

## MPF POLICY BRIEF

### Enhancing cross-border police cooperation through existing political frameworks

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*This Policy Brief is inspired by the findings of the event organised in February 2019 by the International Centre for Migration Policy Development (ICMPD) in cooperation with Europol's European Migrant Smuggling Centre (EMSC).*

*Complemented by desk analysis and literature review, the paper analyses the latest developments related to migrant smuggling and document fraud as ways to facilitate irregular migration, underlining the role that existing political frameworks can play to enhance cross-border police cooperation.*

#### **Migrant smuggling constitutes a pressing political issue and a consolidated lucrative market for organised crime**

According to the European Union (EU) Serious and Organised Crime Threat Assessment 2017 (SOCTA), the facilitation of irregular migration (or “migrant smuggling”) remains one of the most profitable and widespread transnational criminal activities for organised criminal networks worldwide.<sup>2</sup> A large, lucrative and sophisticated criminal market that not only exposes thousands of migrants to unacceptable risks but also challenges the integrity of transnational borders, with document fraud often being one of its main enablers. Professional smugglers operating clandestinely are often linked to fragmented organised criminal groups (OCGs), using land, sea and air routes (or a combination of them).

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<sup>2</sup> Europol (2017), EU SOCTA

Developments are characterised by the increased consolidation of third (neighbour) countries’ (transit) hubs and the gradual professionalisation of migrant smugglers. The capacity to adapt to evolving circumstances (such as changes in national visa policies or sophisticated border control mechanisms) is indicative of the ability of smugglers to diversify patterns.<sup>3</sup> Schemes range from simple to complex, from safe to dangerous, from cheap to very costly, with prices proportional to the degree of risk, using sophisticated or creative means of communication and payment schemes.<sup>4</sup>

Global inequalities, economic downturns, conflicts, social vulnerabilities, limited opportunities for legal migration and geo-political instability, with over 68 million displaced people worldwide,<sup>5</sup> continue to push people to move, providing unscrupulous smugglers with a large ‘customer base’. More than 30,000 migrants are reported to have lost their lives during irregular migration between 2014 and 2018, 65% of which in the Mediterranean Sea.<sup>6</sup>

Migrant smuggling generates huge profits for criminals. The very first Global Study on Migrant Smuggling produced by the United Nations Office on Drugs and Crime (UNODC) in 2018 reports that a minimum of 2.5 million migrants were smuggled for an economic return of USD 5.5-7 billion in 2016.<sup>7</sup> During the 2015 peak, Europol estimated that 90% of arrivals in the EU were ‘facilitated’ by migrant smugglers and criminal groups, which generated between USD 2.5 billion<sup>8</sup> and EUR 6 billion profit.<sup>9</sup>

Available data is only indicative of the scale of migrant smuggling and normally represents only the

<sup>3</sup> EMN Inform (2014), Addressing facilitation of irregular migration by boats departing from North-Africa

<sup>4</sup> These include encrypted messaging and mobile applications creating temporary telephone numbers or cash transactions and bank accounts linked to relatives/acquaintances

<sup>5</sup> UNHCR (2019) <https://www.unhcr.org/figures-at-a-glance.html>

<sup>6</sup> IOM (2019) <https://missingmigrants.iom.int/>

<sup>7</sup> UNODC (2018) *Global Study on Smuggling of Migrants*

<sup>8</sup> <http://www.globalinitiative.net/techfugees-mapping-smuggling-networks-for-better-responses/>

<sup>9</sup> <https://www.europol.europa.eu/newsroom/news/europol-and-interpol-issue-comprehensive-review-of-migrant-smuggling-networks>

known portion of this crime. In the case of irregular migration from Africa to the EU, it is estimated that 80% of irregular migration from Africa is 'facilitated', while its composition may vary to also include people in need of international protection fleeing conflict zones or persecution.<sup>10</sup> While migrant smuggling does not always involve organised criminal networks,<sup>11</sup> the vast majority of unauthorised migrants are likely to have been smuggled.<sup>12</sup>

Evidence suggests that the greater the number of migrants on a given route, the more likely it is that the smuggling is conducted by a professional criminal network:<sup>13</sup> smugglers play a role in channelling movements towards or away from particular transit and destination countries.

### **Document fraud is recognised as one of the key enablers of the facilitation of illegal border crossings**

Intrinsically connected to organised crime, document fraud carries significant weight in migrant smuggling, too: over 30% of activities perpetrated by OCGs make use of document fraud, with 26,000 persons detected with fraudulent documents at EU external borders, confirming a sharply increasing trend globally.<sup>14</sup> Facilitators and irregular migrants use forged, counterfeit or genuine passports and visas: due to the increasing sophistication of detection technologies and travel document features, the "impostor method"<sup>15</sup> or use of genuine visas fraudulently obtained through falsified breeder documents are considered among the first methods used to travel irregularly to Europe.<sup>16</sup>

Alarming, despite the production and use of false identity and travel documents being criminal offences in most EU Member States (MS), there is no uniformity in sanctions, and in practice prosecution takes place only when linked with other (serious) crimes.<sup>17</sup>

On the other hand, criminals tend to rely on the 'dark net/web' to sell their products. EU travel documents are in high demand among fraudsters: at least 75% of fraudulent documents detected at external borders purport to have been issued by EU MS and the Schengen associated countries. Sophisticated technologies and adequate human resources can counter the production and supply of false documents, as well as improved data collection, since in more than 40% of the reported cases, information shared through the notification system is considered insufficient.

Increased, yet isolated, border enforcement efforts often result in the mere shifting of irregular flows and deviation of smuggling routes. The plethora of actors active in this process (from document forgers to corrupt officials, travel agencies, airport authorities and money brokers) amplifies the complexity of the responses needed.<sup>18</sup>

### **Cooperation with third countries is embedded in the comprehensive EU response to fighting migrant smuggling**

Cross-border crimes within the migratory context are of growing concern: repeated dramatic events at Europe's doors in recent years have made tackling this crime a political priority. The Action Plan against Migrant Smuggling (2015-2020)<sup>19</sup> represents the main response at EU level while the Action Plan to strengthen the European response to travel document fraud<sup>20</sup> is an important complementary factor in the fight against organised crime, contributing to improving border protection and migration management.<sup>21</sup> The Valletta Action Plan<sup>22</sup> and the Eastern Partnership<sup>23</sup> underpin cooperation with relevant African and Eastern Partnership countries along key migration routes.

Aims to promote closer regional law enforcement cooperation are reflected in the framework of the Policy Cycle for European multidisciplinary platform against criminal threats (EMPACT). The June 2018 Justice and Home Affairs Council confirmed its added

<sup>10</sup> GITOC (2014) Smuggled Futures: The dangerous path of the migrant from Africa to Europe

<sup>11</sup> UNODC (2011), The role of Organised Crime in the Smuggling of Migrants from West Africa to the European Union

<sup>12</sup> MPI (2014), Securing Borders: The Intended, Unintended, and Perverse Consequences

<sup>13</sup> Peter G. Xuereb (2012), Migration and Asylum in Malta and the European Union: Rights and Realities

<sup>14</sup> Frontex (2018) Annual Risk Analysis Report and UNODC (2018) [Global Study on Smuggling of Migrants](#)

<sup>15</sup> Frontex (2018) Annual Risk Analysis Report

<sup>16</sup> University of Maastricht (2018), Action Knowledge Transfer on Migrant Smuggling and Trafficking by Air and Document Fraud"

<sup>17</sup> EMN Inform (2018), Detecting document fraud

<sup>18</sup> UNODC (2011) Issues Papers on Migrants smuggling by air and Migrant smuggling by sea

<sup>19</sup> COM(2015)285

<sup>20</sup> COM(2016)790

<sup>21</sup> COM(2016)602

<sup>22</sup> <http://www.consilium.europa.eu/en/press/press-releases/2015/11/12-valletta-final-docs/>

<sup>23</sup> [https://eeas.europa.eu/headquarters/headquarters-homepage/419/eastern-partnership\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/419/eastern-partnership_en)

value by highlighting its multidisciplinary component, but also cooperation with non-EU partners. The transnational nature of serious and organised crime requires the use of a vast range of tools and approaches to counteract it effectively.<sup>24</sup>

Positive experiences, such as those of the Vienna-based Joint Operational Office (JOO), the Eurojust-coordinated Joint Investigation Teams (JITs) or the France-led ProfID project, facilitate exchange of information and evidence, achieving a better understanding of organised crime modus operandi and overcoming operational obstacles. The recently adopted concept of Common Operational Partnerships (COPs) establishes a flexible cooperation framework for EU MS to work alongside law enforcement, the judiciary and other relevant authorities in third partner countries.

### **Existing political frameworks offer valid platforms to foster cross-border police cooperation**

Law enforcement authorities recognise the need to jointly define effective strategies. Clamping down on smuggling networks requires regular regional and international cooperation. However, building close partnerships with third countries based on mutual trust takes time, commitment and resilience.<sup>25</sup>

Ensuring security and fostering cross-border police cooperation can find a strong ally in existing political frameworks. In particular, Mobility Partnerships (MPs) and Common Agendas on Migration and Mobility (CAMMs) provide for a comprehensive, enhanced and tailor-made channel for strengthening cooperation with partner countries along key migration routes. MPs and CAMMs have been signed mainly with partner countries in the neighbourhood region<sup>26</sup> which often represent transit territories facing similar challenges: elements linked to the fight against cross-border organised crime within the migratory context have been purposely included in all their Joint Declarations.

Though receiving alternating attention in the past years, the political, non-binding nature of these instruments offers a high degree of flexibility which enables bilateral and multilateral initiatives to be accommodated within the same framework.

Relevant, and at times sensitive, migration and mobility issues of mutual concern can be addressed while sharing knowledge and building trust between partners in a targeted way.<sup>27</sup>

In this framework, experts concur that training of trainers, exchange programmes and cooperation among training institutions, as well as the deployment of specialised personnel, act as sustainable models to uncover, suppress and dismantle criminal smuggling networks. Practices implemented or supported by ICMPD in different contexts, such as Azerbaijan, Lebanon, Morocco and Tunisia, represent tangible examples which have enhanced skills, knowledge and trust, lasting beyond the actual duration of each support programme.

All these activities are strongly recognised as effectively conducive to facilitating dialogue development. Reinforcing third country police and border control systems through targeted technical assistance accompanied by the purchase of appropriate equipment represents an empowering solution tested globally.

### **Conclusive remarks**

With poly-criminality aspects inherent to 45% of organised crime activities and over 180 nationalities reported among 5,000 criminal groups operating in Europe in 2018 alone and ensuring business continuity, policy-makers and practitioners agree that an efficient response deserves enhanced police cooperation and regular information sharing.

Interventions broadening the geographical spectrum to include countries of origin, transit and destination are more likely to be successful in the long term. While routes adapt quickly, hubs tend to grow in importance over time: designing interventions at important 'crossroads' is more likely to be effective.

The governing structures of MPs and CAMMs define how the EU and its partner countries conduct and maintain regular dialogue and cooperation, providing for concrete modalities to forge stronger partnerships with a large number of stakeholders. Capacity building is largely recognised as conducive to facilitating dialogue development and often embedded in its activities.

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<sup>24</sup> Justice and Home Affairs Council, 04-05 June 2018

<sup>25</sup> COM(2007) 247 final

<sup>26</sup> MPs: Armenia, Azerbaijan, Belarus, Cabo Verde, Georgia, Jordan, Moldova, Morocco and Tunisia. CAMMs: Ethiopia, India and Nigeria

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<sup>27</sup> COM(2014) 96 final