

Crime prevention policy

EU- priority	Illegal migrant smuggling
PAYS	France
ANNEE	2018 – 10 months 2019

1. Overview of the field

Definition of illegal migrant smuggling

In French legal texts, migrants smuggling is clearly differentiated from human trafficking. In practice, several offences constitute the different aspects of migrants smuggling. The following are main examples:

- to facilitate illegal entry, circulation or residence (art L622-1 and following, Code on Entry and Residence of Foreign Nationals and Right of Asylum – CESEDA);
- marriage of convenience and paternity fraud (art L623-1 and following, CESEDA);
- illegal work (art L8211-1 of the Labour Code) including hidden labour, illegal subcontracting, illegal supply of labour, employment of undocumented foreigners, illegal multiple jobs holding, fraud or false statements;
- forgery and use of fake documents (441-1 and 441-2 of the Penal Code – PC);
- unlawful obtention (441-6 of the PC);
- identity theft (434-23 PC, 226-4-1 of the PC, 321-1 of the PC).

Where the conditions of trafficking in human beings or similar practices are met, the following may also be addressed:

- human beings trafficking (225-4-1 of the PC);
- violations of human dignity (art 225-13 and following of the PC), undignified housing and working conditions (art 225-14-1 forced labour, art 225-14-2 bonded labour)
- pandering and other related offences (art. 225-5 and following, Penal Code);
- minors prostitution (art. 225-7-1 and following, Penal Code);
- exploitation in begging (art. 225-12-5 and following);
- non-existent or insufficient remuneration of vulnerable persons and subjection of vulnerable persons to working and housing conditions that are contrary to human dignity (art. 225-13; art. 225-14 and following);
- assisting illegal residence with the effect of "subjecting foreign nationals to conditions of life, transport, work or accommodation incompatible with human dignity" (article L. 622-5 3° of the Code on Entry and Residence of Foreign Nationals and Right of Asylum).

Assessment of trends and developments

Concurrent to the usual trends impacting France as a transit country, we observed over the reference period:

- the persistence of the use of small boats departing from the French northern coasts to the United Kingdom, to the benefit of Iranian and Iraqi communities mainly;
- the transit of Pakistani nationals from Italy to Spain via France;
- the settlement of Nigerian criminal groups in the South of France;
- the increase in unaccompanied foreign minors (genuine or false);
- the increase in abuse of asylum rights, by Bangladeshi for example.

Recent overview of statistics and research

Our definition of smuggling networks implies organised criminal groups exercising a frequent activity in exchange of money.

In France, in 2018, 321 networks were dismantled (303 in 2017, +5.9%). These procedures led to the arrest of 1,812 persons (excluding illegal foreigners) out of which 1,434 were placed in detention, then followed by the prosecution of 910 individuals.

These networks were structured as followed: 144 networks facilitated illegal entry and residence, 92 networks were involved in document and identity fraud (use of fake documents (52), use of unlawfully obtained documents (23), identity theft (17)), 56 networks were specialised in illegal work, 26 networks were specialised in paternity frauds and 3 networks arranged marriages of convenience.

These networks mainly helped nationals from Morocco (25), Iraq (22), DRC (20), Tunisia (19), Albany (18), Pakistan (18), Algeria (17), Cote d'Ivoire (16), China (15), Bangladesh (15), Brazil (15), India (14), Afghanistan (13), Haiti (13), Cameroon (12), Comoros Islands (12), Nigeria (12), Senegal (11), Guinea (Conakry) (11), Vietnam (10), Dominican Republic (10), *etc.*

As of 1 November 2019, 300 networks were reported (295 at this period in 2018). These procedures led to the arrest of 1,618 persons (excluding illegal foreign nationals) out of which 1,356 were placed in detention, then followed by the prosecution of 877 individuals.

These networks were structured as followed: 154 networks facilitated illegal entry and residence, 65 networks were involved in document and identity fraud, 57 networks were specialised in illegal work, 20 networks were specialised in paternity frauds and 4 networks arranged marriages of convenience.

These networks mainly helped nationals from Morocco (25), Iraq (22), DRC (20), Tunisia (19), Albany (18), Pakistan (18), Algeria (17), Cote d'Ivoire (16), China (15), Bangladesh (15), Brazil (15), India (14), Afghanistan (13), Haiti (13), Cameroon (12), Comoros Islands (12), Nigeria (12), Senegal (11), Guinea (Conakry) (11), Vietnam (10), Dominican Republic (10), *etc.*

2. Crime strategy and coordination

Objectives of the crime strategy

The professionalisation of organised criminal groups, increasingly complex modus operandi

and the almost systematic use of new technologies require an adaptation of traditional methods to combat migrant smugglers. Our law enforcement services need to:

- strengthen the coordination between the border police's legal services;
- strengthen the cooperation with other national public and private partners involved in the fight against illegal migrant smuggling networks
- improve the methods to fight against document and identity fraud;
- improve bilateral and multilateral international cooperation;
- adapt the methods to new major challenges
- enhance the use of special investigation techniques

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

To this end, the Central Directorate of the French Border Police (DCPAF) has created **PONAM** (Migration Analysis National Division) in end 2016. This unit's mission is to develop their expertise in irregular migration flows, especially flows upstream of the national territory, at borders and on the national metropolitan and overseas territory, for strategical and tactical purposes. This way, they help improving the prevention and the fight against irregular flows.

Implementation of the policy (what level is responsible for implementation and how is implementation coordinated?)

The fight against smuggling networks is a priority for the French Border Police. It has been based on a proactive policy for years. The organisation of the fight relies on an original organisation that has brought constantly growing results.

The organisation of the legal services with the Border Police relies on three pillars:

- **UCOLTEM** (Operational Coordination Unit for the Fight Against Migrants Trafficking and Exploitation), **a unit in charge of collecting operational intelligence, coordinating a network of external partners and of international cooperation;**
- **OCRIEST** (Central Office for the Repression of Illegal migration and Employment of undocumented foreigners), **a criminal investigation unit with a national remit**, also in charge of the coordination of the fight against smuggling networks at the national level;
- **the BMR** (mobile brigades), **46 criminal investigation units in charge of the fight against smuggling networks, dispatched all over the territory.**

This organisation revolves around 670 investigators committed to the fight against smuggling networks.

UCOLTEM is the service dedicated to the development of partnerships, at the national, inter-ministerial and international levels. Its national network is composed of Directorates of the National Police, of the National Gendarmerie, and of the Ministries of Defence, Foreign Affairs, Labour, Finance, etc. Regular meetings are held with all these services in order to enhance the exchange and enrichment of operational data that would enable to dismantle networks.

UCOLTEM is the unique entry point to the Central Directorate of the French Border Police when it comes to operational cooperation with European police services, EUROPOL and INTERPOL, and transit countries or sources countries for the fight against illegal migration networks.

It is also the unique point of contact for requests made to and by the Border Police services regarding the fight against these networks.

UCOLTEM is also involved in international projects and more specifically the EMPACT Illegal Immigration European projects. Through this cooperation network, the DCPAF is the operational leader of the JOT DUNQETT action, successor to JOT COMPASS (2015 to 2017).

Based on the principle that borders should no longer constitute an obstacle to law-enforcement action, UCOLTEM has set itself the objective of developing links with countries that are sources of illegal immigration, but also with transit countries.

Sharing operational information with the DCI (International Cooperation Department) and especially the internal security attachés (ASI), with Immigration Safety Advisor working with French diplomats abroad and Immigration liaison officer stationed abroad, or their counterparts stationed in France, is essential.

OCRIEST/UCOLTEM is intending to keep on developing connections directly with sources and transit countries, but will also work on expanding their cooperation networks by integrating third world countries to multilateral European projects. This highly targeted and operational cooperation with countries where there are legislation and structures dedicated to the fight against networks (Niger, Senegal and Morocco), aims to uncover and dismantle networks much earlier in the process.

PONAM has its own network, in its field of competence, and tight connections with FRONTEX agency.

3. Good practices

JOT DUNQETT project (current EMPACT cycle) and the forthcoming JOT DOC FRAUD project.