

Crime prevention policy	
EU- priority	Illegal migrant smuggling
Country	Poland
Year	2019

## 1. Overview of the field

### Definition of Illegal migrant smuggling

In Polish Penal Code illegal migrant smuggling is penalized by article 264 par. 3 of the Act of 6 June 1997 Penal Code (Polish Penal Code), which states that whoever organize illegal border crossing to other people will be punished by imprisonment from 6 months up to 8 years.

*Polish Penal Code:*

*Art. 264. Illegal entry.*

*§ 2. Anyone who illegally crosses the border of the Republic of Poland through the use of violence, threat or deception, or in concert with others is liable to imprisonment for up to 3 years.*

*§ 3. Anyone who arranges for others to illegally cross the border of the Republic of Poland is liable to imprisonment for between 6 months and 8 years.*

*Art. 264a. Assisting illegal immigration.*

*§ 1. Anyone who, for financial or personal benefit, enables or facilitates another person's stay in the Republic of Poland in breach of the law, is liable to imprisonment from 3 months to 5 years.*

### Assessment of trends and developments

To the best of Polish Border Guard (BG) knowledge, we distinguish the following main channels of migrant smuggling:

- ✓ Russia – Estonia/Latvia – Belarus/ Lithuania – Poland – EU states ,“Baltic route”;
- ✓ Russia – Ukraine/Belarus – Poland – Germany – EU states;
- ✓ Syria or Iraq – Turkey – Greece – FYROM – Serbia – Croatia – Hungary – Austria – Slovakia – Czech Republic – Poland – Germany, “Balkan route”;
- ✓ Turkey – Ukraine – Poland – EU states;
- ✓ Vietnam – Ukraine/Romania –Slovakia/Hungary – Poland.

### **BG recognize the following modus operandi of criminal groups facilitating migration:**

- 1) crossing the EU's external border on the so-called "green border" (this applies mainly to Ukrainian, Russian, Turkish, Vietnamese, Syrian and Iraqi citizens).**

Due to the good security measures on the external border and a high risk of detection this is not a mass phenomenon. Most incidents have been identified at Ukrainian border. The largest number of apprehended are from Ukraine and from Turkey, Russia, Syria and Iraq. However, we should bear in mind the fact that recently Ukrainians have been reported more and more foreigners arriving to them. Moreover migrants declare willingness of further travel

to the Western Europe. We can assume that some of them will probably cross the border with Poland illegally, and the threat of organizing migration by criminal groups will increase.

**2) Crossing Polish borders against the law, after earlier crossing the EU's external borders in Baltic countries - "Baltic route" or from the south – "Balkan route".**

On the Polish Lithuanian border the threat of illegal migration of Vietnamese, during last couple years, is stable. This so-called "**Baltic route**" is dominated by Vietnamese and Chechen groups, who often cooperate with Ukrainian or Polish citizens.

Last year, there was a modification of the "Baltic route", namely the Vietnamese started to travel by air to Kiev (Ukraine) from where they could reach, with the assistance of criminal groups, Slovakian or Hungarian border. They were smuggled through the EU border and continued the journey to Germany via Poland or the Czech Republic.

Quite often criminals while transporting migrants (especially Vietnamese) took advantage of the "Bla Bla Car" portal, through the Polish territory. In such cases drivers were not linked directly to the criminals and were not aware of what they were doing. Other very popular way of smuggling people was to use an expensive rented cars to avoid any suspicions and on road checks.

There were also cases of smuggling Vietnamese in cargo spaces of vehicles or trailers or refrigerated cars on the route from Romania.

**"Balkan route"**

As regards to the „Balkan route" illegal migration in hidings, in cargo spaces of truck sets and buses or van is the main problem.

Germany are the most common destination country. The route often evolves, usually bypasses Poland, but e.g. in case of introduction of intensified border control on the Czech - German border, migrants are smuggled through the territory of Poland.

Criminals modify their modus operandi depending on the activity of law enforcement. Migrants have been transported in truck trailers or in hidings in lorries, then near the Polish-German border often change means of transportation to passenger cars in which they cross the border.

It has been determined so far that the transport of migrants is mainly carried out by means of transportation with Romanian, German, English registration numbers or trailers registered in Turkey, Romania or Serbia.

It is worth noting that currently the most common practice is to put migrants in lorries by smugglers, in groups of 2 to 7 people (usually 3-person groups), without the knowledge of the driver. The disclosure of migrants is usually on the territory of Poland and takes place when during unloading or at a stopover. This threat is growing year by year.

A new trend appearing is above mentioned smuggling of Vietnamese in hidings prepared in means of transportation via "Balkan channel".

**3) Crossing the state border of the Republic of Poland on the basis of forged or counterfeit documents, including falsified or altered border stamps or "lookalike" method.**

Referring to organization of illegal migration on forged travel documents (like passports, ID cards or residence permits) most cases were linked to Ukrainians, Russians, Belarusians, Turks, Albanians and Chinese. Mostly identified nationalities on the internal border were Ukrainians, Syrians, Vietnamese, Georgians and citizens of India.

The air channel from southern Europe (especially from Greece) is still popular, especially among the Syrians. People who provide false documents usually reside outside the Republic of Poland (in Greece, Italy, Turkey). We have a limited data on the organizers and intermediaries on this route. Most such incidents have been revealed at two airports: Warsaw - Modlin and Warsaw Okęcie.

The phenomenon of altering control stamps in order to confirm the "legitimacy" of stay in the territory of the EU, is used when the foreigners overstepped period of stay. Such action is also used by foreigners in order to confirm required time of residence at the EU or legality of entry. This mainly applies in particular to the citizens of Ukraine, Russia and Belarus. Some pieces of information indicates that the scale of the "look alike" method dropped down. Today, we can say that criminals have been moving away from this method. This is most likely the implication of visa abolition for Ukrainians, who were the main perpetrators.

**4) Abuse of entry to the Republic of Poland on the pretext of learning, work, for tourism, business or cultural purposes, by using fake or false documents entitling to obtain a relevant visa, or by misleading at the stage of applying for a visa a government officials– wrongfully obtained visa.**

For several years, there has been growth of newly opened companies, as well as theirs new branches, run by Polish citizens and foreigners. Those companies by using deception and by misleading state officials have been helping foreigners in acquiring genuine visas and to legalized their stay in the territory of Schengen.

As in previous period phenomena of abuse of the procedure for refugee status concerns mainly Russians with Chechen nationality.

Using sham marriages is marginal in Poland. However it is worth to mention that Polish citizens are recruited by criminal groups to be a "wife", mainly for Pakistanis, Nigerians and Indian citizens. The wedding itself is concluded in most cases on Cyprus.

### Recent overview of statistics and research

#### SUSPECTED PERSONS according to BG:

Area of crime	2017	2018	3 quarters of 2019
Facilitating or organizing of illegal migration	1376	1407	1115
Crime against documents	2513	2684	1624

#### INITIATED PROCEEDINGS according to BG:

Area of crime	2017	2018	3 quarters of 2019
Facilitating or organizing of illegal migration	1158	1040	875
Crime against documents	3667	3473	1987

This type of crime remains mainly within the substantive property of the Polish Border Guards, however Polish Police had two case of illegal migrant smuggling in 2019 and 1 in 2018.

## 2. Crime strategy and coordination

### Objectives of the crime strategy

The main objectives are:

- to recognize, prevent and combat the organized criminal groups involved in illegal migrant smuggling,
- to take away the financial or other material benefits they have gained from this crime.

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

Polish Border Guard closely cooperate with Police and non-governmental organizations in the field of fight of THB crime, which very often accompanies to illegal migration.

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

The crime of illegal migrant smuggling remains mainly within the competences of the Polish Border Guards and the Office for Foreigners.

Polish Border Guard cooperate closely with national partners like Police, National Revenue Administration or Internal Security Agency.

This cooperation encompass among others information sharing and knowledge exchange on threats and risk related to illegal immigration.

There is also a possibility to introduce a problem to the Group for Migration Policy, which is an advisory group of the Prime Minister. The Group supervises the process of creation and implementation the migration policy of the country.

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

The crime of illegal migrant smuggling, as it was mentioned above, remains mainly within the competences of the Polish Border Guards and the Office for Foreigners.

Moreover other entities involved in prevention and combating of illegal migrant smuggling are:

- the Police and which should be stressed, among other Police units, The Police Central Bureau of Investigation (specialized in combating organized crime);
- National Revenue Administration;
- Internal Security Agency.

There is also, mentioned above, Group for Migration Policy, an advisory group of the Prime Minister. The Group consists of the high level representatives of the ministers and other national institutions responsible for implementation of migration policy.

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

At the EU level Polish Border Guard closely cooperates with Europol and is an active member of EMPACT Illegal Immigration priority of EU Policy Cycle. Beside that BG cooperate with Frontex and Interpol and participates in international training, workshops and experience exchange.

Moreover The Police Central Bureau of Investigation cooperates in this field with Europol specialists within Analysis Projects (previously called Focal Points).

### **3. Good practices**

#### **Overview of recent good practices, prevention programs, etc.**

Polish Border Guard – the main stakeholder in the field of illegal migrant smuggling – have not been run any prevention program so far.