

Organised immigration crime: a post-conviction study

Sarah Webb and John Burrows

The Home Office is committed to understanding better the criminal markets for organised crime, and tackling organised immigration crime is a key priority. This report outlines the findings of an interview programme with a small number of prisoners convicted of organised immigration crimes, and was commissioned with a view to gaining a greater understanding of the dynamics of facilitated entry into the UK.

Previous studies that have investigated the process have relied on interviewing the *victims*: those who have come to the attention of the authorities via the enforcement services, international organisations or non-government organisations (NGOs). These studies have usually been based on small numbers of victims, and there is a significant gap in research that attempts to understand the trade in smuggling/trafficking from the perspective of the offenders themselves. A key aim of the study was, therefore, to strengthen the evidence base by shedding light on issues that have not been explored in previous assessments.

Organised immigration crime is typically considered to comprise two discrete activities: people smuggling and people trafficking. *People trafficking* differs from *people smuggling* primarily in that it is carried out with the principal purpose of exploiting the trafficked individuals once they have reached their destination. Unlike smuggled individuals, trafficked individuals are not usually complicit in the process.

This study is based on interviews, conducted in 2006 with 45 prisoners convicted of people smuggling/trafficking offences in 2005. It should be noted that this sample of prisoners does not represent a balanced cross-section of the people who participate in organised immigration crime, and the opinions presented should not be taken as generally held by those involved in people trafficking/smuggling. It is important to bear in mind that corroborative information was only available for some of the interviewees. This limits the degree to which views expressed can be put into, and understood within, an objective factual context.

Approach

A pilot exercise was carried out between January and March 2006 to assess the mechanics of conducting the research, including making contact with prisons, enlisting the prisoners' cooperation and the interview content.

A sizeable proportion of those prisoners identified as convicted in 2005 had been transferred, released or deported. But of those available for interview (and within the set timescales), 45 out of 65 (70%) agreed to take part and were subsequently interviewed.

Most of the 45 prisoners interviewed were males (85%) and the average age was 35.5 years. They encompassed a very wide range of nationalities and came from all regions of the world – although those from the Balkans constituted the largest group, followed by those from the UK itself. Of the total, just over half could be categorised as having been involved in people smuggling, and just under half in trafficking.

It should be recognised that some or all of the interviewees may have wished to sanitise or embellish their accounts. Although attempts were made to corroborate interview accounts, as noted above this was not always possible.

Issues addressed in the report

In describing the results from the interview programme, the report starts by seeking to clarify what might be meant by 'the market' in this area and then sets out the principal features of the 'demand' side of the equation (why the UK is chosen). It then describes the trafficking/smuggling process, sets out details gathered on trafficking/smuggling operators and their perceptions of the market, and outlines the information given about their victims/clients. Finally, it addresses attitudes towards the perceived risks of actions taken by the regulatory authorities.

The views expressed in this report are those of the authors, not necessarily those of the Home Office (nor do they reflect Government policy).

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This account provides a range of perspectives on the market for facilitated entry, and these go some way towards helping to understand the robustness of the market in this area. But these perspectives often vary widely. Differences can be attributed to the different roles and activities that the offenders have assumed in smuggling/trafficking operations, or perhaps to differences in perceptions, but they contribute to a wide mosaic of accounts across a very broad-ranging area.

The distinction between ‘trafficking’ and ‘smuggling’ rests on the apparently straightforward point that those wanting to be smuggled into the UK are purchasing a service, whereas those trafficked are coerced. But the activities of trafficking and smuggling operations overlap, and the overall market can be presented as a continuum between these two extremes, where – because of financial circumstances and because they are buying an illegal service – many initial ‘clients’ of smuggling operations can end up as ‘victims’ of traffickers.

Key findings

The overall picture conveyed is that the facilitation of illegal entry to the UK constitutes a profitable business.

Demand

- Demand for entry to the UK from a wide range of world regions is significant and potential migrants will go to some considerable lengths and expense to get to the UK.
- This demand is predicated on a set of features that make the UK particularly attractive to migrants including: the health of the illegal economy, the existence of established Minority Ethnic communities, the universality of the English language and the UK’s comprehensive healthcare and benefit systems.
- The clients of smuggling operations reflected a variety of backgrounds and ages and included men, women and children – though young men seeking improved economic prospects formed a significant group.
- The victims of trafficking operations were largely young women made vulnerable by poverty and family breakdown.
- Demand for sex workers in the UK is seen to support a market in trafficking young women into the country, who may or may not be entering the market knowingly.
- The countries of origin were widespread and tended to reflect the nationalities (or world region) of the facilitators.

Organisation

- The way facilitation businesses are organised varies greatly; with highly organised and sophisticated set-ups operating in the same market as less formal, smaller-scale structures. What facilitation organisations do have in common is a flexibility that enables them to tap into market opportunities and adapt effectively to potential risk.
- Complex, hierarchical business structures are relatively rare, with most operations relying on links between independent cells or brokers.
- The variations in business structure applied to both smuggling and trafficking organisations, with neither area of business favouring any particular arrangement.
- Family (and other social) contacts are often pivotal to the business links and arrangements.
- Many organisations operate within discrete ethnic or immigrant communities, though cross-ethnic arrangements do exist and casual employees are sometimes recruited from outside the principal ethnic group.
- Key players in the facilitation business may be positioned within the UK or abroad, but are generally adept at avoiding detection; the greater risk being conferred on operatives responsible for the more menial activities.
- Cross-sector smuggling (e.g. drugs) may be undertaken alongside or as an adjunct to facilitation.
- Many of those involved in the market for facilitation are likely to have been (illegal) immigrants themselves at some stage. Others have diversified into facilitation from legitimate business activities.

Costs

- Though the opportunities to compare like with like were limited, there was a degree of consistency in the accounts of the cost (to the client) of illegal migration and the price paid for victims of trafficking, particularly from Eastern Europe.

Profits

- The profits can be considerable and, in the eyes of those interviewed, this certainly outweighs the perceived risks.
- Business dealings are often conducted using cash, and much of this will be exported to other countries or never enter the UK in the first place.

Risks

- The perceived benefits of entering the UK are based on an assumption that UK immigration policy and immigration controls are relatively lenient, although some interviewees perceived that the UK had become less attractive recently.
- Similarly, the smugglers and traffickers themselves perceive that the risks of detection are low and that, if caught, sentences will be less harsh than for other offences, particularly drug smuggling. However, many interviewees expressed genuine surprise at the severity of the sentences that they had received.
- The cultural and language barriers that contain many immigrant communities are believed to offer considerable protection from investigation and enforcement.

Competition and rivalry

- Facilitation markets are based largely on discrete immigrant communities, geographical locations and routes which by default creates a series of separate markets and allows operators to develop their own 'niche'.
- Where business opportunities converge, the level of cooperation between organisations is reported to be high, based on the considerable volume of business to be shared out and the concern that 'trouble' would invite the attention of the authorities.
- When trouble does erupt, however, the recriminations can be harsh, even fatal, and there is some indication from these interviews and previous studies of gangster (mafia) involvement in the market.

Moral perspective

From a moral perspective, the offenders felt they could justify their actions and whilst some regretted breaking the law, most could not accept the intrinsic wrong in what they were doing. Indeed, some were keen to point out the benefits of their actions – such as enabling their clients (even the victims of trafficking) to realise their goals – and that they helped to provide labour for much needed occupations in the UK.

The value of conducting interviews with prisoners and implications for future work

Overall, although there were some inherent problems, the study showed that offenders convicted of facilitated entry offences could be identified and located in the prison system, and that the majority were willing to participate in the interviews. The report offers guidance, from the experience gained in the current research, about key points that those conducting similar work in future may wish to take into account.

While a wealth of exploratory material was gathered from this process, there are inevitable warnings about the honesty and reliability of the prisoners' accounts. It is important to note, for example, that the respondents, while willing to talk about the market, were often unwilling to concede their role in the offences.