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**Organised crime, corruption and the
movement of people across borders in the
new enlarged EU:
A case study of Estonia, Finland and the UK**

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FOREWORD

This report was completed some time ago but for reasons beyond our control its publication has been delayed until now. The issue of the illegal movement of people retains its topicality and continues to be equally relevant as it was at the time of the project fieldwork. For example, recently, HEUNI has completed a further report on the FLEX project (Trafficking for Forced Labour and Labour Exploitation in Finland, Poland and Estonia, HEUNI Publication No. 68), and the report on trafficking for sexual exploitation published by The Swedish Council for Crime Prevention (Brå), accompanied by a Finnish country report published as HEUNI report No. 62 also indicate the importance of this area of research.

The research reported on here was innovative as it included law enforcement practitioners and authority representatives in a constant dialogue with researchers. The aim was that this would allow for discussion of the data as it was gathered throughout the project. The intention was that data collection and interpretation formed a permanently iterative, self-correcting process and to some extent this was achieved.

It was also an aim that the Expert Groups created for the project would continue once the research phase was completed in order to maximise the sharing of information and to sustain a dialogue between different professional groups. This aim proved to be over optimistic as there were too many problems caused by information sharing. It would seem that without external pressure and support, such formal cross-authority forms of co-operation do not survive spontaneously. The same could be observed in the context of the FLEX project. Our conclusion is that should such “horizontal” groups be created they will only continue if there is a budget and a responsible coordinating body established on a permanent basis. If not, the sustainability of such co-operative relationships is low.

Our involvement in this topic brought us into contact with a multitude of experts, operational law enforcement personnel and policymakers who proved to be helpful in more ways than we could have hoped for or had a right to ask. These professionals have enriched our work and lives and on behalf of all colleagues involved, we wish to express our gratitude to all for the help and support we received.

Helsinki & Manchester 18 April 2011

Kauko Aromaa & Jon Spencer

CHAPTER 1: INTRODUCTION AND SOME METHODOLOGICAL ISSUES

Introduction

The project reported here is a three-country project, Estonia, Finland and the UK. It is funded by the European Commission AGIS Programme, The Directorate General Justice, Freedom and Security. It investigates the issues of corruption by organised crime in relation to border controls and immigration using as a case study the Finnish-Russian and the Estonian-Russian border. It also considers the methods of facilitation of people across borders, the role of crime groups and networks as well as organised crime and the relationship between illegal facilitation and exploitation in the labour market.

The aim of the research was to investigate whether at border points there was evidence of corruption of officials in order to facilitate people across the border illegally. The issue of organised crime was identified as an important factor in understanding how people might be moved across borders illegally. If there was evidence of organised crime it would suggest that transnational networks between organised crime groups might exist and that there are strategic forms of communication between the organised crime groups in order to facilitate the maximisation of profit through the movement of people. If such an influence of organised crime in 'immigration crime' were to be discovered then it would indicate that EU borders are porous and therefore readily exploited by organised crime groups.

In Finland, particular attention was given to the issues concerning the 'Development Plan of Border Guards' and the planned cooperation in relation to Organised Crime and Combating Corruption. The contention was that the EU border with Russia is 'weak' and vulnerable to corruption at different levels: systemic, institutional and individual. Our argument was that corruption is used to maintain the flow of people across the border illegitimately by utilising existing legitimate channels. It was the Finnish view that organised crime groups used the Finnish – Russian and the Russian – Estonian borders to bring in illegal immigrants into the EU.

Consequently the project was designed to take account of organised immigration crime and so was required to address the issue of human trafficking along with people smuggling and facilitation of people across borders. This raised a number of definitional issues and highlighted the varying perspectives between academic approaches to the problem and those of senior policy makers and operational staff.

Introducing the definitional issues

The research had to engage with two definitional processes, one was that of corruption and the other was that of human trafficking and people smuggling. The definition of corruption that was agreed upon was the following:

Corruption is defined as many kinds of “irregular” influence, the objective of which is to allow the participants to make profits they are not entitled to, the method being the breaking of internal or external rules.¹

This definition was utilised in the research because it considers the use of irregular influence on officials or those in positions of trust and authority; it was also agreed that the perpetrator of corruption should be motivated by profit, although that profit could be evidenced in a number of ways such as monetary gain or favours or influence. Finally, there has to be an element of rule transgression, either legal rules or internal organisational rules or professional codes of practice.

In relation to the definition of human trafficking it was agreed that it was appropriate to use that of the United Nations as the EU primarily uses the definition of trafficking set out in the 2000 UN Convention against Transnational Organised Crime which states;

‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of other or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs’’²

This definition prioritises the trafficking of women and children for sexual exploitation and highlights the three core elements of trafficking; “the movement or harbouring of a person; use of deception or coercion; and placement into situations of exploitation’’³. The definition used in relation to human smuggling was that contained in The Protocol against the Smuggling of Migrants by Land, Sea and Air⁴ and was the second of the protocols accepted

¹ United Nations (2000) Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime

² Home Office (2007a) ‘UK Action Plan on Tackling Human Trafficking’ p.14

³ Home Office (2007b) ‘Trafficking for the Purposes of Labour Exploitation: A Literature Review’ p.2

⁴ United Nations (2000) *ibid*

at Palermo in 2000. The Protocol states that smuggling or facilitation of people across borders is:

“The procurement, in order to obtain, directly or indirectly a financial or other material benefit, of the illegal entry of a person into a state Party of which the person is not a national or a permanent resident.”

These three definitions were utilised in the project in all three countries.

Methodological issues

A number of methodological difficulties have plagued attempts to research the illegal movement of people across borders, and have therefore affected the current level of understanding of the problem.

Definitions

Despite the UN definition of trafficking outlined above, the historic lack of a consensus on definitions of both trafficking and smuggling has caused problems for understanding the nature of trafficking and for the development of research methods. The problem with many of the definitions is that trafficking and smuggling are used interchangeably. So, it can be confusing when analysing data whether the respondent is talking about trafficking within the definition used within this project or whether they are discussing the smuggling of people. As Kelly has commented:

“Assessing what data we do have is made more complex by the fact that governments, the media, and even researchers continue to conflate migration, asylum, refugees, trafficking, and smuggling. Indeed it may prove impossible to resolve this conceptual confusion, since in some instances it serves political and ideological ends.” (Kelly 2005)

So, problems of definition are not just about a failure to agree or a poor use of language but may have ideological and institutional interests to serve. In addition, continuing disagreement regarding the applicability of the definitions has meant that this problem has not been solved. The main barrier for research is the lack of consistency in the way that trafficking and smuggling have been applied and which blurs distinctions for estimating the extent of trafficking. Whilst the UN definition provides a platform for consistent research and data collection, more improvement is needed to capture an accurate reflection of trafficking in human beings. The approach of the research team was to apply the UN definitions from the Palermo Protocol where possible. However, considerable scepticism was retained during the life of the project in relation to how migrants were being socially constructed.

Data collection

Despite migration becoming more important on domestic and international agendas, very few countries collect comprehensive and specific data on undocumented migration and human trafficking. In many cases, criminal offences for trafficking in human beings were only created in the last few years so data is difficult to source. Again, the issues of definitions are relevant as the way that trafficking is constructed may vary making any available data incomparable. Finally, as both human trafficking and moving people illegally across borders are clandestine activities, the only illegal migration and trafficking which is captured in data is that which is discovered and it is not known how generalisable this data is to the undetected instances. The collection of data currently underway as a result of the development of technology such as the Schengen Information System and other international migration databases may provide the opportunities for more reliable research into trafficking but this is yet to be evidenced.

Estimating the scale of the problem

The inability to accurately estimate the scale of illegal movement of people across borders and trafficking in human beings is linked to the obstacles of definitions and lack of data. The IOM estimates that there are roughly 20 to 30 million unauthorised migrants worldwide⁵. However, deciding whether the experiences of an individual are defined as smuggling or trafficking has a huge impact on estimating the size of the problem. Figures that are collected often refer to illegal migration, rather than trafficking and it is difficult to assess the proportion subject to trafficking. Most estimates are based on official figures from criminal justice or immigration authorities, which only include detected instances of human trafficking. It is thought that, at the most, only one in three illegal migrants are caught⁶ making any estimate an under representation. Finally, the presentation of figures is not often accompanied by an explanation of the methods used to reach that figure. As a result, it is difficult for the results to be judged or replicated.

Accessing migrants (trafficked and undocumented)

Most victims of human trafficking and those who migrate illegally rarely come into contact with official organisations or NGOs. As a hidden population, they are very difficult to access for research purposes. One consequence of this is that there is a dearth of good quality research that provides the migrant with a voice and so the accounts we have tend to be anecdotal. As there are few accounts of the migrants there is also no reliable research on the traffickers and

⁵ www.iom.int

⁶ Salt, J. (2000) 'Trafficking and Human Smuggling: A European Perspective' (2000) International Migration, p.40

organisers of migration crime. Those migrants that are discovered and who have been trafficked have been through an extremely traumatic experience and this raises serious ethical issues in their taking part in research. In addition, it is not known how the experiences of those discovered compares to the hidden population and so much of the current research cannot be generalised. Due to the access problems, samples are frequently small and therefore the generalisability of the research is limited.

In addition to the difficulties accessing victims causing problems for research methodologies, it also impacts on law enforcement approaches. The vulnerability and distress suffered by victims of trafficking and the lack of knowledge of the people involved in their movement and exploitation limits the use for witness testimony. The EU has acknowledged this problem and further provisions have been extended to victims of trafficking to assist them as vulnerable witnesses. However, the focus on prosecution has been criticised for failing to meet the needs of victims other than for the duration of criminal proceedings⁷.

⁷ Goodey, J. (2003) 'Migration, crime and victimhood' *Punishment and Society*, Vol. 5, No. 4, p.423-4

CHAPTER 2: PROJECT METHODOLOGY

Project methods

All three participating countries have carried out their own individual research following the framework jointly developed by the research team. The first version of the joint research report was made available in the three countries expert group meeting in January 2006 in Tallinn.

The project was constructed in two distinct parts. The first part of the project was to investigate what was known about how migrants moved illegally across borders and whether border crossing points were vulnerable to corruption. In order to gather this data the following methods were employed;

- Qualitative Data gathered from:
 - Law Enforcement officials
 - Government policy makers
 - Border Officials
- Participant Observation at Border Crossing points
 - Undertaken with UK Immigration Officers at the UK – French Border Calais, France
- Country based Local Area Network Research group
These groups comprised law enforcement officials from the key law enforcement agencies. The idea of the network groups was to establish a forum where the research group could interact with the operational law enforcement officers who could be an interactive part of the research process.
- Project Network Research Group
This group brought together members of the Local Network Groups to discuss the country findings and to consider the indicative findings from the research and to plan for the second phase of the project.

The data gathered from officials was completed in the first part of the project and was undertaken using a qualitative semi-structured interview schedule (see Appendix 1). Respondents were identified using official agencies as an indicator of those agencies that had responsibility for immigration issues. These agencies varied from country to country in the project but there were no significant problems for the research group to identify and contact each of the relevant agencies. The participant observation was undertaken in the UK only as there was no direct border crossing with a non-EU member state and so it was decided that data could be gathered by observing the process of how borders are secured on a day by day level. This proved to be non-problematic to organise.

The Country Based Project Network Groups were established to provide a two-way flow of information. It was agreed within the research group that the project would benefit from having an applied approach. It was considered that this would make engagement in the project more relevant to busy officials and would be a process whereby the project would be giving something back to law enforcement agencies. It was also considered that these groups would provide up to the minute situation reports in relation to immigration and human trafficking. These groups met frequently, with the UK and Finnish groups being more successful in terms of meeting and engagement. The Estonian group proved difficult to establish partly due to the commitments of law enforcement officials and their need to use the resource of time carefully and perhaps also some suspicion of the research. However, in all countries these groups were difficult to sustain over the life of the project, this may in part have been to do with project organisation but also with the continually changing personnel and organisational structures.

The Project Network Group met at the halfway point of the project in Tallinn, Estonia. This proved to be a useful meeting in bringing together law enforcement personnel from different countries. The agenda and schedule of the meeting is contained in Appendix 2.

CHAPTER 3: EXPLORING THE APPROACH OF THE EUROPEAN UNION TO THE MOVEMENT OF PEOPLE ACROSS BORDERS AND HUMAN TRAFFICKING

Introduction

As EU states, Estonia, Finland and the UK are affected to changes of EU law and policy in addition to domestic legislation. Historically, issues of trafficking have been relevant to EU policy since 1994⁸. In recent years, the Schengen Agreement and the Dublin and TREVI groups have instigated major changes. The UN Convention Against Transnational Organised Crime has influenced and shaped EU policy.

The Schengen Agreement was initially signed in 1985 by the Benelux Economic Union and was expanded to include 13 countries in 1997. The main themes of the Agreement are to abolish internal border controls, develop common asylum policy and to facilitate the collection and exchange of information initially via the Schengen Information Systems (SIS). The UK has opted out of the Schengen Agreement in order to maintain internal border checks whereas Estonia and Finland have fully incorporated the Schengen Agreement. Although the Schengen Agreement has ostensibly removed internal borders for signatory countries, the visa application processes contained therein can be seen to control the borders at a distance as migrants are not permitted to leave their country of origin until they have successfully applied.

In 1999 The EU Justice and Home Affairs Summit (Tampere) brought human trafficking clearly into the auspices of organised crime and highlighted trafficking in human beings, especially women, as a priority for law enforcement personnel⁹. This theme was continued with the creation of the UN Convention Against Transnational Crime 2000 including the optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The approach of the UK has seen human trafficking increasingly addressed from the perspective of organised crime with human trafficking coming under the auspices of the Serious Organised Crime Agency (SOCA).

The Council of Europe Convention on Action Against Trafficking in Human Beings is mainly concerned with the provision of assistance and protection for

⁸ For a comprehensive review of the historical development of relevant EU legislation see Skrivankova, 2007

⁹ Green, P. and Grewcock, M. (2003) 'The War Against Illegal Immigration' Current Issues in Criminal Justice, Vol. 14, No. 1, p.92

victims of human trafficking. The STOP and DAPHNE programmes, both EU initiatives, have worked with victims of sex trafficking, primarily women and children, through provision of victim assistance, education, awareness raising campaigns and the improvement of information exchange between member states.

Movement of people within the EU

The nature of the movement of people in the EU differs from the movement within countries due to the objectives and consequent policies that have worked towards creating an open migratory space inside the EU with geographically diverse external borders. Five major patterns of movement have been identified within the EU¹⁰;

- Through Russia, the Baltic and Poland
- Ukraine, the Balkans and the Czech and Slovak Republics
- Bulgaria, Romania and the Balkans
- Middle East and the Eastern Mediterranean
- North Africa and the Mediterranean

The basic philosophy of planning travel routes is simple. Typically, people try to travel as rapidly and cheaply as possible from point A to point B. It is normal that problems occur during the travel, such as: betrayals, false promises, or the need to mislead authorities. Due to such reasons, the travel routes are in practice complicated, expensive and time-consuming. Thus, the travel takes persons slowly and expensively from point A to point C. Point C can resemble the originally intended destination point B, but it may also be a large distance from B. The person(s) who ended up at point C can abide with the situation or try to make new contacts and earn more money to continue his or her travel to the originally intended destination point B. In practice, a person who pays his or her journey from China to the USA may end up in Russia, the Schengen area or North America, depending on the quality and reliability of the services he or she has bought, and on his or her personal good or bad luck. Once the person has paid those who organise the smuggling, he or she has no kind of guarantee, and no legal protection or complaining body to protect them, if the smugglers decide to deceive, abandon or even kill the person during the travel. The more misfortune the smugglers face from the side of the authorities, the more certain it is that they change routes or destination country.

Smuggling of human beings is common and the variety of routes is impossible to count. For example, one of the main routes from China is to use a direct flight from China to Helsinki. In some cases, the smuggled persons have used Moscow as an intermediate stopping point, as the Bangladeshi people have done. Moscow is an intermediate stopping point for many Africans who have

¹⁰ Salt, J. and Stein, J. (1997) 'Migration as Business' International Journal of Migration, Vol. 35, No. 4, p.474

direct flights to there from their home country. A journey that has started from India may go via South America to Paris and from there to Helsinki on the way to North America. Finland is a good bridgehead on the way to the Schengen area. Once the persons are in Finland and the Schengen area, the next destination of the persons is usually: Sweden, other Nordic countries, Germany, France and Spain. The most attractive destination to travellers to North America is USA and in Europe it is Great Britain. In the USA and the U.K., there are so many countrymen and relatives who share the same language, and can help in the beginning by hiding and guiding newcomers.

The individual country reports contain further detail of the patterns of movement within Estonia, Finland and the UK and the role of the country as a source, transit or destination country.

Market structures

Many commentators have discussed the advantages of viewing the trafficking of human beings as a market as a way of describing the structures that both make up and support the activity¹¹. The illicit and clandestine nature of trafficking influences the way in which the market is structured. A loose and flexible structure involving individuals with little knowledge of each other allows traffickers to reorganise their activities in response to changing law enforcement strategy and ensures little infiltration should part of the operational structure be detected. The flexibility of trafficking operations is often cited as evidence of the involvement of organised crime groups¹². The characteristics of the market for trafficking for sexual exploitation results in a network of isolated clusters linked together by infrequent contact, resulting in a low cohesion, low density network structure¹³.

Both legitimate and illegitimate markets can be seen to support trafficking by maintaining the demand for the services. This ranges from the supply of trafficked persons into the commercial and domestic industries (including restaurants, the building trade and agriculture) to the demand for trafficked persons to work in illicit and criminal sectors of the economy, the sex industry being most prominently reported. Trafficking may also be supported by the increasingly restrictive border control policies operating in many countries. As legal entry and asylum become more difficult to accomplish, the opportunities for traffickers to take advantage of vulnerable groups increase.

¹¹ Aronowitz (2001); Bruinsma and Bernasco (2004)

¹² Aronowitz (2001) 'Smuggling and Trafficking in Human Beings', *European Journal on Criminal Policy and Research*, Vol. 9, No. 2, p.176

¹³ Bruinsma, G. and Bernasco, W. (2004) 'Criminal groups and transnational illegal markets' *Crime, Law and Social Change*, Vol. 41, p.88-9

Organised crime

Features of the trafficking process suggest a close involvement with crime groups; the use of forged documents, large numbers of people being moved and the flexibility to vary the routes used. The extent of organisation in the trafficking of human beings can be categorised into 3 types;

- Small, local networks which are involved in moving smaller numbers of people across shorter distances with more short term involvement
- A set of small groups loosely connected which are responsible for providing small parts of larger, more complex movements and exploitation
- Organisations that are capable of transporting larger numbers of people over long distances and may also be involved in the ongoing exploitation of trafficked persons

It has been suggested that the opening of the Eastern borders has increased the opportunities for involvement of Ukrainian, Russian and Georgian organised crime groups¹⁴. However, there is a lack of reliable data to support these links¹⁵. In addition, to what extent this level of practical organisation and communication can be defined as 'organised crime' is debatable. However, the locating of trafficking in EU policy and legislation has seen the problem increasingly defined as one of 'organised crime' and therefore this has become the focus of much of the anti-trafficking strategy in individual countries.

It is important to distinguish between illegal border crossings and organised crime groups. Discussions repeatedly point to the importance of social networks (the presence of family or community in the country of destination) in the decision to migrate. Assistance to make the illegal border crossing may also be provided by those already in the country of destination. Subsequent exploitation by traffickers may alter the classification of such people although their initial arrival was facilitated by other means.

International co-operation

As a global phenomenon, one of the key recommendations in attempts to address human trafficking is increased international co-operation. A lack of co-operation either between agencies within a country or between countries presents more opportunities for traffickers to utilise inconsistencies and loopholes created as a result of the inconsistencies. Improving international co-operation covers a wide range of activities including, but not exhaustively, the

¹⁴ Smartt, U. (2003) 'Human Trafficking : Simply a European Problem?' *European Journal of Crime, Criminal Law and Justice* Vol.11, No. 2, p.170

¹⁵ Salt, J. (2000) 'Trafficking and Human Smuggling: A European Perspective' *International Migration, Special Issue*, p.44

exchange of information, co-ordinating law enforcement approaches and policies and provisions available to victims of trafficking¹⁶.

The UN Trafficking Protocol requires states to co-operate to provide measures to “alleviate factors such as poverty, low economic development and lack of equal opportunities”¹⁷. There is also heavy emphasis on Europol to enable organisation and co-operation between member states in relation to the investigation of trafficking incidences, particularly through the encouragement and facilitation of partnerships¹⁸. The development of FRONTEX specifically aims to improve co-operation in relation to border controls within the EU concentrating on integrating EU border management polices, border security strategies and an EU integrated border management system.

Corruption

It is widely understood that corruption has a significant role in facilitating the trafficking of human beings¹⁹. Corruption can occur in a range of ways from “active involvement in corrupt practices, to negligent or passive acts that allow corruption to happen”²⁰. The classic definition, followed by the World Bank and Transparency International, views corruption as the use of one's public position for illegitimate private gain. Abuse of power and personal gain, however, can occur in both the public and private domains and often in collusion with individuals from both sectors.

The research undertaken in this project indicated that the extent of corruption was not systematic or endemic but there were instances of low level corruption. Low level corruption has been categorised into the following typologies:

- Border-Guard Corruption: Widespread and (inter-)national. The example of the border-guard who is willing to ‘turn a blind-eye’ to a forged document in return for a one-off monetary gain.
- Visa Officials: It is argued that border corruption is more than just front-line corruption; border control corruption also applies to the embassy-based Visa Officer who is willing to fraudulently supply a visa. In such an instance, the ‘official at the gate’ would be by-passed altogether; the corruption/ deception would have already taken place. Essentially, the person arrives at the border with genuine documents

¹⁶ Aronowitz, A. (2001) ‘Smuggling and Trafficking in Human Beings’ *European Journal on Criminal Policy and Research*, Vol. 9, No. 2, p.190

¹⁷ Goodey, J. (2003) ‘Migration, crime and victimhood’ *Punishment and Society*, Vol. 5, No. 4, p.423

¹⁸ Marni, P. (2002) ‘Stopping the Illegal Trafficking of Human Beings’ *Crime, Law and Social Change*, Vol. 38, p.74

¹⁹ Zhang, S. and Pineda, S. (2008) ‘Corruption as a Causal Factor in Human Trafficking’

²⁰ Richards, K. (2004) ‘The Trafficking of Migrant Workers’ *International Migration* Vol. 42, No.5, p.158

(NB: they may have been gained using deception/ under corrupt circumstances) and is henceforth 'free to pass go'.

- Deception: 'Impostors' Cases of Russians posing as EU member state nationals, for example, as Lithuanians, for whom they fit the profile very easily and fraudulently applying for a Schengen visa to enable free movement around Europe. Illegal immigrants also use lost or stolen passports to travel, deceptively taking on the identity of the passport holder. In such instances, the passport has a short life and the window for opportunity tends to be within a month or so.
- Disappearance: Quasi-Legitimate Migration Facilitating Illegal Immigration. A visa for entry into a country is legitimately granted, border control legally stamps you in, and then you disappear or pick up a new identity using fraudulent documents. It is a very cheap and safe way to illegally migrate, remaining very appealing and convenient; the risks are low, the losses are low, but the gain is arguably high – you are free to work, become part of a community, and could eventually attempt to claim asylum.

CHAPTER 4: ESTONIA

Movement of people within Estonia

Estonia, one of the three Baltic States, regained its independence in 1991 after the period of Soviet occupation had lasted for fifty years. Since regaining control, the people of Estonia have made strenuous efforts to rebuild their democratic institutions and a free market economy. In May 2004, Estonia became a member of the European Union. In December 2007, Estonia became a part of the Schengen Area, the European border control-free territory.

According to the results of the last 2000 Population Census, the population has decreased 14% compared to the 1989 census data. However, the proportion of Estonian nationals has increased from 61% in 1989 to 69% in 2008. The reasons for this development are twofold. First, a considerable number of Russian citizens have left Estonia since the re-establishment of independence. In 2008, 26% of the population was Russian. The high proportion of Russian people is the result of several large waves of immigration during the 50 years of the Soviet regime.

After regaining independence in 1991 Estonia adopted very strict citizenship policies. Only pre-annexation Estonian citizens and their offspring were acknowledged as legitimate Estonian citizens. All others (mostly those whose native language was Russian) were obliged to either apply for Estonian citizenship by naturalization or apply for residence permit. To apply for Estonian citizenship by naturalization, a person is required to pass an Estonian language exam – a procedure not everyone was able or willing to complete. Those who were neither eligible for automatic Estonian citizenship nor gained it through naturalization had an option to gain citizenship of the Russian Federation. A large proportion of the Russian speaking population followed this route. However, some did not want Russian citizenship, these people were given status of “non-citizens” or “aliens”. Problems associated with a significant part of the population having ‘alien’ status still exist today.

Experts have raised concerns that the recent memberships of the EU and the Schengen area will cause problems for Estonia due to the increased flexibility of border controls. However, there is no pre and post data available for comparison to test these concerns.

Availability of data

The data was collected from different sources. The main empirical material came from interviews with experts who deal with illegal immigration issues in their everyday life. This included experts from Department of Migration, the

Centre for Illegal Immigrants, Ministry of Foreign Affairs, Ministry of Social Affairs, Ministry of Interior, police representatives, prosecutors, border guards and customs. In total, 24 semi-structured interviews were conducted between October 2005 and January 2006. The interviews were recorded, transcribed and analysed using Atlas.ti software. Material was also obtained from records of court proceedings in cases of trafficking and corruption of officials. Additionally, media reports on illegal immigration, trafficking and related corruption cases were examined. The analysis presented in this chapter is based on all these sources.

Regular statistical data on migration – legal as well as estimations of illegal migration in Estonia – is unavailable. Researchers find that this situation restricts the scope of migration studies in Estonia. The situation with statistical data was somewhat improved in 2008, when The Immigrant Population Survey was conducted. This survey revealed that the number of immigrants who have entered and are currently residing in Estonia since 1992 (so called recent immigrants) is about 6,600.

Both legal and illegal migration can be characterised by a pattern of considerable outflow from Estonia with just a small number of people arriving. The number of illegal immigrants is difficult to estimate, not only for researchers but also for the experts working on this field:

Probably this exact number, how much illegal migrants there are, I think, in Estonian Republic, I think nobody knows. I think so and it is not possible, because it is such latent theme, it is not possible to define with hundred percent precision. (Int 17)

However, all respondents participating in the study agreed that the number of illegal immigrants arriving to Estonia is small:

I only have heard of few...few illegal migrants like those, for example, who later claim for asylum. There have been only 19 cases, so we cannot really speak about high numbers of illegal migrants moving to Estonia or happening in Estonia. (Int 2)

How much of them there have been... over a hundred, some 105-110 asylum seekers in total in Estonia. 60 of them have been in our centre . Of them four have got refugee status. (int 6)

In their everyday work, experts encountered different kinds of illegal movement of people. The main pattern of illegal movement in Estonia is trafficking in human beings, mainly related to trafficking in women for the purpose of sexual exploitation. In the cases of trafficking in Estonia, as a rule, is a source country. The destination countries for trafficking in women usually include nearby countries: Finland, Sweden and increasingly Norway. Among the other countries the interviewees mentioned Japan, Germany, Great Britain, Ireland and The Netherlands as destination countries. The purpose of trafficking out of Estonia is generally to supply sex industries, mostly strip clubs and brothels. There were few cases when women from other countries

(Russia, Ukraine, and Moldova) were trafficked to Estonia with the purpose to engage in prostitution.

Other illegal immigration cases were few and related to human smuggling and illegal crossing of borders. Another significant group of illegal immigrants are those individuals referred to above who have become illegal due to the change in the political situation in Estonia.

Border controls and patterns and ways of moving (illegal) persons

As outlined above, Estonia plays a significant role as a source and transit country while remaining rather unattractive as a destination country. The main reasons for this are lower economic development compared to older European countries such as Finland, Sweden or UK and very low level of social benefits provided by the state to unemployed persons or refugees. Estonia as a destination country is attractive to migrants from CIS countries – Russia, Byelorussia, Moldova, and Ukraine. Experts referred to pull factors including the ability to secure short term employment; Russian is widely spoken in Estonia and increased living standards.

Estonia is more frequently a transit and source country. The main transport into Estonia is coach and out, towards Scandinavia is ferry. The following routes were discussed;

- *From Russia to Scandinavia via Estonia.* Immigrants from CIS countries cross borders with legal documents although they do not have permits to work or for long term residence and so are issued with false documents.
- *From Turkey/Iraq to Scandinavia via Estonia.* Borders on this route are crossed with forged documents; immigrants that are stopped by authorities apply for asylum.
- *From Estonia to Finland/Sweden/Norway/UK/Ireland.* The borders are crossed legally due to membership of the EU.

Several patterns were described by our experts regarding fraudulent documents. The most common fraudulent documents referred to were Lithuanian passports or driving licences. This does not mean, however, that these cases always involved Lithuanian citizens as Lithuanian documentation is notoriously easy to counterfeit. Experts mentioned that several counterfeiting 'factories' had been discovered a few years previously

There were also instances where stolen or 'borrowed', valid passports or ID cards are used. When the person producing the photograph resembles a person with similar face shape, hair colour and other similar features, it would be very difficult for a border guard to spot the difference. It is especially true with people of other races, as they look very alike to an Estonian.

Experts agreed that to obtain forged passports or false identities, a relation to criminal networks is needed. Discussing the existence of criminal groups, experts concluded that criminal organisations are involved in these activities but not as main organisers but rather as a service providers or links in the chain that brings a person from one country to another. No corruption was mentioned in regards of forging passports or ID cards.

Corruption

As above, in the majority of cases people cross the border with legal documents, having obtained a tourist visa to enter Estonia. To obtain a visa, a person needs an invitation from Estonian resident or legal body. Experts noted that there is no problem for persons from CIS countries to get such an invitation, because many of them have relatives or acquaintances living in Estonia. A person becomes an illegal immigrant when he/she remains in Estonia after the visa expires.

Interviews revealed an instance of corruption related to the visa application process. Police stopped a person with tourist visa who had not left Estonia in due time, while there was a police database entry indicating that this person has already left the country. When police asked border guard to clarify on it, the record disappeared.

Interviews did not reveal extensive information relating to cases of corruption although it was not suggested that there is no corruption related to migration and border control. The general consensus was that corruption exists, but experts did not personally know anybody involved. Experts referred to cases of corruption that occurred several years ago or had occurred in other departments;

It is clear that customs and border are the most vulnerable places for corruption and this was confirmed in practice. (Int 9)

There are a few court cases dealing with corruption of border guards or custom officials as follows;

- In 2003 a border guard at Luhamaa border control point took a bribe for letting a person to smuggle goods over the border.
- In 2005 a border guard allowed a person to bring three grenades over the border. In exchange he received a bribe. The same year another border guard officer was found guilty for receiving a bribe in exchange for a letting vehicle through to carry smuggled cigarettes.
- The biggest corruption case in 2005 was also related to borders. For a fee (5-50 EUR) customs officers from Luhamaa cordon allowed trucks to cross Estonian-Russian border without checks. This corruption scheme was working for at least half a year and nearly all personnel was involved. When the case became known, the personnel of Luhamaa cordon was replaced.

- In 2007 a border guard was found guilty of providing interested persons with information on border guard officers' names, working hours and exact border segments where they are on watch.

Therefore, there are vulnerabilities for corruption in regard to moving people across the Estonian border. All of these situations can be easily used to move people illegally. For example, trucks that pass the border without checks can easily bring not only undeclared goods but also illegal immigrants or victims of human trafficking. The latter described case suggests that the so called "green border" is vulnerable to be crossed illegally and that some officers would allow such border crossings to happen.

One can distinguish between so called "soft" and "hard" measures used to deal with corruption. While the former are aimed at prevention of the possibilities of corruption the latter are concerned with punishment of corruption offences. At the same time with the interviews for the current project, there was an Anti Corruption Strategy in place. The "Honest State" strategy proposed a number of specific steps aimed at reducing the risk of corruption in Estonia. It proposed several measures to prevent corruption as well as outlining proceedings regarding corruption offences. The main focus of the strategy was local governments and local authorities. The strategy recognised that previous government anti-corruption activities were directed to reduce corruption among state authorities:

"The fight against corruption has been conducted systematically and effectively in state authorities where the risk of corruption is the greatest, primarily the police and the customs authorities. The reduction in the risk of corruption has been facilitated by the introduction of strict controls and the reorganisation of certain procedures, such as the ending of cash transactions."

It was recognised that "the level of corruption in Estonia is lower than in most of the other EU Accession Countries. On the other hand, the level of corruption in Estonia is significantly higher than the average level in the current EU Member States"

One of the possibilities to reduce opportunities for corruption is rotation of the personnel. It is used now by both border guards and customs.

Border guards have this nuance that border guards rotate, they are not very long in one place, so there will not be just one official at the place for you, who it is worth bribing. So you need to approach them case by case and then the possibility is high that he has just arrived there and he will not go with you, he will just turn you in. But customs officers – now they are not any more, they are also rotating – previously they have been always at one place for years and all their faces were already known so there was no problem to become friends and to ask him for a favour. (Int 20)

Another effective measure according to our experts is strict control over the officials. There is an internal control service at the Border Guard and Customs departments. Additionally, the security police (KAPO) also has the right to deal with corruption cases. For a corrupt official the risk of being caught is relatively high.

Border guards... of course if they would like to take money... but the risk is high, there are customs, tax board internal control or investigation department and plus KAPO. (Int 18)

Exploitation

Since the early 2000s, the issue of Trafficking for the purpose of sexual exploitation has received considerable attention. Important roles here are played by awareness raising campaigns first organised by international organisations such as the Nordic Council of Ministers or the International Organisation of Migration. This process has resulted in the adoption of an Action Plan to Combat Trafficking in Human Beings in 2005. To understand the problems related to definitions relating to trafficking one should look at least briefly at the Estonian legislation on trafficking.

Estonia has joined a number of declarations and international legal acts, whereby it has assumed the obligation to combat trafficking in persons in its different forms and hypostases. The Penal Code of Estonia lacks a specific offence where trafficking in persons is a crime. Therefore the actual cases of trafficking in persons can be defined, under Estonian laws, by means of other offences. The most important ones in regard to THB are: enslaving (§ 133) and abduction (§ 134).

'Enslaving' is defined as "placing a human being in a situation where he or she is forced to work or perform other duties against his or her will for the benefit of another person, or keeping a person in such a situation, if such an act is performed through violence or deceit or by taking advantage of the helpless situation of the person". Enslaving is one of the most important corpuses delicti of the Penal Code, by means of which offenders can be brought to criminal justice for trafficking in persons in Estonia. However, problems arise due to definitions of working "against his own free will" and "to the benefit of another". Working against one's own free will presuppose absolute coercion, which is a very rare occurrence in actual cases of trafficking in persons. More prevalent is the transition from easier forms of exploitation to graver ones (e.g. from striptease, to making a pornographic work, to paid sexual relations), where the victim has given her consent to partake in easier forms but withdraws that consent at a later date. The sexual exploitation of women is normally carried out when the person is paid a certain fee. However, that fee is significantly lower than that which is paid to third parties. Conceivably, it is due to the failure to formally comply with such conditions that the courts have had difficulties convicting people using this definition of enslavement. The

main difference between enslavement and trafficking in persons evidently lies in the fact that the person will no longer be placed in the “state of the classical slave”, rather she would be placed in the states being “like enslavement”. Such an approach is, among others emphasised by the UNO trafficking-in-persons definition.

In the first version of this paragraph enslavement was defined as forcing a person to work “through violence or deceit”. The enslaving paragraph was amended in 2007 according to article 1 p. EU Council Framework Decision of 19 July 2002 on combating trafficking in human beings (2002/629/JHA). In addition to use of violence to gain control over the person, “an abuse of authority or of a position of vulnerability”, which is such that the person has no real and acceptable alternative but to submit to the abuse involved” is also considered enslavement.

'Abduction' is defined as “taking or leaving a person, through violence or deceit, in a state where it is possible to persecute or humiliate him or her on grounds of race or gender or for other reasons, and where he or she lacks legal protection against such treatment and does not have the possibility to leave the state”. The goal of the *corpus delicti* is to provide further protection against being subject to enslavement or discrimination. It provides a framework of punishment for the seemingly regular act preceding the enslavement (in case of taking a person to another country). Commentaries to Penal Code specify: “as a rule, it is the connection of the first links in the chain of trafficking in persons (the fraudulent travelling agents, the recruiting agents etc) with the actual violation of personal freedom (forced marriage, prostitution etc) which is especially hard to prove”.

An important change to Estonian legislation is the amendment of the Aliens Act which prescribes the possibility of issuing temporary residence permits to trafficking victims that entered into force on 1 February 2007.

Most often, women are trafficked from Estonia for the purpose of sexual exploitation. Studies reveal that women have often been already involved in prostitution prior to moving abroad. Women consent to be engaged in prostitution, and physical violence is rarely used by traffickers, especially during the recruitment phase. This issue of voluntary participation in the provision of sex services raises the question whether or not such women can be considered victims of trafficking. Experts interviewed for the current study often demonstrated that although they are aware of the issue of trafficking, in their opinion a prostitute cannot be seen as a victim of exploitation.

Because these persons go voluntarily and do a job there, then we cannot talk about human trafficking here. As we know, in European states and in legally developed countries prostitution is legalised. We should look in this context that people come and do this job voluntarily, in this context we cannot consider it a trafficking case.(Int.1)

Cases haven been reported involving people from Estonia looking for employment abroad, who consequently become victims of fraud and labour

exploitation. Interestingly, while cases of trafficking for sexual exploitation come to the attention of police – usually when a brothel is discovered or a pimp arrested – cases of labour exploitation will not be reported. People who go abroad and become victims of fraud, exploitation, sometimes even violence, usually think that this is their own fault; they took a risk and lost.

An acquaintance of mine went to Spain with the assistance of one firm from Tallinn, to collect oranges. She told me that she went to Tallinn for a consultation and everything seemed very trustworthy...She paid about 10,000 EEK (equal to more than 600 EUR -A.M.) and for this money she was taken to Spain. Lithuanians met this woman at the airport, collected her passport and drove her to a farm and ordered her to work. Every evening...a group of Lithuanians come to collect the day's earnings. When one lady opposed, she was beaten...Because the acquaintance of mine spoke some Spanish and her daughter was living in Spain, she was lucky to get out of there...But she did not go to the police. (Int 7)

Official approaches

At the time of the field work, Estonia had just joined the EU but was still not a member of the Schengen agreement. After accession to the EU, border regulation has changed dramatically. Checks of EU citizens' documents have become more relaxed and border guards no longer enter border crossing information into a database. Such procedures are only necessary for non-EU citizens. Experts agreed that these rules were favourable for tourism but found that as a result the vulnerability of borders increased. The main concern, however, was in relation to Estonia joining the Schengen area (21/12/2007). Experts recognised the benefits of being part of Schengen but at the same time highlighted the risks.

The benefits of joining the Schengen area are unified operational standards, a unified monitoring system to track the movement of persons around Europe and institutionalised co-operation amongst authorities in the EU. Sharing common information systems will help and will have a positive impact on illegal immigration from countries outside Schengen. Amongst negative impacts of Schengen is that the security of Schengen depends on the level of border security. It is only as strong as the weakest link: it doesn't matter if 90% of countries take good care of their borders if 10% do not.

Joining the Schengen agreement could make Estonia more attractive as a transit country for illegal immigrants. This expectation has, to some extent, become reality: the number of asylum seekers has grown remarkably since Estonia joined the Schengen area. Up to 2007, the total number of asylum seekers in Estonia was around 10; during 2007-2008 the number of asylum seekers grew to 14, while 40 persons applied for asylum in 2009. As the Estonian-Russian border becomes an outer border of the EU, it is important

how secure it is. In general, experts found that there are no problems, as Russian authorities have good control of their own borders.

Considering the future, cooperation is an important aspect; co-operation between different agencies within Estonia; formal co-operation between countries (e.g. liaison officers, framework agreements, bilateral agreements) and informal co-operation between authorities from different countries.

This co-operation indeed is very important. Formally because by this we can get all necessary documents to proceed to the court and informally because we can do our job faster and therefore can plan our work accordingly (Int 15).

CHAPTER 5: FINLAND

Introduction and movement of people within Finland

The Republic of Finland has a surface of 337,000 square kilometres. It neighbours to Sweden and Norway in the west, the Russian Federation in the east and Estonia in the south (only with sea border). The land border with Russia is about 1,000 kilometres long with border zones restricting movement on both sides. There are several border crossing points on the Russian land borders, several direct flights per day from Russia to Helsinki as well as sea ports for both passengers and goods delivery and regular train connections. To Estonia, there are, in addition to aviation, goods transported by sea and private boating, and numerous daily passenger ship connections from Tallinn to Helsinki. In 2007, Finland was the only Schengen country neighbouring the Russian Federation.

The entry and residence in Finland of foreign nationals is subject to the provisions of the Finnish Aliens Act and Aliens Decree and the Schengen Agreement and Convention. Entry documents refer to visa, residence permit and work permit. A visa is required to enter the Schengen area from the citizens of most non-European countries as well as of those countries that are not members of the European Union (with the exception of Norway on the grounds of established long-term Nordic cooperation). Accordingly, a visa is necessary for Russian citizens to enter Finland.

Table 1: Regions of origin, sending countries and trafficking routes to Finland

| Region of Origin | Sending Countries | Routes |
|-------------------------|--------------------------|--|
| Ex-Soviet countries | Ukraine, Belarus | Russia, Estonia |
| South East Asia | China, India | Air direct to Helsinki-Vantaa |
| Eastern Europe | Romania, Bulgaria, | Estonia, Sweden varying trans-European routes, mainly air, sea and car |
| East Africa | Somalia | Air direct or via mainland Europe |

The study focussed on travellers from Russia and through Russia. The interviews did not refer to specific instances of individual travel routes and reasons but instead contained general information on routes, nationalities and reasons to start travelling. The voyage may be initiated;

1. individually,
2. with the help of a travel agency,
3. as part of package tour,
4. in the context of forcing or luring the victim to prostitution,
5. in the context of exploiting a victim of child trade, or
6. the victim may be blackmailed or forced in some other manner

Overland traffic between Finland and Russia take place at all crossing-points on the Finnish-Russian border. The journeys mainly start from Moscow and St. Petersburg, and concentrate on the southern Finland border guard stations. In addition, the northern part of Finland receives significant numbers of travellers who have started their journey from Murmansk. The method of hiding immigrants in goods traffic was considered to be an unlikely occurrence and was not cited during interviews. Border crossings hiding immigrants in passenger traffic or by using false documentation was referred to as a common occurrence. Walking through the Russian and Finnish forests was considered unlikely or even impossible. The main obstacle to walking is the Northern broad wilderness and its demanding natural conditions. The Russian border zone is set at 40 kilometres in the South and 100 kilometres in the North. Russians guard the border zone carefully and check papers of all persons who are entering into or moving inside the zone.

Immigrants seeking asylum were discussed during the interviews. The migrating asylum seekers were said to be travelling to receive subsistence benefits. Their number in the Nordic countries was said to be large, estimates in 2004 suggest there were approximately 1,000 such people in Finland. As the volume of such migrants has increased, Finnish law has been amended. The new legislation allows a fast-track procedure of the asylum applications and a rapid deportation. A second large group abusing the asylum seeker status were said to be the citizens of the former CSI countries. They are supposedly abusing the Finnish welfare system and the lengthy processing time of asylum applications, in order to receive unfounded subsistence support and in order to commit property crimes in Finland while waiting for the asylum decision. It was a commonly held opinion that asylum seekers from CIS countries are being controlled by organised crime groups in the source countries, and these groups also collect the profits of the operations. One piece of evidence in support of this assumption was maintained to be that asylum is sought in certain inland cities in Finland, rather than immediately on the border.

Finally, a third distinct group comprises smuggled persons and those who participate in the smuggling. The volume of persons smuggled from Russia to Finland was thought to be small although interviews referred to some particular cases in recent years. The smugglers are usually their countrymen or Finnish people who call themselves sponsors. Serious suspicions were said to be connected to rail and sea transports, where smuggling was thought to be most likely in practice, although concrete examples were not cited. A concrete example of smuggling was the case where a group of Tamils were brought to Finland concealed in secret compartments constructed into a bus.

Methods

The research team decided that the main data collection method in all participant countries would be non-structured thematic interviews. In Finland, interviews were completed with 31 Finnish authority representatives and representatives of the private sector. The interviewed persons were selected to represent equally different PCB authorities and persons with non-governmental backgrounds. The Finnish regional diversity was also reflected in the selection of the interviewees. The fieldwork was conducted over a period of three and half months.

Interviews indicated that visas were routinely acquired fraudulently because a visa for one Schengen country allows free travel in the entire Schengen area. Misleading information may comprise giving incorrect data, fake invitations, false purpose of travel, forged passports, etc. Two issues that were frequently discussed in the interviews were that forged documents are commonly used and that the forgery process is relatively easy. According to the interviewees, forged documents are commonly produced in Russia, Lithuania and Thailand. In Lithuania and Thailand, the entire document is forged, while in Russia, it is most common to forge stamps of passports and visas. In recent years, couriers of travel agents in Finland have often been robbed, as they have been carrying new passports with genuine visas.

Corruption

In Finnish legislation, the word “corruption” does not exist as such. However, actions related to corruption are criminalized in the Finnish legal system by different provisions: active and passive bribery (also in aggravated form) of domestic, foreign and international officials, active and passive bribery (also in aggravated form) in the private sector, accounting offences, laundering of proceeds from any offence, including failure to report suspicious transactions, misuse (and aggravated misuse) of public office and violation (including negligent violation) of official duties. Moreover, the legislation provides for the criminal liability of corporate actors for bribery and aggravated bribery both in the public and the private sector and for money laundering.

Finland has signed the Council of Europe Criminal and Civil Law Conventions and ratified the OECD Convention on active bribery of foreign public officials in international business transactions, and the UN Convention against Transnational Organized Crime; the UN Convention Against Corruption has been signed and the Convention itself entered into force on 14 December 2005. The articles of the UN Corruption Convention do not require amendments in the Finnish legislation. However, in practice the provisions on the prevention of corruption are so extensive that the present action against corruption needs to be intensified and cooperation between the public and private sector as well as with the civil society need to be increased.

It has been stated that organized crime is not a matter of significant concern in Finland as just a small number of criminal groups have been detected and there is no evidence of connections between bribery and the activities of organized criminal groups. The figures in general point out that there is a very low level of corruption in Finland.

Accordingly, the common view is that corruption is not a problem either for public or private sector. According to the Corruption Perception Indexes issued by Transparency International, Finland frequently belongs to the group of the least corrupted countries. The explanation given for this is the high moral standard of the Finnish civil servants, their independence in exercising their duties, the monitoring systems built into the administrations and, above all, the transparency of the society and its institutions (Greco 1, 15). It can also be mentioned that transparency in society and administration is rather a general rule, guaranteed in the Constitution which provides for a principle of free access to information, which means that restrictions must be considered as an exception. Accordingly, the idea of an open and transparent society and administration is a very important factor in Finland and inevitably leads only to a small amount of corruption.

Russian corruption after the collapse of the Soviet Union in the 1990s “was not merely a continuation of the Soviet administrative tradition of unofficial mediators, nor was it merely a result of the economic crisis but it serves as a prime example of the restructuring process in the administrative culture which has been going through a major transition...” (Heusala 2005, 258). In Russia, the political and macro-economic changes did not take place in a vacuum of administrative culture. The market of administrative dependencies was broken down and had been socially supported mainly by unofficial network traditions which needed to be replaced with new structures. Meanwhile, some of the major administrative decision making was done in a legal vacuum. This resulted in the administrative culture becoming more vulnerable to corruption. (Heusala 2005, 258). Also, it has been called “the monetarisation of non-official practices” meaning that what used to be a traditional norm of using kinship, friendship and collegiality has transformed itself into a market of services sold to the highest bidder, and what used to be a matter of unofficial arrangements and debts of gratitude, became direct bribery (Heusala 2005 258-256). This interpretation has been supported through the interviews among Finnish authority representatives.

The various interviews state that corruption does not exist on the Finnish side of the border or among the Finnish authorities. Only rarely, bribery occurs. However, the cultural differences between the two countries make it difficult to distinguish between what should be regarded as bribery and what is normal behaviour of giving presents. Big boxes of chocolate and bottles of sparkling wine (Russian “champagne”) often accompany visa applications.

Official approaches

The provisions regarding illegal immigration and the arrangement of illegal immigration (also in aggravated form, introduced 650/2004) are contained in chapter 17 of the Finnish Penal Code (563/1998). The provisions regarding the arrangement of illegal immigration have been amended to the effect that they are also applicable to such activity when its sole intent is transit through Finland to some other country. The punishment for illegal immigration is a fine or imprisonment up to one year and for petty offence fine only. The punishment for arrangement of illegal immigration is fine or imprisonment up to 2 years, and for the aggravated form of this offence, imprisonment at the minimum of 4 months and a maximum of 6 years.

In Finland the most important governmental agencies regarding border security are the police, the customs and the border guard (PCB). The police and the customs are set up in a civilian way whereas the border guard is a military agency. In addition there are other specialized agencies, such as the immigration agency and traffic control agency dealing with immigration.

The 2004 Finnish Internal Safety Programme sets the maintenance of border and customs security as a main priority. This includes the prevention and detection of illegal immigration into Finland and the promotion of projects which support the opportunities of authorities responsible for border control at external borders to combat threats arriving to the territory of the EU already at the borders. Another aim is to maintain the risk of detection for illegal immigrants and perpetrators of offences related to illegal immigration in inland Finland as well as combating and investigating effectively illegal immigration, arrangement of illegal immigration and other cross-border crime. Measures to fulfil these tasks include such as the establishing of joint criminal intelligence and analysis centres of the police, customs and border guard; the improving of border control technology; assigning more personnel to the eastern border and in South-Eastern Finland to maintain border security, and by accelerating the processing of asylum applications and preventing the abuse of the asylum procedure.

The Finnish PCB cooperation with the Russian counterparts (the militia, the customs and the border guard) is being carried out both at national, regional and local levels as well as through bilateral cooperation. There are also bilateral crime prevention agreements between Finland and Russia and Finland and Estonia allowing, in theory, direct contacts between “grassroots level” officials on both sides of the border. In practice, this is somewhat problematic as the decision-making culture in the two countries is different and, although neighbouring countries, the language barrier is high. The information about the Russian authorities and their activities is mainly based on discussions held at international and national meetings which have a tradition of many decades. A crucial point of cooperation is that each agency gets the information it needs. It has to be noted, however, that the application of the other party’s best practices in the other’s own activities has not led to any significant results. This is of

course due to the fact that both countries have developed their own particular and diverse ways of operating over hundreds of years and the tradition is not easy to change. One significant factor in bilateral cooperation is that if a bond of friendship has been developed, it always eases procedures.

Literature available regarding the international cooperation between the Finnish PCB authorities is limited as is literature regarding the practical work of the Russian PBC organisations. Legislation regarding the activities of the Russian authorities is available but practice has shown that these are being applied in different ways in different places. In Finland, it is not always clear which agency is responsible for controlling the application of a certain Act, and what might be the sanctions if the Act is not applied. However, future border cooperation between Finland and Russia and Estonia will continue because of the need to ensure secure and non-porous external European Union borders.

CHAPTER 6: UNITED KINGDOM

Introduction and movement of people within the UK

The UK is now primarily a country of destination for migrants, legal, illegal and trafficked. The numbers of immigrants of any type in 2005 was estimated at 5.4 million²¹. It is difficult to estimate the size of the trafficked population in the UK as most of the research to date has focused on trafficking of women and children for sexual exploitation and there is a lack of knowledge regarding the significance of trafficking for labour exploitation²². Home Office research suggests that the size of the UK market was £275 million in 2003 and that there were 400 trafficked women in the UK²³. As both these figures relate to trafficking for sexual exploitation only, it is probable that the figures under represent the extent of trafficking in the UK. On a wider scale, the size of the illegal migrant population has been estimated at 430,000 or 0.7% of the total population in 2001²⁴. However, it is not known what proportion of this population have been trafficked.

Historically, the migration paths into the UK were determined by the flow of people from Commonwealth countries. There is a wide diversity of trafficked victims to the UK, indicating a large number of trafficking routes and organisations involved. 84 potential victims recovered in official operations in the UK in 2006 originated from 22 countries mainly in Eastern Europe, China, South-East Asia Africa and Brazil²⁵. It is acknowledged that little is known about the exact routes taken by traffickers and whether these routes differ for different types of trafficking²⁶. Research by the Home Office has identified four main routes into the UK as a summary of the existing research.

²¹ www.iom.int

²² Home Office (2007b) p.1

²³ 'UK Action Plan on Tackling Human Trafficking' (2007a) Home Office, p.14

²⁴ 'Sizing the Unauthorised (illegal) migrant population in the UK in 2001' (2005) Home Office

²⁵ 'UK Action Plan on Tackling Human Trafficking' (2007a) Home Office, p.15

²⁶ 'Trafficking for the Purposes of Labour Exploitation' (2007b) Home Office, p.9

Table 2: Sending countries and trafficking routes to the UK²⁷

| Region of Origin | Sending Countries | Routes |
|-------------------------|---|---|
| South America | Brazil | Lisbon |
| South East Asia | Thailand, Philippines, Malaysia, Hong Kong, Singapore | Air direct to Heathrow or via mainland Europe |
| Central/Eastern Europe | Lithuania, Hungary, Ukraine, Belarus | Varying trans-European routes using air, sea and rail (e.g. via Greece and Italy) |
| East and West Africa | Nigeria, Ghana, Kenya, Uganda | Air direct or via mainland Europe |

However, it needs to be noted that these routes are not static as the organisation of migration crime changes to adapt to new threats and to exploit new vulnerabilities and opportunities. Migration routes are essentially snapshots in time of how immigration crime is organised at that particular moment. Anecdotal evidence from victims indicates a number of methods of entry into the UK²⁸;

- Presenting at ports of entry with false or illegally obtained legitimate visas or documents
- Being accompanied by a male escort posing as a partner
- Clandestine smuggling

Evidence from the UK has identified *loosely* structured organised crime groups involved in human trafficking, some of which are connected with the sex industry. The formation of these groups is thought to revolve around family networks, kinship and geographical regionalism and ex-patriate communities.

Corruption

There is no systemic corruption problem in the UK, there were isolated instances of corruption within some key agencies, however, these were not organised and were very much the exception to the norm. Officials reported an anti-corruption culture within the agencies and commented on the anti-corruption strategies that were in place. Source countries were more vulnerable to the possibility of corruption. For example, the visa application process was

²⁷ 'Stopping Traffic' (2000) Home Office, p.23

²⁸ 'Stopping Traffic' (2000) Home Office, p.25

considered to be vulnerable in some source countries. Evidence for the use of fraudulent documents consisted of high quality forgeries of varying nationalities produced using advanced technology suggesting links with organised crime groups. This level of forgery is difficult to detect, requiring highly skilled officers. Documents were found to be used several times, facilitating the entry of several people. During the participant observation a Russian national was being facilitated into the UK by the use of a forged Lithuanian passport. The woman was being driven by a Lithuanian national resident in the UK. They were posing as husband and wife and the passports were evidence of their 'marriage'. The woman had been collected in Russia and driven to the UK border. There was no indication of why the woman was being facilitated into the country or what the modes of payment were for the male courier. The view of the immigration officers was that the man was probably an active courier because of the passport. The protective covering over the photograph had been removed so many times that it had stretched when being put back and this had been spotted by the immigration officers. It was this plus the passport was in the name of the courier's wife that suggested that he was active in facilitating women into the UK.

Exploitation

Research into the experiences of exploitation is focused primarily on victims of trafficking for sexual exploitation. In the reported human trafficking cases the women pay for the initial journey through prostitution and then discover that the ongoing charges for accommodation and any number of added extras result in their being unable to save or to emancipate themselves from the traffickers or those to whom they have been sold. Refusal or difficulties in meeting financial obligations can result in abuse, threats, physical and sexual abuse²⁹. The limited evidence relating to those trafficked for labour exploitation suggests that they experience a range of exploitative conditions; reduced/no pay, excessive hours, lack of breaks, poor health and safety arrangements, dangerous working conditions, abuse, threats, intimidation and isolation³⁰.

Official law enforcement approaches

The decision for the UK to opt out of the Schengen agreement increases the importance of developing and maintaining secure borders. Border controls and checks that do not need to occur in Schengen countries are still taking place in the UK. It is difficult to assess where to prioritise attempts to address the problem. It depends on whether the majority of exploitation is occurring with

²⁹ 'Stopping Traffic' (2000) Home Office, p.25-6

³⁰ 'Trafficking for the Purposes of Labour Exploitation' (2007b) Home Office, p.8

those people who enter the country illegally or whether people who are in the country legally start to become exploited once they have overstayed.

The UK legislation that addresses trafficking in human beings is primarily as follows;

- The Sexual Offences Act 2003 relating to the trafficking of persons for the purposes of sexual exploitation
- The Asylum and Immigration Act 2004 relating to trafficking for exploitation other than for sexual exploitation
- The Gangmasters (Licensing) Act 2004 regulates the provision of labour in agricultural and shellfish gathering industries
- The Immigration, Asylum and Nationality Act 2006 covers the employment of illegal workers

One of the key approaches of the UK has been Operation Pentameter and Pentameter II. These operations are multi-agency, nation-wide victim-focussed approaches to human trafficking. The operations have reported 188 women rescued and 134 persons charged³¹. The success of operation Pentameter II has been called into question by the Guardian newspaper's special inquiry into the outcome of Operation Pentameter II (see [http/www.](http://www.)) The POPPY project, funded by the Home Office is the only project in the UK to provide support and accommodation for female victims of trafficking for sexual exploitation³². The creation of the UK Human Trafficking Centre (UKHTC) will provide central point for the collection of data relating to trafficking in human beings and for the development of ways in which to approach the problem. However, the UKHTC has been severely criticised as failing to meet the multi-agency objectives that underpin it:

“...the UK Action Plan placed a huge emphasis on UKHTC's role as a multi-agency body, the central repository of all data on human trafficking, offering strategic and operational support and a 24/7 support line for advice, including on the care of victims. It is therefore disappointing that so many of our witnesses suggested it was not really multi-agency, being dominated by the police and UKBA; that it was not doing much work to produce the badly-needed estimates of the scale of trafficking; that it was not fully aware of the needs and rights of child victims; and that recent operations and individual cases had shown a lack of clarity in responsibilities and a failure to give useful advice on the support available for suspected victims.” (Stationery Office 2009:Para 189)

REFLEX teams were established as multi-agency task forces involving the government, law enforcement, CPS, immigration, security and foreign office that aim to combat organised immigration crime through: prevention, police-led intelligence operations and enforcement. Again, REFLEX has an organised

³¹ www.pentameter.police.uk

³² Richards, S. (2006) 'Hope Betrayed' The POPPY Project: London

crime priority and only responds to instances of organised immigration crime, not opportunistic illegal immigration. Once again this narrows the focus as it assumes a very organised approach to immigration crime and human trafficking. There is little evidence that such crimes are so organised as assumed by SOCA, UKHTC and REFLEX.

Recent changes have tightened entry restrictions into the UK with borders now being seen to extend into the country of origin³³ as a result of the requirement that a person be in possession of an entry visa before they leave the country (for countries outside the EU). The increasing use of technology in border control also shows the way in which borders are being extended and strengthened. Border controls along the borders with France and Belgium are increasingly using techniques such as heat sensors and heart rate detectors. The e-Borders programme in the UK aims to use the collection of information on international databases to identify individuals who present a risk.

The future strategy appears to locate border control in the UK under the auspices of the United Kingdom Border Agency, the Police, the Serious Organised Crime Agency and Customs and Excise, indicating a multi-agency approach³⁴. The large number of agencies involved with border control in the UK has prompted discussions about the value of creating a single entity responsible for all border control which would prevent duplicate questioning and investigation and this is still to be decided.

³³ Broeders, D. (2007) 'The New Digital Borders of Europe' *International Sociology*, Vol. 22, No. 1

³⁴ Home Office (2007a) 'UK Action Plan on Tackling Human Trafficking' p.30

CHAPTER 7: MEDIA REPRESENTATION OF MOVEMENT OF ILLEGAL PERSONS

A case study of the UK

Introduction

To gauge how official responses are received and constructed, and how official agencies utilise popular conceptions about illegal migration it was decided that a review of newspapers should be undertaken as a means of investigating how contemporary legal prosecutions had been socially constructed. To enable a structured review of cases the following process was undertaken. A review of 'current cases' was undertaken by compiling information from various public sources. The newspapers used were 'The Guardian', 'The Telegraph' and 'The Daily Mail' along with the reports on news on the BBC website. A legal database was also accessed to review appeal judgements in relevant cases.

In order to explore media reporting of illegal immigrants, the same searches were carried out on several media websites. BBC online, The Guardian, The Daily Telegraph and the Daily Mail websites were searched to access articles relating to illegal immigrants and related offences. The searches resulted in approximately one hundred relevant articles, containing details of offences relating to illegal immigration or offences for which illegal immigrants were convicted.

Information in relation to the numbers of foreign nationals in custody and a breakdown of the offences for which they are imprisoned is difficult to access for a number of reasons. The data is frequently presented in conjunction with that assessing the numbers of asylum seekers in custody, and the same individual may be classified as an asylum seeker or a non-asylum seeker at different points in time. It is not clear whether individuals were in the UK illegally and committed an offence for which they were then imprisoned, aside from the issue of their illegal status or whether they are in prison as a result of being in the UK illegally.

The Offender Management Caseload Statistics 2005 for England and Wales states that there were 9,650 foreign national prisoners in 2005 which equated to 13% of the total prison population. The number of foreign nationals increased

by 8% between 2004 and 2005, and 12% of males and 19% of females were foreign nationals, according to this report³⁵.

Press reports: Illegal migration

Between February and May 2006, there was a flurry of reports in the press regarding foreign nationals in custody. A certain amount of ‘public anxiety’ was generated by the media concern with the number of foreign nationals, 1023, who had been released from custody and then been reported for further offences. In May, 2006, the BBC reported the offences for which these 1,023 foreign nationals were convicted, and not subsequently deported³⁶. The offences most common offences in this list were drugs offences, 184, using a false instrument, 71 and theft and kindred offences, 57. The concern was the failure to deport these convicted offenders after release, and so the charge was laid that they were able to stay in the UK and continue offending. A search of cases was also undertaken of those offences that were reported to have been committed by a foreign national and where immigration was not a factor in the offending. These are scarce, only 9 of the reports highlighted in the search contained such details (see Table 3). The reports related to the following offences;

Table 3: Media Reported Non-Immigration Offences by Foreign Nationals

| | |
|---|---|
| Murder | 2 |
| Attempted Murder | 1 |
| Rape | 2 |
| Conspiracy to steal (this related to theft from ATMs) | 1 |
| Possession with intent to supply | 1 |
| Burglary | 1 |
| Offences under the Harassment Act | 1 |

It appears that the offences reported are the more serious offences of those that are actually committed by those who are defined by the media as illegal immigrants. This suggests that the media give importance to offences committed by individuals reoffending on release from custody *and* those people committing more serious offences. There are no official figures about which offences are committed by undocumented migrants. The breakdown of

³⁵ Home Office Statistical Bulletin ‘Offender Management Caseload Statistics 2005 for England and Wales, December 2006, p.105

³⁶ 15/05/2006 ‘News’ www.bbc.co.uk

the prison population from the Offender Management Caseload Statistics differentiates between British nationals and foreign nationals. The report states that there were 9,650 foreign nationals prisoners in 2005³⁷. This is further classified by ethnicity although these figures are only available up to 2003. However, this classification provides no significant insight into the representation of undocumented migrants in offending generally, as it only accounts for the prison population. The data does not provide a significant insight into the prison population as the data do not identify the country of origin or immigration status of the individuals.

The 2005 Home Office Report 'A survey of the illegally resident population in detention in the UK' aims to "increase understanding of the illegally resident population by describing in depth the characteristics of that part of it that is in detention"³⁸. However, the report only accesses undocumented migrants at five UK immigration centres and so does not include those undocumented migrants who are held in prisons elsewhere. This report acknowledges the lack of data in this area generally and the problems of classification between undocumented migrants and asylum seeker status. The majority of participants included in this study had not committed a criminal offence and were in detention for offences relating to immigration only (72 out of 83 participants had not committed a criminal offence³⁹).

The focus of reporting of criminal offences involving undocumented migrants concentrates on offences relating to immigration law. There are approximately twice as many stories about prosecutions for large scale people smuggling operations than there are for smaller incidents. Reports about the large scale operations relate to the infiltration of 'criminal networks' involved in people smuggling organisations producing large amounts of profit. The reports focus on the club-class people smuggling, student visa scams, sham marriage rackets, passport forgery and 'gang-masters' bringing in large numbers of illegal immigrants to work in poorly paid jobs in the agriculture, food and sex industries. The language in the articles; 'gang-masters', 'criminal networks', 'immigration rackets' conveys the impression that movement of people across borders is a lucrative and organised business and that those people being moved lack agency. The articles emphasise the police uncovering large, multi-million pound organised crime activities, rather than individuals who may have been charged with being here illegally.

At least two themes in the reporting of people who facilitate illegal entry can be identified. First, the employing of workers illegally, running businesses where workers are employed illegally in, for example, agricultural or factory

³⁷ 'Offender Management Caseload Statistics 2005' Home Office Statistical Bulletin, December 2006, p.105

³⁸ Black, R., Collyer, M., Skeldon, R. and Waddington, C. 'A survey of the illegally resident population in detention in the UK' Home Office Online Report 20/05, p.2

³⁹ Black, R., Collyer, M., Skeldon, R. and Waddington, C. 'A survey of the illegally resident population in detention in the UK' Home Office Online Report 20/05, p.42

work. Second, others are convicted for organising or facilitating their entry but do not then go on to employ migrants. The articles include some information on the charges brought to the facilitators but make little mention of those who have been facilitated. In analysing the articles it is unclear whether those people employed or smuggled are deported following the convictions of the facilitators.

The primary offence that people are convicted of in the larger scale operation is facilitating illegal entry. However, there are some other prominent offences; money laundering, forgery of official documents, people trafficking, trafficking into the UK for sexual exploitation and related conspiracy offences. Very few of the articles relating to facilitation make reference to 'people smuggling'

There is some reporting of the smaller facilitation offences. However, whilst the reason for reporting the large scale operations is the operations themselves, the smaller facilitation offence stories tend to contain an unusual aspect. The facilitation of children is reported even if there is only one child involved; for example, particular attention was given to a story about a woman buying a baby from Greece and attempting to return to the UK with the child. Instances of facilitation involving vulnerable people are reported, for example, a marriage scam taking advantage of a 'vulnerable teenager' and the discovery of small brothels. Cases gain a high profile if a celebrity or government department is involved, for example a breach of security at Sandhurst is reported involving the arrest of two undocumented migrants prior to Prince William's arrival. There are several reports of people facilitating entry of small numbers of migrants in the back of their lorries or camper vans, for example, a man convicted of facilitating illegal entry of nine Chinese people in his camper van. A French lorry driver was convicted of facilitating entry for six Chinese people. Other individual cases which are reported are those which have some ironic aspect, for example, the man who was charged with people smuggling whilst working as head of social inclusion for Newcastle City Council or a couple who were both criminal justice workers being involved in a love triangle with an undocumented migrant.

With reference to the breadth of reporting of the offences above, the large scale operations are reported on the BBC website and for the most part on all of the newspaper websites. The smaller incidents tend to only be reported in one or two of the sources.

Conclusions

The lack of information in this area is acknowledged in reports, as above. It has also been acknowledged by the Office of National Statistics who are currently examining ways of addressing this gap in the provision of statistics. For the time being, the situation remains that it is difficult to access information about illegal immigrants generally, and in relation to crime, specifically.

The experiences of documented and undocumented migrants

The experience of undocumented migrants reported in the newspapers used for the purposes of this report tends to be concentrated on women being trafficked into the sex industry. It is acknowledged that this is a problem area although the emphasis here was on other victims and whether their experience is represented in any of the reports.

There are a small number of reports in the newspapers reviewed highlighting the negative experiences of undocumented migrants as they are trafficked into the UK and their standard of living once they arrive. The emphasis of the reports is on the futility of the journey and the exploitation of those willing to take it. The journeys are reported to be lengthy, often taking months to reach their destination for which people pay varying amounts around £3,000. The conditions are reported as being cramped and uncomfortable. Upon reaching the UK, the jobs undertaken are menial and poorly paid. The phenomenon of 'club class people smuggling' is reported, where people pay larger amounts (for example £6,000 or £8,000) to travel in more comfort to the UK. The reporting of conditions and standards of living of undocumented migrants is not dissimilar to that of migrant workers. Some of the reports relating to the conditions of migrant workers are explored below.

There is a distinction made in the media between victims of trafficking and undocumented migrants who are trying to make their way to the UK of their own accord. Generally, the victims of trafficking are described as being subject to conditions worse than undocumented migrants. The scale of the trafficking problem is difficult to describe, the number of people being trafficked is variously reported as 2,000 women into the UK in 2004, 2.4 million people victims of people trafficking worldwide.

There are discussions about the ability of those who have been trafficked to remain in the country for up to three months once their traffickers have been caught, to allow them to access help and support. The government were initially cautious about signing the agreement that would permit this stay, for fear that people may abuse the privilege and remain in the UK under false pretences. The agreement was eventually signed in January 2007 giving victims of trafficking temporary residence status and support.

Where people are arrested for facilitating entry to illegal immigrants, the reports tend to focus on those responsible for the facilitation, rather than the immigrants. However, there are some indications of the migrants' experience. When a gang were arrested for bringing Turkish undocumented migrants into the country, a report detailed that the migrants had paid thousands of pounds to reach Britain and were then forced into 'debt contracts' with the facilitators, having to work in take away outlets 16 hours a day. When papers reported Martin Moo being convicted with 10 counts of facilitating illegal entry, the workers were described as paying up to £3,000 to start a new life in Britain,

only to work in poorly paid jobs in restaurants, most with miserable living conditions. Finally, homeless charities have been reported as finding more migrants living on the streets after having failed to find work and not being able to afford to return home.

An area where the press is consistent in the construction of victims is in relation to children. Several articles refer to systems mainly in place in African countries such as Nigeria, there children as young as six are taken from homes who cannot afford to bring them up and are placed in homes in European countries as domestic workers. In return, they are promised an education but in reality, are beaten, not fed adequately, forced to work long hours and forbidden to go to school. In all the sites searched, there were reports of a Nigerian girl, sixteen years old, who had been sold into prostitution after she, and her family were promised a job.

In numerous newspaper articles, it is reported that estimating the exact numbers of migrants, whether legal or illegal is almost impossible. Reports indicate figures anywhere between 310,000 and 1.2 million at a national level. The problem is also reflected at a regional level. There are several barriers in attempting to establish the numbers of migrant workers on a local level. The figures produced by local authorities on their websites relate to the figures from the last census, in 2001. The make up of the population has changed significantly in some areas since 2001 and this is not reflected in the figures. The tables of sub-regional population change published by the Office for National Statistics include figures of 'Net migration and other changes'. However, these numbers also include changes in the population due to internal migration and civilian international migration. It is therefore not possible to gain a reliable picture of the destination of migrants once they enter the UK, from these figures.⁴⁰

A potential source of information in relation to the numbers of migrant workers in the UK is the National Insurance Number Allocations to Overseas Nationals (NINo)⁴¹ although the obvious limitation here is that it only includes those workers who have registered for a National Insurance number. Another limitation is that there is a time lag between a migrant worker arriving in the country, registering for and being given a NINo. This time lag can be as long as several years. However, the data gives some indication of movement and an advantage of this data is the range it provides, including overseas students who register for a NINo to work part time and those who register for a NINo in order to claim benefits.

Number of NINo registrations to overseas nationals 2004/5 – 439,000

Number of NINo registrations to overseas nationals 2005/6 – 662,000⁴²

⁴⁰ www.statistics.gov.uk/, Tables of sub regional components of population change

⁴¹ National Insurance Number Allocations to Overseas Nationals Entering the UK, 2006, Department for Work and Pensions

⁴² *ibid*, p.4

With reference to the figures above, there has been a 51% increase in NINo registrations from 2004/5 to 2005/6. This is further broken down in relation to the country of origin of the applicants. The percentage of these overseas nationals receiving out of work benefits is 3% for 2004/5, the figures are not currently available for 2005/6.⁴³

Table 4: Overseas Nationals entering the UK and allocated a NINo, by year of Registration and Continent of Origin⁴⁴

| | 2004/5 | 2005/6 |
|---|---------------|---------------|
| All | 439.7 | 662.4 |
| Europe – EU 2004 including Accession Countries* | 111.1 | 271.0 |
| Europe – EU excluding 2004 Accession Countries | 81.3 | 97.6 |
| Europe – non EU | 22.2 | 21.2 |
| Asia and the Middle East | 110.1 | 134.2 |
| Australasia and Oceania | 23.4 | 32.5 |
| The Americas | 26.7 | 31.4 |
| Africa | 64.5 | 73.9 |
| Others and Unknown | 0.6 | 0.6 |

Figures are shown in thousands.

**This includes the accession countries joining the EU from 1st May 2004.*

The increase in the registrations from EU member states countries is primarily attributable to Polish arrivals, who account for 63% of the 2005/6 registrations to nationals from EU member states. NINos are also given in relation to the region of residence which gives some indication of the destination of the migrants once they enter the UK.

⁴³ National Insurance Number Allocations to Overseas Nationals Entering the UK, 2006, Department for Work and Pensions, p.11

⁴⁴ www.statistics.gov.uk/

Table 5: Overseas Nationals entering the UK and allocated a NINo, by Year of Registration and Region of Residence⁴⁵

| | 2004/5 | 2005/6 |
|--------------------------|---------------|---------------|
| All | 439.7 | 662.4 |
| North East | 7.3 | 11.1 |
| North West | 30.7 | 48.9 |
| Yorkshire and the Humber | 20.2 | 36.6 |
| East Midlands | 23.5 | 38.5 |
| West Midlands | 28.1 | 41.7 |
| East of England | 34.1 | 52.8 |
| London | 167.2 | 235.6 |
| South East | 50.7 | 79.9 |
| South West | 22.6 | 33.7 |
| Wales | 9.9 | 16.4 |
| Scotland | 22.9 | 41.4 |
| Northern Ireland | 5.5 | 16.3 |
| Unknown | 17.1 | 9.4 |

Figures are shown in thousands

The area most popular is London, followed by the South East. The next most population destination for migrant workers is the East of England, followed by the North West. The lowest NINo registrations are recorded in the North East.

A local case study in migration – Wrexham

To examine some of the issues on a smaller scale, Wrexham was chosen as a case study as it attracts large numbers of migrant workers. Information was gathered from the local press (The Wrexham Evening Leader), the local authority website and through contact with the council.

The articles in the press are varied in theme although overall appear to present a balanced view. In January, 2005, there was an article which looked at the poor living conditions for migrant workers. The report contains claims that

⁴⁵National Insurance Number Allocations to Overseas Nationals Entering the UK, 2006, Department for Work and Pensions, p.9

many migrant workers were being exploited and afraid to come forward. There was an example of a man who is said to be working 50 hours a week for £130. The following day, a response was printed from the police and the council promising to improve conditions and urging people experiencing problems to come forward.⁴⁶ Since then, a specific officer has been provided for the minority community who speaks a number of languages. In July last year, the town hosted a ‘Diversity in the Square’ event to celebrate the variety of cultures in Wrexham. According to the Evening Leader and confirmed by the council, reports of racially motivated crime more than doubled in the year 2005-6. The police and court services have increased the spending on interpreters to better provide for victims and witnesses who are unable to understand English.

Table 6: National Insurance Number Registrations in respect of non-UK Nationals⁴⁷

| | 2004/5 | 2005/6 |
|----------------|--------|--------|
| Latvia | - | 10 |
| Lithuania | 10 | 20 |
| Czechoslovakia | 10 | - |
| France | 10 | 30 |
| Germany | 10 | 10 |
| Hungary | - | 10 |
| Poland | 550 | 970 |
| Czech Republic | 10 | 10 |
| Slovakia | 30 | 50 |

Figures have been rounded to the nearest 10

It appears that the provisions for the migrant workers have been organised in response to the influx of people rather than in preparation for their arrival. Prior to 2004/5, there were no Polish nationals in Wrexham who registered for a NINo. It would have been difficult to predict the high numbers of Poles who would be drawn to the area, and therefore the impact on local resources was higher than it may otherwise have been. It appears that the situation has improved and that the migrant workers are now integrated more effectively into the community with more resources targetted specifically to their needs. BNP candidates have stood in local elections in Wrexham with little success,

⁴⁶ www.eveningleader.co.uk, 19/1/2005, 20/1/2005

⁴⁷ Table constructed from information kindly provided by Wrexham Borough Council

perhaps indicating that local people accept the migrant workers and recognise their contribution to the local economy⁴⁸.

The press is generally critical of the immigration and asylum system, particularly the Daily Mail. The main points focus on the lack of organisation and inability to cope with the large influx of people following the 2004 accession. There are several reports in the national press about the extra pressures placed on welfare, education and health authorities as a result of the numbers of migrant workers entering the country. There is an emphasis on high numbers of migrants claiming benefits although this is not supported by the figures from the Department for Work and Pensions⁴⁹. Nationally, Wrexham is highlighted as a place put under strain in relation to public services although this is not reflected in the local press.

Some of the articles in the national press make links between the high numbers of migrant workers, the jobs they are willing to take and the consequences for unemployment for British nationals. The Office for National Statistics produces figures for regional unemployment. The area with the highest unemployment is London, although this is made up of a number of smaller areas, ranging from 4.7% to 12.7%. Although this correlates with the place to which the largest number of migrants are shown to live (based on the NINo registrations), London has many other factors which contribute to the unemployment. The South East and the North West have the next highest numbers of NINo registrations. The unemployment rates for these regions are around 3.7% and 5% respectively.⁵⁰ These are not significantly higher than other regions although more detailed analysis would be necessary to establish whether there is a relationship between the numbers of migrants in an area and the rate of unemployment. As a final point, the rate of unemployment in Wrexham is below the national average⁵¹.

Although migrant workers appear to be at an advantage over illegal immigrants with the rights to which they are entitled, some of the press reports indicate that they are subject to similar poor conditions as illegal immigrants. Migrant workers who entered the UK to work on farms and in the food industry were reportedly made to pay for their accommodation and paid a pittance. There are some reports of migrant workers being subject to extreme racist language and are only allowed to enter certain bars and cafes. Articles from summer 2006 relating to the strawberry polytunnels indicate that migrant workers were being exploited, receiving low pay, living in sub-standard and expensive accommodation and their bosses were accused of profiting unduly from their stay. Newspapers give various examples of individuals experiencing poor

⁴⁸ www.eveningleader.co.uk, 1/3/2005

⁴⁹ National Insurance Number Allocations to Overseas Nationals Entering the UK, 2006, Department for Work and Pensions, p.9-11

⁵⁰ www.statistics.go.uk, Labour Market, Local Unemployment

⁵¹ Information provided by Wrexham Borough Council

living conditions, being paid low wages and being forced to pay for accommodation which they share with several other people.

The reports of migrant workers taking advantage of the welfare system and placing undue strain on hospitals and schools are incongruous with the stories of their negative transport and living experiences. These two themes run through the comments made in the press and in other websites with interest in this area and may create stereotypes for the general public who receive little additional information to increase their knowledge. As a result, migrant workers may be constructed as either scroungers or victims, when they in fact may be neither.

Another problem that arises for migrant workers is what happens to them if they become illegal. There are various articles about the practicalities of deporting overstayers and undocumented migrants, for example, the time and the cost of removal. There are problems reported due to a lack of resources which have resulted in people being left to work with the knowledge of the authorities because their removal is not a priority. There are suggestions in some articles relating to the Morecambe Bay cockle pickers that the government allowed illegal workers to continue working instead of deporting them. Stemming from this is criticism that the conditions in which the cockle pickers lived and the tragedy which occurred, has not altered and the sea industry, by not demanding changes to conditions, is endorsing their treatment.

Discussion

The countries joining the EU as part of the A8 accession in 2004 were Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia. Nationals of Malta and Cyprus have full rights to work in the UK. Nationals of the other countries were subject to transitional measures to regulate their access to the labour market.⁵² Nationals of these countries who wish to take up work are required to register with the Workers Registration Scheme (WRS). These figures do not include people who are self employed as these people are not required to register with the WRS. The WRS figures show that there were 447,000 applicants from 1st May 2004 to 30th June 2006, 427,000 of whom were issued with certificates⁵³. When Bulgaria and Romania joined the EU in January 2007, tighter restrictions were placed on their working capabilities. John Reid announced that the places on the low skilled migration scheme would be restricted for nationals from Romania and Bulgaria and food processing and agriculture would be the only sectors open to less skilled A2 nationals.⁵⁴

⁵² Accession Monitoring Report, Home Office, Aug. 2006, p.1

⁵³ Ibid, p.5

⁵⁴ John Reid's statement on migrant workers, accessed at www.bbc.co.uk

The process of Bulgaria and Romania joining the EU and the question of immigration from these countries is widely reported. The government were widely criticised for failing to predict the numbers of migrant workers who would enter in 2004. These numbers were used in some articles to argue for tighter restrictions on the working ability of Romanian and Bulgarian nationals.

Perspectives on the potential immigration from these countries vary. Some articles contain ‘warnings’ about the numbers of people queuing for visas and the type of people that will be able to enter the UK once Bulgaria and Romania join the EU (‘undesirables’). One article continues to describe a desolate image of Bulgaria, people selling their children, living in slums, being governed by criminal gangs, with the overall suggestion that this will all soon be coming over to UK. The Telegraph gives a similar picture of the type of people who will be coming Britain from Romania and Bulgaria. One article describes Romania as follows; ‘the ghettos are home to extortion, human trafficking of women for prostitution, and loan-sharking. Roma gangs export begging, drug trafficking, baby-selling and other menaces, entrenching suspicion and resentment among ethnic Bulgarians’⁵⁵.

Measures for dealing with Romanians and Bulgarians who abuse the system are reported with the emphasis on employers taking responsibility for employing registered workers and being subject to penalties if they are employed undocumented workers from Romania or Bulgaria. This is similar to the way in which the agents and subjects of facilitation are reported; highlighting collective responsibility over that of the individual. The restrictions and the measures for their control are reviewable after 12 months to check whether the decision is too conservative.

With reference to Hansard, there seems to be little debate regarding whether restrictions would be placed on Romanian and Bulgarian nationals. During a Select Committee in July 2006, Mr. Hoon was asked whether individuals from Bulgaria and Romania would enjoy the same rights as those from other countries. The response at this time was that no discrimination would be made on the basis of ethnic origin⁵⁶. In November, 2006, Mr Throlstrup commented that it is not practical to have complete free movement of workers as the population would increase insupportably and unsustainably⁵⁷.

The lack of communication about the decision is acknowledged in the Home Affairs and European Scrutiny Committee discussion in December 2006⁵⁸. Concern is voiced in this discussion about the short notice of the decision and the damage done to the relationship between the UK and Romania and

⁵⁵ www.telegraph.co.uk, 14/12/2006

⁵⁶ www.parliament.uk/publications/index.cfm, Select Committee – answer to supplementary questions submitted by the Immigration and Nationality Directorate, 13/7/06

⁵⁷ www.parliament.uk/publications/index.cfm, Treasury Committee, 13/11/06

⁵⁸ www.parliament.uk/publications/index.cfm, Home Affairs and European Scrutiny Committee, 7/12/06

Bulgaria. In response, justification for the decision is given by highlighting that other countries have also imposed restrictions, for example, Germany, France and Spain.

The issue of illegal workers is raised in this meeting by the opposition commenting that the bureaucracy and time involved in becoming a legal resident forces people into working in the shadow economy. The response to this is that it is the responsibility of the employer to ensure that the individual has obtained the relevant legal requirements to enable them to work. The question of how this will assist in preventing migrant workers from accessing the shadow economy during the time it takes to apply to the registration scheme remains unanswered. Additional related measures to help to deal with the problem are increasing the numbers of immigration staff and highlighting the importance of sharing information between agencies, nationally and internationally, to protect vulnerable workers. The Government also make reference to the Serious Organised Crime Agency (SOCA) being able to create databases and share information on a larger scale and to begin to extinguish the demand for the services which trafficking meets in the UK.

In April 2006, the Government passed into law the Immigration (European Economic Area) Regulations 2006, which grants everybody in the EU, including Romania and Bulgaria, an unconditional right of residence, with access to education and health care from the moment of entry. There is debate surrounding whether the restrictions placed on the workers entering the UK from Bulgaria and Romania is incongruous with this piece of legislation. Questions to Margaret Beckett in December 2006 address this issue⁵⁹. She points out that the freedom of movement legislation is not intended to confer the same rights as this piece of legislation. The opposition are critical of the situation in that people should either be allowed to live and work as full residents or not permitted to live in the UK at all. The concern is reiterated that the process of registration will place people in a vulnerable position forcing them to work 'underground'. Attempting to limit the potential political damage from increased migration as a result of further accession, the UK government legislated to try to control migratory flows. However, a consequence of such an approach could be an increase in undocumented workers and increases in their vulnerability to labour exploitation.

⁵⁹ www.parliament.uk/publications/index.cfm, The Foreign Affairs Committee, 13/12/06

CHAPTER 8: CONCLUSIONS

The focus of this research project was to investigate the levels of corruption at border crossing points between Estonia and Finland, Russia and Finland and at UK border crossings. The project was designed to overcome some of the data gathering problems previously experienced; however, whilst some of the issues were addressed, for example *The Country Based Project Network Groups* provided a forum for law enforcement professionals to debate openly approaches to the problem of illegal movements of people and to share, in an informal setting, theoretical frameworks and understandings, the difficulties in securing reliable data persisted. One of the key issues in relation to the movement of people is that it can easily become focused on the issue of 'human trafficking', and when this term is used it is apparent that not everyone means the same thing. The *Palermo Convention* provides an agreed definition and the critical factor is the use and abuse of power by the trafficker. One conclusion from this project is that there are a number of different interpretations of the term trafficking. The project was designed to consider illegal movement but law enforcement policy definers were keen to shift the discussion to one of trafficking with a particular focus on sexual exploitation. This does create some difficulty in being able to obtain a clear picture of the movement of people and the motivations for such movements.

For example, the UK qualitative data with border guards suggests that the main focus of work is on facilitation and on individuals attempting to breach the border by individual enterprise. This is far removed from the official policy that is focused on organised crime and systematic forms of illegal movement of people. Such a disparity of approach makes it difficult to ensure that definitions and terms are kept separate and not used interchangeably, so that trafficking is not used when facilitation is the accurate description of the process. A similar process is evidenced in the Estonian data where a range of Organised Crime groups are accused of being active in the illegal movement of people and yet there is little reliable data that such groups are involved. However, even with a paucity of data there is still a causal link made between organised crime and human trafficking. The Finnish data also provides indications of similar processes. The first conclusion from the data is that there is a link made between organised crime and trafficking, this link may be difficult to evidence as there is a paucity of data and problems to ensure that all participants are indeed counting the same thing.

As noted above all three countries construct the trafficking problem primarily as one of trafficking women for sexual exploitation. The data from the UK suggests that those law enforcement officers involved in operations did not think that many women were victims of trafficking for sexual exploitation but rather that there was an active flow of women who were coming into the UK and Finland to work in the sex industry; the flow of inward migrants to Estonia was small, but there was little evidence of an active human trafficking for

sexual exploitation 'business' but again women leaving the country to work in the sex industry. The Estonian report suggests that there is consent by the women to migrate to work in the sex industry and that there is little or no violence used or threatened to encourage the movement of women into the sex industry. This tends to suggest that there are active sex industries in Finland and the UK and that these are viewed as lucrative and potential markets for women to work in and so encourages movement across borders. There was also evidence that women migrate from the Ukraine, Moldova and Belarus for similar reasons.

It is apparent from the data that forged documents were an essential element of any movement, other than clandestine entry, and that law enforcement officials reported that these documents were easily obtained. There was also some speculation in the interview data that such documents required organizing and so it was assumed that organised crime was involved in their production and distribution. However, it was apparent that operational law enforcement officers did not consider that these document providing organised crime groups were particularly cohesive but rather were loose networks and affiliations. This tends to confound the dominant view of trans-national networks, but the data suggests that documents can be sourced in a number of ways and have a degree of flexibility and adaptability. This finding tends to strengthen the conclusion that the movement of people is also organised in a loose network rather than the more hierarchical traditional organised crime group.

There is nothing in the data to suggest that there is either endemic corruption or systemic corruption in any of the three partner countries to the research. Respondents recalled individual cases, at differing levels, of corruption but there was no evidence that there was organised corruption or that officials were systematically susceptible to corruption. It was agreed that there were problems for governments in being able to manage corruption that happened in embassies overseas but there seemed to be robust checks and balances against corruption. It was also evident that there was an anti-corruption culture amongst border guards in all three participating countries. The lack of systemic corruption was an important element in the development of trust relationships between the law enforcement participants in the research but there was a level of scepticism about the possible levels of corruption of law enforcement official in some states bordering but external to the EU.

As mentioned previously there is much in the qualitative data from the interviews with law enforcement officials that discusses human trafficking for sexual exploitation. This focus on sexual exploitation by officials, in policy documents and in some academic approaches to the topic area of moving people across borders illegally is not uncommon and this research is no exception. The project team in designing the project deliberately entitled the project '*Organised crime, corruption and the movement of people across borders in the new enlarged EU: A case study of Estonia, Finland and the UK*' to avoid the dominance of the project by human trafficking for sexual exploitation. However, senior law enforcement officials have this form of

trafficking as very high on their agenda and law enforcement operational staff are more sceptical of the claims that large numbers of women are 'trafficked'. However, one consequence of this approach is the focus by law enforcement officials in determining the victim status of women, and it is here that consent is used as a determining factor. A woman is more likely to receive support services if she is defined by officials as a trafficked woman, whereas a woman who is viewed as to consenting to work in the sex industry is more likely to be treated as an undocumented migrant and deported. A woman's consent to prostitution or lack of it appears to be a key factor in determining her access to support and welfare services.

The Country Based Project Network Groups were comprised initially of the identifiable law enforcement stakeholders; police, border guards and customs. In establishing the groups the identified participants were asked to suggest other possible relevant agencies for inclusion. So, for example, in the UK the Home Office participated in *The Country Based Project Network Group* because of the REFLEX initiative that was funded by the Home Office to tackle organised immigration crime from a multi-agency perspective. In Estonia a member of the local office of International Organisation of Migration attended the network group. This demonstrates some movement away from the groups comprising singularly law enforcement officials; however, the scope of attendees was relatively small and does not reflect Mameli's view that it is important to understand the trafficking of human beings from a wider perspective and consider the inclusion of diverse organisations with an interest in human trafficking, for example, healthcare⁶⁰. This was in element a flaw of the research design that did not consider to increase the potential scope of the members of *The Country Based Project Network Groups*, however, it also demonstrates the particularly narrowed vision of law enforcement even when they are encouraged, as in the UK, to work with a multi-disciplinary approach.

There are two significant issues in relation to data collection. First, there needs to be a detailed examination of how to collect, or bring together, quantitative data that is reliable in estimating the number of undocumented migrants. If it is not possible to have in place a reliable means of estimating the number of undocumented migrants then official sources should refrain from giving estimates that are at best crude. The lack of reliable quantitative data results in the problem being over-stated, with claims made of large numbers of undocumented migrants entering destination and transit countries. One potential outcome of this is that policy and resourcing decisions are made on 'facts' that are contained within the quantitative data and which are based on speculative assumptions. Therefore, further research should be commissioned to explore how to develop a model that provides an estimate of the numbers of undocumented migrants that is based on known and reliable data. In order for effective approaches to undocumented migration to be developed in the future,

⁶⁰ Mameli, P. (2002) 'Stopping the Illegal Trafficking of Human Beings' *Crime, Law and Social Change*, Vol. 38:75-6

it is vital that sources of data collection are widened and methods of data collection are improved and standardised.

Qualitative data is also not unproblematic. Much of the qualitative data collected in this project was from law enforcement officials and ministry officials. The approach to the issue of undocumented migrants taken by these respondents was one where the crime is a trans-national and organised and where human trafficking for sexual exploitation is a key focus. The problem is that there are no other voices to be heard in the data. Undocumented migrants, those involved in the facilitation of migrants across borders and those providing support to undocumented migrants do not have a voice in this research, and in much of the research on this topic. On reflection the project should have included more widely local and national groups involved with providing advice and support and campaigning on behalf of undocumented migrants. This was partly achieved in the UK by the involvement of Anti-Slavery International and in Estonia with the inclusion of IOM. Data collection is a sensitive and complex task, there are ethical issues involved in interviewing undocumented migrants and people who have been trafficked, however, it is our view that this project demonstrates a need for much wider data collection in order to ensure a view through a wider lens.

Finally, some reflections on the method used in the research. There were slightly different responses across the three countries. In Estonia there was a willingness of law enforcement agencies to be involved but there was also an issue of resources in terms of staff and time. This meant that it was more difficult to establish *The Country Based Project Network Group* and once established to ensure continuity. In Finland there was a degree of enthusiasm for the *The Country Based Project Network Group* as it provided a focus on a particular area of work and concern. There was a strong law enforcement response and presence within the group. In the UK *The Country Based Project Network Group* was well attended because the research project chimed with the concerns of the moment. However, one outcome was that the approach of law enforcement was driven by government and policy developments rather than an appraisal of the data.

Another key problem in *The Country Based Project Network Groups*⁶¹ was in maintaining continuity; personnel move onto or are moved to other parts of the organisation and so there was a loss of continuity and commitment to the project. It was also envisaged that *The Country Based Project Network Groups* would function on their own and through using the web as a form of communication between members all of *The Country Based Project Network Groups*. This did not happen because there was a lack of enthusiasm from participants. Our view on this is that for participants they preferred co-operation to be informal and instigated between them at their request. This approach is based on individual assessments of other participants, the levels of

⁶¹ It is necessary to note that the project time span of *The Country Based Project Network Groups* was shorter than initially planned owing to administrative issues.

trust and perceived levels of professionalism. Formalised forms of co-operation were viewed as being perfunctory and not useful in an operational or intelligence gathering sense.

This project had the following significant findings:

1. There is no systemic border corruption within the project countries and none was reported by respondents in other member states.
2. There was much speculation concerning the role of 'organised crime' however, the data gathered from operational law enforcement officers suggests that the illegal movement of people across borders is significantly *disorganized* with people making individual decisions as how to cross a border and accessing loose networks of association to engage with people who are prepared to assist. Organised immigration crime, although talked about, was rarely referred to in the terms of concrete cases but more as speculation or the interpretation of 'intelligence'. This was particularly so with operational law enforcement personnel.
3. There was a focus on human trafficking for sexual exploitation and there was a difference between the senior law enforcement personnel, who claimed it to be a large and significant problem, to operational personnel, who defined it as uncommon and suggested that much undocumented migration of women into the sex industry was with their consent.
4. Strategies for trans-national co-operation are complex, based on trust and assessments of professionalism and the attempt to formalise such forms of co-operation are generally met with resistance as law enforcement personnel are keen to establish their own links.
5. The illegal movement of people across borders needs to be located not only within a criminal justice framework but also one of political economy and migration as this will increase the level of understanding and provide a different theoretical framework within which to theorise undocumented migration.

This project investigated corruption and organised crime in relation to undocumented migration within the EU. It confirmed findings from previous studies that had investigated similar areas. However, one significant contribution is that a number of questions are raised to how the problem of undocumented migration is constructed, particularly within law enforcement. This report contributes to a more nuanced and detailed understanding of the issues of undocumented migration and indicates that there is an alternative framework within which to analyse and understand the issues of crossing borders illegally.

REFERENCES

- Aronowitz, A. (2001) 'Smuggling and Trafficking in Human Beings: The Phenomenon, the Markets that Drive it and the Organisations that Promote it' *European Journal on Criminal Policy and Research*, Vol. 9, No. 2, p.163-195
- Black, R., Collyer, M., Skeldon, R. and Waddington, C. (2005) 'A survey of the illegally resident population in detention in the UK' Home Office Report 20/05
- Broeders, D. (2007) 'The New Digital Borders of Europe: EU Databases and the Surveillance of Irregular Migrants' *International Sociology*, Vol. 22, No. 1, p.71-92
- Bruinsma, G. and Bernasco, W. (2004) 'Criminal groups and transnational illegal markets' *Crime, Law and Social Change*, Vol. 41, p.79-94
- Green, P. and Grewcock, M. (2003) 'The War Against Illegal Immigration' *Current Issues in Criminal Justice*, Vol. 14, No. 1
- Goodey, J. (2003) 'Migration, crime and victimhood: Responses to sex trafficking in the EU' *Punishment and Society*, Vol. 5, No. 4, p.415-431
- Heusala, A. (2005) 'The Transitions of Local Administration Culture in Russia' available at <https://oa.doria.fi/bitstream/handle/10024/3546/thetrans.pdf?sequence=1>
- HEUNI (2006) 'Organised crime, corruption and the movement of people across borders in the new enlarged EU: A case study of Estonia, Finland and the UK' HEUNI Paper No. 24
- Home Office (2007a) 'UK Action Plan on Tackling Human Trafficking' Home Office: London
- Home Office (2007b) 'Trafficking for the purposes of labour exploitation: a literature review' Home Office Online Report 10/07, Home Office: London
- Home Office (2006) Accession Monitoring Report May 2004-June 2006 (A joint online report by the Home Office, Department for Work and Pensions, HM Revenue and Customs and Department for Communities and Local Government) Published 22/8/2006
- Home Office (2006) 'National Insurance Number Allocations to Overseas National Entering the UK 2006' produced by the Department for Work and Pensions and the Office for National Statistics.
- Home Office (2005) 'Sizing the unauthorised (illegal) migrant population in the United Kingdom in 2001' Home Office Online Report 29/05, Home Office: London

- Home Office (2000) 'Stopping Traffic: Exploring the extent of, and responses to, trafficking in women for sexual exploitation in the UK' Police Research Series Paper 125, Home Office: London
- Mameli, P. (2002) 'Stopping the Illegal Trafficking of Human Beings' *Crime, Law and Social Change*, Vol. 38, p.67-80
- Richards, K. (2004) 'The Trafficking of Migrant Workers: What are the Links Between Labour Trafficking and Corruption' *International Migration* Vol. 42, No. 5, p.147-168
- Richards, S. (2003) 'Hope Betrayed: An analysis of women victims of trafficking and their claims for asylum' The POPPY Project: London
- Salt, J. (2000) 'Trafficking and Human Smuggling: A European Perspective' *International Migration*, Special Issue, p.31-56
- Salt, J. and Stein, J. (1997) 'Migration as a Business: The Case of Trafficking' *International Journal of Migration*, Vol. 35, No. 4, p.467-494
- Skrivankova (2007) 'Collateral Damage: The impact of anti-trafficking measures on human rights around the world' Global Alliance Against Trafficking in Women accessed at www.antislavery.org/homepage.resources/PDF/CollateralDamage2007.pdf
- Smartt, U. (2003) 'Human Trafficking: Simply a European Problem?' *European Journal of Crime, Criminal Law and Justice*, Vol.11, No. 2, p.164-177
- Zhang, S. and Pineda, S. (2008) 'Corruption as a Causal Factor in Human Trafficking' in Siegel, D. and Nelen, H. (eds) Organised Crime: Culture, Markets and Practice Springer: New York

The following websites were accessed between 15/01/07 and 14/03/07

<http://news.bbc.co.uk/>

<http://www.guardian.co.uk/0,,00.html>

<http://www.telegraph.co.uk/news/index.jhtml>

<http://www.dailymail.co.uk/pages/live/news/thenews.html>

<http://www.statistics.gov.uk/>

http://europa.eu/index_en.htm

<http://epp.eurostat.ec.europa.eu>

<http://www.european-migration-network.org/>

<http://www.homeoffice.gov.uk/rds/immigration.html>

<http://www.iom.int/jahia/jsp/index.jsp>

<http://www.wrexham.gov.uk/>

<http://www.peterborough.gov.uk/>

<http://www.eveningleader.co.uk/>

<http://www.dwp.gov.uk/>

<http://www.parliament.uk/publications/index.cfm>

<http://www.thisislincolnshire.co.uk/>

<http://www.westlaw.co.uk>

<http://www.farmingmatters.org.uk/seasons/hymn.html>

<http://www.tuc.org.uk/>

http://www.citizensadvice.org.uk/index/campaigns/social_policy/parliamentary_briefings/pb_employment/gangmasters

Appendix 1: Interview schedule

Interview Schedule

AGIS project

- Define what you mean by illegal movement of people across borders, i.e. includes both trafficking and smuggling
- Ask respondent, where relevant to be specific about nationalities of migrants/ whether there are differences between those who are smuggled/ trafficked.

1. Background Information

- a) What is your job title?
- b) What does your job involve?
- c) What types of illegal migrants do you most commonly come across in your job? For example, what is their mode of entry to the country?

2. Corruption

Please consider the following definition of corruption:

Corruption is defined as many kinds of “irregular” influence, the objective of which is to allow the participants to make profits they are not entitled to, the method being the breaking of internal or external rules.

- a) Please can you tell us your views about this definition?
- b) If respondents raises the issue of misuse of power or high/ low level corruption make sure they explain what they mean by this
- c) Do you think/ know that officials on the other side of the border are vulnerable to corruption?
- d) How do you know/ why do you think this?
- e) Have you noticed/ heard stories that persons who cross the border have corrupted front line staff on the other side of the border?
- f) Have you noticed/heard stories that persons who cross the border have corrupted agencies?
- g) How many persons with faulty/ missing/etc. travel documents arrive to this border control station per day?
- h) What is the usual course of action taken with the persons with the faulty/ missing travel documents?
- i) What happens to the documents?
- j) Do you know from speaking to those involved in the illegal movement of people at what stage/ stages in the process money is exchanged?
- k) Do you know how the money is exchanged?(and ask about money laundering)

- l) Do you know from speaking to those involved how the process of illegally moving people works?

3. Illegal Migration

- a) Do illegal persons tend to arrive alone or in groups to this border crossing station?
- b) What tends to be the origins of these persons?
- c) Do groups of people tend to be of the same ethnic grouping?
- d) Why have these people come illegally to this country?
- e) How have they tended to get here? (what is the route taken?)
- f) How long has their trip from home taken?
- g) Do you know or have experience(s) of people smuggling organisations?
- h) If you know of any, what do you know, how do they work?

4. Criminal Networks

- a) Using your knowledge and experience can you say what tends to happen to illegal migrants when they get to the UK?
- b) Do you know of any pre-existing relationships between the illegal migrants and crime groups?
- c) If know of pre-existing relationships what is the nature of these relationships? For example, are they loose/ tight, are they short lived?
- d) Are the illegal persons that arrive into the country victims or active participants of criminal networks?
- e) If active participants identified, is this especially true for certain ethnicities/ crimes?
- f) Why/how organised crime groups send/smuggle persons to this country? (why this border control station has been chosen)
- g) Have you any examples where (asylum seekers, smuggled persons, travellers with faulty documents etc.) have become victims of or are forced/blackmailed into taking part in criminal networks in this country after they have been granted the right to stay?
- h) If criminal networks have been identified, of the criminal networks you have identified what is the level of sophistication and organisation of these?

5. Border Co-Operation

Formal co-operation

- a) How does border co-operation with neighbour country officials work with cases of asylum seekers, smuggled persons, travellers with faulty documents etc. on this border control station?
- b) What are the reasons to communicate or meet with neighbouring country officials? What intelligence is shared?
- c) What is the level of communication?
- d) Are there any special problems/ things to improve in border co-operation/communication?

Informal co-operation

- a) What is the level of informal border co-operation?
- b) Under what circumstances does information tend to be shared informally?
- c) What forms does informal border co-operation take?
- d) Are there any tensions between formal and informal co-operation?
- e) Do you know/ had experience of any difficulties in countries having different definitions or interpretations of what illegal movement of people is?

6. Border Regulation

- a) What is the structure of the border guards? For example, how many agencies man the border, what is the management structure of these, is there separate border police, what are the remits of these agencies?
- b) How well do the neighbour country border officials follow the national/international rules and regulations?
- c) How well do the authorities on this side of border follow the rules and regulations?
- d) What are the strengths and weaknesses of these rules?

7. Role of EU Regulatory Frameworks in Border Controls

- a) How helpful is the current regulatory framework to your work?
- b) Where in the process are EU regulatory frameworks of particular help/hindrance?
- c) Can you identify any elements of the regulatory framework that hinder your work?
- d) What do you think needs to be improved? (Prompt: Schengen and Dublin Agreements if not mentioned by the respondent).

8. Role and Function of Agencies

Appendix 2: Project meeting notes - Tallinn



Project Meeting Tallinn: **Detailed Programme Notes & Responsibilities.**

Welcome & Introductions

(Juri & Anna)

A welcome to all participants that thanks them for their co-operation and time given to our research and how the meeting in Tallinn demonstrates the importance of our collaborative work. It is evidence of partnership and collaboration between the research community and professionals in the field of criminal justice. AGIS funding provides an opportunity for European researchers and criminal justice professionals and policy makers to come together to share ideas and approaches to those issues that are of mutual concern.

I suggest that the welcome is given by Estonia (**Juri and Anna**). (15 mins)

Session One:

Theme:

Introduction of the Project and Research Themes

(Chair: Jon)

** Introduction of the Project*

** Identification of recurring themes in relation to illegal movement of people across borders*

Introduction to the Project:

This session should introduce the overall scope of the project to the participants, its aims and objectives and the role of each country in the research.

Introduction to the structure of the research

Introduction to research methodologies – qualitative interviews

Introduction to Definition of Corruption – Ideas of Vulnerabilities

Introduction to the definition of the Problem

Jon– Approx 45 mins

Establish the framework for the following discussion:

Consider the policy issues for each country –

- Asylum as an issue – numbers, places of origin
- Border security – identification of threats
- Movement of people across borders within the EU framework - Schengen
- Issues of cross border co-operation – policy issues.

Coffee Break

Second Session:

Theme: Corruption and documents.

(Chair: Terhi on corruption, Mika document fraud).

* *Introduction to topic area*

* *Corruption*

* *Counterfeiting of documents*

The focus of this session is the issue of corruption – we need to introduce our working definition and to provide participants with an opportunity to explore the idea of corruption to see if we can begin to fashion a working definition if the view is that our current definition is not broad or specific enough. As **Terhi** has done the outline section for the report perhaps she would be a good person to lead the discussion.

Each country should report on the issue of documentation fraud and we should consider the potential for such fraud and the relationship to organised crime networks.

A number of questions may emerge:

How fraudulent documents are utilized by facilitators

How fraudulent documents are circulated

How fraudulent documents are reused

How forgery is organised

There may be a range of other questions that emerge from the data from each of the countries. We want to stimulate a debate between the participants in relation to future possibilities in terms of document forgery.

LUNCH

Session Three;

Theme: Crossing borders

(Chair: Anna)

- * *Introduction of topic area*
- * *Finnish - Russian border co-operation*
- * *Presentation by UK Reflex*

Presentations by Finnish and UK colleagues on how to combat illegal movement across borders. The UK response will be given by REFLEX (Laura Weight Home Office) and the Finnish response will focus on cross border co-operation between Finland and Russia. It is hoped that this discussion will begin to highlight issues and problems in relation to effective cross border co-operation. The issues that may emerge are;

- ✚ Developing levels of trust between different agencies
- ✚ Understanding constraints from each of the jurisdictions
- ✚ Co-operation and the sharing of information
- ✚ Formalising informal relationships
- ✚ Protecting evidence – following proper procedures and protocols
- ✚ Overcoming the formality of formalisation.

Tea Break

Session Four:

Key policy issues and Research Direction

(Chair: Jon)

Aims:

To define the key policy issues in relation to illegal movement of people across borders. Some possible areas are:

- ✚ Co-operation between different agencies – how to make this more effective
- ✚ Identifying legal loopholes that impede effective police work and prosecution
- ✚ Understanding labour markets
- ✚ Understanding facilitation routes

To consider the direction of the research in phase two, the current plan is to;

Interview people who have been involved in facilitation cases either as facilitated people or as those involved in the process. There are difficulties with gaining access to the potential research respondents.

The analysis of completed case files in relation to the prosecution of those involved in facilitation and trafficking. There is a debate to be had in relation to trafficking, especially in relation to other forms of trafficking other than into the sex industry. It will be worth exploring the structure of different types of labour and that of debt bondage and domestic labour. Worth also exploring outflows from countries and the impact of this on their economies.

Ask participants to discuss in cross country groups for 40 minutes (three groups) and to bring together the main themes from their discussion to the final Q&A session.

Discussion and report back

Close

Session Five

Theme: Exploitation issues in relation to the illegal movement of people

Roundtable discussion (Chair: Jon)

Introduction

Iveta Bartunkova

IOM

FRONTEX

Europol

Take a presentation from Iveta Bartunkova concerning migration and labour. Identify issues concerning the exploitation of people and their movement. Consider the policy issues in relation to the issues raised and how law enforcement is involved. Explore potential links with organised crime and how such organisations/networks may develop to exploit further the opportunities offered in relation to criminal activity. Consider the evidence from Plastic Card Fraud Unit.

Session Six

Theme: Organized crime and criminal networks

(Chair: Anna & Mika).

Presentation: Different models or forms of criminal networks

Group discussions 30 min:

- *Law enforcement implications*
- *Consequences for control attempts*
- *Implications for cross-border co-operation*

Implications for further research

Closing Comments Jon

Notes:

Each session will be chaired by a member of the research group. It will be their responsibility to manage the session and to provide an introduction to the topic area, bringing together the main findings from our research.

If you need to prepare PowerPoint use the slide template – I have attached the beginnings of the presentation so far.

We can finalise presentations and organisational matters at the meeting on Monday.



AGIS

Illegal Movement of People across Borders Project

Interim Project Network Meeting
17th - 18th January 2006
Tallinn, Estonia

Tuesday 17th January 2006

- Opening
- Introductions
- Distribution of table of attendance and contact details – database to be constructed by UK research team (contact Anna)
- No objections raised to the recording of the network meeting

Session One: Introduction of the Project and Research Themes

- Introduction of research project by Jon Spencer, University of Manchester, UK. (Details of which to be provided, if necessary, at a later date)
- Brief discussion of definitional issues and the problem of quantifying illegal movement of people across borders – data collection issues
- Identification of key questions for the workshops:

Group 1 workshop – Moderator Terhi Viljanen, HEUNI, Finland

Measures/ indicators used to estimate the problem of illegal immigration

- All countries argue that a true measure of illegal immigration is highly problematic and confusing and therefore difficult to quantify – do we count persons who enter illegally *and* persons who enter legally but stay after their visa has expired?
- Finland states that exact numbers cannot be known and thus the true nature of illegal immigration – within Finland and Schengen – cannot be successfully quantified
- Is an exact measurement of the problem required? And furthermore can statistics be relied upon? Statistics, by their nature, are inherently out of date.
- If states are satisfied that the number of illegal immigrants is significant enough to quantify a problem of illegal immigration, arguably exact

numbers do not need to be known: only that there is a significant problem. Instead of using resources to refine whether the true figure of illegal immigration is, say, 5% not 3%, perhaps it would be more economical and prudent to use such resources to tackle the 3% problem.

- Need to define what is meant by 'illegal immigration' and 'legal migration resulting in illegal immigration' as such definitions can directly affect official statistics. Examples; Estonian official illegal immigration statistics rising from 100-200 in 2004 to 2,000 in ??? [2005- unclear on recording]; UK and trafficking definitions; Irish Common Transport Area and illegal immigration – there is no clear understanding of how many people legally enter Ireland and then leave immediately, or instead illegally travel to the UK.
- Need to look to other indicators: crime figures; Europeans in the sex industry; social indicators – and hence when such indicators (not statistics) become problematic and indicative of a problem with illegal immigration. Case of the Chinese cockle-pickers in the UK – whilst there are no specific statistics or measurements of the number of Chinese illegal immigrants in the UK, the Morecambe Bay case clearly indicates that Chinese people are entering the UK and being exploited
- Number of refusals as an indicator – reveals a permanent pressure on the border and constant need for border guards to check documents

Indications of secure border

- Irish border as problematic – destination or transit country or both? Problematic issue of the vulnerability of the common transport area.
- UK highlighted three issues concerning secure borders:
 - *Systematic corruption* at borders by border guards
 - *Vulnerable points at borders* abused by facilitators. For example, Estonia states that the Russian-Estonian border was found to be vulnerable at 5am as guards were less alert, and the UK states that 4pm is a particularly vulnerable time as guards are less alert and there are less staff:
 - Such findings do not indicate corruption but highlight vulnerabilities which can be abused – good times to move people (requires increased resources)
 - *EU membership impact on borders*: Baltic States to Estonian; movement Ireland and then onto the UK via Common Travel Area. Issue of '*legitimately porous*' border points not corruption per se – once access is gained to EU, Schengen agreement allows free movement
- Number of refusals at the border is an indication of secure borders: highlights that border guards are active, engaged in their work, carrying out the necessary checks
- Strengthening of borders? Increase the number of border guards; Technology; chance? Directly linked to the amount that States are willing to pay to strengthen and improve policing of their borders. A significant increase in the number of border guards (1000 extra) hired

by the Spanish authorities to control the Ceuta-Milia border did not, however, prevent the flow of illegal immigration.

- Finland argues that instead of improving border security as such, States need to control the flow and direction of illegal immigration in an attempt to curb the problem
- UK states that there is no such thing as a safe border; there are degrees of security but it is directly linked to how much states are willing to pay. Perhaps need to look towards improving/ resolving other measures and indicators within the destination country – measures to complement border security

Reliability of these measures/ statistics

- Statistics, by their nature, are inherently out of date.
- Finland argued that whilst illegal immigration can be considered a problem in Finland, the true extent is unclear given that there is uncertainty around the status of the country as a destination or transit point; in 2003/ 2004 15 young Chinese men (illegal immigrants) died in Finland in a case which the authorities linked to organised crime. It is not known, however, whether Finland was the destination point or a transit country; and the manner in which in the country is defined affects illegal immigration statistics.
- In the UK statistics are affected by instances of ‘multiple bulk-buying trips’: people bulk-buy border crossing trips (e.g. 6 trips) to ensure that they eventually make it across the border. Instances of Chinese illegal immigrants, for example, being sponsored to enter the UK – they are willing to take high risks, attempt to cross multiple times, stay in cramped safe-houses, and thus it can often take up to 12 months to make it into the UK. Statistics do not, however, indicate that the same person may have had five failed border crossing attempts before they successfully illegally enter the UK

The impact of EU membership on illegal immigration

- EU membership impact on borders: Baltic States to Estonian; Travel to Ireland and then onto the UK. Issue of porous border points not corruption per se – once access is gained to EU, Schengen agreement allows free movement
- Imperative that EU States cooperate
- Argued that EU document checks are more stringent and thus there is increasing evidence of fraudulent documents from the Baltic states being used for travel into the EU

Positive impact of joining Schengen on illegal immigration

- Finland argues that joining Schengen has had no effect on illegal immigration

Negative impact of joining Schengen on illegal immigration

[Non-stated on tape. See below and summary]

Group 2 workshop- Moderator Mika Junninen, HEUNI, Finland [Emily to provide details of session]

Measures/ Indicators used to estimate the problem of illegal immigration

- UK – it is hard to measure the flows of people into the country and the stock of those that are in the country – there is no sound methodology yet that would stand up to scrutiny. People in department been trying to look at available data such as the numbers found entering clandestinely and the number of asylum claims and trying to take out the element that they think makes it illegal entry but it proves very difficult.
- Estonia – If you compare Estonia to the UK then the problem of illegal immigration is almost non-existent but if you compare the geographical size of the country and the population then there is a problem. There is not enough research on illegal immigration in Estonia, therefore the numbers are unknown. Especially if we consider the last year the border controls between Estonia and EU countries have become more flexible, there is no comparable statistical data pre and post joining the EU. There is less control at the borders since Estonia joined EU, EU citizens are not checked as thoroughly.
- Finland – It has to be admitted that there is a gap between the truth and what the statistics tell us, however people are unsure as to how big this gap is. It is not important what statistics show but important what they do not include. Have to compare different sources of information, official statistics are only one source, other sources are needed such as information from neighbouring countries.
- Situation in Finland similar to the situation in Estonia, it may be even calmer when regarding illegal immigration from outside the EU to Finland and that is maybe why Finland can handle the situation easily. Finland has only a few incidents, Finland knows of the phenomena of illegal immigration but only had a few cases so the problem is not so big so far.

Legal/ Illegal entry

- Estonia – When talking of illegal immigration we can also consider those that enter a country legally but work illegally. For example, people from Estonia enter the UK legally but do not fill in forms to work and therefore work there illegally. Therefore this is the issue of how much obey regulations e.g. to register work. In Estonia foreigners have to register that they live or work in Estonia. In the UK there is workers registration in place.

- UK – It depends on what you are trying to measure and why as to whether illegal entry but staying on/ working illegally should be included in the illegal immigrant population
- UK – Those who enter legally but stay illegally is hard to measure especially **in the UK as those that are leaving are not monitored (embarkation is not recorded)**. If it was then we might be able to look at the gaps in statistics between people coming in and people coming out.
- UK – Visa abuse is a common problem. In the UK there are a high number of visa applications. Clandestine entry is difficult to measure due to the nature of it. The numbers using falsified documents is also hard to measure, they are hard to detect if they are of a high quality.
- Finland – Statistics show that statistics are small numbers, the total numbers crossing the borders is about 15 million people, of these less than 2000 are denied entry. The figure of those with forged documents is less than 200.
- Finland – Focus of illegal immigration of those coming from outside the EU, but there may be problems with those coming from within the EU

Diverse communities

- Estonia – **Can see on the streets that the problems of illegal immigration from Asian and African countries is non-existent**
- Estonia – **There is a difficulty around Russians who may cross legally and overstay (need visa to visit) therefore are in the country illegally as it is difficult to identify them and therefore statistics are not reliable. Russians with no passport or with a Russian passport can live in Estonia for years and no one will notice unless they apply for social benefits.** There are a high number working illegally with no contracts and not paying taxes. It is not a problem for someone to find work if they are in Estonia illegally.
- Estonia – Centre for Illegal immigrants – holds 10 to 20 people, these are mainly from Russia and not from a diverse range of countries across the world e.g. China
- UK – **One way to measure illegal immigration is to go into ethnic communities in the UK and ask them to estimate the numbers within that community that are there illegally. It is common for people to move into established communities and then go unnoticed (Albanians). If people don't claim asylum can move into existing communities and go undetected.**
- UK – If we consider the number of foreign born people in the UK this gives us an idea of the potential 'pull' factors attracting people to the UK. There is no reliable data on how many of these are illegal but if people worked closely with communities then we might be able to find out and it might be interesting.

- Finland – Problems are limited with illegal immigration. For example 200 people were found with forged documents but we know that there will be more, we can only know the tip of the iceberg in terms of figures. Can almost rely on statistics but have to keep some sort of doubt.

Impact of EU membership on Illegal Immigration

- Estonia – don't have pre and post EU statistics on illegal immigration. Currently Estonia is preparing to enter Schengen – think it will have a positive effect on illegal immigration as will have access to information systems and stricter border controls.
- Finland – Membership of EU affects border work. With regard to Schengen it can only be as good as its weakest point. **The security of Schengen depends on the level of border security; it doesn't matter if 90% of countries take good care of their borders if 10% do not.** There is a benefit of being part of Schengen but at the same time there are risks as there are problems for example, in the Mediterranean area.
- **You cannot only look at Schengen from an economic/ political point of view. There is also the point of view that it is beneficial for tourists.**
- UK – Not sure about the impact of EU but illegal immigration from Russia through the Baltic states is one route the UK come across, however it is unclear whether this has increased with Estonia joining the EU
- UK – **There has been an increase in trafficking from within the EU which isn't illegal immigration exactly – it is legal movement but with exploitation at the end. The UK were surprised by this, expected that people that exploit others would lose some of their hold over them because they are able to move freely so why employ a facilitator.** Since accession states joined EU seen increase in trafficking from Lithuania.
- UK – The UK is outside Schengen area and when deciding this there was a balancing act between the advantages of maintaining our own border and the disadvantage that the UK is not privy to all the information including data on 3rd country nationals in the Schengen area as we did not opt into that part of Schengen.
- UK – There has not been much impact on tourism and the economy from being outside Schengen.
- UK – **Unsure of what political impression it gives that the UK are outside Schengen.** The UK did not join so it could keep independent control of its borders, as the UK is an island it is more vulnerable. It is expected that the UK will stay opted out of Schengen.
- UK – The UK does enter into agreements such as with Ireland and the Common Travel Area which is a bi-lateral agreement. The UK also has strong relationships with its nearest EU countries (Belgium and France). There are also measures to strengthen borders such as

juxtapose controls where the external border has been exported to France so people meet the immigration officers at Calais rather than in the UK which has mutual benefits.

- Estonia – Estonia is hoping to join Schengen and the expectations of Schengen are high concerning illegal immigration. Sharing common information systems will help and will have a positive impact on illegal immigration from countries outside Schengen.
- Finland – The big advantage of Schengen is the (Suisse?) System which is a positive for law enforcement authorities. But the big problem is whether border security systems are secure in all areas of Schengen, based on our reliable statistics 60-70% of asylum seekers that are in Finland are so called Dublin cases, therefore asylum tourism within EU.
- Finland – **Advice to Estonia – being a new Schengen country may make it more interesting and therefore popular as a transit country. In Finland when it joined Schengen the amount of illegal immigration rose then fell therefore new countries/ routes become interesting as transit countries.**
- Estonia – **Importance of Schengen for tourists.**
- Finland – A negative of Schengen is that whilst tourists can move more easily within Schengen countries so can crime groups as border checks between countries are non-existent.
- UK – **Prices can be an important measure. For example measuring the costs of documents or of certain parts of the journey can give an indication of whether illegal immigration is falling or rising.**

Group 3 workshop- Moderator Anna Markina, University of Tartu, Estonia

Measures/ indicators used to estimate the problem of illegal immigration

- Broadly agreed by all countries that it is difficult to estimate the volume in numbers of illegal immigration. Commented by Estonia that the issue is highly (over-)politicised.
- Finland argues that in the last few months there have been no cases of illegal immigration from Estonia to Finland facilitated by organised crime; organised crime is not, therefore, perceived to be an indicator used to estimate the problem of illegal immigration.
- Need to analyse criminal networks in destination countries – argued that 70 - 80% of illegal immigrants arriving in the UK have used the services of criminal groups.
- Suggested that illegal immigration in the UK is further linked to terrorism and immigrant communities. Not cited as an issue in Estonia and Finland– issue of visibility – ‘fitting in’ and ‘standing out’.
- Number of asylum claims – although contentious (see below)

Indications of secure border

- UK stated that the issue of secure borders is perceived to be a destination-country problem (UK and Northern European problem); source and transit countries do not perceive the issue of border security to be problematic – ethos of ‘not our problem’. UK commented that there is a need to not only address border security but also ‘pull’ factors in destination countries: for example, immigrant communities; ex-pat communities
- Finland argued that the issue of secure borders is not a major issue inside and outside of Schengen. Commented that whilst the fall of the Soviet Union once posed a threat, Russian authorities now have good control of their own borders. Mentioned that there is good cooperation between Finland and Russia.
- Estonia commented that illegal immigration is highly problematic (and highly politicised) because of the fact that Estonia borders with Russia (mentioned that there is also criminal network involvement).
- Argued that cooperation amongst countries and authorities is fundamental
- Illegal immigration is not necessarily linked to secure borders – concept of the border being more than just the line on the ground.
- Increasing instances of legal border crossings but illegal stays or illegal working in destination countries

Reliability of these measures/ statistics

- UK stated that an underestimation of the measurement of illegal immigration can allow for the formation of well-established criminal groups
- Issue of Asylum: in 1999 there were approx 3,000 asylum applications per month at Dover; in Dec 2005, 120 applications for asylum were claimed at Dover. Why the significant fall? UK argues that it is now the case that persons do not claim asylum immediately at the port. Instead, illegal immigrants first seek to work illegally in the Black market; it is only when they are caught that they attempt to go through the Asylum process. The result is a distorting of the statistics.
- Need to be actively aware of the impact of legal movement of persons across borders and the effect upon illegal immigration statistics – Estonia comments that a problem they experience is persons legally crossing the Russian/ Estonian border then remaining in the country illegally.
- Need to also therefore include the dispersion of ‘disappearing’ legal and illegal immigrants in countries in the statistics/ be aware of this ‘dark figure’.

The impact of EU membership on illegal immigration

- Estonia do not anticipate any problems; argue that the Estonian/Russian border is not a major concern [Contradicts previous comment].

Positive impact of joining Schengen on illegal immigration

- Operational benefits: unified standards; Unified Schengen monitoring system to track the movement of a person around Europe; cooperation amongst authorities

Negative impact of joining Schengen on illegal immigration

- UK stated Turkish case – movement from Turkey to Greece to UK
UK immigration officers visited a detention centre in Greece; two weeks later a detainee from the Greek detention centre arrived in the UK in the back of a van with papers signed by a guard at the centre. Movement through the Schengen countries would have been by train.
- UK argue that the impact of joining Schengen would be very problematic – Eg: Russians travelling on Lithuanian passports (deception).
- Joining Schengen is not a feasible issue for the UK as illegal immigration is too politicized – would be political suicide

Roundtable Discussion

- Very difficult to quantify (or even estimate) the problem with any reliability
- Issue around whether we need to quantify the problem of illegal immigration since there are other factors: levels of crime/ criminality; levels of vice; terrorism; asylum claims (NB: reliability issues – sudden decrease in UK)
- Immigration concluded to not necessarily be a problem of secure borders: movement is often legal but persons stay illegally – instances are on the increase
- Issues of vulnerability of states and the social composition and historical background of states – An increasing vulnerability in the UK, for example, is the ‘pull factor’ of immigrant communities
- Definitional issues around ‘illegal immigration’ – there is an increasing need to include legal immigration (- illegal stay) within the debate. Also ties in with debate around when is trafficking to be defined as trafficking (often the case that the movement across the border is a legal movement).
- Exploitation often occurs within and by homogeneous communities; highlighting a direct link between illegal immigration and ex-pat or immigrant community settlement within a destination country. Example of Polish persons legally entering the UK to work but then being exploited by members of their own community, or Albanian women

being exploited in the sex industry by members of their own community

- Agreement that illegal immigration is becoming increasingly politicised
- Summary of Schengen debate (see above for further details): a complex mix

Positives:

- Unified common system, protocols and rules
- More effective control within an integrated system
- Allows free movement for employment, leisure...

Negatives:

- Enables free movement of criminal gangs and provides opportunities to exploit the system and further make contacts
- Lack of document checks
- Agreement that there will always be many points of vulnerability at borders; and whilst states can try and overcome such vulnerabilities persons and criminal groups will always seek alternative means – unless there is a significant amount of finance spent on securing borders

Session Two: Corruption and Document Fraud

Corruption, Chair: Terhi Viljanen, HEUNI, Finland

- Brief explanation of definitional issues – no UN definition of corruption. Statement of working definition of corruption

The Vulnerabilities to Corruption

- Finland among the least of corrupted countries
Why? High moral standards of Finnish civil servants; transparency of society and State institutions
- Corruption amongst officials related to problems of social security: an individual's perception of the organisation that they belong to and the loyalties that they hold
- Banal issue – low salaries of border guards is cited as a vulnerability; Finns comment that increased salaries are needed
- Issue of weak points within the system
- In UK, issue of eliminating risk
- EU accession States may experience problems implementing EU procedures – need to gain 'know-how'. Joining of Schengen carries the risk that it may cause a sense of insecurity amongst border guard officials – threat of negative consequential effects with regard to corruption
- In Estonia, monetary 'goods' are perceived to weak points for corruption, not the illegal movement of people [what about the increasing debate around the commodification of people and illegal immigration? Would this be a vulnerability for Estonia?]

- Europol state that corruption is a method used by organised criminal groups to achieve their goals – again, stated that corruption and illegal immigration in Estonia is not perceived to be an issue

The Protective Measures against Corruption

- Multi-agency cooperation
- Higher salaries for border guards and officials
- Improve morale amongst border guards and officials
- Eliminate the risks: eliminate vulnerable hours of the day at borders

Incidents of Corruption

- No significant findings from Finnish research – instances of minor bribery by foreigners. For example, the giving of champagne and chocolates to visa officials by Russians – linked to differences in administration; Social and cultural norms; Bribery?
- UK – Isolated cases of corruption and therefore no evidence of systematic corruption – difficult to hide corruption within such a community; Issues of ‘points of corruption’ and vulnerabilities beyond the border: visa issuing; passport officers. Concluded that corrupt means are only used if needed: facilitators primarily exploit options that incur minimal costs, minimal risks
- UK – Some evidence of links between border control officials and criminality (may increase in 10- 15 years?)
- Russian corruption amongst custom officers, passport control at Moscow – where illegal immigrants are informed as to which desk to go to (no stated cases amongst border guards): need to perhaps question those crossing the borders. Baltic Sea Task Force highlights evidence of some degree of corruption – official leaks. Reinstates comment that corruption can occur beyond the border line on the ground
- In Estonia, where cases of corruption have been found, linked to economics; corruption was, therefore, not found to be of great importance (very small number of cases). Some cases of local authority corruption with regards to citizenship exams and the falsifying of results to enable the issuing of passports
- IOM state that there is no systematic evidence of border guard corruption in Estonia although there is some evidence of border guard corruption

The reliability of message about [absence of] corruption

- Perception that corruption occurs in Russia
- Politically fuelled debate
- Issues of trust and saving face (ie: States are often unwilling to reveal that they have a problem with corruption)

Corruption as an 'External' issue

- Generally perceived as a Russian problem
- Corruption in the source country, but very rarely (perceived to be) in the transit or destination country

Document Fraud. Chair: Mika Junninen, HEUNI, Finland

- Finland found that the majority of forged passports originated from Lithuania and Thailand, whilst falsified documents (stamps on visas and passports) came from Russia. Finns found that 150 each year are found using fraudulent documents. In 2003 there were 13 examples of fraudulent document use, rising to 400 cases in 2004. Why? Increased knowledge and education cited as explanatory factors. Argued that the number of false documents in Finland is a problem.
- Commented that the Russian system is confusing as there are two means of gaining documents: Ministry of Interior and Ministry of Foreign Affairs. Arguably increases opportunities for corruption.
- Moscow- Finland was a popular route used by illegal immigrants but increased intelligence amongst Finnish border guards has managed to curb the flow
- Discussion around Schengen and document fraud: the requirement that Schengen States grant visas to all those that are eligible has proved problematic with regard to the extending of visas. If, for example, a person applies for lengthened stay in Finland they are then prevented from obtaining a second visa; under Schengen, however, the person involved is entitled to obtain a visa from another Schengen country and then freely travel back into Finland.
- Estonia found some evidence of Estonian forged documents and Estonian passports being used in the UK, however the main issue is the problem of 'identity theft' and the use of stolen passports. There is also an issue around falsified documents in that Estonian citizenship status is granted illegitimately yet the person involved is then (deceivingly) eligible to obtain a legal passport that they would otherwise not be entitled to.
- Commented that Estonia is a transit point and the majority of falsified documents that pass through are either Lithuanian or GB.
- UK found evidence of high quality forgeries of varying nationalities produced using advanced technologies and linked to organised crime groups; such documents are difficult to detect, requiring highly skilled intelligence officers. The largest increase in the UK has been the Lithuanian parcel of fraudulent documents
- Cases in the UK of impostors using genuine documents in a fraudulent manner: identity theft
- Evidence of the re-using of documents by criminal networks, indicating that different criminal networks communicate with each other and across borders

Group One Workshop: Moderator Jon Spencer [Emily to provided notes]

Group Two Workshop: Moderator Anna Markina

Organization of the forgery

- Discussion around why there is a high number of Lithuanian forged documents – began with the small-scale production of fraudulent Euros leading to high-scale organised crime led production of Euros in Lithuania. The authorities gained intelligence and production was dismantled; knowledge of how to counterfeit goods, however, remained and thus production shifted towards the counterfeiting of passports. An example of how organised criminal groups exploit vulnerabilities in the system.
- One high-profile case in 2004 of large-scale production of fraudulent documents in Estonia – the scheme was short-term, being dismantled after an intelligence-led operation
- Work is being carried out in the UK to limit the use of fraudulent stamps
- Element of international organised criminal group cooperation – networks – with regard to the production of fraudulent documents for terrorists; highlighting a need for international intelligence cooperation
- Evidence of sophisticated networks and high-scale production – ‘entrepreneurs’
- The internet has proved a useful tool in the organisation of the forgeries

Countries from which the forged documents originate

- Lithuania (see above) – linked in with the issue of ‘profiles’: Russians, for example, can easily adopt the profile of a Lithuanian or Estonian and successfully manage to deceive UK border guards due to the similarities i.e. a UK border guard is arguably not able to tell the difference in appearance
- Russian forgeries are generally high quality
- Thailand is a main producer of fraudulent documents
- Discussion around Schengen State passports – argued that some passports are easier to forge than others; cautioned that the accession States joining of Schengen may result in weaknesses in the system wherein a situation arises which results in the forging of the weakest Schengen passports to facilitate free movement around the EU
- UK forged passports are generally uncommon as Schengen State documents are more useful with regard to free movement

Circulation of the fraudulent documents

- In the UK the issue of forged documents is more problematic due to language differences and a lack of ability to differentiate between Baltic State passports and Central Eastern European passports

- Highlighted that there is a high turnaround of Baltic State border guards and thus there is an issue around knowledge and State intelligence and the ability to identify fraudulent documents – results in broad circulation of documents
- Findings from Estonia highlight cases of forged documents passing through several borders (Lithuania, Latvia...) before being detected in Estonia (NB: could also indicate the illegitimate stamping of documents at such borders)
- There is a need for an international border control system

Utilization of the fraudulent documents by facilitators

- Common usage by facilitators in trafficking and smuggling cases as the illegal immigrant is commodified

Re-use of fraudulent documents

- Traffickers often reuse documents and are a source for the reusing of documents
- Cases of whole families using the same, single passport to cross borders because border guards are not able to translate the details on the documents

Market for fraudulent documents

- In the UK the weakest point is identity fraud
- In the UK, the cost of a genuine or high-quality forged passport can be anything from £3,000–5,000; there is a particular market for lost or stolen passports
- Evidence of a small market in the illegal use of residency permits, however, the risk factor is greater as forgeries are often of poor quality
- Terhi mentioned something about a market in Russian visas – to obtain documentation a HIV test has to be taken to prove that you are not HIV+ and this has resulted in a market for fraudulent documents [I need to get her to clarify]
- There is no structured market for Russian passports in the UK as an individual is still required to have a work permit
- The internet has proved a useful tool in the market for fraudulent documents in that it has made obtaining such documentation easier for the individual or facilitator
- There is an area of land in Estonia that has historically fallen between the Russian and Estonian territories; Estonian authorities recently declared that all individuals who have lived or have had significant family ties in the area since the 1950s are eligible for an Estonian passport. Since Estonian passports are more favourable, this has led to high amount of illegitimate claims and fraudulent use of documents

- In Finland the Ingerman area has created a market for the need of fraudulent documents: Ingerman lies south of the Russia-Finland border, was part of the Swedish-Finnish kingdom and taken over by Russia in 1809, and is now part of Russia. In 1991 its citizens with a Finnish origin were granted the right to Finnish citizenship. This has led to an increase in fraudulent Finnish documents

Roundtable Discussion

- Reiterated that Lithuanian forgers have skilled mechanisms in place
- Agreed that the ‘recycling’ of documents is an issue
- Nigerian passports in the UK are perceived to be a big issue [CPS case]
- Schengen weakness: forgers have 25 passports to chose from, and the most vulnerable will get forged
- Agreed that since the increase of the internet the market for fraudulent documents is global and open to everyone
- Organised traffickers heavily rely upon fraudulent documents
- The price of documents varies dramatically depending upon quality, usefulness, demand – Nigerian documents, for example, are relatively worthless whilst good UK and Lithuanian passports can cost £1000’s. NB: a good passport can enable the illegal immigrant to access a whole host of other social and welfare services in the destination country
- There is an issue of forged residency permits
- Commented that there are localised forms of production (with varying levels of professionalism and sophistication) and fluid organised crime networks that take advantage of the Internet. Trafficking groups are perceived to use their own production means, very rarely having access to external criminal groups
- Similarities around the trafficking and smuggling of freight and the trafficking and smuggling of persons – the commodification of illegal immigration
- There is no system in place that allows Europol to exchange information with Russia and there is hence no opportunity to exchange intelligence
- Issue of double-invoicing

Session Three. Crossing Borders

Chair Anna Markina, Institute of Law, University of Tartu, Estonia

- Identification of several patterns in crossing borders for illegal stay:
 - Facilitation by criminal networks for gain: Smuggling
 - Trafficking of people by organised crime groups for gain: sexual exploitation; agriculture
 - Movement of people for reason of kinship and community
- Need to distinguish between crossing borders and organised crime: the two do not necessarily go hand-in-hand

- In the UK, attempts to understand the structure of networks – use of trafficking strategies. Evidence of close-knit strategies and connective networks, moving of people along a chain that is protected from beginning to end; commodification of people as valuable goods that need protecting down the chain
- Further evidence of looser networks where facilitation is assistance out of a kinship or ex-pat community loyalty
- In Finland, there are 30 border crossing points, with common routes being from Asia- Russia – Finland; Africa- Finland
- The crossing of borders in Finland is largely by groups – not individuals – with a ‘tour-leader’. In cases of facilitation for sexual exploitation the movement chain is tightly protected and guarded
- Finnish research is unclear as to the links with organised crime (in 2004 there were 3- 5 suspected cases of facilitation by organised crime)

Presentation by Laura Weight, REFLEX, Home Office, UK

- REFLEX it is a multi-agency taskforce (Government, law enforcement, CPS, immigration, security, foreign office) that aims to combat organised immigration crime through: Prevention; police-led intelligence operations; Enforcement
- Emerged in response to the case in 2000 where 58 Chinese nationals were found to have died in the back of a lorry whilst attempting to smuggle through Dover; the case was not perceived to be opportunistic but linked to organised crime and thus required a formal response
- In 2004/2005 there were 343 REFLEX funded teams in the UK that successfully disrupted 150 organised crime groups, made 1,500 arrests, and seized £5.5m
- REFLEX has a network of liaison officers in key transit areas and capacity building in the Baltic States.
- Distinguish between general abuse and organised immigration crime; not concerned with opportunistic illegal immigration
- The UK is aligned to a model of harm: facilitators who cause harm and exploit individuals
- UK is a destination country – there are high number of asylum claims due to the high number of diasporas in the UK
- Two main methods of entry: Clandestine entry falsified documents
- Some success in securing borders: juxtapose controls in France and Belgium; increased use of new detection methods such as heart-beat monitors and heat detectors
- Whilst there has been an increase in the UK in the trafficking of persons (normally by air, using false documents, and from the Baltic States or the far-east), the majority of movement is facilitated illegal immigration of Indians, Iraqis, Somalis and Iranians.
- Cost varies considerably from next to nothing to £20,000 and is route/length dependent

- Evidence of a cohesive structure of facilitation from China
- Routes into UK: Ukraine – Poland – EU – UK; North Africa – EU – UK; Turkey – Balkans – Italy. If false documentation is being used the routes are endless
- Current research: people convicted of trafficking/ facilitation; measurement of the market and the economic impact; smuggling and ‘harm’ [mention of unpublished stats re: cost to system]
- Kent REFLEX: In the 1990s the UK was not resourced to deal with organised crime. The Dover case in 2000 highlighted [– arguably too late –] the need to understand the link between organised crime and criminality
- Prior to REFLEX there was also no multi-agency response; wasting of resources; mistrust and suspicion (– years of mistrust and suspicion have had to be broken down)
- Trafficking [facilitation for gain] is now defined as a national policing problem, and there have been 27 successful or on-going trafficking-related prosecutions (highest sentence being 21 years). Sentencing is reflective of the severity of organised crime
- Partnership is highlighted as the key to success; States cannot move forwards without a multi-agency approach
- Some resistance with regard to foreign support and assistance
- In the UK, as stated, illegal immigration is often linked to Diaspora settlement and thus there is a need for formal cooperation with authorities in sending countries
- SOCA to go live on 1st April: the bringing together of all agencies

Roundtable Discussion

- Similar multi-agency cooperation in Finland and Estonia
- FRONTEX argue that it is difficult to find a formula to deal with the many faces of illegal immigration
- Further discussion on the limitations of statistics and the need for the use of other social indicators

Session Four. Key policy issues and issues of cooperation

Chair. Terhi Viljanen, HEUNI, Finland

- On the issue of cooperation, Finland has signed two bilateral crime prevention agreements: Finland- Estonia; Finland- Russia

Finnish- Russian Border Cooperation Presentation by Olli Lampinen, The Border Guard, Finland

- Presentation on Police- Customs- Border Guard (PCB) co-operation in Finland [NB: If needed, Sarah to Email to ask for presentation]

- Aim is to increase cooperation at the national, regional and local level and to prevent and combat organised crime; monitoring of the import and export of freight and the illegal movement of people
- Focus on implementation; cooperation at border crossing points; exchange of information; risk-analysis and intelligence; joint High Impact Operations (HIOs); Crime investigation groups
- Strong juridical input
- National and international overlaps with regards to cooperation [three circle overlapping diagram with the shared overlap in the middle representing the joint area of databases and information-sharing]
- International cooperation with Russia, Estonia, Baltic States – tripartite agreement and the Baltic Sea Taskforce
- PCB works within an EU framework
- A national plan of Internal Security and the PCB Act
- The initial agreement of Finnish- Russian cooperation was made during Soviet times and revised in the mid-1990s.
 - Comprised of: Executive level; permanent Finnish-Russian border guard working group; Regional border guard delegates; border delegate assistants; Heads of PCBs; experts
 - Functions very well
- Concluded that all States may have their own exclusive areas that they need to focus on with regard to illegal immigration but there are also areas that all States must work together on

Roundtable Discussion

Policy level of cooperation

- Best-practice agreements between Schengen States

Operational level of cooperation

- Intelligence centres in Finland (similar to NCIS) that focus intelligence-gathering between organisations
- Baltic Sea Task Force: multi-country (Baltic, Scandinavia, Poland, Germany) and multi-agency (Europol, Interpol) approach to combat organised crime within the Baltic
 - Works on three levels: Task-Force meetings; Operative Committee; Expert sub-groups.
 - Modus-operandi: meetings; seminars; training; information exchange; joint-investigation groups; analysis
 - Aim is to facilitate relationships with a variety of different organisations
- Estonian inter-agency cooperation and the bilateral agreement between Estonia and Finland has proved very productive and invaluable
- The common Schengen database is leading the way in promoting high levels of intelligence sharing

Developing levels of trust between different agencies (cooperation is about intelligence sharing)

- Estonian law enforcement authorities and custom officials use one common intelligence database; difficult to achieve but functions well and highly fruitful, showing good results
- REFLEX – barriers and obstacles: information sharing; divisions. Recognition of such issues fuelled the need for the formation of one organised crime agency – SOCA
- Debate in the UK as to whether there is a need for one UK border agency, amalgamating Special branch, border guards etc... Such a single organisation would possibly prevent the identified problem of repeat question of illegal immigrants by each authority they encounter
- FRONTEX cooperates on many levels and the production of clear working methods and a positive working culture has facilitated mutual trust amongst agencies
- In Finland single authorities control the borders; the main issue around increased cooperation is not that there are too few organisations but that there is the fear that amalgamation could result in the decrease of expertise in certain areas (Trust issues with regards to the expertise of other organisations)

CLOSE



AGIS

Illegal Movement of People across Borders Project

Interim Project Network Meeting
17th - 18th January 2006
Tallinn, Estonia

Wednesday 18th January 2006

- Opening
- No objections raised to the recording of the network meeting
- Two core issues underpinning discussion: migration and labour; organised crime and networks

Session Five. Exploitation issues in relation to the illegal movement of people

Presentation on Labour and Migration by Iveta Bartunkova, Independent Consultant

- Previous work with Anti-Slavery International: identification of trafficked persons; link between forced labour and trafficking
- Brief discussion on UN Trafficking Protocol
- Difficult to estimate the magnitude of the problem
- Women and children exploited within the sex industry
- Since the UN Convention and supplementary Protocols, little discussion on the exploitation of males and exploitation in sectors other than the sex industry. Identified as an area where there is not sufficient understanding
- Interviews with organisations have led to an understanding that there is not a single issue but a variety of themes: movement; coercion; real options for trafficked persons
- Irregular migration is closely link to exploitation – complex issues.
Need to analyse the construction of the debate
 - Increasing body of evidence stating that migrants often agree to be assisted therefore indicating facilitation not trafficking BUT, are not informed that they will be partaking in illegal forms of labour therefore indicating deception.

- Increasing evidence of legal entry with legal documents, but intimidated and forced into exploitation; Many facilitated migrants find themselves debt-bonded and are forced to work illegally to pay off their debts [lack of free will]
 - Increasing evidence of exploitation of EU Accession State citizens- such individuals are not classed as illegal immigrants but they are exploited in being forced to supply the black economy in the UK
 - Asylum seekers often need to supplement the State benefits they receive with exploitative forms of labour
- As the above cases highlight, there is a multifaceted link between irregular migration and exploitative labour; If illegal immigration can be successfully tackled there will be a direct consequential effect upon exploitative labour practices in destination countries
 - Research implications: need to understand the link between migration and forced labour; need greater understanding of coercion – mentioned by the UN Protocol but the definition is problematic with regards to forced labour
 - Victims and definitional problems: gender-constructions; genuine/ un-genuine victim constructions highlight varying degrees of victimisation and ‘real’ victims stereotypes – the construction of the victim affects service provision, policy-making, statistics. ‘Real’ victim definitions linked to issues of violence, coercion (and non-coercion) and debt-bonding; the ‘ideal victim’ being the young female unknowing of her fate to work within the sex industry. Requirement to prove status as ‘innocent victim’.
 - Key issue around agreement to migrate and the consequential effect upon whether the act is defined as legal or illegal [or irregular] i.e. if there is agreement perceived to be legal migration. Could prove useful to explore such constructions
 - Forced labour practices are inherently coercive; In trafficking cases the level of coercion is greater
 - Why is the theme of coercion so little understood? Related to ‘real options’
 - The Trafficking framework is fundamentally problematic when used to explore forced labour and migration as it fails to reflect exploited, migrant and irregular workers’ rights, interests and needs:
 - Are, for example, systems of support for trafficked persons also relevant to exploited and forced labour workers?
 - And within different Diasporas?
 - Arguably not – a large group of individuals are prevented from accessing the essential services that they require and are, therefore, prevented from escaping
 - No ‘real’ options ... UNLESS ... they cooperate in criminal proceedings – but persons are often unwilling due to

- repercussions; and often because they are expected to be repatriated (NB: issues of debt-bonding being carried over after repatriation; re-trafficking)
 - Repatriation is problematic as it can fail to take into account needs and interests
- Migrant and forced labour orientated policy needs to guarantee safety to work – status and rights, employment tribunals
- Definitional issues around ‘labour’, ‘migration’, ‘illegality’, ‘forced’ and ‘coercion’: ‘forced labour’ and hence definitional issues surrounding ‘trafficked for forced labour’; ‘exploited labour’; ‘irregular migratory worker’; ‘migrant workers’.
- Suggestion that people may not feel forced into a situation but on investigation they are unable to leave the exploitative situation i.e. economics (forced marriages and domestic servitude). Similarly, a person may not feel victimised but an infringement of their rights may require them to be treated as a victim and accorded the assistance and support that they require
- How the issue is defined and constructed affects research – methodological problems – and political and practical understandings and policy issues. The manner in which exploited labour is constructed, for example, does not have the same media headline pulling appeal as trafficking
- There are no concise profiles of exploited workers; it is difficult to distinguish between migrant workers and exploited workers and thus there is a compromising of rights and principles
- Summary: legal migration and exploited labour is a policy ‘grey area’ in the UK; those that enter legally and then are exploited during their stay are not protected.
- Further, the law in the UK only stands to criminalize UK-national employers guilty of exploitative labour practices, and thus there are a group of people in the UK guilty of carrying out such practices but who are not getting prosecuted for it

Estonian perspective on forced labour and migration

- Since 2004 there has been an increase in the movement of Estonians to Finland, Ireland and the UK for the purpose of work – linked to the fact that the State has restricted the right to work
- In 2004, there were 1,500- 2,000 Estonian migrant seasonal workers in Ireland
- Poor living conditions compared to the Irish standard but earning comparably more than in Estonia
 - Issue of perceptions of victim status, coercion and forced labour.
 - Irish trade union outrage at the fact that employers are willing to take advantage of a workforce willing to work for lower wages than those demanded by the national workforce.

- Contentious and somewhat complex discussion around what is justified as exploitation – is it linked to one’s own perception? Relativity?

Presentation on Labour and Migration by Elinda Niedre, IOM, Estonia

- Why do we focus on the sexual exploitation of women and children? During six years of work with IOM, recalls that there have been no cases of men contacting the organisation with regards to exploitation. Why?
 - Issues around male dignity, pride
 - Further discussion of the perception of the issue: many workers perceive their situation to be a means to an end or a need but not necessarily exploitative
- Need to increase awareness of migrant rights in society and within the workplace:
 - Future campaigns are focussing on how males and females can avoid being exploited in foreign countries [evidence of the need to look beyond sexual exploitation]
- Issue of the rehabilitation of trafficked persons – even if trafficked persons agree to be part of a rehabilitation programme there is an issue around the changing modus operandi of the traffickers. Evidence of the development of corporate relationships between trafficked persons and the traffickers.
- Estonian service provision for trafficked persons is very limited; There is no accepted definition of trafficking and thus prosecutions are difficult
- Need to work towards improved policing and prosecution of the problem

Presentation by Ago Tikk, FRONTEX, Finland

- FRONTEX is EU cooperation at the external borders with the aim of strengthening borders
- EU community body; legal personality; autonomous budget; governed by a management board
- Key player in the implementation of common EU policy for integrated border management
- Three concepts for activity:
 - EU policy for integrated border management
 - Border security strategy
 - EU integrated border management system
- Cooperation as the key issue
- Emphasis on assistance to member States with regard to training of border guards – models for document checking and document forgery
- Technical and operational assistance to Member States

- Support to Member States in organising joint return operations
- Risk analyses focusing on illegal immigration at external borders
- Provision of systematic and updated information
- Identification of the most appropriate potential locations for the positioning of technical control equipment

Presentation by Peeter Palo, Europol, Estonia

- International police and law enforcement cooperation
- [Historical discussion- I can fill the gaps if need be?]
- Aim to assist Member States' law enforcement agencies in the fight against organised crime
- Europol can only act if at least two Member States are affected
- Adopts a multi-agency approach
- Provides: quick exchange of information; investigative support; European crime overview; expertise; training; research and development; intelligence bulletins; liaison officers
- Remit of Crimes Against Persons Unit includes: illegal immigration; smuggling; trafficking in human beings; sexual exploitation; cross-border homicide; illicit trade of human organs
- Lack of analytical support
- FRONTEX does not have operational systems in source countries

Session Six. Organisation of crime and criminal networks.

Chairs: Mika Junninen, HEUNI, Finland

Anna Markina, Institute of Law, University of Tartu, Estonia

Presentation of the research

- In Estonia, organised crime is linked to the facilitated movement of persons for prostitution
- Estonia as a source country to the Nordic countries and a transit country (Russia- Estonia- Scandinavia)
- No particular organised criminal groups were identified in Estonia
- Facilitation was largely by homogeneous communities for reason of kinship (some links with criminal activities)
- UK: identification of organised crime structures
- Criminal groups largely involved in the sex industry
- Evidence of criminal groups largely located in the UK but with contacts in countries of origin (e.g. ATM card-reader scam)
- Organised crime groups operate under the guise of Employment Agencies
- Evidence of both loosely structured organised crime groups and highly structured organised crime groups – NETWORKS

- The fluidity of markets allows for a multitude of criminal organisations; evidence of opportunistic crime groups
- In the UK, formation is often around family networks: kinship and geographical regionalism, ex-pat communities
- Some evidence of looser connections – internal connections but no external connections
- In Finland organised crime groups use Russians as a means to an end but there is no evidence of reliance upon Russian organised crime groups by Finns
- No evidence of Russian serious organised crime groups in Estonia; in Estonia, organised crime groups operate in a cell structure – there is no hierarchy. Some fluidity and exchange of information depending upon the market
- In Finland and Estonia, organised crime is more often related to drugs and freight
- Hierarchical group linkages – the sex industry is the easiest industry to control and hence a situation has arisen wherein criminal groups begin working in the sex industry and then move on to other areas

Closing Session. Chair: Jon Spencer, University of Manchester, UK

- Often presented with a ‘murky’ picture given the clandestine nature of illegal immigration and organised crime
- Organised criminal networks and groups benefit from the exploitation of the facilitated (illegal) movement of persons
- Need to resolve: what is exploitation? Forced labour?
- There is a need to focus on the victim and the crime, and the manner in which the victim is constructed – as this affects the understanding of the issue, the response to the issue, and policy developments
- Discussion of further research opportunities and Framework Seven

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Appendix 3: Interim report



Organised crime, corruption and the movement of people across borders in the new enlarged EU: A case study of Estonia, Finland and the UK.

Interim Project Report

By

Jon Spencer, Anglo-Baltic Criminological Research Unit (ABACRU)
School of Law, University of Manchester

Kauko Aromaa, Director, HEUNI, Helsinki, Finland.

Dr Mika Junninen, Programme Officer, HEUNI, Finland.

Anna Markina, Lecturer in Criminology, School of Law, University of Tartu,
Estonia

Professor Jüri Saar, Director, School of Law, University of Tartu, Estonia.

Terhi Viljanen, Senior Programme Officer, HEUNI, Finland.



AGIS 2004

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INTRODUCTION

The project reported here is a three country project, Estonia, Finland and the UK. It is funded by the European Commission AGIS Programme, The Directorate General Justice, Freedom and Security. It investigates the issues of corruption by organised crime in relation to border controls and immigration using as a case study the Estonian and Russian border, the methods of illegal facilitation of people across borders, the role of crime groups and networks as well as organised crime and the relationship between illegal facilitation and exploitation in the labour market.

A working hypothesis of the research is that the EU border with Russia is 'weak' and vulnerable to corruption at different levels: systemic, that is that corruption is incorporated within the system of immigration and border crossing, institutional where the institution is tolerant of corrupt practice and individual where the person is prepared to undertake illegal actions because their employment provides them with an opportunity to exploit their position for gain. So, corruption is used to maintain the flow of people across the border illegitimately by utilising existing legitimate channels. The Russian/Estonian border will be targeted by organised crime to secure the movement of people illegally due, in part, to the accession of Estonia to the EU. The project investigates the flow of people illegally from Russia (3rd Country) into Estonia (transit country) and how facilitated people are moved onward. Particular attention is focused on the possible processes of corruption in relation to existing structures. Once a person has reached a transit country the research is structured to investigate the progress to a destination country⁶². A further area of the research project is how illegal immigration results in new forms of organised crime, by those who have entered illegally, in a destination country (see for example Richards 2004).

There are four key research questions:

1. How is corruption used to secure the passage of people across borders?
2. Is there evidence that border controls are weak?
3. How are people moved from one EU member state to another?
4. What is the impact of illegal forms immigration on crime rates and organised crime and criminal groups/networks in destination countries?

The research project is structured to allow for the exchange of knowledge between key law enforcement personnel in each of the participating countries. In each country there is a *Local Network Group* comprising of law enforcement

⁶² A source country is the country of origin of people migrating, a transit country is one that a facilitated person moves through, and a destination country is that country to which they wish to enter as their final destination.

professionals with responsibility for immigration, border control, 'organised' crime and prosecutions. At two critical points in the research process, the interim and final report stage, the *Local Network Groups* are brought together to form a *Project Network Group*. The *Project Network Group* is involved in the review of the research data and contribute to the analysis of the data. This Interim Project Report is in part the product of the *Project Network Group* that met in Tallinn in January 2006.

There are five areas which have emerged from the research data in the first phase; first, corruption and document fraud, second, the illegal crossing of borders, third, the identification of key policy issues, fourth, the exploitation of people entering the EU illegally and finally the role of organised crime and criminal networks. Each of these areas will be discussed in detail in this report.

The illegal movement of people across borders is not a new phenomenon, there has always been a movement of people for a number of reasons. However, as the disparities between the developed and developing worlds widen so one impetus for migration is that of economics. However, for many the decision to migrate without the necessary entry requirements of the country of choice can be a hazardous and dangerous decision as the means of entry will be by necessity be illegal. Within the European Union (EU) there is an expectation that there should be a free movement of people between member states. This is to assist in the economic development, free movement of labour and to ensure responsive markets responsive to need. However, as recent research has indicated the development of markets and of responsive labour markets is not an even process and labour markets develop in relation to profitability and the regulation of wages (Peck *et al* 2005) The principle of free movement creates a number of anxieties, and for some states such a principle has political implications, for member states. The concern is that once a person has managed to obtain entry to the EU they have freedom of movement across all EU member states virtually unhindered.

It was such an anxiety caused by this free movement of people that resulted in the UK and Ireland not to sign the Schengen Agreement in 1994. For member states illegal immigration is a political issue and creates a number of political difficulties and a consequence in some EU member states is the impetus the issue provides for far right politics. One response to illegal immigration by the EU has been to strengthen border security through forms of co-operation and the introduction of FRONTEX⁶³ is evidence of such a response. At the same time individual countries have introduced more restrictive policies in relation to immigration (Anti-Slavery International 2002).

The number of people being moved is difficult to calculate, however, the numbers are thought to be considerable (Woodbridge 2005). The opportunities that this presents to criminal networks, crime groups and organised crime is

⁶³ FRONTEX is a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union and was established to improve integrated management at the EU's external borders.

obvious. Individuals will pay to be moved from a source country to a destination country, or for component parts of each journey. The numbers of people, the practical difficulty in securing borders and the potential opportunities for exploitation of those who are illegally moved are considerable. The potential gains from facilitation and trafficking are ones that attract all types of criminal enterprise. As Koser (2001) has argued there are three key debates, "...the efficacy of asylum policies, the trafficking of asylum seekers and their increasing vulnerability" and each of these debates is effected by criminal activity and criminal justice policy responses.

Defining the problem and securing borders

The number of illegal immigrants in any of the participating countries is difficult to quantify. In Estonia there are some obvious measures, for example any black or minority ethnic populations would be highly visible in Finnish and Estonian society as these are not strongly multi-cultural societies. However, this did not rule out that there could be a number of people illegally in the country, for example Russians who have entered legally and over stayed would not be visible either physically or through language. In the UK with a culturally diverse society it is difficult to identify people in the country illegally by physical characteristics and lack of English as a language is also not an identifying factor. Consequently people who enter the UK illegally are able to conceal themselves in a range of communities that are established and living in the country legally.

The lack of any reliable means of estimating the number of people in a country legally (Woodbridge 2005) means that other ways of measuring the impact of illegal immigration are used. Crime figures may be one useful indicator of the provisional size of a country's illegal immigrant population; for instance how many people are arrested for offences who are not in the country legally? Victimization statistics would also be a useful measure, although people in a country illegally are not likely to report crimes due to their illegal status. Social indicators may also be useful in determining if there is a problem, for example the number of women who are not a national of the country employed in the sex industry, or persons employed in construction work and other sectors employing casualised labour. However, this only gives one view on a narrow area of activity where there is considerable activity in relation to employment in other economic sectors. The case of the Chinese cockle-pickers in the UK who died whilst out on a sandbank collecting cockles indicates that there is a range of work. In the UK there are no specific statistics or measurements of the number of Chinese illegal immigrants in the UK.

It is apparent that the issue of secure borders is one of definition and perception. For example, it can be defined as '*destination*' country problem as it is there that people entering the EU illegally are intending to go to and therefore not the problem of the *transit* country. It might be that destination countries have a range of factors that make them 'more desirable' destinations

than other countries; the presence of established expatriate communities could be considered a 'pull' factor (Aromaa 1995.)

Actually defining who is an illegal immigrant is also problematic. A number of problems can be identified in relation to the definition of 'illegal immigrant'. First, the status of the immigrant may change over time, so a person may enter a country legally but over stay and therefore become an illegal immigrant. The legal status also creates confusion in relation to those people who are trafficked. Many trafficked people have crossed a border legitimately. It is their exploitation which is illegal rather than their residence status.

The introduction of the Schengen Agreement did not exacerbate the problem of illegal immigration. Finland experienced an increase in the number of illegal immigrants shortly after joining Schengen; however, this was thought to have been the result of those facilitating the movement of people across borders testing 'new' Schengen border arrangements. For many member states Schengen was viewed positively as it provided a unified and common system of monitoring border movements that relied on the sharing of information and the use of agreed procedures and protocols. This can be seen to provide a much greater ability to control border crossing points across the EU as it takes place within an agreed and unified structure.

Whilst the above were viewed as positives there was also recognition that there were some negative aspects. Schengen allows for the free movement of people, it also allows for the free movement of criminal networks and allows crime groups the opportunity to exploit the ability to move freely and establish links to extend and broaden their networks.

Borders are difficult to secure, there are many points of vulnerability and it is clear that in many respects border controls are reactive to the new forms of strategies used by those wishing to circumvent them. An example of this is the establishment of 'Juxtaposed Controls'⁶⁴ between the UK and France and the UK and Belgium in an attempt to prevent the illegal crossing of the borders prior to the border being crossed. There are three key issues in assessing border security; first the level of systematic corruption of border guards at the border crossing point. It was recognised by all respondents that there were occasions when a border guard may well be corrupt or susceptible to bribes but that the real test was whether there is any evidence of systematic corruption of border guard personnel where the corruption flows from the top of the organisation to the bottom. It is also recognised that some borders have particular points of vulnerability. These vulnerable points may be at particular times of the day, or particular times on particular days, or at the point of shift change. These points are not indicators of corruption but are pointers towards vulnerability of borders to exploitation of weaknesses by those wishing to facilitate the movement of people.

⁶⁴ Juxtaposed Controls is where UK immigration is located at the French and Belgian Channel ports, likewise the French Gendarme have border crossing controls at the major UK channel ports.

In attempting to assess how secure a border is there are a number of potential measures; the number of refusals at a border crossing point as the level of refusals is one indicator that border guards are engaged in their work and actively attempting to prevent illegal entry. There are also a number of potential ways of strengthening borders and one is the employment of extra border guards. However, such a strategy does not always result in a reduction of the number of people entering a country illegally. Another strategy is to increase the use of technological devices to prevent illegal entry, such as the heat seeking devices and detectors of movements in freight traffic, that are used at a number of ports. However all of this, additional personnel and technological devices require a financial commitment from states and has policy impacts on how border agencies are structured, for example are certain activities contracted out to the private sector?.

There are other ways to protect and secure borders. Whilst increasing staff and technological know-how may lead to a reduction in the number of people entering a country illegally it does not address the roots of the problem. A more far reaching means of dealing with the problem of illegal immigration is to attempt to control the flow and direction of people moving illegally. This is probably easier said than done as the movement and migration of people is an issue that is linked to the movement of global capital, the restructuring of production and the needs of the wider European economy and the economic wellbeing of some member states.

It is not possible to quantify the size of illegal immigration with any degree of reliability as the nature of the problem is such that it is hidden and so the number of people illegally in any country is a matter of an informed guess. It may not be necessary to quantify the problem with exact numbers but using other indicators such as levels of criminal involvement, activity in relation to prostitution may prove to be 'good indicators' of the extent of the problem in any one country. It is also acknowledged that not all cases of illegal immigration are the result of a person entering a country illegally. Many people enter a state legally but remain without permission after their right to residence has expired. This is a complicating factor in trying to assess the 'size of the problem'.

In order to understand the attraction of some states as destination countries it is important to analyse the historical traditions and the social composition of the destination country. So, a country with a long colonial history may well experience illegal immigration from former colonies. Other countries may have a record of receiving certain groups and communities and there that country becomes a focal point because of the size of its 'expatriate' communities. Such communities provide places of shelter and also provide a common language and a basis of knowing how the *new* society actually functions. Such expatriate communities also usually have links with communities in the country of origin and so it makes the arrangement of travel and entry easier. It also adds another dimension to the process of facilitation where the motivation may not be money alone but also a sense of loyalty to an area, region or town. For many

states the issue of illegal immigration is a politically charged one and this has an influence on how policy in this area is structured and delivered.

Illegal immigration is problematic for many states. For some, such as the UK, the problem is that the UK is a destination state and with that comes a range of subsidiary problems which include possible effects on crime and the structure of the sex industry. For other states, such as Finland, it was clear that the problem was not one of being a destination country but a series of issues in relation to people entering illegally and thus rendering some of the border areas vulnerable to corruption and other illegal practices. The global issues were also recognised by respondents where the links between economic performance, availability of labour and the costs, both human and economic, of illegal immigration, were understood.

The Role and Extent of Corruption

Corruption is of particular interest because the use of corrupt practices to secure the compliance of officials allows criminals an easy passage across borders and at the same time legitimates their illegal practices. For example, the corruption of a border guard could result in official residence stamps being placed in a passport, ignoring false documents or impostors. For those attempting to facilitate people illegally across borders corruption is one of the key methods used to achieve such ends as it lowers the risk at one of the most vulnerable parts of the journey.

The definition of corruption used in the research is:

“...many kinds of “irregular” influence, the objective of which is to allow the participants to make profits they are not entitled to, the method being the breaking of internal or external rules.”

For some of the respondents this definition would have been more accurate if profit was replaced by ‘gain’. The idea that the profit or gain was solely individual was also questioned by some respondents who argued that a person may make a gain for others through loyalty or family affiliation. The important point to note is that many respondents considered that the process of corruption might take place at a distance from the port of entry and that it was not a simple matter of the offer of a monetary reward, other forms of favourable treatment may also act as an inducement to behave in a corrupt fashion.

There is a need to identify the risk factors in relation to corruption. The level of remuneration of border guards is one such indicator, low salaries of border guards is a potential weakness and likely to be exploited by criminal groups. One strategic means of eliminating the potential risks and weaknesses is by identifying the weaknesses and taking action to remedy them where at all possible. It is apparent that there are social structural reasons that also contribute to corruption being more difficult; for example in Finland there are very low levels of corruption among public officials. The reason for such low levels of corruption might be that there is a tradition of high moral standards

amongst Finnish civil servants and a high level of transparency of state institutions and the actions of public officials. In Finland there is a very high degree of loyalty to state institutions that requires commensurate levels of behaviour. So, it is important to analyse the social context within which corruption occurs if an accurate threat assessment can be undertaken.

This need to understand the social context and how it changes overtime is evident in relation to Estonia. The movement of people across the Estonian border does not appear to be a significant issue in relation to corruption; however, goods and money appear to be the weak points in relation to corruption. So, it is commodities that are more profitable than people currently within the Estonian context. However, it is also apparent that in certain situations people are commodities and therefore this may result in future vulnerability for Estonia. The strategy in relation to corruption for all states should be the elimination of risk; this requires the identification of weaknesses and vulnerable points, an understanding of the social and economic context and the need to define potential future threats.

The research undertaken by all three countries indicates that corruption is not systemic or endemic in any of the three countries. There were isolated cases and what was described as low level bribery. There are also no indications that the findings of this research are inaccurate as a number of officials from different agencies confirmed that corruption was not regularized or tolerated. The low levels of corruption may also indicate that there are other criminal strategies that are used to facilitate entry and that these do not require corruption to achieve and also minimize the risk of apprehension and exposure of the criminal operation. It is to these strategies that we now turn.

Moving People Across Borders

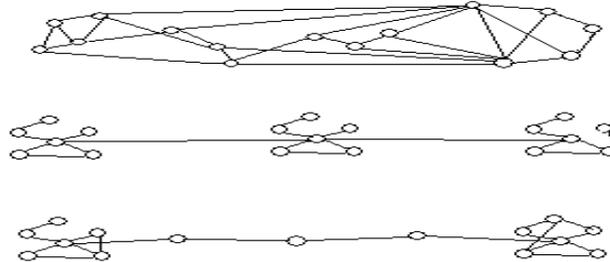
The movement of people across borders is not a new phenomenon. However the socio-political and economic context has changed greatly over the past two decades. The globalization of markets, production and consumption has resulted in the movement of people to meet the new demands for labour in developed areas. Consequently there are numerous ways in which people are moved across borders. The desire for individual people to move from their country of residence where they have legal status to a country where they will be considered an illegal immigrant is one that is motivated by a number of factors; the desire to improve their economic position, to avoid torture and interrogation at the hands of political dictators, to join family in the destination country and to access what is seen to be a better and more stable life are just a few of the reasons. The journey from the country of origin to the destination country can be a dangerous and arduous one and provides many opportunities for criminal groups, organised crime and criminal networks to exploit through a variety of entrepreneurial activities.

In order to understand the process of facilitation it is important to recognise that there are very many different ways in which a person can be moved across

a border but we would define three models of facilitation. First is the *Organised Facilitation* model. A person can purchase in the country of origin a total package that they buy from the facilitator [s] a travel package with the necessary documentation that will move them from the point of origin to the destination country using false documents to allow the individual to travel in relative comfort. The journey may be staged and during the waiting periods the person being moved will be put up in 'safe houses' and moved into the destination country on forged documents. This 'tailor-made' package is expensive and can also take a considerable amount of time, for example the journey from China to the UK could take anywhere up to nine or twelve months and such journeys rely on a good organisation in order to make the journey a successful one and is usually the domain of organised crime groups. Second, is the *Component Facilitation* model. A person buys the journey in individual pieces; so the crossing of the border is purchased from a facilitator and once over the border it is then up to them to make the necessary contacts in order to continue their journey. This again relies on criminal networks rather than organised crime and the facilitation usually is in the form of concealment in a truck, van or car. The facilitated person arranges and buys each component part of the journey, usually completing one part of the journey before negotiating and paying for the next component part. This may involve them in contact with a number of criminal groups and networks as they make their journey. The type of journey that they make can vary from being facilitated in the back of a lorry or by a courier taking them across the border. The difference is that the facilitation is not organised from the point of departure to the point of arrival and is not undertaken by the same organisation. The final model of facilitation is what can be termed *Opportunistic Facilitation*, this relies on the individual attempting to make their own way in many circumstances either because their resources will not cover the final part of the journey or they have not established the contacts to enable them to have an organised facilitation. It is this group of people who attempt to gain entry by jumping trucks at the ports or by concealing themselves on trains. For many this is a hazardous means of gaining entry. So, each of these facilitation models requires different types of organisation, from the highly organised to the disorganized, relying on criminal groups or networks and in some cases organised crime. The model by Bruinsma and Bernasco (2004) provides a definition of the different types of crime groupings:

Fig 1

(Taken from Bruinsma and Bernasco 2004)



The first diagrammatic representation suggests a very closed network, in the typology used by Bruinsma and Bernasco (2004) this is most common in relation to the movement of drugs, a tight network protecting the commodity as it makes its journey from origin to destination. The second diagram suggests gaps between contact with the crime networks or groups and this is similar to our model of *Component Facilitation*. The third diagram shows very little contact with crime groups other than at the beginning and the end of the journey. This in our view corresponds to our *Opportunistic Facilitation* model where there has to be some initial contact to make the first part of the journey and there may be a connection to a crime group or network in the destination country.

In relation to each of the models certain types of criminal activity make the process of facilitation easier and less risky. Fraudulent documentation is one such criminal activity. Document fraud and forgers up until the expansion of the internet were usually group and area-specific. So, an illegal immigrant would obtain their fraudulent documents from a forger working in their country of origin. However, organised crime by exploiting the internet, has led to forgery and fraudulent documents becoming more widespread as they are able to exploit the market and business opportunity by supplying documents globally. Criminal groups have taken advantage of the global market place and are able to provide a service to anyone who is willing to pay. The internet has resulted in the purchasing of fraudulent documents to facilitate illegal immigration more accessible, more sophisticated, and more widespread.

Fraudulent documents are also used in relation to the accession states in the Baltic region. A person from Ukraine, for example, can enter Lithuania relatively easily due to pre-EU border crossing relationships. Once a person has crossed into Lithuania they can acquire a forged Lithuanian passport or they can act as an impostor on real documents and move freely across the EU. Therefore, there is a considerable market in forged and fraudulent documents. So, the UK witnesses a significant increase in the number people attempting to enter the UK on forged documents, for example there has been a dramatic rise in the number of Ukrainian people entering the UK on false documents.

In relation to Finland there had been an increase in the use of false documents and the methods by which different countries issue identification documentation can also result in opportunities for forgery. For example in Russia both the Ministry of Interior and Foreign Affairs issue identity documents used for travel and so these documents can be easily counterfeited. There was some evidence within Estonia that forgery was taking place, however, identity theft was the main issue. Another noted feature of the Estonian situation was that some people had made false claims for citizenship and then obtained a passport once citizenship was granted. The citizenship was illegal and yet the passport was a legal document. In the UK there was evidence of high quality forgeries of varying nationalities produced using advanced technologies and linked to organised crime groups; such documents are difficult to detect, requiring highly skilled intelligence officers. The organisation of forgery appears to be highly sophisticated with large scale forgery factories and highly sophisticated distribution networks. For example in Lithuania there was the small-scale independent production of forged Euros. A law enforcement operation was conducted against the crime group and the operation dismantled, however, knowledge of how to counterfeit documents remained and production shifted towards a new market, the counterfeiting of passports.

There is evidence of sophisticated production and distribution networks with organised crime groups acting as the main entrepreneurs. However, the internet has allowed for the production of forged documents outside of the country of origin, so UK passports can be forged in Lithuania for example. However, whilst there have been successes by law enforcement agencies in detecting the production sites of false documents it is also apparent that forgeries are difficult to detect making the job of the border guards more difficult. There is also some evidence that documents are re-used and this indicates the organisation of facilitation by criminal groups or individuals in cases where the documentation is re-used.

Exploitation & Labour

The research project is also designed to explore the nature of exploitation, especially if there is involvement in criminal activities by those who have been facilitated, and what is the nature of this criminal activity. However, it is not possible to draw a clear distinction between those who are in a country legally and yet are exploited and those who are facilitated or trafficked. The problem with a policy that simply focuses on illegal migration is that it does not cover the proportion of exploited migrants who arrived legally and yet find themselves in highly exploitative work situations. So many people working in exploited forms of labour may not be in the country illegally, therefore they have rights which are legally protected, and however, such rights can be overlooked when the policy focus is simply one that is centred on immigration. The need to protect the integrity of state's immigration systems is an important and legitimate interest. However, much policy tends to prioritise combating

illegal migration over protecting human rights of exploited workers and guaranteeing fundamental labour rights to all workers.

There is also a focus on coercion in relation to the exploitation of immigrant workers. The UN Trafficking protocol includes elements of coercion into the definition of trafficking, the use of coercion as a distinguishing element is problematic on several levels. First it creates a dichotomy between the “genuine and non-genuine” victim of trafficking and/or exploitation. ‘Genuine’ victims are seen as deserving of assistance and those defined as ‘non-genuine’ do not receive assistance. There is an important question concerning how the genuine victim is defined. It appears in the UK that the ‘deserving’ victim is young, female, over 18, subjected to forced sexual services, and willing to collaborate with the authorities (see for example Kelly 2004). But even within that group, the number of the “deserving” victims can be seen as being limited, for example in the UK the *Poppy Project*, for victims of trafficking, has only been able to assist 25 women at any given time (see <http://www.womeninlondon.org.uk/notices/eaves0409.htm>). However, not all trafficked women are forced to work in the sex industry and some are in domestic servitude as well as other forms of highly casualised and poorly remunerated labour, however, there is also a policy tension where one type of forced labour is seen to be more deserving than another.

SOME INTERIM CONCLUSIONS

The first conclusion is that the overall response to illegal immigration is in the member states studied a law enforcement one, or one that relies on criminal justice strategies to prevent illegal immigration. Every state has strategies to combat illegal immigration; for some countries this is a greater problem than for others. The UK is a destination country and so it finds itself the subject of many attempts by people to enter illegally. It is also an issue of considerable political complexity and so there are a number of co-ordinated strategic interventions, for example a dedicated office within the Crown Prosecution Service to focus on immigration crime and the setting up by the Home Office of REFLEX. These are dedicated teams under the operational direction of Chief Constables within police areas. REFLEX teams may be partnership based bringing together criminal justice professionals from across different criminal justice areas, for example immigration and police. The teams may have an operational function or they may be a means of co-ordinating intelligence to inform joint Police and Immigration Service operations in that area.

The REFLEX approach in the UK has been thought to be relatively successful as it has made the terrain on which organised crime operates more hostile. REFLEX can also exploit the network of overseas liaison officers to share intelligence and co-ordinate operations. The establishment of EUROPOL is one of the ways in which countries share intelligence and undertake joint operations. There is some evidence that EUROPOL has been a successful agency in the countering of illegal immigration with shared operations and the apprehension of organised crime members involved in facilitation. The setting up of FRONTEX indicates a development in the EU strategy to protect borders by collaboration with external countries. However, REFLEX, EUROPOL and FRONTEX are all criminal based strategies using law enforcement and criminal sanction as a means to combat illegal immigration.

The second conclusion is that there are many different forms of crime groups operating in the illegal immigration market. These can be characterised as *Organised Facilitation*, *Component Facilitation* and *Opportunistic Facilitation* and they conform broadly to the organisational structure as defined by Bruinsma and Bernasco (2004). It is important in addressing issues of illegal immigration to understand the arenas in which these different crime groups operate, as they do not appear to operate across all types of illegal immigration activity. Thirdly, there does not appear to be any form of systemic corruption in the states that form the basis of our research. There were examples of individual cases but none of systematic and organised corruption of public officials that would fall within our definition. Fourthly, there is a large and active market in the supply of forged documents. It is here that the organisational requirements of organised crime groups are evident. Fifthly, there is a need to understand the social, economic and political context of each

country. For example, there has been a long tradition of immigration to the UK and so there are many expatriate communities. The UK has a long colonial history and this contributes to the focus of the UK as a destination country. Consequently, it is apparent that the movement of people is not random and that the choice of destination country is based on historical associations and connections made with family and friends.

The world of illegal immigration is obscured by the clandestine nature of the activity. This makes undertaking research difficult as there is plenty of law enforcement personnel to interview but those involved in illegal immigration in relation to either the facilitator or the facilitated are difficult to find. In relation to the person who crosses a border illegally they are a conundrum for many criminal justice agencies as they are both the offender and the victim at the same time. There is no clear demarcation between the offender and the victim and this makes for uneasy policy making and implementation and partly explains the official criminal justice responses to those who are moved illegally. It is hoped that the next phase of this research will shed some light on this murkier world.

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REFERENCES

- Anti-Slavery International (2002) *Human traffic, human rights: re-defining victim protection*. London: Anti-Slavery International
- Aromaa K (1995). Emerging Problems of Official Social Control in Finland. In Louise Shelley & József Vigh (eds.): *Social Changes, Crime and Police*. International
- Bruinsma G and Bernasco W (2004) Criminal groups and Transnational Illegal Markets: A More Detailed Examination on the Basis of Social Network Theory. *Crime, Law and Social Change* 41: 79-94
- Koser, Khalid (2000) 'Asylum policies, trafficking and vulnerability' *International Migration, Special Issue 2000/1* pp93-107
- Peck, J, Theodore, N, and Ward, K (2005) Constructing markets for temporary labour: employment liberalization and the internationalization of the staffing industry. *Global Networks* Vol 5 (1):1-26
- Richards Kathy (2004) The trafficking of Migrant Workers: What are The Links Between Labour Trafficking and Corruption? *International Migration* Vol 42 (5) pp147-166
- Woodbridge, Jo (2005) *Sizing the (illegal) immigrant Population in the United Kingdom 2001*. On-line Report 29/05 London: Home Office