

The logo features the word "EUROPOL" in a bold, blue, sans-serif font. To the right of the text is a stylized graphic of a yellow lightning bolt with multiple jagged points, set against a white background with a subtle blue glow.

**EUROPOL**

# **Europol's role in combating criminal networks involved in smuggling of migrants and illegal migration**

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CRIMES AGAINST PERSONS UNIT  
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## 1. An Introduction to Europol

Europol is the European Union law enforcement organisation that handles criminal intelligence. Its mission is to assist the law enforcement authorities of Member States in their fight against serious forms of organised crime.

In the modern world there are no boundaries for organised criminal groups. Because of current technology and access to huge illicit financial resources, these groups are illegally active worldwide. Therefore, organised crime represents a threat to the structure and values of the democratic systems affecting European citizens' security and freedom.

Europol, in close co-operation with Member States, Candidate Countries and other law enforcement bodies, is actively involved in the fight against organised crime whilst maintaining full respect for individual integrity and human rights.

The establishment of Europol was agreed in the Maastricht Treaty on European Union of 7 February 1992. Based in The Hague, Netherlands, Europol started limited operations on 3 January 1994 in the form of the Europol Drugs Unit (EDU) fighting against drugs.

The Europol Convention was ratified by all Member States and came into force on 1 October 1998. Following a number of legal acts related to the Convention, Europol commenced its full activities on 1 July 1999.

On 1 January 2002, the mandate of Europol was extended to deal with all serious forms of international crime as listed in the annex to the Europol Convention.

The Europol Convention states that Europol shall establish and maintain a computerised system to allow the input, access and analysis of data. The Convention also provides the legal framework for the management of these systems, in particular as regards data protection, confidentiality and external supervision. The Europol computerised system has three principal components:

- An information system;
- An analysis system;
- An index system.

In addition to the above systems aimed at processing personal data, Europol is developing and managing many more information products and services, either as part of or in support of its core business.

The Joint Supervisory Body, comprising two data protection experts from each Member State, monitors the content and use of all personal data held by Europol.

Europol is funded by contributions from the Member States according to their GNP. The Europol Management Board comprises one representative from each Member State and has the overall task of supervising the activities of the organisation.

In order to fight international organised crime effectively, Europol cooperates with a number of third countries and organisations. On the basis of agreements concluded in accordance with the Europol Convention, particularly close cooperation exists with a number of third countries and organisations as follows (in alphabetical order): Albania, Australia, Bosnia and Herzegovina, Canada, CEPOL, Colombia, Croatia, Eurojust, European Central Bank, European Commission, European Monitoring

Centre for Drugs and Drug Addiction, Former Yugoslav Republic of Macedonia, Frontex, Iceland, Interpol, Moldova, Norway, OLAF, Russian Federation, Switzerland, SITCEN, Turkey, United Nations Office on Drugs and Crime, USA, World Customs Organisation.

## **2. Facilitated illegal immigration to the European Union**

The term “facilitated illegal immigration” covers a number of different serious crimes all aimed at assisting, for financial gain, the entry into or residence in a country in violation of the laws of that country. Facilitated illegal immigration thus covers the production and procurement of falsified travel documents or permits obtained under false pretences, the provision of clandestine transportation or other assistance in order to obtain illegal entry, often connected to a number of related criminal activities.

Migration itself is not illegal; it is in fact necessary for the development of both source and destination countries. Migration, however, becomes illegal when individuals themselves, or with the assistance of others, attempt to enter a country clandestinely or by deceptive means. The Europol Convention defines illegal immigrant smuggling as:

*“...activities intended deliberately to facilitate, for financial gain, the entry into, residence or employment in the territory of the Member States of the European Union, contrary to the rules and conditions applicable in the Member States.”*

Like most other criminal problems, quantifying illegal immigration is very difficult due to its covert nature, as is defining exactly who the perpetrators and victims are.

The reasons why migrants leave their home countries are commonly referred to as ‘push factors’ and can include conflicts, dissolution and/or disintegration of multicultural states, natural disasters or other environmental problems, discrimination, political instability or poor economic situations. Although poverty, conflict and disasters are all powerful push factors, they tend to cause local or regional migration, not international facilitated illegal immigration. Poor and war-torn states are less interesting for the facilitators of illegal immigration since people in these states usually cannot pay the huge fees the facilitators demand.

Paired with the push factors are the so called ‘pull factors’, those criteria that make a destination country attractive to a prospective migrant. These factors may include the need for a labour force, a positive economic situation, democratic governance with political and social stability and various historically or personally related links between source and destination country. The existence of organised crime (OC) groups, involved in the facilitation of illegal immigration and present in a destination country, tends to act as a pull factor in itself. These OC groups actively promote illegal immigration and tend to create and develop their own illicit market by encouraging people who would otherwise have had no intention of emigrating.

Legislation, policies, procedures and the priorities in combating facilitated illegal immigration vary between the EU MS. These differences may to some extent explain why neighbouring EU MS experience very different problems with illegal immigration.

## **2.1 The Involvement of Organised Crime**

In general, OC groups involved in the facilitation of illegal immigrants tend to be structured in loose networks of smaller groups and most of them have ethnic or otherwise cultural connections to the illegal immigrants they are facilitating. The illegal immigrants tend to be recruited by or turn to facilitators from the same ethnic background. The facilitators may “sub-contract” parts of the journey to other groups, resulting in more mixed facilitation networks. The further away from the country of origin the smuggled immigrants get, the greater the chance that the smugglers or facilitators will be of another origin than themselves.

The OC groups involved in the facilitation of illegal immigration generally display a high degree of adaptability and a strong ability to collaborate well across borders regardless of ethnic differences, also in regions where there is a tradition of ethnic conflicts. The facilitators are quick to detect and use the advantage of various changes in society, such as law enforcement responses, changes in legislation or regulations, as well as the opening of new or cheaper transport routes or new border crossing points.

One example of the way that OC groups have adapted to changes in control procedures is by an increased misuse of legal migration systems, i.e. student, business or tourist visas or through marriages of convenience.

A European Council resolution of 1997 highlighted the increasing threat from marriages of convenience for the EU and encouraged the MS to bring their national legislation into line with this resolution. A Europol study from 2008 indicated that more than 8.000 cases of marriages of convenience were reported in 2006. However, many MS cannot separate statistics on marriages of convenience from other visa abuse cases so the actual number of cases is most probably significantly higher.

OC groups involved in the facilitation of illegal immigration also commonly adapt to countermeasures by law enforcement through active displacement, where the facilitators respond to increased border control by simply changing the route.

In the majority of cases, facilitated illegal immigration is organised by smaller criminal groups lacking the capacity to plan and execute a complete trip from the source country to the intended destination. These OC groups facilitate the illegal immigrant in steps, arranging each step on an ad hoc basis, utilising contacts with other small criminal groups. Each step is usually between two nexus points.

Nexus points are relatively fixed points along a given route where particular services or opportunities are available (e.g. safe houses, illicit border crossing points, transport terminals etc). The actual geographic route, and the means of transportation used, between each nexus point can vary greatly, but to a large extent the major nexus points remain constant.

The involvement of legitimate business structures (LBS) in relation to facilitated illegal immigration has grown in importance. Facilitators of illegal immigration can, for example, use travel agencies to arrange travel packages including the obtainment of visas. Employment agencies and shipping agencies are other LBS that may be abused in order to facilitate illegal immigration. Another purpose for using LBS is money laundering, and the facilitators can, through ownership of or close influence to LBS, cover different kinds of illicit activities.

Some facilitators of illegal immigration have set up bogus schools in order to obtain and abuse student visas.

## **2.2 Falsified travel documents**

Improved management of the external border of the EU has led to the increased use of falsified documents. The production or procurement of falsified documents is an illicit market where the OC groups involved in the facilitation of illegal immigration can make an extra profit. Travel document falsifications range from alterations of personal data and substitution of photos to sophisticated and high quality reproductions of entire documents.

Although travel documents, such as passports, national ID cards, visas and residence or work permits, are the most commonly falsified travel documents, a number of other types of documents are targeted by OC groups. Documents needed to support a bogus application for a business or student visa are frequently falsified. These kinds of documents may include registrations for a school or study, supporting letters from an employer or an invitation from a company within the EU.

The use of other documentation, such as seaman books and joining letters from shipping companies and the merchant navy, is also used to allow illegal immigrants to enter or transit the EU without visas.

## **2.3 Law Enforcement Response**

In recent years, the EU has improved and reinforced the management of its external border; this may drive illegal immigrants to seek assistance to achieve clandestine entry and thereby getting involved with OC groups.

Law enforcement agencies are not only tasked to investigate cases of facilitated illegal immigration, but also to act proactively and prevent new cases. In order to succeed in both tasks, law enforcement needs to implement flexible and comprehensive strategies to identify and jointly investigate OC groups and their crimes.

Since facilitated illegal immigration by definition is a transnational crime, Europol promotes an investigative approach that includes multi-lateral and multi-agency cooperation between police and border management agencies, not only at national and regional level, but more importantly on an EU-wide scale.

Europol supports the law enforcement activities of the Member States by:

- Facilitating the exchange of information, in accordance with national law, between Europol Liaison Officers (ELOs); ELOs are seconded to Europol by the Member States as representatives of their national law enforcement agencies;
- Providing operational analysis in support of operations;
- Generating strategic reports (e.g. threat assessments) and crime analysis on the basis of information and intelligence supplied by Member States and third parties;
- Providing expertise and technical support for investigations and operations carried out within the EU, under the supervision and the legal responsibility of the Member States concerned;

Operational support which may include, but is not limited to:

- Support from Europol's Analysis Work Files where personal data can be stored and where active analysis is provided in order to identify criminal networks;
- Use of the Information System of Europol where personal data can be stored in order to provide quick reference to the available information and where possible hits between different investigations can be automatically detected;
- Joint Investigation Teams (JIT) where Europol specialists, on request, can be an active partner in a cross border investigation.

On a strategic level, Europol supports law enforcement activities by producing reports and assessments of the threat from organised illegal immigration on a pan-European Union level and by giving regular updates on trends and modus operandi to EU MS and partners through, for example, the Europol Illegal Immigration Intelligence Bulletin (which has restricted access).

Europol is also active in promoting crime analysis and harmonisation of investigative techniques within the Member States.