigration status</p>

Disclaimer: The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

			<p>a) By searching the national database on immigrants which contains information on immigration status (UDB) and which is accessible to immigration authorities and the police.</p> <p>b) Checks are most often made by the arresting officer</p> <p>2. The police and immigration officials can provide different functions, depending on each case</p> <p>a) By providing assistance when needed</p> <p>b)</p> <p>i) We have a dedicated telephone number.</p> <p>ii) No, this is not a new routine.</p> <p>iii) Yes, agreements are established.</p> <p>c) There are several benefits. Among them, are sharing of information, and more efficient case processing.</p>
--	--	--	--
