Crime prevention policy	
EU- priority	Illegal Migrant Smuggling
Country	Ireland
Year	2020

1. Overview of the field

Definition of Illegal migrant smuggling

Illegal Immigrants (Trafficking) Act, 2000

2.—(1) A person who organises or knowingly facilitates the entry into the State of a person whom he or she knows or has reasonable cause to believe to be an illegal immigrant or a person who intends to seek asylum shall be guilty of an offence and shall be liable—
(a) on summary conviction, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months or to both,
(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 10 years or to both.
(2) Subsection (1) shall not apply—
(a) to anything done by a person otherwise than for gain, or
(b) to anything done to assist a person seeking asylum by a person in the course of his or her employment by a bona fide organisation if the purposes of that organisation include giving assistance to persons seeking asylum.
(3) Subsection (1) shall apply to acts done or omissions made outside, as well as to acts done or omissions made, in the State.

Ireland signed the UN *Smuggling of Migrants Protocol*, on 13 December 2000. The Protocol entered into force on 28 January 2004. Ireland intends to ratify the protocol and the necessary provisions will be included in the Smuggling of Persons Bill, which is on the Government's Legislative Programme. The General Scheme of the Bill is expected to be published by end March 2020.

When enacted, this legislation will also provide for the transposition of the Directive 2002/90/ECF 'defining the facilitation of unauthorised entry, transit and residence' and the Framework Decision 2002/946/JHA 'on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence.'

Assessment of trends and developments

The Garda National Immigration Bureau (GNIB) as the national police unit in the Republic of Ireland, monitors evolving trends and developments in this area which are considered and additional preventative measures by way of operations put in place periodically to prevent and detect this type of illegal activity.

Recent overview of statistics and research

GNIB provide current trends analysis and operational returns on a monthly basis in relation to FRAN and EDF data to Frontex, which is data on illegal entry and migration and false documents. GNIB also attends Frontex conferences for RDF and FRAN data which are designed to enhance capabilities and use of Frontex data.

2. Crime strategy and coordination

Objectives of the crime strategy

To prevent/disrupt and detect persons who organise or knowingly facilitate the entry into the State of a person whom he or she knows or has reasonable cause to believe to be an illegal immigrant or a person who intends to seek asylum

Role of prevention in the crime strategy on state/regional/local level

Prevention is a key objective to discourage this activity which at times preys on vulnerable desperate persons who are potential victims. Preventative actions include:

- Overt policing operations supported by Immigration Service Delivery (ISD) and the Border Management Unit (BMU) at Dublin Airport;
- Working with regional colleagues throughout the Republic of Ireland at points of entry into the Irish State;
- Working and carrying out joint operations with colleagues within the Common Travel Area – Border Force UK and the Home Office, UK;
- Liaising with other European counterparts, in particular at airports of departure to Ireland where issues have been identified for appropriate action by the Airlines;
- Participation in Frontex coordinated operations and exercises within other EU Member States;
- Liaising with other law enforcement agencies via INTERPOL and EUROPOL to provide information and intelligence – Ireland has liaison officers based in The Hague, London, Paris and Madrid.
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Implementation of the policy (which level is responsible for the implementation and how is the implementation coordinated?)

The Garda National Immigration Bureau (GNIB) monitors evolving trends and developments in this area which are considered and implementation of policy is communicated to the entire Garda organisation for consistent implementation throughout the Irish State.

Stakeholders (working groups, specialised agencies, partners, etc)

- Immigration Service Delivery (ISD)
- Department of Justice and Equality
- Border Management Unit (BMU)
- Passenger Information Unit (PIU) at the Department of Justice and Equality
- Border Management Unit UK
- Garda Liaison Officers in Europe
- GNIB meeting and working with Airlines i.e. Aer Lingus, Ryanair.

Participation in European/ international networks, working groups, etc.

- EUROPOL
- INTERPOL
- Frontex – European Border and Coast Guard Agency
- Empact – European Multi-Disciplinary Platform Against Criminal Threats
- Eurojust
- Joint Agency Task Force
- Common Travel Area Forum

3. Good practices

Overview of recent good practices, prevention programs, etc.

- Operation Begonia – Dublin Airport - to target abuses of the Common Travel Area between Ireland and the UK.

- Operation Waterweed – Dublin Port - to target abuses of the Common Travel Area between Ireland and the UK.

- Participation in Joint Investigation Teams (JITs) as provided for under the Criminal Justice (Joint Investigation Teams) Act 2004. Ireland is currently participation in its first ever JIT in relation to the illegal transportation of migrants (UK case 2019).

- Overt activity of Immigration Officers at Regional Ports and Airports.

- Participation of GNIB in Frontex coordinated operations and exercises with other EU member states.

- Accredited Training Courses delivered to Garda Immigration Officers by GNIB in conjunction with the Crime and Operational Training Faculty at the Garda College.

- Joint specialized training in the search techniques hosted by Border Force, UK.

- Common Travel Area Forum